


Constitution – update on the review

18 October 2023




Somerset
Council

Introduction

- The Constitution for the new Somerset Council was developed and approved at Full council in February 2023 ahead of vesting
 - Predominantly based on Buckinghamshire Council's Constitution with additions and changes made to reflect aspects of the former County and District councils
 - Commitment given to review the constitution during the first year of Somerset Council to learn from its practical application and the experience from committee meetings
 - Review to be reported to Full Council no later than June 2024
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Areas of focus for the review

- Full Council procedure rules – in particular member questions and Public Question Time
 - Planning Committees terms of reference and meeting arrangements
 - Licensing & Regulatory Committees terms of reference and meeting arrangements
 - Contract Procedure rules
 - Financial Regulations
 - Scheme of Delegation and decision making procedures
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Approach to review

- Proposing to form 3 working groups (similar to a scrutiny task & finish groups) led by members with support from officers in Democratic Services, Legal Services and relevant services supporting those committees e.g. planning and licensing officers
- Members to Chair the working groups and these are to meet informally, in private at locations across Somerset
- Democratic Services will administer and support the working groups and compile their reports setting out recommendations

The Constitution Review Working Groups

- **Constitution Review Working Group – Council Procedures**
 - 5 members from C&G Committee with Leader of Council
 - Meeting in November and December
- **Constitution Review Working Group - Planning Committees**
 - All Chairs and Vice Chairs of the five Planning Committees along with the Lead Member for Economy, Planning & Assets
 - Meeting in November and then Joint Workshop with C&G Committee in December
- **Constitution Review Working Group – Licensing & Regulatory Committees**
 - 5 members from Licensing & Regulatory Committee with Lead Member for Communities, Housing & Culture
- Meeting in December and then Joint Workshop with C&G Committee in January



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Spotlight on Scheme of Delegation and Decision-Making Improvements



Somerset
Council

Background

- A project is underway to review the constitution now that it is in operation, with particular focus on reviewing the current Decision-Making process and options on how Decision making could be improved, accounting for any impact on both assurance and efficiency
- Some feedback has been received directly since April and this will be incorporated
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- A survey was issued to Executive and Service Directors to identify consensus for the level of thresholds and assurance, potential improvements for sub delegations and any other relevant feedback

[theme 5b Constitution, Scheme of Delegation and Decision Making Improvements.docx](#)

Results

Respondents

- The survey was issued to Executive Directors and Service Directors to complete and forward to managers within their service where appropriate
- 57 completions of the survey have been received and collated

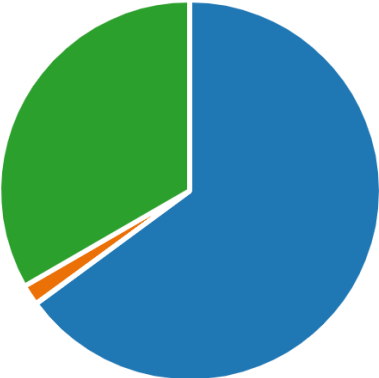
Directorate	Number of completed responses
Adult Services	0
Children & Family Services	6
Climate and Place	22
Community Services	11
Public Health	2
Resources and Corporate Services	10
Strategy, Workforce and Localities	6
Total	57

Results

Awareness and Empowerment

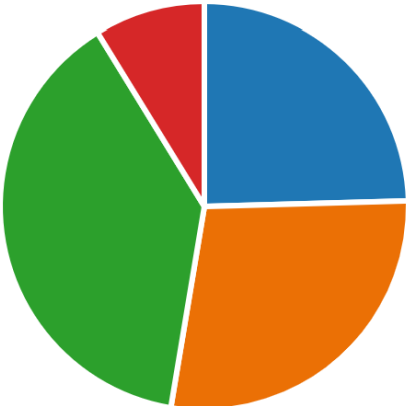
Are you familiar with the Council's Decision-Making process, guidance and report templates found on the Intranet?

