

## **First year review of the Council's Constitution**

Lead Member: Councillor Ross Henley, Chair of the Constitution and Governance Committee

Local Member(s) and Division: All Members

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

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### **1. Summary**

- 1.1 At its meeting on 22 February 2023, the Council agreed its Constitution to be implemented from vesting day on 1 April 2023. The Council also committed to a review being carried out during 2023/24 through the Constitution and Governance Committee on areas that they deemed necessary.
- 1.2 Since October 2023, the Constitution and Governance Committee has been completing a phased review of key elements of the new Constitution over a series of working group meetings led by elected members supported by officers from Democratic Services, Legal Services, Licensing and Planning. The priority areas of focus for the first year review of the Constitution included:-
- Part B - Public Participation (see attached Paper A)
  - Part C – Council Procedures (see attached Paper B)
  - Parts D4 and D5 Licensing and Regulatory Committee Terms of Reference (see attached Paper C)
  - Part D8 Planning Committee Terms of Reference (see attached Paper D)
  - Part I2 Officer Scheme of Delegation (see attached Paper E)
  - Part I7 Financial Regulations (see attached Paper F)
- 1.3 The Constitution and Governance Committee considered the details of the reviews, the proposed changes and the recommendations from the reviews at its meeting on 17 April. There has been interest from elected members with the review, in particular with the review of the Planning Committees Terms of Reference. There was extensive debate and consideration of the review findings at the committee's workshop on 4 April and its meeting on 17 April. The

Committee agreed to recommend to Full Council the recommendations that are set out in Papers A, B, C, D, E and F.

## **2. Recommendations**

- 2.1 That the Council considers the review findings and approves the following recommendations from Constitution and Governance Committee :
- i) Agrees the proposed changes to Part B – Public Participation as shown in Paper A and the tracked changes in Appendix 1 of Paper A
  - ii) Agrees the proposed changes to Part C – Council Procedural Rules as shown in Paper B and the tracked changes in Appendix 1 of Paper B
  - iii) Agrees the proposed changes to Part D4-Licensing and Regulatory Committee Terms of Reference, Part D5 – Licensing sub-committee hearing procedure and specific delegations for the Licensing Functions as shown in Paper C and the tracked changes in Appendices 2, 5 and 7 of Paper C
  - iv) Agrees the proposed changes to Part D8 – Planning Committees Terms of Reference as shown in Paper D and the tracked changes in Appendices 4,5, 7 and 8 of Paper D. Note the further review work that Constitution and Governance Committee will undertake during 2024/25 as set out in Paper D.
  - v) Agrees the proposed changes to Part I2 – Officer Scheme of Delegation as shown in Paper E and the tracked changes in Appendices 1 and 2 of Paper E
  - vi) Agrees the proposed changes to Part I7 – Financial Regulations as shown in Paper F and the tracked changes in Appendix 1 of Paper F

## **3. Background**

- 3.1 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.
- 3.2 At its meeting on 22 February 2023, the Council agreed its Constitution to be implemented from vesting day on 1 April 2023. The Council also recognised that a review would be carried out during 2023/24 by the Constitution and Governance Committee on priority areas that they deemed necessary.

- 3.3 The priority areas of focus for the first year review of the Constitution included:-
- Part B - Public Participation
  - Part C – Council Procedures
  - Parts D4 and D5 Licensing and Regulatory Committee Terms of Reference
  - Part D8 Planning Committee Terms of Reference
  - Part I2 Officer Scheme of Delegation
  - Part I7 Financial Regulations
- 3.4 In October 2023, 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
- 3.5 Details of the reviews, areas of potential improvements, proposed changes, key findings of the committee and the recommendations to Full Council are set out in the papers appended to this report:
- Paper A – Part B Public Participation
  - Paper B – Part C Council Procedures
  - Paper C – Parts D4 and D5 Licensing and Regulatory Committee Terms of Reference
  - Paper D – Part D8 Planning Committee Terms of Reference
  - Paper E – Part I2 Officer Scheme of Delegation
  - Paper F - Part I7 Financial Regulations
- 3.6 The Constitution of Somerset Council is not intended to be set in stone or be inflexible. Therefore, the Constitution and Governance Committee will continue to work with the Monitoring Officer to review the document as part of its workload each year, to ensure that it remains fit for purpose and meets the Council’s requirements.

#### **4. Implications**

- 4.1 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 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.
- 4.3 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 accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

- 4.4 The financial implications arising from the proposals in this report can be accommodated within the proposed budget for 2024/25.

## **5. Background Papers**

- 5.1 The background papers to this report are:-

Constitution review report to Constitution and Governance Committee 17 April 2024

[Monitoring Officer Report to Full Council on 22 February 2023](#)

[Report to the Constitution and Governance Committee on 18 October 2023](#)

[Somerset Council Constitution](#)

### **Appendices:**

- Paper A – Part B Public Participation
- Paper B – Part C Council Procedures
- Paper C – Parts D4 and D5 Licensing and Regulatory Committee Terms of Reference
- Paper D – Part D8 Planning Committee Terms of Reference
- Paper E – Part I2 Officer Scheme of Delegation
- Paper F - Part I7 Financial Regulations

**Note** For sight of individual background papers please contact the report author