

You are requested to attend a meeting of the Council to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 5 October 2010 at 18:30.

Agenda

- 1 To receive the Minutes of the meeting of the Council held on 13 July 2010 (attached).
- 2 To report any apologies for absence.
- 3 To receive any communications.
- 4 Declaration of Interests.
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of Full Council are set out in the attachment.
- 5 To receive questions from Taunton Deane Electors under Standing Order 15.
- 6 Debate following the receipt of a petition containing more than 1,500 signatures in accordance with Standing Order 16. A petition organised by the Liberal Democrat Group has been received in connection with the Executive's decision to end the Free Swimming Scheme. The petition calls upon the administration to honour the views of the Community Scrutiny Committee which has twice voted for the retention of free swimming and reinstate the scheme for both age groups as soon as possible until 31 March 2011. We also call upon the administration to consider what types of free swimming schemes could be introduced from next April and work with potential outside partners to deliver this.
- 7 To receive any further petitions or deputations from Taunton Deane Electors under Standing Orders 16 and 17.
- 8 Regulation of Sexual Entertainment Venues. Report of the Licensing Manager (attached).
- 9 New Executive Arrangements. Report of the Legal and Democratic Services Manager (attached).
- 10 Update of various parts of the Constitution. Joint report of the Legal and Democratic Services Manager and Councillor Denington (Chairman of the Constitutional Sub-Committee) (attached).

- 11 Recruitment of an independent Member to Taunton Deane Borough Council's Standards Committee. Report of the Monitoring Officer (attached).
- 12 Proposal for the construction of Hinkley Point C. Ratification of the Stage 2 Consultation response made by Taunton Deane Borough Council to EDF Energy. A copy of the response will be circulated to Members in due course. The Leader of the Council to report.
- 13 Part I - To deal with written questions to and receive the following recommendations from the Executive and Corporate Scrutiny Committee:-
- Councillor Joanna Lewin-Harris
- Recommendation relating to the Proposed Crime and Disorder Reduction Partnership Merger.
- Councillor Williams
- Recommendation relating to the Budget Strategy.
- Councillor Williams
- Recommendation relating to the proposed changes to Themes 3 and 5 of the Core Council Review.
- There is a further recommendation which can only be considered once the press and public have been formally excluded from the meeting. This recommendation will therefore be considered at agenda item number 16.
- 14 Part II - To receive reports from the following Members of the Executive:-
- (i) Councillor John Williams - Leader of the Council;
 - (ii) Councillor Terry Hall - Corporate Resources;
 - (iii) Councillor Mark Edwards - Planning and Transportation;
 - (iv) Councillor Joanna Lewin-Harris - Communications and Community Leadership;
 - (v) Councillor Norman Cavill - Economic Development and the Arts;
 - (vi) Councillor Ken Hayward - Environmental Services and Climate Change;
 - (vii) Councillor Catherine Herbert - Sports, Parks and Leisure;
 - (viii) Councillor Jean Court-Stenning - Housing Services.
- 15 Proposed further pedestrianisation of part of Taunton Town Centre - To consider the attached motion proposed by Councillor Fran Smith and seconded by Councillor Ross Henley.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 16 To receive the following recommendation from the Executive:-

Councillor Norman Cavill

Recommendation relating to the former Nursery Site, Mount Street, Taunton.
Clause 3 - Financial or Business Affairs.

Tonya Meers
Legal and Democratic Services Manager

27 September 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

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Council Members:-

Councillor P Watson
Councillor T Slattery
Councillor P Stone
Councillor D Wedderkopp
Councillor M Whitmarsh
Councillor J Williams - Leader of the Council
Councillor A Beaven
Councillor R Bowrah, BEM
Councillor D Durdan
Councillor K Hayward
Councillor N Cavill
Councillor I Morrell
Councillor H Prior-Sankey
Councillor F Smith
Councillor N Stuart-Thorn
Councillor A Wedderkopp
Councillor N Wilson
Councillor J Allgrove
Councillor S Coles
Councillor C Hill
Councillor P Smith
Councillor J O'Brien
Councillor S Brooks
Councillor G Copley
Councillor J Court-Stenning
Councillor P Critchard
Councillor H Farbahi
Councillor C Herbert
Councillor J Horsley
Councillor L James
Councillor S Lees
Councillor T McMahon
Councillor V Stock-Williams
Councillor J Thorne
Councillor M Floyd
Councillor K Durdan
Councillor B Denington
Councillor M Edwards
Councillor E Gaines
Councillor A Govier
Councillor C Guerrier
Councillor T Hall
Councillor A Paul
Councillor R Henley
Councillor M Hill
Councillor E Waymouth
Councillor D House
Councillor N Messenger
Councillor B Swaine

Councillor R Lees
Councillor J Lewin-Harris
Councillor J Meikle MBE
Councillor M Mullins
Councillor D Webber
Councillor T Murphy
Councillor C Bishop

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 13 July 2010 at 6.30 pm.

Present The Mayor (Councillor Horsley)
The Deputy Mayor (Councillor Brooks)
Councillors Mrs Allgrove, Bishop, Bowrah, Cavill, Coles, Mrs Copley, Mrs Court-Stenning, Critchard, Denington, D Durdan, Ms Durdan, Farbahi, Gaines, Govier, Guerrier, Hall, Hayward, Henley, Mrs Herbert, C Hill, House, Miss James, R Lees, Mrs Lees, Mrs Lewin-Harris, McMahon, Meikle, Morrell, Mullins, Murphy, O'Brien, Paul, Prior-Sankey, Slattery, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Thorne, Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp, Mrs Whitmarsh, Williams and Mrs Wilson

Also present : Mrs Anne Elder, Chairman of the Standards Committee

1. 40 Commando Royal Marines

Before formally commencing the meeting, the Mayor made reference to the recent casualties suffered by 40 Commando Royal Marines in their current deployment to Afghanistan.

Members stood in silence in memory of those Marines who had been killed.

2. Reflection

The meeting was opened with a reflection offered by Mrs Sheila Harvey.

3. Minutes

The minutes of the meetings of Taunton Deane Borough Council held on 13 May 2010 and 24 June 2010, copies having been sent to each Member, were signed by the Mayor.

4. Apologies

Councillors Beaven, Ms Court, Edwards, Mrs Floyd, Mrs Hill and Stuart-Thorn.

5. Declarations of Interest

Councillors Brooks, Govier, Paul, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Henley declared personal interests both as a Member of the Somerset County Council and as an employee of Job Centre Plus. Councillor McMahon declared personal interests both as a Member of the Somerset County Council and as a Director of Southwest One. Councillor Prior-Sankey declared personal interests both as a Member of the Somerset County

Council and as a Member of Taunton Flower Show. She also declared a prejudicial interest as her husband was currently the Vice-Chairman of the Flower Show Committee and stated that she would leave the meeting before any discussion on this topic took place. Councillor Slattery declared a personal interest as an employee of Sedgemoor District Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillors Mrs Court-Stenning, Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Mrs Wilson declared a personal interest as an employee of Job Centre Plus. Councillor Mullins declared a personal interest as an employee of EDF Energy. Councillor Thorne declared a personal interest as a close relative was an employee of Tesco. Councillor Hayward declared a personal interest as his wife worked for Somerset Staffing, particularly with regard to opportunities at Hinkley Point. Councillor Brooks declared a personal interest as a tenant of a property in Halcon, Taunton. Councillor Farbahi declared a personal interest as the owner of land at Cotford St Luke.

6. Petition Guidance and amendments to Standing Orders

Submitted report previously circulated concerning the proposed introduction of a scheme to deal with the receipt of future petitions in order to comply with new legislation and Government guidance. A number of proposed amendments to the Council's Standing Orders were also submitted.

The provisions relating to petitions had been created by the Local Democracy, Economic Development and Construction Act 2009 which came into effect on the 15 June 2010. The Act placed a duty on local authorities to implement a petition scheme in line with the Government's recommended guidance.

Earlier in the year, the Council had provided a response to the consultation process and a number of amendments had been made to the guidance as a result of the overall process.

At this stage Taunton Deane did not have an e-petition scheme in place although this would be required by December of this year. A further report would be made to Full Council in due course regarding this matter.

The Corporate Governance Committee had approved both the guidance and the revisions to the Standing Orders.

Resolved that:-

- (1) The guidance set out in the Petitions Scheme attached to these Minutes as Appendix 1 be approved; and
- (2) The revisions to the Council's Standing Orders attached to these Minutes as Appendix 2 be also approved.

7. Written Questions to Member of the Executive

Councillor Critchard asked the following questions:-

“Following the adverse publicity during the General Election over the proposed re-development of the Halcon Estate and the suggestion by the Conservative Prospective Parliamentary Candidate that this proposal included the building of several tower blocks of flats, would the Leader of the Council care to comment on this?”

Both in the press and via his website Mark Formosa claimed that he had learnt this information from the minutes of the Taunton Deane Conservative Group’s meeting at which the group had been given a presentation on this project by the Housing Enabling Lead, Lesley Webb. In light of the implications of compromising the neutral role of the relevant officer, would the Leader of the Council condemn completely what happened?

As these claims have now been disproved, can the Leader of the Council also assure Councillors that the Conservative Group received the same briefing on this item as that was made to both the Independent and Liberal Democrat Groups?”

On the same topic, Councillor Paul asked the following questions:-

“At Full Council on 13 April 2010, following a question from a member of the public concerned about the possibility of an eight storey block of flats in Halcon, Councillor Williams accepted an invitation from Councillor Henley to state publicly that there were no plans to build a tower block as part of the proposed Regeneration scheme. Councillor Williams welcomed the opportunity to state categorically that there were no such plans.

On 29 April 2010, the Somerset County Gazette quoted Councillor Williams as saying “I said nothing of the sort at the meeting. I could not have denied the possibility of an eight storey block because it was recorded as such in the minutes of a Conservative Group meeting.”

It is very important that the residents of Halcon are able to trust the assurances and intentions of the Council in a very sensitive issue concerning their very homes. Will Councillor Williams assure the Council that the County Gazette misrepresented him, and that he did not deny what he plainly said at Council on 13 April 2010?

If it transpires that the County Gazette accurately reported what Councillor Williams told them, will Councillor Williams explain why he was willing to use the newspaper to tell the people of Halcon that the Housing Officers of this Council had prepared a plan which included an eight storey tower block and had briefed the Conservative Group to this effect?

If Councillor Williams had wished to retract or in any way ‘clarify’ what he had said at Full Council, he could have done this without giving the impression that a plan for an eight storey tower block clearly existed.

We all know that such a plan never existed, and that the officers would not have briefed the Liberal Democrat and Conservative Groups with different versions of the same proposals in this very important respect. Since it is important to restore the trust of local residents in the integrity of the Housing Officers who are conducting the consultations, will Councillor Williams apologise to the officers for his comments to the Somerset County Gazette?"

