

CONSTITUTION AND GOVERNANCE COMMITTEE

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Monday 18 July 2022 at 2.00 pm

Present: Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke (attended virtually), Cllr H Davies (attended virtually), Cllr D Johnson (attended virtually), Cllr H Kay (attended virtually), Cllr C Lawrence (attended virtually), Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

Other Members present: Cllr D Perry and Cllr B Revans

1 **Apologies for Absence** - Agenda Item 1

None.

2 **Declarations of Interest** - Agenda Item 2

There were no new declarations of interest made at the meeting.

3 **Public Question Time** - Agenda Item 3

There were no questions asked, statements made or petitions presented.

4 **Constitution and Governance Terms of Reference** - Agenda Item 4

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge which detailed the membership and terms of reference of the new Committee, agreed at the Council AGM on 25 May 2022.

The Monitoring Officer explained that the main function and responsibilities of the Committee related to reviewing and updating the Council's Constitution and governance framework and that it had a fundamental role in overseeing development of the new Constitution for the new Somerset Council, prior to that being recommended to the Somerset County Council (SCC) meeting in February 2023.

The Monitoring Officer explained how constitution and governance fitted in with the other bodies of the Council. The Executive of the Council was legally responsible for the implementation of the Structural Changes Order and played a key role in terms of the Implementation Plan and also to agreeing some of the key policies, strategies and some of the key arrangements and making those recommendations onward to SCC.

As an example, the development of the 'Local Community Networks' had strong oversight by the Executive alongside the Implementation Board and the joint scrutiny arrangements, which meant that there may be matters which this Committee were very interested in, which could be subject to prior consideration by the Executive or by the Joint Scrutiny Committee. The Committee provided the oversight and would help inform what would go into the Constitution for the new Somerset Council.

The Committee NOTED the Terms of Reference, as set out in Appendix 1 to the submitted report.

5 **Stage 2 Consultation regarding Community Governance Review on the Unparished Area of Taunton** - Agenda Item 5

The Committee received a PowerPoint presentation concerning the consultation regarding the Community Governance Review on the Unparished Area of Taunton.

The Council's Monitoring Officer, Scott Wooldridge introduced the item and invited Cllr Derek Perry, Deputy Leader Somerset West and Taunton Council (SWT) and Chair of the working group to address the Committee. Marcus Prouse, Specialist Governance and Project Lead and Amy Tregellas, Governance Manager and Monitoring Officer from SWT, provided further context and information on the SWT community governance review with the creation of a Town Council for Taunton from 1 April 2023 and in particular the Stage 2 consultation proposals (the consultation period was from 14 June to 26 July 2022).

The following points were highlighted in the presentation: -

- The community governance review was the mechanism to create a new Council.
- The Stage 2 Consultation document had been sent to 44,000 residents and businesses encouraging people to give views on the boundary proposal, what services the town / parish council could provide and the average costs (precept).
- The proposal for the electoral arrangements was for the new Taunton Council to be a Council of 20 councillors on 11 wards with the first elections being held on 4 May 2023, if created.
- The number of matters which needed to be established by vesting day e.g. premises, allotments for example.
- the community infrastructure levy (CIL) and the transfer of property, rights and liabilities and also the neighbourhood plan.
- The timeline in the lead up to the Council meeting at SWT on 6 September 2022 and the special SCC meeting of Full Council in early October 2022 and key dates beyond this.

