



Notice of Meeting of

**CONSTITUTION AND GOVERNANCE COMMITTEE**

**Wednesday, 31 January 2024 at 2.00 pm**

**John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE**

To: The members of the Constitution and Governance Committee

Chair: Councillor Ross Henley

Vice-chair: Councillor Tim Kerley

Councillor Simon Carswell

Councillor Barry Clarke

Councillor Dawn Johnson

Councillor Christine Lawrence

Councillor Emily Pearlstone

Councillor Richard Wilkins

Councillor Mandy Chilcott

Councillor Hugh Davies

Councillor Helen Kay

Councillor Martin Lovell

Councillor Steven Pugsley

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk).

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) by **5pm on Thursday, 25 January 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Proper Officer on Tuesday, 23 January 2024

# **AGENDA**

**Constitution and Governance Committee - 2.00 pm Wednesday, 31 January  
2024**

**Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)**

**Click here to join the online meeting (Pages 7 - 8)**

**1 Apologies for Absence**

To receive any apologies for absence.

**2 Minutes from the Previous Meeting (Pages 9 - 14)**

To approve the minutes from the previous meeting.

**3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

#### **4 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

#### **5 Constitution - Update on its review (Pages 15 - 18)**

To receive an update on the work being undertaken to review the new Constitution of Somerset Council.

#### **6 Assurance on preparations for May 2024 Elections**

To receive a verbal update on the preparations for the May 2024 Elections.

## Guidance notes for the meeting

### Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

#### Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

### Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

### **Meeting Etiquette for participants**

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

### **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

### **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 366 295 484 321

Passcode: VoaJrT

**Or call in (audio only)**

[+44 1823 772277,,248907748#](#) United Kingdom, Taunton

Phone Conference ID: 248 907 748#

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Minutes of a Meeting of the Constitution and Governance Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Wednesday, 18 October 2023 at 2.00 pm

**Present:**

Cllr Ross Henley (Chair)  
Cllr Tim Kerley (Vice-Chair)

Cllr Simon Carswell	Cllr Mandy Chilcott
Cllr Barry Clarke	Cllr Dawn Johnson
Cllr Helen Kay	Cllr Martin Lovell
Cllr Emily Pearlstone	Cllr Richard Wilkins

**In attendance:**

Cllr John Bailey

**Other Members present remotely:**

Cllr Hugh Davies	Cllr Steven Pugsley
Cllr Theo Butt Philip	Cllr Simon Coles
Cllr Bob Filmer	Cllr Tessa Munt
Cllr Sue Osborne	Cllr Evie Potts-Jones
Cllr Peter Seib	Cllr Sarah Wakefield
Cllr Martin Wale	

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

Apologies were received from Councillors Hugh Davies, who attended online, Christine Lawrence and Steven Pugsley, who attended online.

**9 Minutes from the Previous Meeting - Agenda Item 2**

**Resolved** that the minutes of the Constitution and Governance Committee held on 16 August 2023 be confirmed as a correct record.

## 10 **Declarations of Interest** - Agenda Item 3

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

<b>UNITARY COUNCILLOR</b>	<b>TOWN AND/OR PARISH COUNCIL</b>
Simon Carswell	Street Parish Council
Ross Henley	Wellington Town Council
Tim Kerley	Somerton Town Council
Martin Lovell	Shepton Mallet Town Council
Richard Wilkins	Curry Rivel Parish Council

## 11 **Public Question Time** - Agenda Item 4

There were no questions submitted.

## 12 **Constitution – Update on its review** - Agenda Item 5

The Head of Governance and Democratic Services, Scott Wooldridge, presented an update on the work being undertaken to review the new Constitution of Somerset Council.

During the discussion, the following points were raised:-

- Councillors highlighted that a request to update the report templates had been made at the previous meeting of the Audit Committee, which they believed would have been debated by the Constitution and Governance Committee.  
*The Head of Governance and Democratic Services advised that the request was being dealt with elsewhere as it did not fall within the remit of the work for the Committee.*
- Councillors agreed that the Working Groups needed to be set up as soon as possible.
- Councillors queried how they could submit feedback for the Working Groups to consider within their work programme.  
*The Head of Governance and Democratic Services advised he was happy to work with councillors to ascertain their feedback.*
- Clarification was sought on the composition of the Working Groups.
- Councillors highlighted that the members of the Constitution and Governance Committee should be involved in all the Working Groups, especially the one

for Planning Committee Terms of Reference.