Councillor Williams replied as follows:-

"I thank Councillors Critchard and Paul for advance notice of their questions and as both are on the same subject I will deal with as one.

- 1) The minutes of the Conservative Group meeting held on 11 January 2010, in reference to the officer briefing on the proposed Halcon Redevelopment, state: "The eight storey block of flats would be located where the ground slopes away to mask its outline by the contour of the ground".
- 2) I cannot comment on the briefing given to the Liberal Democrat and Independent Groups as that is a question for the officers who gave the briefings.
- 3) At Full Council on 13 April 2010, I did not state that there were no plans for an eight storey block of flats at Halcon. I did say that I sincerely regretted that confidential information was leaked, that I did not condone it from whatever source, and that I awaited the conclusion of the formal review by the Standards Committee.
- 4) The Taunton Deane Conservative Group's commitment to this potential scheme is beyond question. This is an imaginative and exciting scheme. We fully supported it as the main opposition party, and we hope that you as a Group will now do likewise and give your wholehearted support. After all, it is a scheme certainly worthy of further investigation."

8. Recommendations to Council from the Executive

(a) Wellington Sports Centre Bid

Councillor Mrs Herbert reported that in the last couple of days Sport England had informed the Council that its bid for a capital grant of £350,000 towards a refurbishment proposal at Wellington Sports Centre, estimated at £600,000, had been unsuccessful. This was due mainly to the new Coalition Government's squeeze on spending.

In the circumstances, the recommendation from the Executive for the virement of £250,000 from the Asset Management Earmarked Reserve to the Capital Programme had been withdrawn.

Responding to questions from other Members, Councillor Mrs Herbert undertook to investigate whether it would be feasible to carry out a reduced

refurbishment scheme instead at Wellington Sports Centre with funding from the Asset Management Earmarked Reserve.

(b) Climate Change – Revenue contribution to Capital

The Executive had previously approved the Council's Carbon Reduction Plan which was aimed at delivering on the 10:10 challenge.

The Plan included the replacement of the old gas fired boilers at The Deane House with more modern, high efficiency gas boilers at a cost of approximately £55,000.

The funding for the replacement boilers was available within the existing Climate Change revenue budget. However, the boiler replacement was a capital project.

On the motion of Councillor Hayward, it was

Resolved that a Revenue Contribution to Capital of £55,000 to enable the funding of replacement gas boilers at The Deane House be agreed.

(c) 2009/2010 Budget Outturn Report

The Executive had received details of the outturn position of the Council on revenue and capital expenditure for the General Fund, Housing Revenue Account and trading services for 2009/2010 at its meeting in June 2010.

A number of issues including the general economic climate and major changes within the Council's organisation had impacted on Taunton Deane's services and financial performance. However, the Council had continued to operate within the framework of its Budget Strategy and its overall financial standing at the end of the financial year was considered to be sound.

The matters in connection with the net transfer of earmarked reserves and the Carry Forward of Capital Programme Budgets required the approval of Full Council due to slippage in the original spending plans.

During the discussion of the Outturn Report, the Executive had decided that, subject to a Supplementary Estimate being agreed by Full Council, funding should once again be made available to enable the Council to enter a display in this year's Taunton Flower Show.

On the motion of Councillor Williams, it was

Resolved that:-

(i) the net transfer of £856,000 to earmarked reserves for use on General Fund Services and £513,000 to earmarked reserves for use on Housing Revenue Account Services, in 2010/2011 or later years, as set out in the report to the Executive, be approved;

(ii) the Carry Forward of General Fund Capital Programme Budget totalling £1,026,580 for slippage into 2010/2011 and the carry forward of Housing Revenue Account Capital Programme Budget of £1,497,820 for slippage into 2010/2011 as set out in the report to the Executive, be approved; and

(iii) a Supplementary Estimate of £8,500 within the Leisure Portfolio for entry in the Taunton Flower Show in 2010, to be funded by a one-off transfer from the Deane DLO Trading Account Earmarked Reserve in 2010/2011 be approved; and that funding for entry in the Show in future years be considered as part of budget setting for 2011/2012.

9. **Reports of the Leader of the Council and Executive Councillors**

The following reports were made to the Council on the main items of current and future business.

(i) **Leader of the Council (Councillor Williams)**

Councillor Williams's report covered the following topics:-

- A new Coalition Government and a new administration locally;
- Project Taunton Progress;
- Hinkley Point Opportunities;
- Taunton Cultural Consortium;
- Affordable Housing Day;
- Funding News.

(ii) **Planning and Transportation (Councillor Edwards)**

The report from Councillor Edwards provided information on the following areas within his portfolio:-

- Regional Spatial Strategy and the Core Strategy;
- Five Year Supply;
- The Planning Process;
- Planning Applications.

(iii) **Community Leadership and Communications (Councillor Mrs Lewin-Harris)**

Councillor Mrs Lewin-Harris presented the Community Leadership and Communications report which focused on the following areas within that portfolio:-

- Local Strategic Partnership;

- Youth Initiatives Fund;
- Communications.

(iv) **Economic Development and the Arts (Councillor Cavill)**

The report from Councillor Cavill covered:-

- Economic Development;
- Local Economic Partnerships;
- Proposed Hinkley Point C;
- Low Carbon Economy;
- Local Action for Rural Communities;
- Taunton Tourist Information Centre;
- Asset Management.

(v) **Environmental Services (Councillor Hayward)**

The report from Councillor Hayward drew attention to developments in the following areas:-

- Environmental Health Team;
- Waste Management;
- Climate Change / Carbon Management.

(vi) **Sports, Parks and Leisure (Councillor Mrs Herbert)**

The report from Councillor Mrs Herbert dealt with activities taking place in the following areas:-

- Parks;
- Community Leisure;
- Play;
- Tone Leisure (Taunton Deane) Limited Activities.

(Councillor Paul declared a personal interest during the discussion of this report as his wife was still a Member of the Vivary Park Golf Club.)

(vii) **Housing Services (Councillor Mrs Court-Stenning)**

Councillor Mrs Court-Stenning submitted her report which drew attention to the following:-

- Tenant Service Management Board;
- Affordable Housing;
- Regeneration of Halcon, Taunton;
- Somerset Strategic Housing Project.

(viii) **Corporate Resources (Councillor Hall)**

The report from Councillor Hall provided information on the following areas within his portfolio:-

- Customer Contact;
- Revenue and Benefits;
- Performance and Client Team;
- Civic Activities.

(Councillors Swaine and Govier left the meeting at 8.04 pm and 8.33 pm respectively.)

(The meeting ended at 8.54 pm.)

Usual Declarations of Interest by Councillors

Full Council

- **Members of Somerset County Council – Councillors Brooks, Govier, Henley, McMahon, Paul, Prior-Sankey, Mrs Waymouth, D Wedderkopp**
- **Employees of Somerset County Council – Councillors Mrs Court-Stenning, Mrs Hill, Mrs Smith and Stone**
- **Employee of Viridor – Councillor Miss James**
- **Employee of Sedgemoor District Council – Councillor Slattery**
- **Employees of Job Centre Plus – Councillors Henley and Mrs Wilson**

Taunton Deane Borough Council

Full Council – 5 October 2010

Regulation of Sexual Entertainment Venues

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

Full Council is asked to consider adopting the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which introduced an adoptive licensing regime for “sexual entertainment venues” and delegating the power to administer and enforce the regime to the Licensing Committee.

2. Background

2.1 Currently, the only control over sexual entertainment venues is the requirement to obtain a Premises Licence under the Licensing Act 2003, in the same way that a pub or nightclub must be licensed to sell alcohol and provide entertainment. No special provisions are made in the 2003 Act for sexual entertainment venues. If an application is submitted to the licensing authority for a Premises Licence, the authority must grant the licence, subject to certain mandatory conditions.

2.2 If relevant representations are made by interested parties, for example residents or local businesses or a responsible authority, for example the Police or Fire Service of the area, then the authority can, following a hearing, impose other conditions or reject the application. Even then, under the current regime, it will only be able to do so where such a step is necessary to promote one of the four licensing objective set out in the Act as outlined below:-

- Prevention of public nuisance;
- Prevention of crime and disorder;
- Public safety; and
- Protection of children from harm.

- 2.3 Section 27 of the Policing and Crime Act 2009 has amended the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called 'sexual entertainment venue'. This amendment allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act as is currently the case with sex shops and sex cinemas.
- 2.4 Section 27 of the Policing and Crime Act 2009 also gives Local Authorities more powers to control the number and location of lap dancing clubs and similar venues in their area.
- 2.5 These powers are however not mandatory and only apply where they are adopted by Local Authorities. Where adopted, these provisions allow local authorities to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003.

3. Report

- 3.1 The Council has adopted the Local Government (Miscellaneous Provisions) Act 1982 so that sex cinemas and sex shops must be licensed and currently licenses two sex shops. The Policing and Crime Act 2009 has amended the Local Government (Miscellaneous Provisions) Act 1982 Act to allow the Authority to license sexual entertainment venues where relevant entertainment is provided before a live audience for financial gain of the organiser or entertainer.
- 3.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)." An audience can consist of just one person (for example, where the entertainment takes place in private booths).
- 3.3 Guidance issued by the Home Office further clarifies the definition of relevant entertainment by stating that "we would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:-
- Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Strip shows;
 - Peep shows; and
 - Live sex shows".

3.4 Limited provision is made within the Act for premises to provide relevant entertainment without authorisation, provided that certain limits are not exceeded as set out below:-

- There have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or in part) within the period of 12 months ending with that time;
- No such occasion has lasted for more than 24 hours; and
- No such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period).

If the amendment to the 1982 Act is adopted, any premises wishing to provide relevant entertainment beyond these limits would require to be licensed.

3.5 If adopted, the Act would allow the Council wider powers to refuse a Licence or impose conditions than it would be permitted under the Licensing Act 2003 for example:-

- The business would be managed for the benefit of a third party who would be refused a licence;
- The number of sex establishments in the locality equals or exceeds the number considered appropriate;
- Whether it would be inappropriate to grant a Licence having regard to:-
 - The character of the locality;
 - The use of other premises in the locality; and
 - The layout, character, condition or location of the premises.

3.6 In order to implement these provisions, the Council will need to adopt the relevant provisions which have been inserted into the 1982 Act.

3.7 Whilst it is not compulsory to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous) Act 1982, if the Local Authority has not passed a resolution to adopt Schedule 3 by 6 April 2011 the legislation requires that it **MUST**, as soon as practicable, consult local people about whether it should make such a decision. 'Local people' means people who live and work in the local Authority area.

3.8 Should the Council resolve to adopt the amendment to Schedule 2, notices specifying the date that the resolution will come into effect will be required to be placed in a local newspaper circulating in their area. The first notice must not be later than 28 days before the day specified in the resolution for the coming into force of Schedule 3 in the local authority's area and the notice must also state the general effect of the Schedule.

4. Finance Comments

The Council will be able to charge a fee that is reasonable and proportionate to the cost of the authorisation procedure.

