

CONSTITUTION & STANDARDS COMMITTEE

Minutes of a meeting of the Constitution and Standards Committee held on 12th November 2021 at 10.00am.

Present: Cllr W Wallace (Chair), Cllr M Dimery, Cllr T Munt, Cllr H Davies, Cllr D Loveridge, David Stripp, Alan Hemsley

Virtual attendance: Cllr T Munt, Cllr Loveridge, Robin Horton, Paul Hooper

APOLOGIES FOR ABSENCE- Agenda Item 1

Apologies were received by Wesley Wooding

10. DECLARATIONS OF INTEREST- Agenda Item 2

Members of the Constitution and Standards Committee declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr D Loveridge Bridgwater Town Council
Cllr H Davies Somerset West and Taunton Council
Cllr W Wallace South Somerset District Council

In addition, Cllr T Munt declared a personal interest as a Director of Whistleblowers UK at Agenda item 7

11. MINUTES FROM THE PREVIOUS MEETING- Agenda Item 3

The minutes of the meeting of the Committee held on 9th July 2021 were approved as a correct record and the Chair agreed to sign them.

12. PUBLIC QUESTION TIME- Agenda Item 4

There were no public questions

13. Membership Update - Agenda Item 5

The Chair invited the Monitoring Officer, Scott Wooldridge, to provide a verbal update on the committee's membership.

The following was highlighted:

- over the last year that two co-opted members of the committee stood down from their duties.
- The committee had three vacancies for co-opted members.
- There was a total of 7 applications for the vacancies and three new members to the committee have now been successfully recruited as co-opted members
- The Monitoring Officer had made the formal decision which had been published to appoint Alan Hemsley, David Stripp and Paul Hooper.
- The committee dates for 2022 have been set out in the report with the meeting procedures.
- The newly recruited co-opted members introduced themselves to the committee and gave an insight to their background and what knowledge they will bring to the committee.

The following points were raised in discussion:

- It was highlighted that only one female sat on the committee, and it would be good to have a balance on the committee to better represent the population.
- A co-opted member highlighted to the board the importance of cognitive diversity. Capturing the interest of Somerset residents to post advertised in the future to achieve greater diversity should be an aim.
- This committee comprises all the political groups on the Council but it was noted that all the Greens, Independents Labour members were all male and therefore this lead to a greater proportion of men on the committee.
- A suggestion for the next recruitment drive to cover a wider audience.
- In recognition of the enormous amount of work that would be happening during the next council year as part of the transition to a unitary authority to only have four meetings during that period

The Monitoring Officer informed the committee that the advert for the vacancies were open to all e residents of Somerset. The recruitment process was open and highlighted opportunities in terms of promoting democracy and encourage people to stand. Unfortunately, there was another resignation from a co-opted member which left another vacancy. There was a new LGR joint Committee with specific responsibility for oversight of the implementation towards that unitary Council in terms of direct responsibilities for developing those sorts of key policies and proposals. In May 2022 following election the Council would have specific responsibility to oversee the development of the Constitution for that unitary council.

The Committee considered and noted the report on Membership Update.

14. LGR - Governance and Constitutional Programme- Agenda Item 6

The Chair invited the Monitoring Officer to provide a presentation on the LGR Governance and Constitutional programme.

The following was highlighted:

- The presentation provided an update to the committee and an opportunity to ask questions about the constitutional governance work that is currently being undertaken.
- The Secretary of State made the decision back in July to agree the business case to create a single unitary authority for Somerset to start by the 1st of April 2023.
- The draft structural change order is being prepared by the Department for Levelling Up Housing and Communities (DLUHC) and it will include the proposed electoral arrangements for the unitary authority.
- The Structural Change Order is the responsibility of DLUHC to devise and determine prior to presenting it to Parliament for approval in early 2022.
- DLUHC advised that it does not fully support the business care proposal for 100 councillors. Work was undertaken in August and September across the 5 council to look at various options.
- The implementation plan and setting out key dates on the programme milestones and the workstreams.
- The Local Government Reorganisation Programme including the governance for the programme and workstream levels. There was a programme board made up of Chief Executives that met weekly with 151 section officers and program directors.
- There was a proposal to consider the creation of a joint scrutiny committee on behalf of the five councils as well to support the LGR.
- The activities that are part of the workstreams and the key elements of the structural change order.
- The transition period with the current phase of the work continuing to support the implementing of the unitary council and then stage two of implementing of the structural change order to election in May 2022. The third stage will be covering the post-election period prior to the vesting day of April 2023.
- In May 2022 the proposal was for 110 Councillors with 214 councillors in the four district councils still undertaking their roles until 31st March 2023. As of the 1st April 2023 when the new unitary authority is formed there will be 110 Unitary Authority Councillors only representing the whole of Somerset.