*The Head of Governance and Democratic Services advised that there would be a joint workshop held prior to the report coming back to Committee for debate, which would involve members of the Working Group plus the Constitution and Governance Committee members.*

- Councillor Mandy Chilcott proposed the following amendment which Councillor Helen Kay duly seconded:-

In line with the Constitution and Governance Committee guidance, that the committee was to give a steer to officers before any proposals came forward, that two members of the Constitution and Governance Committee be added to the Constitution Review Working Group for the Planning Committee Terms of Reference, along with the Chairs and Vice Chairs of each Planning Committee and the Lead Member for Economic Development, Planning and Assets.

The vote was taken, with five votes for and five votes against, therefore the Chair used his casting vote against and the amendment was not carried.

- Councillors highlighted that there should be a lot of data already gathered because of the recent consultation plus the feedback forms submitted after each Planning Committee meeting.
- Concern was raised that only the Chairs and Vice Chairs were being used for the Planning Committee Working Group.
- Councillors suggested that an email could be issued out to request written feedback for the Working Groups to use as part of the review.
- Councillor Dawn Johnson proposed the following amendment, which Councillor Helen Kay duly seconded:-

That all councillors be surveyed to ask for feedback and comments on the Planning Committee Terms of Reference which would feed into work of the Constitution Review Working Group for the Planning Committee.

The vote was taken with nine votes for and one abstention, therefore the amendment was carried.

- Councillors were pleased to see that Working Groups were being set up to assist with the work on reviewing the Constitution.

**Resolved** that the Constitution and Governance Committee:-

- 1) provided feedback and views on the proposed approach to the review;
- 2) nominated five members of the Committee to the Constitution Working Group – Council Procedures and appointed a Chair of that Working Group;
- 3) supported the proposals for the Constitution Working Group – Planning Committees and its proposed membership as set out in the presentation, as amended; and
- 4) supported the proposals for the Constitution Working Group – Licensing and Regulatory Committees and its proposed membership as set out in the

presentation.

The Service Director for Governance, Democratic and Legal Services and Monitoring Officer, David Clark, presented an update on the work being undertaken to review the Scheme of Delegation and Decision Making.

During the discussion, the following points were raised:-

- Councillors requested a further breakdown of the number of officers surveyed.
- Councillors queried whether the key decision threshold of £500,000 was still appropriate with the current budgetary concerns.

*The Monitoring Officer advised that the threshold was used to determine whether the decision being taken was key or non-key. The Head of Governance and Democratic Services advised that the figure had been used at Somerset County Council for approximately ten years and had been reviewed annually during that period.*

- Councillors queried whether the threshold would be lowered if a Section 114 Notice was issued.

*The Monitoring Officer advised that it would be altered dependant on what restrictions were placed on the Council's spending.*

- Councillors were glad that training was being provided for officers and that guidance was included on the report templates.
- Concern was raised on the number of officers included in the sign-off process and that it could delay decisions being taken.
- Concern was raised on the use of confidential appendices on individual decisions and that information should be in the public domain.

*The Monitoring Officer agreed and advised that all information was subject to a public interest test.*

### **13 Somerset Council Electoral Review - arrangements, update and timeline - Agenda Item 6**

The Service Director for Governance, Democratic and Legal Services and Monitoring Officer, David Clark, presented an update on the proposed Electoral Review to be carried out by the Local Government Boundary Commission for England (LGBCE).

During the discussion, the following points were raised:-

- Concern was raised on whether councillors would be given reasonable time off from employers to carry out their council business and travel time.
- Concern was raised on whether the boundary review would change any parish council boundaries.