5. Legal Comments

- 5.1 Local Authorities have the ability to control the licensing of Sex Establishments by adopting Schedule 3 of the Act.
- 5.2 Paragraph 8 of Schedule 3 to the Act, provides that a Local Authority may grant or renew a licence for a Sex Establishment, on such terms and conditions and subject to such restrictions as may be specified
- 5.3 Paragraph 9 of Schedule 3 to the Act provides that a Local Authority may grant a licence for a period of one year or such shorter periods as it considers appropriate.
- 5.4 Paragraph 10 of Schedule 3 to the Act provides that a Local Authority requires an applicant to publish the fact of an application for a sex encounter venue in a local newspaper for not less than seven day after the day of application and notice of the application shall also be displayed for 21 day s beginning with on date of application on or near the premises.
- 5.5 Paragraph 12 (3) allows a local authority to refuse to renew or grant an application for a licence on any one or more of grounds (a) to (d):-
- (a) That the applicant is unsuitable to hold the licence, by reason of having been convicted of an offence or for any other reason;
 - (b) That if the licence were to be granted, renewed or transferred, the business to which it refers would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he had made the application himself;
 - (c) That the number of Sex Establishments in the relevant locality at the time the application is made is equal to or exceeds the number, which the authority considers appropriate for that locality;
 - (d) That the grant or renewal of the licence would be inappropriate having regard;
 - i) to the character of the relevant locality;
 - ii) to the use to which any premises in the locality are put; or
 - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 5.6 Paragraph 12 (4) allows a Local Authority to determine that it might be inappropriate to have any Sex Establishments at all in a given relevant locality.

- 5.7 Paragraph 13 enables a Local Authority to attach standard conditions to a licence for sex establishments.

6. Links to Corporate Aims

The adoption of the amendment of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 will afford the Council greater control than currently available under the Licensing Act and allow communities to ensure local focus in decisions made.

7. Environmental and Community Safety Implications

Adopting the amended provisions would increase the opportunity to impose conditions to improve community safety.

8. Equalities Impact

The proper regulation of this type of activity should help promote equality within Taunton Deane. Any Policy on the licensing of sex establishments subsequently adopted, would be subject to an Equalities Impact Assessment.

9. Risk Management

Adopting the recommendations will mean the Council can properly regulate this type of establishment in the public interest and can efficiently carry out its licensing functions.

10. Partnership Implications (if any)

None

11. Recommendations

- 11.1 That Council resolve to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with effect from 3 January 2011.
- 11.2 That Council resolve to delegate authority to the Licensing Manager to carry out the necessary advertising to comply with Section 2 of the Local Government (Miscellaneous Provisions) Act 1982.
- 11.3 That Council resolve to delegate the power to licence Sexual Entertainment Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Community Services Manager or in his absence the Licensing Manager.

11.4 That Council resolve to delegate the power to determine policy and fees for sex establishments licensed under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Licensing Committee.

Contact: Ian Carter
01823 356343
i.carter@tauntondeane.gov.uk

Taunton Deane Borough Council

Full Council – 5 October 2010

New Executive Arrangements

Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council, Councillor John Williams)

Executive Summary

This report explains provisions in the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) regarding new Executive arrangements for Local Government. The 2007 Act requires every local authority to adopt one of only two specific Executive models:-

- Mayor and Cabinet, or
- Leader and Cabinet (new ‘strong leader’ model).

The Act requires all non-Metropolitan Councils to pass a resolution by 31 December 2010 on which one of the two Executive models will take effect three days after the 2011 elections, which is the timescale required by the Act.

1. Purpose of the Report

- 1.1 The purpose of this report is for Full Council to approve the consultation process and decide which option they consider to be the most appropriate for this Council.

2. Background

- 2.1 Under the former provisions of the Local Government Act 2000 (“the 2000 Act”), there were three specific Executive models for local authorities to choose from:-

- Mayor and Cabinet;
- Leader and Cabinet; or
- Mayor and Council Manager

- 2.2 Taunton Deane Borough Council currently operates an “old-style” Leader and Cabinet Executive”.

- 2.3 The 2007 Act now allows for only two specific executive models:-

- Mayor and Cabinet, or

- Leader and Cabinet ('Strong leader' model).

2.4 The 'new' Leader and Cabinet arrangements provide the closest match with the arrangements that we currently operate. The new arrangements provide for an Executive consisting of:-

- a Leader elected by the Council; and
- two or more Councillors (maximum 9) appointed to the Executive by the Leader.

2.5 The key differences between the new model and our current arrangements are summarised below:-

- the Leader is appointed by Full Council for a four year term of office, but the Council may remove the Leader by resolution before then – *rather than an annual appointment as is the case currently;*
- the Leader remains in his term of office until the Annual Council meeting after the election where his/her successor is appointed;
- the Leader must appoint a deputy, for a term of office to run concurrently with the Leader's term of office (the deputy may be removed by the Leader at any time but, if so, there would have to be a replacement). *Currently there is no requirement for the appointment of a Deputy Leader although we have always had one.*

3. Process for changing Executive arrangements

3.1 In terms of process to be followed in moving from one model to another we only have as much detail as is in the Act. We have learned from the Department of Communities and Local Government that no detailed guidance will be forthcoming. The 2007 Act sets out certain requirements which a local authority must satisfy when changing its governance arrangements. These are summarised in the paragraphs that follow. It should be noted that if the Council fails to comply with this legislation and make the necessary changes the Secretary of State will impose these changes upon us.

3.2 This report has been drafted on the basis that it is anticipated that this Council will outline the two models on offer and will indicate at this stage that it is minded to move towards adopting the new Leader / Cabinet option. This report sets out a 'light touch' approach to meeting the requirements of the legislation as recommended by the Government in a recent announcement.

3.3 In a letter from Grant Shapps, Ministers for Housing and Local Government, it is clear that the Government's view is that Councils need not incur any significant expenditure on these requirements. Indeed it is their expectation that all Councils will pursue this at minimal cost. He advises that it is the Government's intention to repeal this Act in the Localism Bill due to be

introduced later in this Parliamentary session. This may mean that any governance model adopted from May 2011 may be further changed within a year or so.

- 3.4 However, should the Council decide that it wishes to review its present system and look at whether it would like to bring in a different model, that is a Mayor and Cabinet, then it will need to hold a referendum.
- 3.5 If the Council chooses to look at changing its current governance arrangements, it will need to draw up its proposals. In doing so, it must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.6 Once the proposals are drawn up, the Council must hold a referendum on its proposals before taking any steps to implement them.
- 3.7 The Council may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals. There is a very tight timescale for the resolution to be passed from the date of the referendum. If the result of the referendum is not to approve the proposals, the local authority must publish in one or more newspapers circulating in its area a notice which:-
 - (a) summarises the proposals;
 - (b) states that the referendum did not approve the proposals;
 - (c) summarises the authority's existing Executive arrangements, and
 - (d) states that the authority will be continuing to operate those arrangements.
- 3.8 On the basis that it is anticipated this Council will not wish to change from a Leader/Cabinet model then the relevant proposals for the change need to be drawn up which must include a timetable for the implementation of those proposals and detail any transactional arrangements which are necessary.

4. Consultation and timescale

- 4.1 The Council must pass a formal resolution on its governance structure before 31 December 2010. Before doing so, it must consult the public and other interested persons on the potential models and produce proposals for a change in governance.
- 4.2 The Act specifies that in making proposals about the Council's new Executive arrangements, the Council must take steps to consult electors and other interested persons in the authority's area. It is proposed that the consultation process should involve a letter to the Parish Councils, a public notice in a newspaper circulating in the area and a release on the Council's website. It is further suggested that the consultation period is limited to four weeks.

4.3 In light of the foregoing, the timetable for implementation is as follows:-

Date	Action
5 October 2010	Approval for procedure and consultation process
4 week consultation period	18 October – 19 November 2010
1 December 2010	Report to Executive with results of consultation process and recommendations on the two options
14 December 2010	Full Council resolution to adopt new arrangements
5 May 2011	Borough Council Elections
9 May 2011	New Executive arrangements to take effect.

5. Legal Comments

5.1 The Council must comply with the requirements of the Act to pass a resolution by 31 December 2010 to adopt either a 'Strong Leader' and Cabinet or an Elected Mayor and cabinet arrangements.

6. Financial Comments

6.1 There will be a cost associated with the consultation exercise, but provided such an exercise is in accordance with the recent guidance from the Department for Communities and Local Government these costs can be met from existing budgets.

6.2 Should a directly elected Mayor model be introduced there would be the additional expense associated with holding a Mayoral election. The anticipated costs of holding such an election are estimated to be between £100,000 - £120,000 although this could be less should the election coincide with a normal scheduled election. However there will be additional costs for holding the referendum.

7. Links to Corporate aims

7.1 There are no direct links to the Corporate aims.

8. Equalities impact

8.1 Robust governance arrangements reinforce the Council's commitment to its statutory and non-statutory equality and diversity obligations.

9. Recommendations

9.1 The Council is recommended:-

- (1) To indicate which model they would prefer to implement and authorise the public consultation;
- (2) To delegate authority to the Monitoring Officer and the Chair of the Constitutional Sub-Committee to agree the wording for the consultation;
and
- (3) To convene a special meeting of Full Council immediately upon the rising of the planned Council meeting on 14 December 2010, to agree new Executive arrangements and the relevant changes to the Constitution.

Contact Officer : Tonya Meers 01823 356391 or t.meers@tauntondeane.gov.uk

Taunton Deane Borough Council

Full Council – 5 October 2010

Update of various parts of the Constitution

Report of the Legal and Democratic Services Manager and Councillor Bryan Denington (Chairman of the Constitutional Sub-Committee)

(This matter is the responsibility of the Leader of the Council, Councillor John Williams)

1. Executive summary

To approve the changes to Part 3 of the Constitution in light of the changes following the Core Council Review and to approve the minor changes to Articles 6 and 15 and the Budget and Policy Framework Procedure rules.

2. Background

- 2.1 The Council recently undertook a Core Council Review to re-structure the Authority in order to ensure that it is fit for purpose and able to carry out its functions for the future.
- 2.2 As a result of the changes Part 3 of the Constitution requires updating to ensure that it reflects the new structure and that the delegations now sit with the correct Member or officer.
- 2.3 The proposed changes are set out in Appendix 1 of this report.
- 2.4 A recent Court of Appeal case has illustrated the importance of ensuring that a Council's Constitution complies with the voting procedures set down in Section 39 of Schedule 12 of the Local Government Act 1972. This case states that Councils should not be setting down different voting principals in their Constitutions to deal with different situations, that is stating that the vote needs a two thirds majority or giving a number of votes required.
- 2.5 Articles 6 and 15, attached at Appendix 2, have been amended to ensure that when decisions are voted upon they comply with Section 39 of Schedule 12 in that any decision made is based on a majority of those present and voting.
- 2.6 Attached at Appendix 3 is an update to the Budget and Policy Framework Procedure Rules to ensure that any alternative budget proposals that may be put forward are properly costed by the Section 151 Officer.

