

Decision Report - Executive Decision

Forward Plan Reference: FP/23/02/11

Decision Date - 15/03/23



Executive Sub-Committee proposals for the new Somerset Council

Lead Members: Cllr Bill Revans, Leader of the Council

Division and Local Member: N/A

Lead Officer & Author: Scott Wooldridge - Monitoring Officer and Head of Governance & Democratic Services

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1. Summary / Background

- 1.1 In March 2022 the Somerset Structure Changes Order was formally approved, this legally established the process for the formation of a new single unitary council from 1 April 2023.
- 1.2 At its meeting on 27 February 2023, the Leader of the Council and the Executive agreed the executive arrangements for the new Somerset Council. Reference was made to good practice within the five councils and other peer councils such as Buckinghamshire, Cornwall, Dorset and Wiltshire.
- 1.3 The previous Executive meeting outlined that initial proposals regarding any Executive Sub-Committees would be brought forward to the Executive on 15 March.

2. Recommendations

2.1 That the Leader of the Council and the Executive:

- 1) Agree the establishment of the Harbour Management Advisory Committee (Executive Sub-Committee) from 1 April 2023 as set out in Appendix 1;**
- 2) Subject to approval to recommendation 1, agree to delegate authority to the Leader of the Council to determine the membership of any executive sub-committees; and**
- 3) Note that further work is being undertaken on potential additional Executive Sub-Committees and any recommendations will be made to the Executive in due course.**

3. Reasons for recommendations

- 3.1 The Council has operated a Leader and Executive/Cabinet model since 2001, under which the majority of functions that the Council undertakes are now the responsibility of a small number of councillors operating as an 'Executive' or 'Cabinet'. The Leader of the Council, Councillor Bill Revans, has responsibility for agreeing the executive arrangements.
- 3.3 The Council's Constitution and legislation allows for the establishment of sub-committees of the Executive. A sub-committee can undertake specific functions on behalf of the Executive and either operate with delegated decision making or make recommendations back to the Executive.

Executive Sub-Committee - proposed

- 3.7 As part of the collaborative work across the five councils, work has been undertaken with the Executive and Senior Leadership Team to investigate any proposals for executive sub-committees of the new Somerset Council.

The Executive meeting on 27 February agreed that a Harbour Management Sub-Committee should be established and this was agreed at the Council meeting on 1 March. The terms of reference for this executive sub-committee is set out in Appendix 1.

It is recommended that this sub-committee are established from 1 April 2023 for the new Somerset Council. Subject to approval, the terms of reference for the executive sub-committee will be incorporated into the new Council's Constitution and reported to the Council's Annual General Meeting in May 2023.

All executive sub-committees will meet in accordance with the executive procedure rules and meeting arrangements set out in the Constitution. The Council welcomes transparency of decision making and public participation in its meetings. Public question time arrangements for executive sub-committees will replicate those for Executive meetings i.e. members of the public may address the sub-committee at their meetings, ask questions, or present a petition provided notice of the intention has been given to the relevant Committee Administrator in the Democratic Services Team in writing by 12 noon three clear working days before a meeting. The Chair of the relevant sub-committee has the discretion to vary these arrangements.

The proposed executive sub-committee seeks to support good and effective management of the council's business and ultimately good outcomes for residents and service users. These arrangements are intended to enhance the Council's ability to effectively pursue its vision as set out in the Council Plan.

The sub-committees will form part of the Executive arrangements of the Council which part of the Council's Constitution.

Executive Sub-Committees – further work being undertaken

- 3.8 Further work is being undertaken with Executive Lead Members, Associate Lead Members and Executive Directors to further investigate the potential case for further executive sub-committees with executive functions such as planning policy and the commercial investment portfolio.

That work will be complemented by input from the new Tier 3 Service Directors and further service consultation. It is anticipated that any further proposals for additional executive sub-committees will be recommended to the Executive in early summer 2023.

4. Other options considered

- 4.1 None considered, these proposals reflect the Leader of the Council's wishes. The proposals seek to support the transition to the new Somerset Council on 1 April 2023.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1 The proposals in this report seek to support the transition to the new Somerset Council on 1 April 2023.

6. Consultations and co-production

- 6.1 The proposed Executive sub-committee has been developed with the Leader of the Council, the Executive Lead Members and the Senior Leadership Team and its requirement was reported to the Executive meeting on 27 February 2023.

7. Financial and Risk Implications

The financial implications arising from the proposals in this report can be accommodated within the proposed budget for 2023/24.

The proposals in this report seek to mitigate and reduce risks to the Executive by enabling several functions to be undertaken by sub-committees.

Likelihood	1	Impact	5	Risk Score	5
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8. Legal and HR Implications

- 8.1 Under the Local Government Act 2000, the Executive can establish sub-committees.
- 8.2 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

Legislation sets out those functions of the new Council which must not be the responsibility of the Executive and those functions which authorities may decide either to give to the Executive or not – these are referred to as “local choice functions”, other functions are, by default, the responsibility of the Executive. All non-executive functions are for the Council to approve, whereas all executive functions are for the Leader of the Council to approve.

This report complies with all legal requirements in relation to maintaining a Constitution for Somerset Council. The only risk to the Council would result from the Council failing to fulfil its legal obligations and therefore the level of risk arising from the proposals in this report are considered to be low.

9. Other Implications

9.1 Equalities Implications

The Council’s duty under Section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of services. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.

No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for Executive meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9.2 Community Safety Implications

No specific negative implications have been identified.

9.3 Sustainability Implications

No specific negative implications have been identified.

9.3 Health and Safety Implications

No specific negative implications have been identified.

9.4 Health and Wellbeing Implications

No specific negative implications have been identified.

9.5 Social Value

No specific negative implications have been identified.

10. Scrutiny comments / recommendations:

10.1 The proposed decision has not been considered by a Scrutiny Committee.

11. Background Papers

11.1 Council's Constitution

Executive – Executive arrangements for Somerset Council 27 February 2023

Somerset Structural Changes Order 2022

Local Government Acts 1972 and 2000

Report Sign-Off

		Date completed
Legal Implications	Honor Clarke	06/03/23
Governance	Scott Wooldridge	06/03/23
Corporate Finance	Jason Vaughan	06/03/23
Customers, Digital and Workforce	Chris Squire	06/03/23
Property	Paula Hewitt	06/03/23
Senior Manager	Duncan Sharkey – Chief Executive	06/03/23
Commissioning Development	Sunita Mills / Ryszard Rusinek	06/03/23
Executive Member	Cllr Bill Revans - Leader of the Council	03/03/23
Local Member	N/A	
Opposition Spokesperson	Opposition Spokesperson - Leader - Cllr David Fothergill	7/3/23 – Informed, Executive Agenda
Scrutiny Chair	All Scrutiny Chairs	7/3/23 – Informed, Executive Agenda