
CONSTITUTION AND GOVERNANCE COMMITTEE

SUMMARY OF DECISIONS

12 September 2022

(Published on 15 September 2022)

Item No.	Title
2	Declarations of Interest
	There were no additional declarations of interest made at the meeting.
3	Minutes from the previous meeting held on 18 July 2022
	DECISION The minutes of the meeting held on Monday 18 July 2022 were approved and signed as a correct record.
4	Public Question Time
	There were no questions asked, statements made or petitions presented.
5	Constitution Review
	DECISION The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which outlined the approach and options to developing the proposed new Constitution for the new Somerset Council. The Committee AGREED: - <ol style="list-style-type: none">1. To endorse the proposed phased approach to developing the Constitution for the new Somerset Council set out in the Report; and2. That the approach to developing the Constitution for the new Somerset Council, is to develop a completely new Constitution for the new Somerset Council, with reference to best practice from Councils who have recently undertaken Local Government Reorganisation and other relevant peer Councils, (referred to as Option 2), as set out in paragraphs 3.5 and 3.6 of the Report.

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6	DBS Check Policy
	<p>DECISION</p> <p>The Committee considered a report from the Council’s Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which revisited the Council’s Disclosures and Barring Service (DBS) check policy, with a view to requiring all members to be enhanced DBS checked.</p> <p>The Committee AGREED: -</p> <ol style="list-style-type: none"> 1. To recommend to Full Council that the existing DBS policy for Councillors be extended to provide: <ol style="list-style-type: none"> (a) An extension of the current mandatory requirement to have Enhanced DBS checks without barred list checks to: all Executive Lead Members; Associate Lead Members; members of the Adults & Health and Children & Families Scrutiny Committees; members of the Adoption and Foster Panels; members of the Corporate Parents Board; and Members appointed to Panels or working groups relating to education or adult social care services, to ensure that all Members of the Council and co-opted members are required to undergo an Enhanced DBS check without barred list checks. (Option 3 in paragraph 3.1 of the Report) (b) That all DBS checks required above will be carried out by the Council immediately following each Council election to ensure that such checks are renewed halfway through this election period, approximately May 2025. This is relevant as DBS checks are effectively only valid on the day they are issued and this current election period is unusually long. (c) That the Monitoring Officer maintains a register of approved applications. 2. The Committee also noted that: - <ol style="list-style-type: none"> (a) that if the amended policy set out above is agreed by the Council, then any member who refuses an enhanced DBS check without barred list checks under this policy will be in breach of the Members’ Code of Conduct for failure to comply with Council policy and will be subject to a potential range of sanctions which can be imposed in these circumstances; (b) that the recommendation detailed above exceeds legal requirements, for members requiring a DBS check. However there is a view that the role, expectations and reach of a County Councillor has increased considerably since 2017 and will only continue to do so as part of a Unitary Authority. There is a reasonable expectation that all Councillors could be in a position where they are visiting a care home, school or vulnerable resident whilst dealing with casework issues and by agreeing these recommendations, the Council will be providing the greatest level of

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	<p>assurance possible to the public; and</p> <p>(c) there is also the possibility that following May 2023 Annual General Meeting of Full Council there could be a number of changes to the roles Councillors are appointed to and these recommendations would mitigate the need for a further round of ad-hoc Enhanced DBS checks.</p>
8	Work Programme
	<p>DECISION</p> <p>The Committee considered the work programme of future work.</p> <p>The Committee AGREED that: -</p> <ol style="list-style-type: none"> 1. The work programme be updated as discussed. 2. The October Committee meeting be rescheduled and a further meeting will take place in November 2022 3. The planned informal workshop will now be held on 26 September 2022.