3. Finance comments

- 3.1 There are no financial implications in this report.

4. Legal comments

4.1 The Council is required to keep an up to date Constitution in order to ensure that its decision making processes and procedures are lawful.

5. Links to Corporate Aims

5.1 There are no specific links to the Corporate Aims.

6. Environmental and Community Safety implications

6.1 There are no implications for the environment or community safety.

7. Equalities impact

7.1 An impact assessment is not required in respect of this report.

8. Risk management

8.1 If the Constitution is not kept up to date it can affect the lawfulness of decision making which is a serious risk to the Authority.

9. Recommendations

9.1 Members are recommended to approve the changes detailed in Appendix 1 to this report;

9.2 Members are recommended to approve the changes detailed in Appendix 2 to this report; and

9.3 Members are recommended to approve the changes detailed in Appendix 3 to this report.

Contact

Contact officer: Tonya Meers
Telephone: 01823 358691
E-mail: t.meers@tauntondeane.gov.uk

APPENDIX 1

PART THREE -

**RESPONSIBILITY
FOR
FUNCTIONS**

Part 3 Responsibility for Functions

1.0 Scheme of Delegations

- 1.1 Legally a local authority depends upon a series of statutes which in some cases give it a power (that is, a discretion,) to do something - or - in others - a duty to carry out that function or service. Each power or duty is often made subject to various limits as to just how it is to be exercised.
- 1.2 Because of this statutory foundation for the work of local councils, it is important that we are always specific as to which statute we are using to achieve our purposes. Unless we make that clear, then it is difficult if not impossible for the community to hold us to account.
- 1.3 Apart from this “what and how”, we also need to say - for transparency and accountability purposes - “who” it is within the Council - that has the power to do something. This means that we must produce a “Delegation Scheme” describing these formal responsibilities.

2.0 Who?

- 2.1 To help understand what follows, there are a number of levels of decision-making under our Constitution. Each of these is reflected by the tables which follow later in this section.
- 2.2 First is Full Council itself. Full Council retains a range of higher level decisions - many relating to our overall strategies - or to the setting of our annual budget and of Council Tax. Some of these functions can legally only be undertaken at this highest level. With others, it has been this Council’s own choice to do so.
- 2.3 Next is the Executive. The law requires that the great majority of the Council’s decision-making must only be carried out by or through the Executive - either meeting together – or, in some cases, on an individual basis. The Act prevents other councillors making such decisions.
- 2.4 Individual Executive Councillors also have decision-making powers delegated to them.
- 2.5 Next comes a group of “regulatory” functions. Broadly, these are roles where the Council has the task of controlling the activities of individuals - often on an application-by-application basis. To deal with these detailed controls, parliament decided that special committees should be retained - outside the Executive. In our case this means we have, for instance, a Planning Committee and a Licensing Committee made up of elected members and which meet in public so as to hear the various opinions expressed about individual cases before them.

2.6 The Corporate Governance Committee has certain limited decision-making powers delegated to it by the Council. These powers are described later in Section 4 Appendix 1 Part J

2.7 Finally are the officers. The great bulk of day-to-day operational decision-making is delegated by the Council, or the Executive, or the Planning and Licensing Committees to our professional staff. They need these powers so as to enable them to provide the services of the Council in the most economic, efficient and effective way.

3.0 What?

3.1 Attached are a number of tables setting out the broad areas of our statutory powers and the activities and functions we are involved in.

3.2 Section 1 is a list of those matters which remain either with the Full Council itself for decision or which are within its control - because the law either requires or permits it. The section also shows to whom these powers have been delegated (if at all) - whether to a committee or to an officer.

3.3 Section 2 sets out those powers and duties which the law excludes from Executive decision-making - such as planning, licensing and staffing issues. These are listed as delegated to a committee or to an officer with any limits on those delegations also included.

3.4 Section 3 lists those powers and duties which are ones which only the Executive can deal with - itself - or through the officers or area or joint committees. This covers the great majority of our powers and duties - with most operational decision-making continuing to be delegated to the Officers.

3.5 This part also lists these functions across a series of Portfolios. These reflect the current responsibilities of each of the current members of the Executive for the setting of the overall direction for these services. The extent of these Portfolios can be varied at the discretion of the Leader. The electronic version of this Constitution will describe the current positions.

3.6 Section 4 describes the delegation arrangements to the Officers and the individual Executive Councillors. As with our current Delegation Scheme, most of the operational decision-making under these powers and duties is delegated on to the officers.

3.7 Section 4 Appendix I Part A sets out the current decisions delegated by the Planning Committee to the Growth and Development Manager or in his absence the Development Management Lead or the Building Control Manager

3.8 Section 4 Appendix I Part B describes the similar delegations made by the Licensing Committee to the Community Services Manager or in his absence the Licensing Manager.

3.9 Section 4 Appendix I Parts C&D set out similar delegations made by the Committee to the Community Services Manager and in his absence the Environmental Health Lead .

3.10 Section 4 Appendix I Part E sets out similar delegations made by the Council

3.11 Section 4 Appendix I Parts F G H and I describe powers that are only exercisable by Full Council.

3.12 Section 4 Appendix I Part J sets out the powers and duties of the Corporate Governance Committee.

3.13 Section 4 Appendix I Part K sets out the Proper Officers in respect of various Public Health Acts and Regulations.

Section 1 The Powers of Full Council

- 4.0 The functions statutorily reserved to the Council are set out below in Column 1. Column 2 shows who else is involved - either as having full statutory powers delegated to them or as being the source of a recommendation to full Council.
- 4.1 Where a power is shown as delegated to an officer then that officer shall also have the power to re-delegate that power to another officer of the authority or to refer or remit it to another regulatory body of the Council for it to decide.
- 4.2 Where a regulatory power is shown as delegated to an officer, that power shall include the authority to enforce those regulatory powers using all the formal powers available to the Council under the relevant legislation.
- 4.3 Where a reference to a statutory power is made, then that reference shall include any secondary legislation and to any subsequent consolidating, amending or substituting legislation.

	Function	If delegated - then to whom?
1	To set the " <i>Policy Framework</i> " and the " <i>Budget</i> " within which the Executive must operate. [Both these terms are defined below.]	Council - on the recommendation of the Executive or of the Scrutiny Committees.
2	In a limited range of cases - to make decisions about the discharge of an "executive function". This applies <u>only</u> to those cases where the decision-maker is considering an issue - which is not only:- (a) covered by the Policy Framework or the Budget, but also - (b) where the decision-maker is inclined to make it in a manner which:- <ul style="list-style-type: none"> • would be contrary to that Framework, or • would be contrary to/or not wholly in accordance with the Budget. 	Council - on the recommendation of the Executive, an Executive Councillor or of the Scrutiny Committees.
3	To exercise - through delegated powers - those "regulatory functions" (these are listed in detail at Appendix 1) which must not be within the remit of the Executive:- (a) Development Control; Building Control. Appendix 1 – Part A	Planning Committee; Growth & Development Manager, Development Management Lead, <u>Building Control Manager</u> , Solicitor to the Council.

	Function	If delegated - then to whom?
	(b) Licensing and Registration Appendix 1 - Part B (c) Food Safety Appendix 1 - Part C (d) Health and Safety at Work (this relates only to those functions which the Council exercises <u>other than</u> as employer) Appendix 1 - Part D (e) Electoral services Appendix 1 - Part E (f) Corporate Governance Appendix 1 - Part J	The Licensing Committee; Community Services Manager, the Licensing Manager and the Environmental Health Lead Officer Community Services Manager or Environmental Health Lead Community Services Manager. Electoral Registration Officer and Returning Officer. Monitoring Officer and S151 Officer
	(g) Staffing matters (other than those dealt with in Part 4H of the Constitution - the Standing Orders as to Employment of Officers). (h) Ceremonial and Miscellaneous matters Appendix 1 - Part G	Head of Paid Service; the Strategic Directors; Head of HR, the relevant Unit Managers and the Staffing Panel. Council <u>on the recommendation of the Corporate Governance Committee</u>
4	To agree and/or to make significant changes to the terms of reference of the Planning Committee, the Overview and Scrutiny Committees	Council - on the recommendation of the Overview & Scrutiny Committees or the Planning Committee.
5	To decide on the number of seats to be allocated to each Party Group (or to independent councillors) in accordance with the "proportionality" rules in the Local Government and Housing Act 1989.	Council - on the recommendation of the Monitoring Officer.
6	To agree the arrangements for the appointment of the Head of Paid Service and to note the Appointment Panel's decision	Council - on the recommendation of the relevant Appointments Panel set up for that purpose.
7	To agree the arrangements for the appointment of the Monitoring Officer and the Section 151 Officer and to note the Appointment Panels' decisions.	Council - on the recommendation of the Head of Paid Service.
8	To confirm the dismissal of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer.	Council - at the recommendation of the relevant Disciplinary Panel set up for that purpose and the recommendation of an appointed Independent Person (as referred to in paragraph 6 of the Officer Employment Procedure (Rule 8 - Part 4-H4).
9	To appoint the Leader of the Executive.	Council - on the recommendation of the controlling political group or groups of the Council.

Deleted: .

	Function	If delegated - then to whom?
10	To decide on the number of Executive Portfolios which the Leader may allocate.	Council - on the recommendation of the Leader.
11	To remove the Leader or other members of the Executive.	Council - in accordance with the procedure in Article 7.
12	To adopt the Constitution and to agree any major changes to it.	Council - on the recommendation of the Corporate Governance Committee
13	To approve any application to the Secretary of State in respect of a Housing Land Transfer.	Council - on the recommendation of the Executive.
14	To appoint and dismiss representatives to those outside bodies whose role is <u>not</u> closely linked to an Executive function.	The Legal and Democratic Services Manager - acting on the advice of the relevant Scrutiny Committee.
15	To adopt/modify a Members' Allowances Scheme.	Council - on the recommendation of a Panel of external members.
16	To change the name of the area, to confer the title of Honorary Alderman or the Freedom of the Borough.	Council - on the recommendation of the Leader of the Council
17	To make, amend, revoke, re-enact or adopt bylaws and to promote or oppose the making of local legislation.	Council - on the recommendation of one of the Overview & Scrutiny Committees whose role covers the services affected.
18	To adopt any plan or strategy (whether statutory or non-statutory) which the Council has decided should be undertaken by itself rather than by the Executive.	Council - on the recommendation one of the Scrutiny Committees using the "call-in" mechanism in Part 4E of the Constitution.
19	To deal with any other matters which, by law, must be reserved to Council.	Council <u>on the recommendation of the Monitoring Officer</u>

4.2 The Council's Policy Framework

This is defined in Article 4 of the Constitution. It consists of a series of important plans and strategies which form the basis for many of its services. Each is a substantial document in itself which is regularly reviewed and updated. They are not therefore included in this Constitution but current copies are always available at the Deane House.




