

Together we are delivering your

New Somerset Council

Update on new Constitution

10 October 2022

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What makes up the Constitution

- Citizens and Members rights
- Model of Governance – Leader and Executive
- Democratic arrangements – committee roles and functions
- Senior Officer arrangements – appointment and disciplinary
- Decision making arrangements – who makes decisions, how and what is a key decision
- Scrutiny arrangements
- Planning and Licensing arrangements
- Area Committee arrangements – Local Community Networks
- Scheme of Delegation
- Access to information – sets out meeting procedures and publication of key decisions
- Financial Regulations
- Contract Standing Orders
- Members Code of Conduct
- Whistleblowing arrangements

What constitutional products have been updated recently

- Members Code of Conduct – February 2022
- Members Gifts and Hospitality – May 2022
- Member and Officer Protocol – May 2022
- Whistleblowing Policy and Procedures – May 2022
- Committee structure and functions – May 2022
- Executive arrangements – May 2022

Areas of interest that Constitution Committee will focus on

- Public Participation in meetings, petitions and access to information
 - Full Council meeting procedures **
 - Executive arrangements – defined by Leader of Council **
 - Democratic arrangements – committee roles and functions **
 - Senior Officer arrangements – appointments **
 - Decision making arrangements – who and what is a key decision **
 - Scrutiny arrangements – scrutiny committees to inform this
 - Planning and Licensing arrangements **
 - Scheme of Delegation **
 - Local Community Networks terms of reference and functions **
 - Unitary Councillor role description
- ** Executive will want to give steer before these come to Committee

Proposals for 20 October Committee

Note - Governance Workstream undertaking peer council review of Constitutions to inform Somerset Council new Constitution

20 October meeting to review New Constitution proposals for :

- Public participation in meetings
- Full Council meeting procedures

It is also proposed the Committee considers proposals for recruiting Independent Persons for the new Somerset Council

Public participation in meetings

Summary of key proposals

- From 1 April 2023 Full Council, Executive and Planning Committees generally meet from 2pm-6pm (reduces clashes with Parish and Town Council meetings)
- Scrutiny and other Committees from 10-1 and LCNs to meet from 6pm-9pm
- LCNs to be first point of contact and flagship for public participation in new Council's democratic arrangements
- All meetings to operate on a hybrid basis and meetings maximising use of council owned venues across the county
- Public still able to make representations remotely rather than having to physically attend meetings

Public participation in meetings

Summary of key proposals

- Public Question Time to feature in all committee meetings
- Deadline for public questions to be revised from three to two clear working days before a meeting
- Max of 3 questions per speaker with 3 minute limit retained
- Provide a provision for 1 supplementary question per speaker on clarification to the response provided by a Cllr
- Retain existing 20 minute allocation for public question time

Public participation in meetings

Summary of key proposals

- Petition arrangements remain the same
- Amend current references to 'citizen' to either 'resident' or 'members of the public'

Future work

- Parish and town council representatives currently given same status as the public, review this as part of work on developing a Somerset Councils Charter



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Full Council meeting procedures

Summary of proposals

- Change time and place of meetings (Taunton at 10am) to reflect new arrangements
- Expand and clarify arrangements for electing and appointing the Chair and Vice Chair
- Further clarify the role of Full Council in member appointments to outside bodies and committees and provisions for substitutes
- No changes proposed to current quorum of 28 members

Full Council meeting procedures

Summary of proposals

- Change existing meeting maximum duration of 4 hours to 3 hours
- Remove current requirement for Members to submit questions for Lead Members 3 clear working days before a meeting
- Retain limit of one question per member and 5 minute entitlement
- Retain existing requirement that written responses to public and member questions will be provided within 20 working days
- No decision can be made arising from a question other than to refer it to Council, Cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion

Full Council meeting procedures

Summary of proposals

- Further clarify the scope and arrangements for dealing with motions (requisitioned items) submitted in advance of Full Council
- Introduce a new 'rules of debate' to aid members and the public in the order and procedures for member debate
- As part of rules of debate, strengthen the provisions relating to amendments and that significant amends **MUST** be submitted two clear days before a meeting
- Improve clarity on types of voting, particularly those instances involving a recorded named vote i.e. setting council tax

Full Council meeting procedures

Summary of proposals

- Develop a guidance note as an appendix setting out the situations when either a Member or an Executive Lead Member ceases to be a member by not attending a meeting in over six months this will also set out the process for any dispensations



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Independent Persons for new Council

Summary of proposals

- Localism Act 2011 requires a Council to have at least one Independent Person whose views must be sought and taken into account before a decision is made on an allegation of misconduct
- There is also a mandatory requirement under the Employment Procedure Amendment Regulations 2015 to invite at least two independent persons to join a panel set up to consider the dismissal of statutory officers.
- In view of the large number of council members it is recommended three independent persons be appointed to provide the necessary resilience and sufficient capacity.

Independent Persons for new Council

Summary of proposals

- The Committee for Standards in Public Life recommends independent persons be appointed for a two-year period for a maximum of two terms. It is therefore recommended that in this instance independent persons be appointed on a four-year basis, so as to avoid a further recruitment process early in the first term of Somerset Council.
- Proposed that an open recruitment exercise be undertaken during Autumn 2022 to recruit three Independent Persons and for appointments to be made and effective ahead of vesting day.
- Independent Persons currently receive an annual payment of £577 which is comparable to other councils