

Somerset West and Taunton Council

Audit, Governance and Standards Committee – 08 March 2021

Changes to the Constitution

This matter is the responsibility of the Leader of the Council, Cllr Smith-Roberts

Report Author: Amy Tregellas, Governance Manager and Monitoring Officer

1 Executive Summary / Purpose of the Report

To present the Committee with the drafted Member Champion Protocol and Member Working Group Protocol, which, once approved will form appendices to the Council's Constitution.

2 Recommendations

That the Committee recommends that Full Council approves:

- a) The Member Champion Protocol (Appendix A)
- b) The Member Working Group Protocol (Appendix B)
- c) Both documents becoming appendices to the SWT Constitution

And, that the Audit, Governance and Standards Committee resolves:

- d) That the Member Working Group set up by the Committee in March 2020 is stood down until such time as it is appropriate for a full review of the Council's Constitution is carried out.
- e) That the Monitoring Officer comes back to the next meeting of the Committee with any proposed amendments to the Council's Constitution.

3 Risk Assessment

- 3.1 Failure to have an up to date and effective Constitution could impact on the way that the Council operates and makes decisions.

4 Background and Full details of the Report

- 4.1 The purpose of this report is to present Members with Protocols for the role of Member Champions and Member Working Groups, which will, if approved, become appendices to the Council's Constitution.

- 4.2 The Member Champion Protocol sets out the role of Members Champions as well as how they will operate. If Council approve the protocol, the next step will be for Group Leaders to nominate Members for roles and for a list of appointments to be drawn up by the Leader of the Council, for ratification at the Council Annual Meeting in May 2021.
- 4.3 The Member Working Group Protocol sets out how Working Groups will be convened and operated going forward.
- 4.4 In light of the Unitary proposals for Somerset, it is also recommended that the previously agreed Members Working Group to look at doing a full review of the Constitution is put on hold and that the Monitoring Officer come back to Council in due course (via the Audit, Governance and Standards Committee) with a number of other amendments to the Constitution.

5 Links to Corporate Aims / Priorities

- 5.1 Having an up to date and effective Constitution is a fundamental element of being a 'well managed' council

6 Finance / Resource Implications

- 6.1 None arising from this report

7 Legal Implications

- 7.1 None arising from this report

8 Environmental Impact Implications

- 8.1 None arising from this report

9 Safeguarding and/or Community Safety Implications

- 9.1 None arising from this report

10 Equality and Diversity Implications

- 10.1 None arising from this report

11 Social Value Implications

- 11.1 None arising from this report

12 Partnership Implications

- 12.1 None arising from this report

13 Health and Wellbeing Implications

13.1 None arising from this report

14 Asset Management Implications

14.1 None arising from this report

15 Data Protection Implications

15.1 None arising from this report

16 Consultation Implications

16.1 None arising from this report

Democratic Path:

- **Audit, Governance and Standards Committee – Yes**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Ad-hoc

List of Appendices (delete if not applicable)

| | |
|------------|-------------------------------|
| Appendix A | Member Champions Protocol |
| Appendix B | Member Working Group Protocol |

Contact Officers

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SWT Member Champions Protocol

1.0 Introduction

- 1.1 Member champions are Members who act as an advocate or spokesperson for a specific area of the Council's business. The main responsibility of each Member Champion is to encourage communication and positive action over the issue they represent.

2.0 Appointment of Member Champions

- 2.1 The appointment of Member Champions will be at the discretion of the Leader of the Council, following discussion with all Group Leaders, and then be subject to ratification by Full Council.
- 2.2 Each political group will be made aware of proposals to appoint Member Champions and given the opportunity to submit nominations. The proposed list of Member Champions is attached as Annex 1 to this Protocol.
- 2.3 Member Champions will not be Members of the Council's Executive.
- 2.4 There is no legal requirement to apply the political balance rules to the appointment so they will be made based on skills, knowledge and suitability for the role, and relevant national and local guidance.
- 2.5 Any Member Champion may resign from office by giving written notice to their Group Leader, the Leader of the Council and the Monitoring Officer.

3.0 Role of Member Champions

- 3.1 All Member Champions will have a role description setting out of their respective roles. These Roles will be developed by the relevant Director/Assistant Director in consultation with the Leader of the Council and Group Leaders and the champion concerned.
- 3.2 A generic role description is set out in Annex 2 to this protocol.
- 3.3 By appointing a member as a Champion, the Council is empowering that Member to act in that capacity. It follows, therefore, that the Council should put in place such arrangements as it thinks appropriate to support the Champion in that capacity.