4.3 The Budget

Includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax Base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its Capital Expenditure.

4.4 Whilst decisions on the framing of the Budget itself are ones for the full Council, many of the operational issues relating to monitoring and to virement are delegated to either the Executive, to Executive Councillors or to the Officers - subject always to the approval of the Section 151 Officer.

Section 2 Regulatory Powers of the Council

5.0 In order to carry out the Council's "regulatory powers" the following committees be constituted:-

- Planning Committee  Deleted: - 17 members.
- Licensing Committee - from whom individual Licensing Panels are appointed to deal with individual applications  Deleted: - 15 members
- Staffing Panel - pool of members from whom individual Panels/Sub Committees are drawn as and when necessary in relation to appointment and disciplinary matters
- Corporate Governance Committee  Deleted: - 11 members

5.1 The powers and duties of these committees are set out in Appendix 1.

Section 3 Executive Powers

6.0 The majority of the decision-making of the Council relates to areas which are defined as “Executive matters” within the law and can therefore only be dealt with via the Executive. This means that:-

- (a) those members who are not “Executive Councillors” cannot make those decisions; [the exception to this general rule is in (f) below];
- (b) Full Council itself cannot make Executive decisions either;
- (c) nor can the Overview & Scrutiny Committees;
- (d) the Executive meeting as a body can do so;
- (e) so too can individual Executive Councillors - unless the Council has identified a particular power as one which should only be taken by the Executive acting together;
- (f) area committees can be given delegated powers to take both “Executive” and “non-Executive” decisions - if the Council wants them to;
- (g) the great majority of operation decision-making within policy and the budget is the responsibility of the officers - through this Delegation Scheme - subject to the limitations included here;
- (h) the need for both transparency and accountability require that decision-making of this type under the Act must be carefully controlled and recorded and that all councillors together with the press and public have full access to those decisions - not only at the time - but also before and after - they are made;
- (i) certain types of decisions - “key decisions” have even greater levels of safeguards placed upon them and require (for instance) consultation with the Council’s Review side before being progressed.

6.1 This Delegation Scheme has therefore been based on the following features:-

- (a) most day to day operational decision-making powers are delegated to the Council’s officers;
- (b) the role of the Executive - meeting as a body - has been designed to avoid such operational decisions coming to it unless they are key decisions or are otherwise of real significance across the Council’s services;
- (c) the Executive’s major role will be in defining and reviewing the Council’s strategies and significant policies and in advising the Council on these matters and as to the Budget;

- (d) where decisions can be made at a lower level, then the Executive will ensure that this Scheme is designed, implemented and modified so as to achieve that purpose;
- (e) before accepting an item for the Executive's agenda, the relevant Executive Councillor, together with the Legal and Democratic Services Manager, will satisfy themselves that the issue could not be otherwise properly dealt with under delegated powers;
- (f) where a matter arises - which involves a range of detailed issues - but is of such significance that it must nevertheless be taken to the Executive - then the Executive Councillor responsible for that service must assess whether the matter is of such urgency that it would not be practicable for the advice to be first obtained from:-
 - (i) the Overview & Scrutiny Committees; or
 - (ii) an officer; or
 - (iii) a committee of the Executive itself.
- (g) so as to make sure that its strategic role is clearly identified and maintained, reports to the Executive will be written in such a form that ensures that:-
 - (i) unnecessary detail is excluded,
 - (ii) policy factors are clearly identified and analysed,
 - (iii) impact upon our Corporate Priorities is identified,
 - (iv) all necessary consultation as to its content has taken place, and
 - (v) the issues for decision by the Executive are justified as ones which could not reasonably be taken elsewhere.

Section 4 Delegations to Executive Councillors and Officers

7.1 Principle 1

The overriding principle upon which the Council's Delegation Scheme is founded is:-

All the Council's statutory powers and duties in relation to the functions and activities (listed in the following table) are delegated to the Executive and from there (as shown) to the Corporate Management Team. Those listed include all such incidental and ancillary powers as are needed in order to carry out those functions together with all statutory powers delegated to the Executive by another Local Authority by virtue of an agreement under the Local Government Acts.

7.2 The consequent powers to make all operational decisions as to the Council's services are delegated to the Head of Paid Service, to the S.151 Officer and the Monitoring Officer (these are referred to as the "statutory officers"), together with the Strategic Directors and the Theme Managers (the "Corporate Management Team"), so long as the decision:-

- (a) falls within the Council's Policy Framework; and
- (b) is otherwise within our approved policies; and
- (c) complies with the law, Financial Regulations, Standing Orders, Contract Standing Orders and the other controls within this Constitution; and
- (d) is wholly in accordance with the budget for the current and following year, and
- (e) has not been disapproved by any of the "statutory officers"; and
- (f) has not been the subject of a request from the responsible Executive Councillor for the decision to be remitted to the Executive.

7.3 Principle 2

Even where a statutory power has been delegated, the delegatee still retains a discretion as to how the decision is to be taken. Either:-

- (a) to deal with it him/herself;
- (b) to "remit" the decision - "upwards" (that is - in order to seek endorsement of a proposed decision) - in the case of "executive matters" to the Executive, or in the case of a non-executive matter to the Council or to the Planning Committee or to an Overview & Scrutiny Committee ;
- (c) to further delegate that power;
- (d) to consult others before exercising the power;

(e) to take the decision jointly with other Executive Councillors or officers.

7.4 Principle 3

It is expected that, within these delegations, the officers will keep Executive Councillors fully briefed as to the services for which they are responsible and that they will consult with the relevant Executive Councillor on issues where either believe that this is needed. Built upon this foundation, It is anticipated that this will mean that a number of otherwise delegated decisions will, in practice, be taken either by - or in consultation with - the Executive Councillor where s/he believes the matter to be one of particular sensitivity or corporate significance.

7.5 Principle 4

So as to avoid any misunderstandings as to the exercise of these powers, each member of the Corporate Management Team will agree with the appropriate Executive Councillor a general approach towards the working arrangements they intend to adopt between them as to:-

- (a) service briefing;
- (b) decision-making;
- (c) consultation with the Executive Councillor;
- (d) the scope for joint decisions;
- (e) the way those decisions will be formally recorded.

7.6 Principle 5

Any further general delegation of specific statutory powers by Corporate Management Team to an officer under Principle 2 shall be made in writing and shall record its extent and any limitations on the exercise of those powers.

A copy of any such delegation shall be provided to the Monitoring Officer who - as "proper officer" - when so required has the duty to formally certify the existence and validity of those statutory powers - in any legal proceedings - or to sign formal agreements on the Council's behalf giving effect to those decisions.

7.7 Within these principles the following table lists the range of functions for which all the Council's statutory powers and duties are delegated to the Executive and thence to the Corporate Management Team. The

table shows the current services portfolios, each of which is held by an Executive Councillor as responsible for the overall policy direction for that service. The table also shows the “lead officer” who is primarily responsible for the delivery of that service. Any limits upon the delegations to the officers (other than those listed above) are shown here.

(Note: both the extent of the portfolio held by an Executive Councillor and the identity of the “lead officer” are subject to change at the discretion of the Leader and the Chief Executive respectively. The electronic version of this Constitution will show the position as is then current).

FUNCTION	LEAD OFFICER
<i>Leader of the Executive</i>	
Chairmanship of the Executive	CHIEF EXECUTIVE (CE)
Advice to Council on overall strategy and core policies	CE
Overall financial corporate management of the Council	Section 151 OFFICER (S151) and CE
Budget development and proposals to Council	S151 and CE
Budget monitoring	S151
Review of virement and spending limits	S151
Audit of the Council's financial affairs	CE
Allocation, reallocation and variation, of portfolios to Executive Councillors	CE
Liaison with the Chairs of the Overview & Scrutiny Committees as to programme of policy development and review	CE
The Executive's four months advance programme	CE
Allocating issues not falling within a portfolio to other Members of the Executive	CE
Duties in relation to urgent decisions and the call-in mechanism	CE/MONITORING OFFICER (MO)
Emergency planning	CE
Constitutional issues	CE/MO
<i>Communications and Community Leadership</i>	
Community leadership	Strategic Director (SD)
Area Working	SD
Parish liaison	SD
Support for community groups	SD

FUNCTION	LEAD OFFICER
Voluntary welfare grants	SD
Crime reduction	SD
Social inclusion	SD
Equal opportunities	SD
Youth	SD
Environmental awareness and strategy	SD
Sustainability	SD
Communications	SD
Public relations	SD
<i>Economic Development and the Arts</i>	
Economic development	SD
Rural affairs	SD
Tourism	SD
Livestock marketing facility	SD
Taunton Town Centre Company	SD
Wellington Economic Partnership	SD
Shopmobility	SD
Street trading controls	SD
Management of corporate property portfolio	SD
Arts development	SD
<i>Environmental Services</i>	
Waste collection and recycling	SD
Health promotion	SD
Land drainage and flood prevention	SD
Waterways	SD
Pest control	SD
Conveniences	SD
Dog wardens	SD
Street sweeping	SD
Environmental Health – policy	SD
Health and Safety - policy	SD
Food Control – policy	SD
Licensing – policy	SD
Cemeteries and Crematorium	SD

Deleted: Community Services Manager

FUNCTION	LEAD OFFICER
<i>Housing Services</i>	
Housing Strategy	SD
Rent rebates/allowances	SD
Homelessness	SD
Property Services	SD
Housing Management	SD
Elderly Services	SD
Lettings and Advice	SD
Housing Act advances	SD
Improvement grants	SD
Housing Standards	SD
Deane DLO	SD
<i>Corporate Resources</i>	
Deane House Central Support Services	SD
Mayoral support	SD
Civic functions	SD
Democratic Services	SD/MO
Land Charges	SD
E-Government	SD
Freedom of information	SD/MO
Electoral registration	SD/RETURNING OFFICER (RO)
Corporate personnel issues	SD
Information technology	SD
Council tax and benefits	SD
<i>Sports Parks and Leisure</i>	
Parks and playing fields	SD
Council's leisure facilities	SD
Allotments	SD
Leisure grants	SD
Sports development	SD
Leisure link with Tone Leisure	SD
<i>Planning and Transportation</i>	
Local/regional planning	SD
Countryside	SD

FUNCTION	LEAD OFFICER
Development Control – policy	SD
Building Control – policy	SD
Transport strategy	SD
Town centre strategy	SD
On and off-street parking - strategy (including DPE and residents' parking)	SD
Community transport	SD
Concessionary travel	SD
Car park operations	SD
CCTV operations	SD

APPENDIX 1

POWERS AND DUTIES OF REGULATORY COMMITTEES

Planning Committee

Whilst planning policy is an “Executive function”, the process for dealing with individual planning applications (and other development control activities) is “non-Executive”.

In Taunton Deane, these functions have been delegated to a Planning Committee and to the Council’s Development Control Manager.