*The Monitoring Officer understood the concerns and advised that they could all be submitted as part of the review.*

- Councillors queried how Somerset Council compared to the other larger unitary authorities.  
*The Elections Manager advised that based on population and area, Somerset Council was similar to Cornwall Council and after their review was carried out, they went from having 123 councillors down to 87 councillors.*
- Concern was raised on the order of the work being carried out in the review.  
*The Monitoring Officer advised that the LGBCE were keen to base the number of councillors on workload and population and not on the area covered.*
- Councillors queried whether the two largest unitary authorities were being reviewed.  
*The Lead Member for Transformation and Human Resources advised that Buckinghamshire Council were currently under review and the proposal was to reduce from 147 councillors to 97 councillors. County Durham Council were also currently under review and the proposal was to reduce from 126 councillors to 98 councillors.*
- Councillors queried how it was justified to have such high numbers of councillors.  
*The Head of Governance and Democratic Services advised that Somerset Council were instructed on how many councillors to elect as part of the Structural Change Order 2022. It was calculated by using the number of divisions and multiplying by two. The Monitoring Officer reminded councillors that Somerset Council is a consultee and that it is the LGBCE that led the review.*
- Councillors queried what evidence the LGBCE would require for the review.  
*The Monitoring Officer advised that it was for the officers and councillors of Somerset Council to feed into the review by advising how many councillors we felt were required to best serve the community.*
- Councillors queried whether there was any right to appeal the proposed electoral arrangements once they were issued.  
*The Elections Manager advised that the only appeal route would be through a judicial review.*
- Councillors queried what the average number of constituents were per councillor within other unitary authorities.  
*The Elections Manager advised that the approximate number was between 3400-5000 constituents per councillor.*
- Concern was raised that once the review had been completed it would mean that the Constitution would be out of date.  
*The Head of Governance and Democratic Services reminded councillors that the Constitution was being reviewed and would continue to be reviewed on an annual basis.*
- Councillors queried how much work would be involved in the review and

whether there was any funding available to help with the work.

*The Elections Manager advised that the work would be carried out as part of the preparation works for the election due to take place in 2027 and that there was no additional government or external funding available to the Council. The Council therefore would have to fund itself any consultation response to the LGBCE or review analysis work that it wanted to do.*

- Councillors highlighted previous outcomes from other reviews that they had taken part in and that the LGBCE often presented various options and did not always agree with councils on their preference for single or multi-councillor wards. This highlighted that the council is a consultee in the review as it is the LGBCE which will finalise the review and make its recommendations to Government.

**Resolved** that the Constitution and Governance Committee noted the update.

#### **14 Work Programme - Agenda Item 7**

During the discussion, the following points were raised:-

- Councillors requested that the member briefing being held on 7 November 2023 for the Electoral Review be recorded.
- Some members highlighted the low public attendance at the committee and therefore whether there was a need to hold future meetings around Somerset. It was suggested instead that the Committee hold its meetings in Taunton like the Audit Committee has agreed.

*The Chair advised that he would discuss future meeting locations with members outside of the meeting.*

- Councillors queried who would be leading on the review of the Local Community Network (LCN) Terms of Reference.

*The Monitoring Officer advised that the LCN Team would be carrying out the review.*

**Resolved** that the Constitution and Governance Committee noted the Work Programme.

**(The meeting ended at 4.20 pm)**

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**CHAIR**

(Constitution and Governance Committee – 31 January 2024)

Somerset Council  
Constitution and Governance Committee  
– 31 January 2024



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## **Constitution – Update on its review**

Lead Officer: David Clark, Monitoring Officer, Service Director - Governance, Democratic and Legal Services

Author: Scott Wooldridge, Head of Governance and Democratic Services

Contact Details: [scott.wooldridge@somerset.gov.uk](mailto:scott.wooldridge@somerset.gov.uk) or 01823 357628

Executive Lead Member: Councillor Bill Revans, Leader of the Council

Division / Local Member: All

### **1. Summary and background**

- 1.1.** This report and its supporting presentation to the meeting provide an update on the work being undertaken to review the new Constitution of Somerset Council. This work is in line with the commitment given in February 2023 that a review would be completed and reported to Full Council by June 2024.
- 1.2.** The Constitution and Governance Committee maintains the oversight of the review and provides a steer to officers ahead of any proposals being brought forward for consideration and recommendation to Full Council.
- 1.3.** At the last Committee meeting on 18 October 2023, a full update was provided on the areas of the Constitution for specific focus by the review:
  - Full Council meeting procedure rules
  - Public Question Time procedures at committee meetings
  - Planning Committees' Terms of Reference
  - Licensing and Regulatory Committees' Terms of Reference
  - Scheme of Delegation and decision-making procedures
  - Contract Procedure Rules
  - Financial Regulations
- 1.4.** The Committee agreed to establish three Constitution Working Groups with support from Democratic Services, Legal Services, Licensing and Planning Services:
  - Group 1 – Council Procedures and public participation in committees
  - Group 2 – Planning Committees terms of reference
  - Group 3 – Licensing and Regulatory Committees terms of reference