4.0 The Parameters of the Member Champion Role

- 4.1 The above role is set in the context of the specific interest or theme. The following parameters apply to the role:
- All Member Champions must act reasonably in the role.

- All Member Champions must recognise and work effectively within the political management and working arrangements agreed by the Council.

4.2 A Member Champion:

- Is effectively given authority by the Council to take all reasonable actions judged by the Member as being necessary to perform the role of Champion
- Cannot commit the Council in any way that is contrary to established policy, budget and practice, but may confirm a Council position, as stated in published policy.
- Cannot make decisions that bind the Council.
- Is a recognised media contact on matters relating to the interest being championed, but is expected to follow the Council's Media Protocol and keep the Communications Team plus relevant Portfolio Holder and/or Leader informed of such contact.
- Is entitled to have access to information held by the Council relating to the interest being championed
- Access to a support from senior officers
- The Champion's programme of activities should reflect the Council's overall priorities as set out in the Corporate Strategy and Directorate Plans, but the Champion may include such aspects as seem to him/her to be relevant for attention, as long as overall priorities are not directly prejudiced by those aspects.

5.0 Support for Member Champions in their role

- 5.1 Member Champions play an important role in promoting their area of interest on behalf of the Council. In recognition of the importance of the respective roles of Member Champions, officer support will be provided at a senior level.
- 5.2 Each Member Champion will be advised by an appropriate Assistant Director, who will meet with the relevant Member Champion on a regular basis to discuss action plans, current activities, national developments or any other matters relating to the interest being championed.
- 5.3 The relevant Assistance Director will give reasonable support to the Member Champion, including the provision of Council information, government communications and national publications within their remit.
- 5.4 Taking all the above into account, the Council will:
 - Take steps to promote understanding within the Council of the role of a Member Champion and describe how it relates to other member level functions.
 - Promote similar understanding among its working partners, external bodies and the local community.
 - Arrange for Member Champions to be supported by the Democratic Services Team. This support will be for the functionality of the role – signposting and assistance with administration and research, where appropriate - not the professional input.

- Ensure that the professional lead officer(s) relating to each championed interest are aware of the Champion roles that affect them and the rights of Champions to access/discuss information about the service.
- Require each Member Champion to report annually to the Council about their programme of activity and how they have contributed to the achievement of the Council's overall priorities
- Member Champions are able to report any issues arising to the Scrutiny Committee, as and when appropriate and following discussion with the relevant Portfolio Holder and Scrutiny Chairman.
- Put in place appropriate training and development opportunities for Member Champions.
- Keep under review the relevance of the role of Member Champions in the context of the Council's Scheme of Member Allowances and to make a request to the Independent Remuneration Panel to consider this at such time in the future, should it be felt to be appropriate.

6.0 Internal Working Relationships

6.1 The Member Champion will:

- Liaise regularly with Portfolio Holders whose portfolios are relevant to the role (for some generic interests this will be all or many of them).
- Monitor the notice of key decisions and seek information from the relevant officers and Portfolio Holders about forthcoming business and exert influence on behalf of the interest.
- Monitor forward plans for all Committees and seek information and offer views on relevant review subjects and exert influence on behalf of the interest.
- Take advice from the appointed lead functional officer and the relevant lead professional officer(s).
- Seek to place appropriate items on relevant Council meeting agendas, seeking guidance from the Governance Team where appropriate.
- Keep other councillors up to date with activities within the interest.
- Generally promote the interest.

6.2 Portfolio Holders will:

- Acknowledge the right of Member Champions to be consulted on matters relating to their interest.
- Take full account of any views offered by Member Champions prior to any decision (irrespective of whether it is a delegated Portfolio Holder decision or Executive decision) being taken on matters within their area of interest (and demonstrate this in the record of the decision)
- Ensure there is appropriate engagement or consultation with Champions in the formulation of policy and other Executive matters and that any views are contained in the information provided to decision-makers.
- Consider inviting the relevant Champion to represent the Council at any relevant conference/seminar on the subject matter of the interest on the basis that the Champion will report back to the Cabinet member.