The current extent of delegation of functions to the Committee and then to the officers is set out below. As these are subject to change, the up to date list of such delegations is to be found on the e-version of this Constitution on the Council’s website

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Part A - Regulatory Powers of Planning/Growth and Development Manager

Exceptions to the Officer Delegations

All proposals should be determined under delegated powers other than where one of the six criteria set out below are met.

Criterion 1: In the opinion of the Growth & Development Manager (or Chair of the Planning Committee) the application is considered to be a significant, controversial or sensitive nature.

Criterion 2: The application is from an elected member or member of staff (or partner thereof) and is recommended for approval.

Criterion 3: The application is accompanied by an Environment Statement (EIA).

Criterion 4: The application is a significant departure and is recommended for approval.

Criterion 5: Where there are conflicting views (giving clear planning reasons) from a Town/Parish Council, Parish Meeting or Ward Member as well as from four or more individuals.

Criterion 6: Applications will be delegated to the Growth & Development Manager to refuse if S106 agreements are not signed within 8, 13 or 16 week timescales.

Criterion 7: Discharge of the Council's duty under s91(2) of the Building Act 1984 (enforcement of Building Regulations) in its area shall be delegated to the Building Control Manager.

In addition, any application which is not referred to Committee, but where conflicting representations have been received, is referred to the Chair/Vice Chair of the Planning Committee before a decision is made.

Licensing Committee

Unless otherwise indicated, the following powers are delegated to the Community Services Manager and in his absence the Licensing Manager.

Part B – Regulatory Powers of Licensing and Registration Functions	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875 , and section 15 of the Transport Act 1985 ; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963, <u>as saved for certain purposes by article 3(3)(e) of the Gambling Act order</u>
7. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 <u>[as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order].</u>
8. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 <u>[as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order].</u>

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9.	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order] .
10.	Power to license premises selling or supplying alcohol; providing regulated entertainment; selling hot food or drinks between 11pm and 5am.	Licensing Act 2003
11.	Power to issue Personal licences.	Licensing Act 2003.
12.	Power to license sex shops and sex cinemas and Sexual Entertainment Licences .	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
13.	Power to license performances of hypnotism.	The Hypnotism Act 1952
14.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
15.	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907
16.	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
17.	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
18.	Power to register premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
19.	Power to license motor vehicle salvage operators	Motor Salvage Operators Regulations 2002
20.	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.

21.	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
22.	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
23.	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981
24.	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976
25.	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
26.	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
27.	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993

Part C - Regulatory Powers of Community Services Manager		
1.	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994
2.	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995
3.	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995
4.	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993
5.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995

6. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
7. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
8. Power to enforce offences relating to the display of no-smoking signs.,	Section 6(5) of the Health Act 2006
9. Power to enforce offences relating to smoking in smoke free places.	Section 7(4) of the Health Act 2006
10. Power to enforce offences of failing to prevent smoking in smoke-free places	Section 8(4) of the Health Act 2006
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)
Part D - Functions relating to Health and Safety at Work	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974

Part E - Regulatory Powers of Electoral Registration Officer/Returning Officer

Functions relating to Elections	
1. Duty to appoint an Electoral Registration Officer.	Section 8(2) of the Representation of the People Act 1983

2.	Power to assign officers in relation to requisitions of the Registration Officer.	Section 52(4) of the Representation of the People Act 1983.
3.	Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
4.	Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6.	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7.	Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978
8.	Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9.	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10.	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11.	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12.	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13.	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14.	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15.	Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.

16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000

Parts F G H I - Powers exercisable only by full Council:-

Part F - Functions relating to name and status of areas and individuals	
1. Power to change the name of a district.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer Borough status.	Section 245 of the Local Government Act 1972.

Part G - Miscellaneous functions	
1. Duty to approve authority's Statement of Accounts,	The Accounts and Audit Regulations 1996
2. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972
3. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
4. Power to take decisions about matters such as the creation of parishes and their electoral arrangements	Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007
Part H - Power to make, amend, revoke or re-enact byelaws	
Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	
<u>Part I - Power to promote local Bills.</u>	

Section 239 of the Local Government Act 1972.

Part J – Powers and Duties of Corporate Governance Committee

Review and challenge the action plans arising from the Audit Commission's annual management letter.

Oversee the Council's use of risk management

Monitor and review the Council's internal and external audit functions

Review and approve the Statement of Accounts

Monitor and review the Council's systems of internal control

Part I – Proper Officers under the Public Health Acts

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Dr K Kumaran, Consultant in Communicable Disease Control, Dorset and Somerset Health Protection Unit;

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Dr Mark Salter, Consultant in Communicable Disease Control, Dorset and Somerset Health Protection Unit;

Dr Sue Bennett, Consultant in Communicable Disease Control, and Director, Dorset and Somerset Health Protection Unit;

Dr Faiza Khan, Acting Consultant in Communicable Disease Control, Dorset and Somerset Health Protection Unit

<u>Legislation</u>	<u>Part, Section or Regulations</u>	<u>Effect</u>
<u>Public Health (Control of Disease) Act 1984</u>	<u>Parts II and III</u>	<u>Notifications and control powers for Communicable Diseases</u>
<u>Public Health (Infectious Diseases) Regulations 1988</u>	<u>Regulations 6,8,9,10 Schedules 3 and 4</u>	<u>Additional powers to the above</u>
<u>Public Health Act 1936</u>	<u>Sections 84 and 85</u>	<u>Cleansing of filthy or verminous articles, persons or clothing</u>
<u>Public Health Act 1961</u>	<u>Section 37</u>	<u>Disinfestation of verminous articles offered for sale</u>

Dr Caroline Gamlin, Joint Director of Public Health, NHS Somerset and Somerset County Council; and

Dr Ulrike Harrower, Consultant in Public Health, Somerset Primary Care Trust

<u>Legislation</u>	<u>Part, Section or Regulations</u>	<u>Effect</u>
<u>Public Health (Control of Disease) Act 1984</u>	<u>Parts II and III</u>	<u>Notification and control powers for Communicable</u>

		<u>Diseases</u>
<u>Public Health (Infectious Diseases) Regulations 1988</u>	<u>Regulations 6,8,9,10 Schedules 3 and 4</u>	<u>Additional powers to the above</u>
<u>National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951</u>	<u>Section 47</u>	<u>Removal of persons to suitable accommodation in certain circumstances</u>
<u>Public Health Act 1936</u>	<u>Sections 84 and 85</u>	<u>Cleansing of filthy or verminous articles, persons or clothing</u>
<u>Public Health Act 1961</u>	<u>Section 37</u>	<u>Disinfestation of verminous articles offered for sale.</u>

All of the doctors named above for the purposes of section 35 of the Public Health (Control of Disease) Act 1984

Appendix 2

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Article 6 The Executive

6.1 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

6.2 Form and composition

The Executive will consist of the Leader together with eight councillors ("Executive Councillors") appointed to the Executive by the Leader with the agreement of the controlling Party Group or Groups.

6.3 Leader

The Leader will be a councillor elected to that position by the full Council. Subject to the exceptions in Article 6.4 below, the Leader will hold office for twelve months at a time with his or her appointment requiring renewal at each year's Annual Council Meeting.

6.4 Term of Office – Exceptions

Events which will result in the Leader's term of office ending prematurely are:-

- (a) he or she resigns from the office; or
- (b) he or she is suspended from being a councillor (under Part III of the Local Government Act 2000); or
- (c) he or she is no longer a councillor; or
- (d) he or she is removed from office by special resolution of the Council (using the procedure set out in Article 6.8).

6.5 Other Executive members

Other Executive members shall hold office until:-

- (a) the happening of any of the events set out in Article 6.4; or
- (b) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive and to the Executive

Councillor. The removal will take effect two working days after receipt of the notice by the Chief Executive.

6.6 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

6.7 Responsibility for functions

(a) The Executive

It shall be the function of the Executive meeting together to design and allocate Portfolios to each of their number.

(b) The Leader

It will be the duty of the Leader to:-

- (1) Redefine, clarify and update the list of these Portfolios set out in Part 3 of this Constitution.
- (2) Similarly note the names of those Executive Councillors to whom those portfolios have been allocated by him/her.
- (3) Note those Executive functions which have been similarly allocated to the officers, to any Area Committees or to joint arrangements.

6.8 “Special Resolution”

This is the process referred to in 6.4 and 6.5 above whereby - in exceptional circumstances - the Leader or a member of the Executive may be removed by full Council.

Fourteen days written notice of the intended moving of such a resolution at a Council meeting must be given to the Democratic Services Manager, the Chief Executive, the Leader and to any member of the Executive named in the notice. The notice shall require the signatures of at least one half of the Council.

It shall be placed on the agenda of the next ordinary Council meeting unless an extraordinary council meeting has been requisitioned. The proposal having been debated, shall be voted upon. It shall be approved by the full council with a majority of the members of the Authority present and voting at the meeting. If approved:-

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- (a) a proposal shall be immediately laid before the same Council meeting as to the appointment of a new Leader; and
- (b) such a proposal shall require a simple majority, and if passed;
- (c) the change of Leadership shall take effect immediately on the passing of that resolution.

Deleted: require the votes of more than one half of the membership of the Council (that is, the votes of at least 29 councillors) to be approved.

Appendix 2

Article 15 Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution and submit reports when necessary to the Constitutional Sub-Committee to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

(a) Approval

Subject to paragraph (b) below, changes to the Constitution will be approved by the full Council with a majority of the members of the Authority present and voting at the meeting, after consideration of the proposal by the Constitutional sub- Committee

(b) Minor Changes

Detailed changes of a limited significance (as agreed by the Monitoring Officer) to Parts 3-8 of this Constitution may be agreed by the Chairman of the Constitutional sub- Committee. Such minor changes will be notified to all councillors and updates of the full Constitution will be circulated to members annually.

Appendix 3

4 Disagreements as to the Budget

- (a) The procedures set out in section 3 above shall also apply to disagreements which may arise between the Executive and full Council as to the Budget.
- (b) For the purposes of this section the Budget means the proposals which the Executive submits to full Council in February/March of each year as to various estimates, amounts, calculations and precepts relating to the Council's financial plans and requirements for the following financial year.
- (c) Where the Executive submits its Budget to full Council before 8th February in any financial year then the mechanism set out in section 3 (above which limits the full Council's powers to object to an Executive proposal) shall also apply to those Budget recommendations from the Executive. This should be done by substituting the word 'Budget' for 'plan' each time it occurs in section 3 and by making any other necessary consequential amendments.
- (d) Where (as is the norm) the Executive submits its Budget proposals to full Council on or after 8th February then those limits on full Council's powers shall not apply. In those circumstances full Council shall, at its Council Tax setting meeting, have the unrestricted right to approve, amend or to reject the proposals from the Executive - subject always to the statutory duty of the Council to set the level of Council Tax by 11th March in any year - as required by the Local Government Finance Act 1992.
- (e) A decision by full Council which complies with the above procedure shall require only a simple majority of votes cast at that meeting and shall take effect immediately.
- (f) In approving the Budget, the Council will also specify any changes it wishes to make to the currently approved extent of virement within the Budget which may be undertaken without reference to full Council.
- (g) The Section 151 Officer shall at each stage of the budgetary process, have the right to comment upon budget proposals and any substantive changes intended to be made to them before any such

decision has been put to the vote. All budget amendments shall be costed by the s151 Officer.