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- 1.5.** Group 1 comprises members of the Committee. It has held a workshop in November where it initially focused on the Council's current public participation arrangements at committee meetings. The workshop identified that further clarification could be made within the Constitution to reflect the the Council's public speaking procedures and how the Council welcomes public involvement and speaking at its meetings. Further work will be undertaken to review Full Council meeting procedures and where improvements can be made reflecting on experience and feedback over the last nine months.

It is intended that Group 1's recommendations and proposals will be considered at the Constitution and Governance Committee meeting on 17 April.

- 1.6.** Group 2 has made significant progress in reviewing the Planning Committees terms of reference with the support of the Chairs and Vice Chairs of the five Planning Committees, the Executive Lead Member for Economic Development, Planning and Assets, Planning and Rights of Way officers, Democratic Services and Legal Services.

The group has used the experience and feedback regarding Planning Committees held over the last nine months to inform the review. A number of recommendations and improvements have been identified in relation to:

- Increasing the Strategic Planning Committee functions
- Improving the references to rights of way and village green matters
- How representations can be made to the Committees
- The referral process by Divisional Members and / or Parish Councils

The Group will be presenting their recommendations and proposed amendments to the current Terms of Reference to a Joint Workshop with the Constitution and Governance committee members in early March. This will then inform the final recommendations and proposed changes being considered at the Constitution and Governance Committee meeting on 17 April.

- 1.7.** Group 3 has reviewed the Licensing and Regulatory Committees terms of reference with the support of members of the committee, Licensing officers, Democratic Services and Legal Services. The group has used the experience and feedback regarding Licensing and Regulatory Committee, Licensing Sub Committee and Regulatory Sub Committee meetings to inform its review. Several proposed changes have been identified to improve the operation of these meetings.

The Group would welcome clarification from the Committee as to whether (option i) a Joint Workshop is necessary in March or whether (option ii) the



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Committee would instead welcome the Group circulating the draft recommendations and proposed changes ahead of the Constitution and Governance Committee meeting then considering them at its meeting on 17 April.

- 1.8.** In parallel with the review work being undertaken by Groups 1, 2 and 3, the Monitoring Officers is working with other officers on the review of the Contract Procedure Rules, Financial Regulations and the Officer Scheme of Delegation. It is intended that the recommendations from this review will be presented to the Constitution and Governance Committee meeting on 17 April.
- 1.9.** The review and any recommendations for changes to the Constitution will be consolidated and reported to the Constitution and Governance Committee by its meeting on 17 April, so that the Committee can consider these and make its recommendations to the Council's Annual General Meeting on 22 May 2024.

## **2. Issues for consideration / Recommendations**

- 2.1.** The Committee is asked to:
  - 1) Note the progress being made with the review of the Constitution by the working groups and the specific areas identified in October 2023; and
  - 2) Confirm which of the two options it would like to progress in relation to consideration of the recommendations from Group 3 – Licensing and Regulatory Committees.

## **3. Consultations undertaken**

- 3.1.** The review is being led by the Monitoring Officer with the support of officers from Democratic Services, Legal Services, Licensing and Planning Services, Corporate and Resources and other relevant services supporting specific committee.

## **4. Implications**

- 4.1.** Legal - 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.
- 4.2.** 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 committee meetings will take full consideration of equalities and public

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accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

## **5. Background papers**

- 5.1.** Somerset Council Constitution – February 2023 and May 2023  
Approach to Constitution Review - Report to Constitution and Governance Committee on 18 October 2023

**Note:** For sight of individual background papers please contact the report author or the Council's website