6.3 Scrutiny Committee members will:

- Acknowledge the right of Champions to be consulted and to participate in discussion on matters relating to their interest.
- Ensure there is appropriate engagement or consultation with Champions in the formulation of policy and in service review activity.
- Ensure Champions are specifically invited to be contributors to any reviews that have a direct bearing on the interest (recognising the right of a Champion to attend as an observer at any such session).
- Ensure that opportunity is provided for Member Champions to contribute to, or comment on, the work programme of the Scrutiny Committee

6.4 Officers will:

- Ensure there is appropriate engagement or consultation with relevant Member Champion(s) where the issue clearly relates to the interest.
- Co-operate fully with Member Champions in enabling them to perform their functions and to discuss directly with Member Champions and Portfolio Holder(s) where proposed actions might prejudice Council or other priorities.

7.0 External Working Arrangements

7.1 The Member Champion:

- Will need to acknowledge that there is no statutory authority for the Member Champion role.
- Will need to recognise that the Council does have some legal powers with regard to the scrutiny of external bodies and other working relationships with outside bodies arising from legal provisions.
- Will monitor and work closely with partner bodies in the field of the interest being championed.
- May be the Council's representative on certain relevant external bodies.
- Will identify the most relevant community bodies whose work is associated with the interest and foster good working relationships with those groups.
- Will take steps to promote within the wider community the specific issues on which the Member Champion is to focus and to provide opportunities for local engagement – involving the relevant Assistant Director and Portfolio Holder, as appropriate.

List of Member Champion Roles

It is proposed that Member Champions be appointed to the following roles:

- Heritage
- Tonedale
- Trees
- Public Transport
- Wellington Station
- Equalities
- Firepool
- IT
- Mental Health
- Safeguarding
- Health & Safety
- Member Training and Development
- Armed Forces – currently have this as an area with two Member Champions
- Town centres – currently have a Taunton Town Centre Ambassador but should this be rolled out to all towns in the District

Member Champion Role Description

The following examples may be appropriate to include in a Member Champion role description:

- (a) To champion the adopted policy of this Council for the relevant theme;
- (b) To promote their area of interest both within and outside the Council;
- (c) To contribute to the review and development of policies pertaining to the area of interest;
- (d) To act as a critical friend to challenge and question the Council, the Leader and Portfolio Holders on issues affecting their area or responsibility;
- (e) To attend meetings of the Council, its Committees and the Executive and speak on issues (when permitted by the Chair of the meeting) relevant to their area;
- (f) To act as a catalyst for change and improvement in service delivery;
- (g) To monitor the Executive Forward Plans and seek information from the Leader, Portfolio Holders and relevant officers about forthcoming business and exert influence on behalf of the interest;
- (h) To monitor the work programme, work plans and activity of the Scrutiny Committee and seek information, and offer views on relevant review subjects and exert influence on behalf of the interest;
- (i) To seek to place appropriate items on Member Working Group agendas (where an appropriate topic/project is being considered);
- (j) To keep other councillors up-to-date with activities relevant to the area of interest;
- (k) To network with Member Champions from other local authorities with the same interest to keep up-to-date with current developments;
- (l) To provide positive support, and on occasions, constructive challenge to Members and officers in driving forward the Council's agenda on relevant issues; and
- (m) To act as the Council's representative on relevant external bodies where Council representation is required or sought.

SWT Member Working Group Protocol

1.0 Introduction

- 1.1 There is no legal definition of a Member Working Group. SWT defines a Working Group as consisting 'of a small group of members (but with officers in attendance at meetings to provide support and advice) with the remit to consider policies and specific matters. They have a particular role in relation to projects which need to be completed within a specified time period'.
- 1.2 A Working Group conducts its business on a less formal basis than that of a committee. It does not have any decision-making powers and can only make recommendations to:
- The body from which it was formed (parent body);
 - Such other body as the parent body decides; or
 - An officer.
- 1.3 The term "Working Groups" refers to all informal bodies appointed by the Council, Executive, Scrutiny Committee and Audit, Governance and Standards Committee.
- 1.4 The purpose of this Protocol is to give guidance in relation to the operation of Working Groups.

