

Shadow Corporate Governance and Standards Committee - 12 November 2018

Present: Councillor N Cavill (Chairman)
Councillors D Westcott, A Sully, N Thwaites, S Coles (In place of C Booth) and Mrs A Elder

Officers: Bruce Lang, Paul Fitzgerald and Clare Rendell

Also Present: Councillor M Dewdney

(The meeting commenced at 2.00 pm)

8. **Apologies.**

Apologies were received from Councillors C Booth and B Bowrah.

9. **Minutes of the previous meeting of the Shadow Corporate Governance and Standards Committee.**

The minutes of the meeting of the Shadow Corporate Governance and Standards Committee held on 24 September 2018 were taken as read and were signed.

10. **Declarations of Interest.**

Members present at the meeting declared the following personal interests in their capacity as a Member or Clerk of County, Parish or Town Council or any other Local Authority:

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr N Cavill	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Devon and Somerset Fire and Rescue	Personal	Spoke and Voted
Cllr D Westcott	All Items	Watchet	Personal	Spoke and Voted

11. **Public Participation.**

No members of the public had requested to speak on any item on the Agenda.

12. **Appointment of External Auditor.**

Considered report previously circulated, which asked Members to opt in to the Public Sector Auditor Appointments (PSAA) arrangement for the procurement of external audit services for Somerset West and Taunton Council (SWT).

The current external audit function for both Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) was provided by Grant Thornton (UK) LLP, who had been procured through the PSAA.

Grant Thornton would complete the audit of the accounts of TDBC and WSC for 2018-19 under the audit appointment already made.

A new auditor appointment would be needed for SWT as it would be a separate legal entity. The PSAA had confirmed that SWT was eligible to become an opted-in authority from 1 April 2019 for the remaining four years of the appointing period covering the accounts for 2019-20 to 2022-23.

During the discussion, the following points were made:-

- Members queried when the agreement with Grant Thornton would end.
The agreement for both TDBC and WSC lasted for five years and they were in the first year of the agreement so had requested that SWT could opt in to the agreement for the remaining four years.
- Members queried how did they know that Grant Thornton was the best auditor for the costs paid.
SWT had opted for Grant Thornton for continuity of audit work. Officers were not sure of the fees but they should be less than those for the two separate Councils combined.
- Members queried where the savings would come from.
The audit case work was currently for two Councils and in the future it would only be for one Council, so there should be a reduced workload.

Resolved that the Shadow Corporate Governance and Standards Committee was asked to recommend to the Shadow Council on 17 December 2018 that Somerset West and Taunton Council opted in to the PSAA scheme for the procurement of external audit services for the period 2019-20 to 2022-23.

13. **Development of the New Council Constitution - Phase One.**

Considered the report previously circulated, which updated Members on the progress so far in relation to the production of the new Constitution and sought Members' approval for documents contained within Phase One.

Members at their first meeting of the Shadow Council agreed an Interim Constitution for its operation during the Shadow period. The Corporate Governance and Standards Committee on 24 September 2018 agreed the arrangements and timetable for the various constituent documents which would make up the Constitution. Phase One of the timetable envisaged production of:-
Part 1 – Summary and Explanation
Part 2 – Articles
Part 3 – Responsibilities for Functions

During the discussion, the following points were made:-

- Members had a debate on the use of the term 'Chair' instead of 'Chairman'.
- Members queried what the term 'joint arrangements' included.

Joint arrangements included the Somerset Waste Partnership and other partner organisations.

- Members requested clarification on the wording used under 3.4 in Part One for members of the public at Council meetings.
Further detail would be given at a later stage, this was the summary.
- Concern was raised on the amount of Executive Members quoted, which was between two and nine. What would prevent the Leader from choosing two Members, which did not seem fair.
The amounts were stated in law.
- Concern was raised on 2.3.2 in Part Two which related to Councillors access and that Councillors might be denied access to certain information.
Confidential information might not need to be divulged, so would not be given to Councillors unless required.
- Members queried 3.1.2 in Part Two and citizens' rights to request a vote for an elected Mayor.
This was stated in law and was part of most constitutions.
- Members queried whether the current Aldermen of WSC would become Aldermen of SWT.
Clause 30 of the Local Government (Boundary Changes) Regulations 2018 confirmed that anyone who before a Local Government area was abolished was an honorary Alderman or Alderwoman of the predecessor Council for that area would automatically become an honorary Alderman or Alderwoman of the successor Council.
- Members requested clarification on the wording for 4.2.3 in Part Two for Housing Land Transfer and whether it was standard wording.
Yes, that was standard wording used in constitutions.
- Members suggested that Area Committees could be used for Planning decisions.
Further details on those types of Committee would be detailed further in the main document. It was suggested that SWT could have more than one Planning Committee to cover the new area.
- Members requested clarification on 7.2.3 in Part Two on The Leader and whether there was any need for the leading party to appoint the Leader on a yearly basis when the constitution stated that the Leader would hold office for four years.
No, it was not necessary to appoint the Leader every year.
- Members queried whether the use of Area Committees meant that powers would be delegated to Town/Parish Councils.
The Area Committees would be used to cover the areas of work the Council deemed necessary and did not mean devolution of powers.
- Members queried whether the Head of Paid Service function should sit within a HR Committee rather than the Chief Executive Officer.
That would be debated at a later stage.
- The Monitoring Officer suggested that an additional point be added to 15.1.1 in Part Two which was g) to make minor detailed changes of a limited significance as agreed by the Monitoring Officer and the appropriate Portfolio Holder, subject to written agreement being obtained by that Portfolio Holder, that such agreed changes should be subsequently notified to all Councillors.

- Members agreed with the additional part g) and suggested that the power of a call-in could be added to minor changes in the constitution which proved very useful with executive decisions.
The Monitoring Officer already used his monitoring powers to send out minor changes and suggested that any minor detailed changes should be made in consultation with the appropriate Portfolio Holder rather than a formal call-in process. Both TDBC and WSC currently used the method described in g) and he advised that it was for the Committee to determine the chosen method but that it needed to be transparent.
- Members agreed that the wording should read that any minor detailed changes should be made in consultation with the appropriate Portfolio Holder and requested that an explanation of why the changes had been made was included.

Resolved that the Shadow Corporate Governance and Standards Committee:-

- a) Noted the report;
- b) Approved, for formal adoption by the Shadow Council, the following draft documents as part of Phase One:
Part 1 – Summary and Explanation (Appendix 1)
Part 2 – Articles (Appendix 2)
Part 3 – Responsibility for Functions (Appendix 3)
- c) Agreed that the final documents would be submitted to the Full Shadow Council as part of a complete set that incorporated the whole Constitution Document for formal adoption at a meeting to be held in Spring 2019.

14. **Shadow Corporate Governance Committee Forward Plan.**

The Forward Plan had been previously circulated to the Committee.

During the discussion, the following points were raised:-

- Members queried what would happen to the members allowances in the period between 1 April 2019 and the election.
The Shadow Council agreed that there would be no additional allowances for the Shadow Council and the allowances would continue to be paid as they were for TDBC and WSC. The Remuneration Panel were due to set the new schemes for SWT.
- Members queried what governance arrangements were in place for the period between 1 April 2019 and the election.
Officers had sought legal advice on the arrangements because from the 1 April 2019 both TDBC and WSC Councillors would be stood down, but they would remain as Shadow Councillors. Assurance was given that arrangements would be in place. Protocol had been agreed that the existing Mayor of TDBC and Chair of WSC would continue in their civic roles until the election.

Resolved that the content of the Forward Plan be noted.

(The Meeting ended at 3.35 pm)