Yes	37
No	1
Partially	19



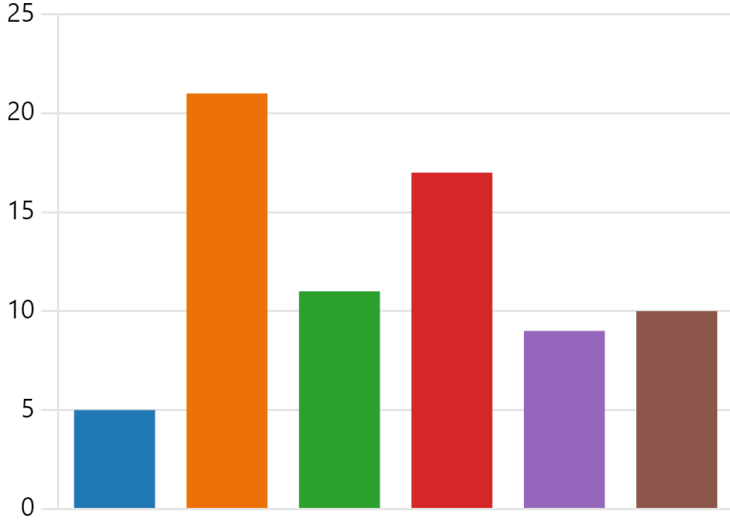
Do you feel empowered to make decisions within the new Council?

Yes	14
No	16
Partially	22
Not sure	5



What are the reasons for this?

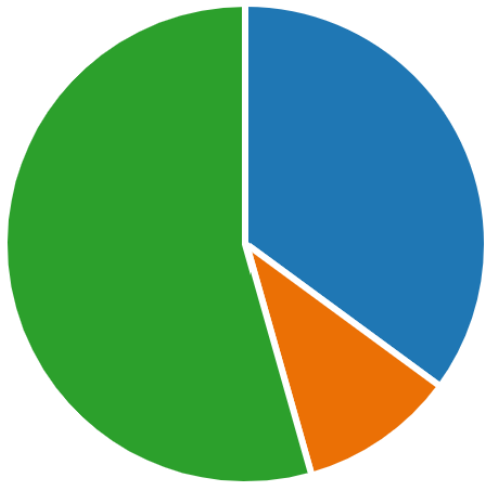
- Lack of Knowledge
- Problems with the Decision-Making Process
- Majority of decisions taken by Elected Members at Executive, Committee or by a Lead Member
- Sub-delegations to you from the Executive Director / Service Director are unclear or not in place
- Have not been required to make a decision as yet
- Other



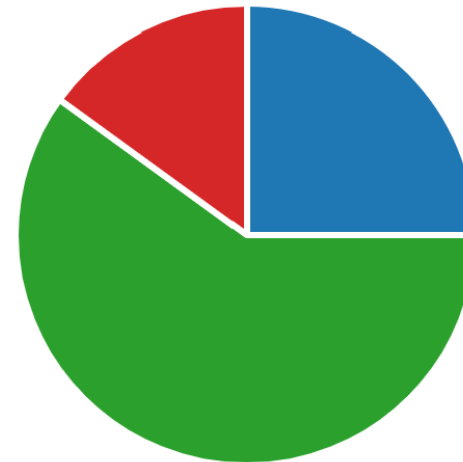
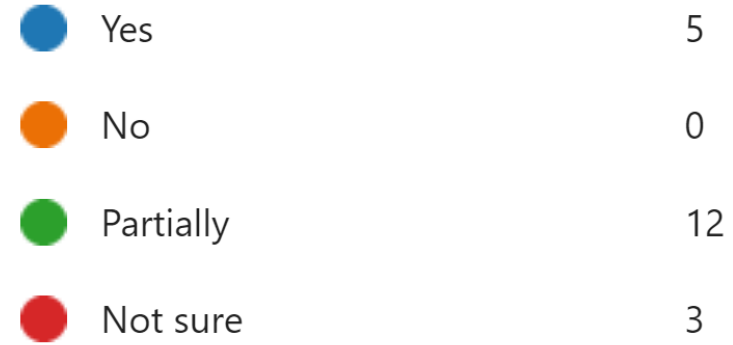
Results

Sub-Delegations

Are sub-delegations set up within your service?



Are the sub-delegations effective?



Results

Key Decisions

Do you think the financial threshold of 'greater than £500,000' for a key decision is?

- Too High 2
- About Right 36
- Too Low 9
- Not Sure 10



At present, key decision reports require a number of sign-offs in order to provide assurance of the decision e.g. from Finance, Property, Legal, Relevant Members.