2.0 Convening of, and appointment to Working Groups

- 2.1 The Council, Executive, Scrutiny Committee, Audit, Governance and Standards Committee and the Chief Executive may establish a Working Group or amend the Terms of Reference of existing Working Groups.
- 2.2 In establishing Working Groups, the appointing body or person will determine the precise Terms of Reference of the Working Group (having regard to the Terms of Reference of any other Working Groups) and (if appropriate) duration of the Working Group.
- 2.3 Where a report is taken through the democratic process to set up a Member Working Group, the Terms of Reference shall be drafted as part of the Committee Report. Where the resolution to set up a Member Working Group arises from a motion to Full Council, the Terms of Reference shall be drafted by the relevant officer(s) and discussed and approved at the first meeting of the Working Group.
- 2.4 In exercising the powers under paragraph 2.1 above the appointing body or individual shall seek to ensure that member and officer time and the financial resources of the Council are used in such way as he/she/it considers to be in the best interest of the Council and local people.

2.5 Council Working Group

- 2.5.1 Where Council resolves to set up a Working Group, this will consist of the eight Members, and be politically balanced.
- 2.5.2 Group Leaders will provide details of the Councillors to be on the Working Group.
- 2.5.3 The first item of business of the Working Group will be to nominate a Chair for the duration of the Working Group
- 2.5.4 The Working Group is not a decision making body and recommendations will be made back to Council for consideration.

2.6 Executive Working Group

- 2.6.1 Where the Executive resolves to set up a Working Group, this will consist of the relevant Portfolio Holder plus seven Members and be politically balanced.
- 2.6.2 Group Leaders will provide details of the Councillors to be on the Working Group.
- 2.6.3 The Portfolio Holder will be the Chair of the Working Group.
- 2.6.4 The Working Group is not a decision making body and recommendations will be made back to the Executive for consideration.

2.7 Scrutiny Committee Working Group

- 2.7.1 A Working Group arising from the Scrutiny Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- 2.7.2 The Committee will determine who is on the Working Group.
- 2.7.3 The Working Group does not have to be politically balanced and the Scrutiny Committee shall determine the membership.
- 2.7.4 The first item of business is to nominate a Chair but it should be a Member from the Scrutiny Committee
- 2.7.5 The Working Group is not a decision making body and recommendations will be made back to the Scrutiny Committee for consideration and then continue along the democratic path to the appropriate decision making body.

2.8 Audit, Governance and Standards Committee Working Group

- 2.8.1 A Working Group arising from the Audit, Governance and Standards Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- 2.8.2 The Committee will determine who is on the Working Group.
- 2.8.3 The Working Group does not have to be politically balanced and the Audit, Governance and Standards Committee shall determine the membership.
- 2.8.4 The first item of business is to nominate a Chair but it should be a Member from the Audit, Governance and Standards Committee.
- 2.8.5 The Working Group is not a decision making body and recommendations will be made back to the Audit, Governance and Standards Committee for consideration and then continue along the democratic path to the appropriate decision making body.

2.9 Licensing Committee Working Group

- 2.9.1 A Working Group arising from the Licensing Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- 2.9.2 The Committee will determine who is on the Working Group.
- 2.9.3 The Working Group does not have to be politically balanced and the Licensing Committee shall determine the membership.
- 2.9.4 The first item of business is to nominate a Chair but it should be a Member from the Licensing Committee.
- 2.10 The Planning Committee will not have Member Working Groups. This is due to the fact that the Development Management function is carried out by the Planning Committee and this would not warrant a Working Group. Planning Policy would sit under the remit of the Executive and/or Full Council and either of these bodies would have the remit to set up a Working Group.

3.0 **Agendas, Reports and Minutes**

- 3.1 The agendas for Working Groups will be circulated 3 days before the meeting is scheduled to take place, along with any accompanying papers. The Governance Team will assist in the preparation and despatch of agendas and accompanying papers – and this will be available for Members on the Working Group through the private section of mod.gov.
- 3.2 Support for working parties will be provided by the appropriate professional officer(s) and the Governance Team.

- 3.3 Where possible, draft minutes of the meetings will be circulated within five working days of the meeting. They will be issued to the Chair for review before being circulated to the Working Group Members.