The following points were raised in discussion:

- The Government preferred option in terms of staffing and specified savings through redundancies etc.
- Financial and legal provisions in terminating contracts.
- At Somerset West and Taunton there was a motion to introduce a Taunton parish council how would this be governed.
- The future for existing parish and town councils in Somerset.

- Elections for the next parish and town council elections.
- Clarification on costs to parish councils if the elections go ahead.

The Monitoring Officer informed the committee that the legal provisions relating to contracts are standard provisions as part of the creation of a new unitary body, and there were regulations which enable this. The existing contracts that may have two or three years left to run unless any action is taken to amend them otherwise will be novated over to the new council, the predecessor council's arrangements are then accepted. In the preceding period, work would take place across the five Councils, looking at the contract registers to identify where there are opportunities for clear alignment. The business case put forward by Somerset County Council was a proposal for a continuing authority, Somerset County Council also was the largest of the five councils in terms of its staffing base.

The responsibility of a community governance review under statutory requirements where a principal Council considers the legal processes and the consultation that is required for creating a new town or new parish Council - this responsibility rested with the District Council. The design of the area, the geography of the proposed housing developments that have occurred on the periphery of the unparished area was a matter for Somerset West and Taunton District Council. Should a unitary election continue as scheduled in May 2022 it is very likely that the government will propose for the parish and town council elections to be brought forward to May 2022 as well in order to achieve that alignment, and this could continue going forward.

There is a cost of administering parish and town elections and the Monitoring Officer will seek clarification with the Finance Director. Across the five councils there are thousands of staff delivering a whole variety of services locally, which would continue, and existing authorities already have schemes of delegation in place which usually empower their Chief Executives and senior officers in order to take any type of urgent decision on the best interests of the Council.

The Committee considered and noted the LGR- Governance and Constitutional Programme.

15. Annual Councillors Complaints Report 2020/21

The Chair invited the Monitoring Officer Scott Wooldridge to provide an update on the complaints report 2020-2021. Highlighting the period 1 April 2020 until 31 March 2021, the Monitoring Officer explained he had received three complaints relating to alleged breaches of the Code of Conduct by County Councillors. Two of the complaints related to the same elected member. Two of the complaints were upheld and recommendations made for the councillors to action. One of the complaints was not upheld due to insufficient evidence to substantiate the allegations.

An external independent investigator was commissioned by the Monitoring Officer to assist with these investigations due to other corporate pressures and insufficient internal capacity. The Council's Independent Person and Chair of the Constitution and Standards Committee were consulted and supported the proposed recommendations prior to the Monitoring Officer's determination for each of the three complaints.

The following point was raised To increase the choice of using independent advisors when dealing with complaints

It was clarified there were two types of independent advisor, one is the legal role as well as the Council's independent person with specific duty in the process of considering the complaint and the proposed determination. Therefore, if the monitoring officer is unable to deal with a complaint the process for dealing with these could still continue.

The Committee considered and noted the Annual Councillors Complaints Report 2020/2021.

16. Whistleblowing update.

The Chair invited the Monitoring Officer Scott Wooldridge to provide a verbal update on the whistleblowing policy and the ongoing work with the legal team. The internal auditors were currently working on this, and the report would be coming to the next meeting in February.

The following point was raised:

- That fraud and safeguarding are not separated from whistleblowing and a disclosures are protected with members of staff having automatic protection under the law and being mindful of the grievance procedure.

The Monitoring Officer informed the committee that there are other committees and boards of the Council that also have an interest in some of these matters. Recognising that the anti-fraud and corruption activities are reported through to the Council's Audit Committee within their scope and functions.

17. Work Programme- Agenda Item 8

The Monitoring Officer reported on the proposed future work programme, and this was noted by the Committee.

The Monitoring officer highlighted the following items:

- The annual review of the Member Officer Protocol
- Members Code of Conduct
- Whistleblowing Policy

- Member and Officer Indemnity Policy
- Revised Contract Procedure Rules and Standing Orders
- Monitoring Officers Protocol

It was suggested that an extra hour be scheduled for the February meeting due to the amount of business that will need to be taken.

The Monitoring Officer informed the committee that some items that currently show on the work programme may not be ready to bring to the February meeting therefore they may need to move to the following meeting.

18. Any other urgent items of business

There was none.

The meeting ended at 11.58am