Please indicate which option you would prefer

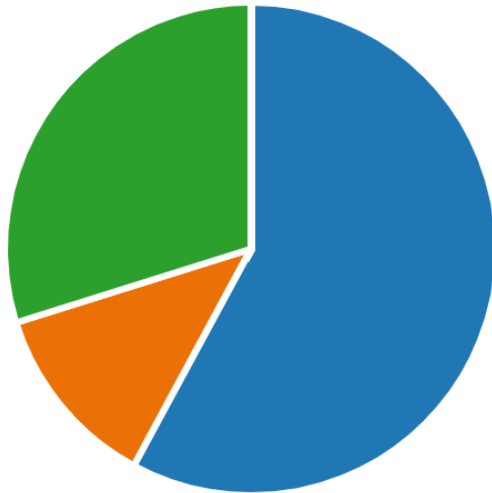
- Increase the level of assurance 4
- Keep the current level of assurance 18
- Decrease the level of assurance 28
- Not sure 7



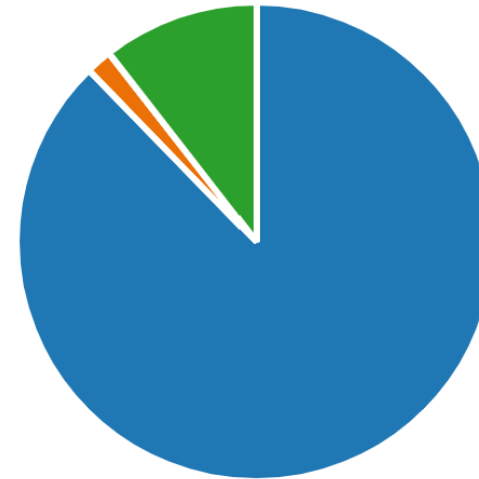
Results

Level of Knowledge and Training Requirements

Do you feel that you understand the information, process and steps required to seek approval for a decision?



Do you believe that a mandatory training session on Decision-Making would be beneficial for officers and colleagues with sub-delegations?



Themes and Feedback

- Sign off process – Can this be made simpler and quicker?
- Particular activities are assigned to officers / tiers who are not yet in post
- Sub Delegations are not in place in all areas or not widely known
- Arrangements for service level decision making records are not known
- Contract Procedure Rules and Financial Regulations both require review
- Financial Thresholds in Fin Regs for Officer Decisions is too low
- Agreement that further training is important
- A need for colleagues to consider all decisions that may need approval when writing reports to reduce the number of reports required for the same piece of work
- Sign offs are difficult due to availability of approvers
- Delays in getting member consultation responses

Themes and Feedback

Although sub-delegations are effective - managers are unclear how this relates to the scheme of delegation and when decision papers are required.

Delegate to your service managers more....most are professional people with qualifications and experience...

I think there is a need to look at delegated authority re. non-key decisions.

Having knowledgeable and empowered officers is fundamental. A higher level of adequate learning, guidance and resources is required to help officers understand and embed the process.

clarity on things like the new structure may help

If it aint broke don't fix it !

Training on Contract Procedure Rules and Standing orders should also be mandatory and is often related to the decision making - many people think that the decision making process is a procurement process.

I think it might be beneficial to look at the Non Key Decision making process and see if it is possible to streamline this to make it more efficient and less onerous for lower value decisions

Colleagues are experiencing delays in decisions. This is particularly difficult when managing externally funded projects that have a timeline for completion of spend.

Themes and Feedback – Sign-off

On some issues/decisions the sign off of some departments is largely irrelevant, but it is difficult to see how this can be streamlined without watering down governance

I think this assurance is needed but probably more does need to be done to ensure the availability of these teams to have the time to provide this assurance and to sign off decisions

Not all of the assurance officers listed are relevant to all decisions

It takes up a lot of officer time

Seems too many sign-offs to factor in, adds a significant amount of extra lead time for a report particularly when have to also factor in deadlines for draft reports and final reports in advance of committee meetings it means, the end to end process is very long indeed.

The current level is appropriate, but those seeking a decision need to make proper use of the process rather than using it as an afterthought.

Themes and Feedback – Thresholds

It strikes the right balance...sufficient to move the work along quickly but over this amount would feel too much

Given the size of the council and inflation it would sensible to raise the threshold to £1m or at least £750k

This is in line with peer councils with similar functions, populations and overall size of budget

I think it perhaps is too low as has been this level for a long time (SCC) but the extreme levels of inflation may need to be considered as to whether it should be increased

Thresholds

Feels about right

The threshold should be set with more sensitivity to some of the key types of decision we take frequently, and make reference to other factors than just money.

If this is for say a multi-year contract it seems too low. Appropriate for one-off spend.

Appropriate grade for decision making for accountability

Next Steps

- In-depth analysis of themes and feedback
- Review of specific queries received relating to the Decision-Making process
- Development and implementation of proposals of changes to the process
- Development of proposals of changes to the Constitution and Scheme of Delegation which will need Executive buy-in and wider member buy-in before being taken to Constitution and Governance Committee and signed off at Full Council



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