Members of the Committee asked a number of detailed questions and made a number of comments which were responded to at the meeting: -

- It would be helpful to have a key for the map of the area, especially for those who live outside the area.
- The review was a detailed piece of work and would like to commend those involved in the consultation.
- Neighbourhood plans and impact of the consultation – clarified that the CIL and neighbourhood planning followed two separate processes. Where a council was abolished or subject to an alteration in its area consisting of the loss of a transferred area, then all property rights and liabilities which related to the transferred area would be given to the transferee authority to which the transferred area transfers. i.e. any unspent CIL receipts relating to development located in that part of a Parish Council's area that was being transferred to a Taunton Town Council (TTC) should be paid over to TTC on the date of transfer 1 April 2023. Neighbourhood Plan policies would remain in place and be enforced for the area of land that they covered even if that land became part of a different Parish.
- Question on precept comparative data and implications as some families would pay more Council Tax as they were currently in an unparished area. For example, if the parish area they were currently in changed – they outlined that the level of services provided varied significantly between town or parish councils, so did the level of the precept. They would look at transitional relief question; the precept figure was still to be determined and depended on the range of services to be delivered by the new organisation. Likely the new Council would have a 2 stage implementation with a smaller organisation at the start covering the 'basics' (model standing orders); the annual meeting in May 2023 would develop the Corporate Strategy to help shape the new councils future plans.
- Question as to whether the Parish precept could be capped – no indication this would happen at the moment.
- Query as to whether the Order could or would be modified - clarified that modifications were made following the Stage 1 consultation and there remained scope for modifications to be made at the end of Stage 2 consultation as well.
- Questions on the number of people attending the consultation events and also awareness about the consultation – explained that there had been variations in attendance, for example the event at Trull had 20 + attending.

The Committee NOTED the update and the opportunities to contribute and participate in the consultation.

6 **Local Government Reorganisation Implementation Plan** - Agenda Item 6

The Committee considered a report from the Council's Programme Manager for Local Government Reorganisation (LGR), Alastair Higton, which outlined proposals for developing the proposed LGR work plan for the Committee. The core / key piece of work for the Committee was the new Constitution which must be agreed at the February 2023 meeting of SCC Full Council.

The Committee said that Local Community Networks (LCNs) needed to be included in the work plan and Planning and Licensing functions needed to be a key focus. The Committee:

- (a) Noted the LGR Implementation Plan.
- (b) Approved the following items, listed in section 1.3 of the report to the Committee's forward plan and with the addition of LCN's: -
 - Civic arrangements
 - Governance framework
 - Democratic arrangements – including how planning and licensing functions will be delivered
 - Constitution
 - Scheme of delegation
 - Contract Standing Orders
 - Financial Regulations
 - Taunton Town Council Community Governance Order
- (c) That an informal workshop for the Committee be arranged at the earliest opportunity (date to be agreed) to look at the Constitution and other matters and the forward work plan.
- (d) That in preparation for the workshop, the Monitoring Officer shared the link to the current SCC Constitution and other Councils which have been through LGR process (Dorset, Wiltshire, Buckinghamshire and Cornwall).

7 **Work Programme** - Agenda Item 7

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge. This invited the Committee to review the LGR Implementation Programme and in particular the Governance workstream, to set its forward plan of work for 2022 and early 2023.

This was a standing item for the Committee so that it could review and set its forward plan of work to support the delivery of the Council's priorities e.g., the development of the new Somerset Council Constitution and its governance arrangements by February 2023 ahead of vesting day on 1 April 2023. The Monitoring Officer reminded the Committee of the work of the other bodies /

the Executive / Committees and that this Committee's main responsibilities related to reviewing and updating the Council's Constitution and its governance framework.

The Committee discussed the items to be considered at the September 2022 meeting and referred to the discussions on the previous agenda item regarding the items on the forward work plan for the Committee.

8 Constitution and Governance Committee meeting dates - Agenda Item 8

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, concerning the proposed meeting dates for the Committee.

The Committee noted the dates were flexible and that additional meetings and workshops may be scheduled as required and AGREED the proposed meeting dates, as set out in the report as follows:

Monday 12 September 2022

Monday 17 October 2022

Monday 5 December 2022

Monday 30 January 2023

The meetings would commence at 2pm and would be held in the Luttrell Room at County Hall, Taunton.

9 Any other urgent items of business - Agenda Item 9

There were no other items of business.

(The meeting ended at 3.52 pm)

CHAIR