Taunton Deane Borough Council

Report of the Monitoring Officer to Full Council – 5 October 2010

Recruitment of an independent Member to Taunton Deane Borough Council's Standards Committee

Following the resignation of Mr Peter Malim OBE from the Standards Committee in June 2010, an advertisement was placed in the local press seeking to fill the vacancy created. Three candidates were interviewed on 31 August 2010.

The interviews were carried out by Anne Elder, Chairman of our Standards Committee, Tonya Meers the Council's Monitoring Officer and Richard Bryant, Democratic Services Manager.

From the candidates, Mr Terry Bowditch was provisionally invited to join the Standards Committee as an independent Member. As many Members will know, until his recent retirement, Mr Bowditch worked for the Audit Commission dealing with the Councils in Somerset and was a familiar face at meetings of the Corporate Governance Committee.

The interviewing group believes that Mr Bowditch will be a valuable addition to the Standards Committee and recommends that he is appointed. Details of the provisional appointment have been circulated to Group Leaders and no objections have been received.

In order to comply with the terms of the Council's Constitution the appointment has to be formally made by Council.

It is therefore **recommended** that Mr Terry Bowditch be appointed as an independent Member of the Council's Standards Committee.

Contact Officer : Tonya Meers 01823 356391 or
t.meers@tauntondeane.gov.uk

Taunton Deane Borough Council

Council Meeting – 5 October 2010

Part I

To deal with written questions to and receive recommendations to the Council from the Executive.

Councillor Joanna Lewin-Harris

Proposed Crime and Disorder Reduction Partnership Merger

The Executive has recently considered a proposal to merge the East and West Crime and Disorder Reduction Partnerships (CDRP) into one countywide structure. The aim of the merger is to streamline governance and leadership in the community safety structure, allowing for more effective community engagement at a local level.

The Crime and Disorder Act 1998 (as amended) placed a duty on responsible authorities to work together and with other agencies within the community to tackle crime and disorder and the misuse of drugs. The Act also required the formation of CDRPs and the Council fulfilled this requirement with the formation of the Taunton Deane CDRP.

The Police and Justice Act 2006 placed significant obligations on single authority CDRPs through the introduction of a series of minimum standards which had to be adhered to. As a result, the decision was taken in 2007 for the Taunton Deane CDRP to informally merge with Sedgemoor and West Somerset CDRPs to form the Safer Somerset West Partnership.

In January 2009 the Safer Communities Group, a sub-group of the Somerset Strategic Partnership, approved a proposal to carry out a review of the community safety structures in Somerset. The review was carried out by the Community Safety Network (CSN) and its recommendations were submitted to the Safer Communities Group in December 2009.

One of the recommendations made was that the Safer Communities Group should become the CDRP for Somerset as all the statutory agencies already attended this meeting. The districts were therefore asked to consider whether they wished to consider merging with the County Council to form one CDRP.

From the Safer Somerset West Partnership, both West Somerset and Sedgemoor District Councils have since agreed to this proposed merger on an informal basis for a period of 12 months.

Member representation in the proposed new structure will be at portfolio holder level. This reflects how Members had historically been represented on the CDRP.

Scrutiny of this new group would be achieved through the structure previously agreed by the Community Scrutiny Committee which recommended two Members from each of the districts,

Taunton Deane, Sedgemoor and West Somerset, to be co-opted to look at community safety scrutiny issues.

It is therefore **recommended** that:-

- (1) the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide Crime and Disorder Reduction Partnership, currently operating as the Safer Communities Group, be agreed and approved; and
- (2) The proposed merger to be on an informal basis for a period of 12 months, in line with decisions already taken by West Somerset and Sedgemoor District Councils.

Taunton Deane Borough Council

Full Council – 5 October 2010

Budget Strategy

Report of the Strategic Director, Shirlene Adam

(This report is the responsibility of the Leader of the Council, Councillor John Williams)

Executive Summary

The Medium Term Financial Plan predicts significant financial challenges ahead for the Council. This, together with the unprecedented levels of uncertainty on future Government Grant settlements means the Council needs to review its approach to budget setting.

This report proposes to introduce a Budget Strategy that covers a 4 year period, brings new financial flexibility to Councillors within that time period, and will refocus our limited resources on the priorities of the Council.

1. Background

1.1 The Coalition Government delivered its “emergency budget” on 22 June 2010. This, together with later announcements provides some key “headlines” on the future of public sector spending:-

- Pay freeze for 2 years;
- VAT increase to 20%;
- Abolition of the Housing and Planning Delivery Grant;
- Early termination of Free Swimming Grant;
- Concessionary Travel moves from Districts to upper tier authorities;
- Government Department funding cuts of 25 – 40% over 4 years;
- Incentive scheme for Council Tax freeze; and
- Incentive scheme for new homes

1.2 The Council’s Medium Term Financial Plan (MTFP) has been adjusted as much as possible to reflect what is “known” and to “best guess” the impact of the areas that have still to be developed.

1.3 The following table sets out the summary position of the MTFP as at 1 September 2010:-

	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000
TDBC Forecast Budget Position	15,194	16,493	16,992	17,544	18,103
Forecast Govt Grant	7,849	7,064	6,358	6,517	6,680
Forecast Council Tax	5,950	6,115	6,276	6,436	6,596
Forecast Resources Available	13,799	13,179	12,634	12,953	13,276
Predicted Budget Gap	1,395	3,314	4,358	4,591	4,827

1.4 The Council is facing unprecedented financial challenges and uncertainty and needs to adopt a robust but flexible budget strategy to deal with the tightening economic and funding conditions. Although the Comprehensive Spending Review (CSR) in October will provide some further detail on the Government's departmental spending cuts, the impact on Taunton Deane Borough Council will not be clear for some time.

1.5 The traditional budget setting process needs to be adjusted to support the organisation through this period of uncertainty and allow it to strategically plan budget reductions over the medium term.

2. Budget Strategy

2.1 The Government has been clear on the need for cuts in public sector spending. It expects the cuts in Government Department spending to be in the region of 25 – 40% over a four year period.

2.2 What this means for local government is still unknown. As Districts traditionally have not fared well in grant distributions, it would seem sensible to start planning for a grant reduction of 40% over the four year period.

2.3 We propose a strategic approach to budget setting that requires each manager to review their spending areas to offer choices as to how savings could be delivered over the four year period.

2.4 It is likely that some services can deliver cash savings earlier than others and some areas may need investment in order to realise the longer term savings. The Council may have to react flexibly to support this approach – by using reserves to smooth the impact of the cuts over this period, and by looking at innovative ways to deliver and charge for services.

2.5 It is also likely that some services (non-priority areas) will be required to deliver more than 40% savings over the four year period and others (priority areas) less. The Council will need to be very clear on priorities and a thorough review of the existing stance is recommended. A

complete review of the Corporate Strategy is recommended once the priorities review is finalised in the summer of 2011.

- 2.6 By adopting a strategic approach we can hopefully steer the organisation safely through the challenges ahead and be transparent with customers and staff on the direction the Council is heading in. Crucially it will give time for resources to be matched to priorities.
- 2.7 The strategic approach will deliver long term benefits – but will not resolve the budget gap for 2011/2012. This means a more “traditional” savings plan approach will be required for next years budget – more details of which are discussed later in the agenda.

3. The Process

- 3.1 The detail will need to be worked up – but the outline process proposed is as follows:-

	Budget Setting 2011/12	Budget Strategy 2012 - 2016
Sept 2010	Managers requested to complete savings plans for 10% budget reduction.	Proposals shared with Executive Councillors, the Shadow Executive, Group Leaders, and the Members Change Steering Group. Budget Strategy presented to Corporate Scrutiny for approval.
Oct 2010	Savings Plans considered by Corporate Management Team.	Budget Strategy presented to Full Council for approval.
Nov 2010	Savings Plans and Earmarked Reserves considered by Corporate Scrutiny. Fees and Charges considered by Corporate Scrutiny,	Data gathering exercise. (PI's and benchmarking)
Dec 2010	Savings Plans considered by Executive. Fees and Charges	Discussions begin with political groups on priorities

	presented to Executive and Full Council for approval. Budget packs issued to all Councillors.	Managers requested to complete savings plans for 40% over 4 years
Jan 2011	Budget position discussed at Group Meetings Draft budget considered by Corporate Scrutiny.	
Feb 2011	Draft budget(s) presented to Executive and Full Council for approval.	
Mar 2011		
April 2011		
May 2011		Priorities discussions finalised with Administration.
June 2011		
July 2011		Managers finalise savings plans over 4 years. Budget Strategy detail published / consultation begins. Corporate Strategy Reviewed and Approved.
August 2011		
September 2011		Budget Strategy Detail approved.

3.2 The data gathering exercise is key to delivering robust information for decision making. We do not currently have quality information on activity costs, or on how we compare with other Councils. This process will take some time, but can be done at the same time as early discussions on priorities with Councillors, and setting the 2011/2012 budget.

- 3.3 Effectively, the Council will spend the next year planning for the longer term position.

4. Governance

- 4.1 It is important that the development of the Budget Strategy is managed as a “project” – with robust governance in place. This is good practice and has served the Council well in other major “change” projects.

- 4.2 The detail will need to be worked up, but it is proposed to use the existing Members Change Steering Group as the key forum for Member involvement. Political Groups, Scrutiny and the Executive would be briefed at key points in the timetable.

- 4.3 Unison will need to be involved throughout and it is proposed to consult with them through the Unison Change Forum.

5. Financial Issues / Comments

- 5.1 This strategic approach to Budget Setting cannot be delivered within existing budgets. There will be some one-off costs incurred (particularly in the data gathering phase). More work needs to be done to clarify exactly what is needed – but early warning of such costs seem appropriate.

6. Legal Comments

- 6.1 There are no legal implications of this report.

7. Links to Corporate Aims

- 7.1 This proposal will allow the Council to take a more strategic approach to allocating its scarce resources to priority areas,

8. Environmental and Community Safety Implications

- 8.1 No implications.

9. Equalities Impact

- 9.1 No implications.

10. Risk Management

- 10.1 It is important that the Council takes a longer term view to resolving the financial challenges ahead. The Council will need to work closely with external auditors on this approach.

11. Partnership Implications

11.1 The budget setting process will impact on all partnerships.

12. Recommendation

12.1 It is recommended that Members approve the proposed Budget Strategy as endorsed by the Corporate Scrutiny Committee.