4.0 Working Group Meetings

4.1 Order of business for the first meeting of the Working Group

- 4.1.1 At the first meeting of the Working Group, the Order of Business shall be as follows:

- a) To elect the Chair of the Working Group (if appropriate)
- b) To appoint the Vice-Chair of the Working Group
- c) To receive any apologies for absence
- d) To review the Terms of Reference for the Working Group
- e) To complete the Working Group scoping document (Annex 1)
- f) To consider any other business set out in the agenda
- g) To determine the frequency of meetings (taking into account the workload of officers and Committees – which take precedence)
- h) To determine the date of next meeting

4.2 Order of business for meetings of the Working Group

- 4.2.1 At the meetings of the Working Group, the Order of Business shall be as follows:

- a) To receive any apologies for absence
- b) To approve the minutes of the last meeting;
- c) To receive an update on any action points arising from previous meetings
- d) To consider any other business set out in the agenda
- e) To determine the date of next meeting

5.0 Conclusion of the Working Groups

- 5.1 Once the work of the Working Group is drawing to a close, the appropriate officer(s) will draft the Working Group report. This will be taken through the officer process of getting sign off by the relevant Director and/or SMT, where appropriate.
- 5.2 The draft report will first be discussed with the Chair and Vice-Chair of the Working Group before being added to the agenda of the next available Working Group meeting.
- 5.3 The draft report and any recommendations, and the decision to agree to move the report along the appropriate democratic pathway, shall be decided by a simple majority of those Members present at the meeting.
- 5.4 Once the Working Group have agreed the draft report, it will then continue along the appropriate democratic pathway:

- Council Working Group – Report to Full Council
- Executive Working Group – Report to Executive (and on to Full Council if appropriate)
- Scrutiny Committee Working Group – Report to the Scrutiny Committee and on to Executive (and Full Council if appropriate)
- Audit, Governance and Standards (AGS) Committee Working Group – Report to the AGS Committee and on to Full Council (via Executive if appropriate)

6.0 Quorum

- 6.1 For Council and Executive Working Groups with eight Councillors, the quorum will be a minimum of three Members. In the event of the absence of the Chair and Vice-Chair, a temporary Chair will be selected for the duration of the meeting only.
- 6.2 For Scrutiny Committee, Licensing Committee and Audit, Governance and Standards Committee Working Groups, which will likely have a smaller number of Members, the quorum will be a minimum of two Members. In the event of the absence of the Chair and Vice-Chair, a temporary Chair will be selected for the duration of the meeting only.

7.0 Location of Meetings

- 7.1 Meetings of all SWT Working Groups shall take place virtually.

8.0 Access to meetings by the Press and Public

- 8.1 As Working Groups are not public meetings the Press and the Public will not be able to attend

MEMBER WORKING GROUP

SCOPING DOCUMENT

NAME OF WORKING GROUP:

CHAIR:

MEMBERS:

Cllrs

LEAD OFFICERS :

SUBJECT TO BE REVIEWED:

REASON(S) FOR THE REVIEW :

IDENTIFY APPROPRIATE CORPORATE AIMS :

TERMS OF REFERENCE :

This Working Group will:

-

SCOPE, AIMS AND OBJECTIVES OF REVIEW : (Remember to consider what is NOT to be included in the review)

- Purpose:

METHOD(S) OF REVIEW (HOW WILL THE REVIEW BE CONDUCTED?) :

BENEFITS TO THE COUNCIL AND LOCAL COMMUNITY:

KEY ISSUES AND RISKS :

IMPLICATIONS :

(Financial and Legal implications particularly will need to be considered and signed off by the relevant officer)

DOCUMENTARY RESEARCH AND EVIDENCE :

E.g. Is there any National or local guidance or research into this subject? Is there any best practice guidance available?)

RESOURCE IMPLICATIONS OF REVIEW:

E.g. implications on officer resource or impact on the Council's budget.

EXTERNAL ADVISORS:

Does the Working Group wish to invite any involvement from external advisors?

| TIMESCALES : | ESTIMATED | REVISED (include reasons) | ACTUAL |
|--------------------------------|------------------|--------------------------------------|---------------|
| First meeting of Working Group | | | |
| Milestone 1: | | | |
| Milestone 2: | | | |
| Milestone 3: | | | |
| Draft Report: | | | |
| Report : | | | |

PROJECT OUTCOMES

CONCLUSIONS :

RECOMMENDATIONS :

EXECUTIVE CONSIDERED :

OUTCOME :

FOLLOW UP :

REVIEW OF PROCESS/COMMENTS :

SIGNED OFF BY CHAIR :

DATE :