Contact Officers:

Shirlene Adam
Strategic Director
01823 356310
s.adam@tauntondeane.gov.uk

Penny James
Chief Executive
01823 356392
p.james@tauntondeane.gov.uk

Taunton Deane Borough Council

Full Council – 5 October 2010

Changes Proposed to Themes 3 (Deane DLO) and 5 (Corporate Management Team and Legal and Democratic Services) of the Core Council Review as a result of the proposed Budget Strategy Project

Report of the Chief Executive and Strategic Director (Brendan Cleere)

(This matter is the responsibility of the Leader of the Council, Councillor John Williams)

1. Executive Summary

- 1.1 In light of the forthcoming Comprehensive Spending Review (CSR) and the proposal to develop a four year Budget Strategy this report recommends a revised approach to both Themes 3 and 5 of the Core Council Review (CCR).
- 1.2 It is recommended that the outsourcing option for the DLO is rescheduled to the summer of 2011 when a revised specification reflecting the requirements of the CSR and CCR has been developed with Members. In the interim the DLO will take the existing specification and develop an interim business case for internal transformation. This will deliver saving proposals for the 2011/12 budget. Brendan Cleere will be seconded to the DLO initially until summer 2011 to drive the interim change work.
- 1.3 It is recommended that Theme 5 is effectively rescheduled to retain sufficient corporate capacity to drive, deliver and implement the Budget Strategy and the final stages of the DLO review. In the interim, the teams involved will deliver the required savings for 2011/2012 budget setting and will ultimately deliver a 4 year budget saving plan in 2011/2012 alongside all other Council service areas.

2. Background

- 2.1 The previous report presented to this Committee set out the rationale for the development of a four year Budget Strategy. In December this year the national four year CSR will be translated into a four year local requirement. It is likely that the Council will need to find somewhere between 25-40% savings in its grant settlement. This will require the Council to respond strategically and to make investments, to generate new income streams or to dis-invest and make cuts across the full range of its services.

- 2.2 This will require the new administration taking control after the May 2011 elections to recommend to Full Council a revised and clear set of priorities as part of a Corporate Strategy re-refresh for the four year period. Each priority area will then need to deliver a four year plan to reflect the quantum of change required by the Corporate Strategy, priorities and Budget Strategy.
- 2.3 As set out in the Budget Strategy report this is a substantial piece of work that will require significant corporate capacity to deliver.
- 2.4 It will also require services to address their specification. This may mean changes in quantum, quality, how the services are financed and/or provided. It is highly likely that all services will be affected and it would be foolish to procure a new provider for any service – especially a high spend area like the DLO – based on the current specification and level of spend.

3. Implications of the CSR and Budget Strategy on Theme 3 (DLO Review)

- 3.1 Members of the Corporate Scrutiny Committee will recall that Full Council agreed (in February 2010) to a ‘twin-track’ approach to the transformation of services provided by the Council’s Direct Labour Organisation (Deane DLO). This approach involved embarking on a procurement process towards full outsourcing of DLO services, alongside development of an ‘internal transformation’ option.
- 3.2 Following discussion with Group Leaders, it was agreed that both of these options would be fully developed and brought to Members for a final decision after the local elections in May 2011. Strategic Director – Brendan Cleere has been leading this project, with a Steering Group comprising relevant portfolio and shadow portfolio holders meeting regularly to provide elected Member input.
- 3.3 The project is now at the stage of having agreed a detailed specification, based on current levels of service. This specification was to form the basis of both internal transformation and outsource options. In respect of the procurement process towards outsourcing, a number of companies responded to an initial advertisement and six of these have been short-listed to move forward to the next stage of ‘competitive dialogue’.
- 3.4 The previous agenda item highlighted the financial uncertainties caused by the forthcoming Comprehensive Spending Review (CSR) and recommended the development of a four year Budget Strategy. Developing this strategy will require difficult choices about the future of all services and the levels of investment in them.
- 3.5 Officers have reviewed the current procurement activity towards outsourcing of DLO services, in the wider context of the CSR and the

- recommended approach to developing a four year Budget Strategy. The conclusion reached is that it would not be appropriate to continue with the current outsourcing process, based on a specification that is founded on current service levels. It is highly likely that, in developing a four year Budget Strategy, Members will decide to make changes to the current levels of service provided by the DLO, requiring potentially significant changes to the specification.
- 3.6 It is therefore recommended that the Corporate Scrutiny Committee supports rescheduling in the work towards outsourcing of DLO services, pending completion of a four year Budget Strategy and a revised specification for DLO services. It is further recommended that Members revisit outsourcing in summer 2011, once a revised specification has been drawn up.
- 3.7 In the meantime, it is recommended that work continues on the development of an interim business case for internal transformation of DLO services, and that this is brought forward for Member's consideration earlier than originally planned under the 'twin-track' approach. The interim business case will be based on the current levels of service and will therefore be subject to further review in line with any future changes to the DLO service specification.
- 3.8 An indicative timetable for the internal transformation option is proposed as follows:-
- Mid November – Special meeting of Corporate Scrutiny Committee to consider an interim business case and make recommendations to the Executive.
 - 2 Dec – Executive considers the interim business case and makes recommendations to Full Council
 - 14 Dec – Full Council decides on the interim business case
- 3.9 It is anticipated that the interim business case will include a wide range of service improvement measures and savings proposals for inclusion within the 2011/2012 budget.
- 3.10 As with other themes of the Core Council Review, the interim business case will be subject to full consultation with staff, UNISON, key stakeholders (including the Tenant Services Management Board) and elected Members.
- 3.11 Strategic Director – Brendan Cleere will be seconded to the Deane DLO to lead the development and implementation of the interim business case and to bring the DLO transformation project to a conclusion. The DLO Members' Steering Group will continue to oversee the process of DLO transformation.

4. Proposed Way Forward for Theme 3

- To seek Executive approval for a rescheduling of procurement activities towards outsourcing of DLO services, pending completion of a four year Budget Strategy and a revised specification for DLO services.
- To seek Executive approval to revisit the outsourcing option for DLO services in summer 2011.
- To seek Executive approval to continue developing the internal transformation option, following the indicative timetable proposed.

5. Implications of the CSR and the Budget Strategy on Theme 5 (CMT and Legal and Democratic Services)

- 5.1 Theme 5 contained those service areas that were reviewed and changed shortly before the commencement of the formal CCR. Corporate Management Team (CMT) was reviewed in 2007/2008 and Legal and Democratic Services in 2008/2009. These reviews reduced capacity in both service areas.
- 5.2 The CMT review reduced CMT from 9 posts (Chief Executive, 3 Directors, 5 Heads of Service) to 6 posts (Chief Executive, 4 Strategic Directors and one Corporate Governance Director). The number of Personal Assistants supporting CMT was also reduced from 4 to 3.
- 5.3 The Legal and Democratic review replaced the posts of Corporate Governance Director, Legal Services Manager and Democratic Services Manager with a single post of Legal and Democratic Manager (and Monitoring Officer).

(a) CMT

- 5.4 The Budget Strategy work and completion of the DLO review will require leadership and significant corporate capacity. Neither of these projects can be seen as 'business as usual'. If the Council is to be successful with these projects, maintain focus on growth and economic regeneration, Climate Change, affordable housing and deprivation as well as day to day service delivery then it would make sense to retain – in the short term – the same level of capacity.
- 5.6 In the interim CMT will put forward savings plans on the same basis as the remainder of the organisation for 2011/2012 budget setting. CMT will then produce a four year budget plan based on the priorities of the Council following the May 2011 elections.

(b) Legal and Democratic Services

- 5.7 In line with the DLO and CMT it would also make sense for this service area to also have the opportunity to develop a four year budget plan based on the priorities of the Council following the May 2011 elections.
- 5.8 The Legal and Democratic Services Manager is currently developing a proposal which may deliver a joined up service for all of the Somerset authorities (and possibly for authorities outside of Somerset) to opt into. This model can deliver both savings and resilience and is now familiar to this Council with the Somerset Waste Partnership and South West Audit Partnership being two good examples of the model. By rescheduling the review of Legal and Democratic services from the CCR to the four year Budget Strategy the Council will enable these proposals to be sensibly developed as they cannot be delivered in time for 2011/2012 budget setting.
- 5.9 In the interim the service will put forward savings plans on the same basis as the remainder of the organisation for 2011/2012 budget setting.

6. Other Issues

- 6.1 Theme 5 was also to include a review of all of the previous Themes to reflect on, and ensure, that all the previous changes made were sound.
- 6.2 It is now suggested that this is done 'service by service' as each individual four year budget plan is developed and approved.

7. Proposed Way Forward for Theme 5

- To seek Executive approval for the effective rescheduling of Theme 5 of the Core Council Review
- To seek Executive approval to revisit the service areas covered by Theme 5 as part of the Budget Strategy and resulting four year budget plans

8. Finance Comments

- 8.1 A budget exists for completion of the DLO Review and the rescheduling should have no, or minimal, financial impact.
- 8.2 The rescheduling of Theme 5 of the CCR will have no financial impact. Savings will be identified for consideration as part of 2011/2012 budget setting.

9. Legal Comments

9.1 There are no legal implications arising from this report.

10. Links to Corporate Aims

10.1 This report relates to the DLO who primarily support the Climate Change; Deprivation; and Economy Corporate Aims.

10.2 This report also relates to Theme 5 and corporate capacity to support all of the Council's Corporate Aims.

11. Environmental and Community Safety Implications

11.1 The recommendations in this report have minimal impact on Environmental and Community Safety.

12. Equalities Impact

12.1 The recommendations in this report have no equalities impact over and above those already identified for the Core Council Review.

13. Risk Management

13.1 A risk register exists for the Core Council Review. The recommendations in this report reduce risk to the Council of procuring a contract it cannot afford and of reducing corporate capacity during this uncertain time for local government.

14. Partnership Implications

14.1 There are no partnership implications (at this stage) with respect to this report.

15. Conclusion

15.1 All of the recommendations in this report are driven by the unique and unforeseen consequences of the recession, change in Government, the four year CSR and predicted reduction in the Revenue Support Grant of between 25-40% over the CSR period and the May 2011 local elections.

15.2 The impact is to reschedule both the procurement of an outsource partner for the DLO and Theme 5 of the CCR and integrate that work into the Budget Strategy project.

16. Recommendations

16.1 Members are recommended to approve the revised approach to both Themes 3 and 5 of the Core Council Review as endorsed by the Corporate Scrutiny Committee.

Background Papers

Proposals to refresh the Corporate Management of the Council to the Executive of the 7 February 2007.

Legal and Democratic Services report to the Executive of the 14 November 2008.

Contact: Penny James
01823 356392
p.james@tauntondeane.gov.uk

Brendan Cleere
01823 356406
b.cleere@tauntondeane.gov.uk

Shirlene Adam
01823 356403
s.adam@tauntondeane.gov.uk

Tonya Meers
01823 356391
t.meers@tauntondeane.gov.uk

Taunton Deane Borough Council

Full Council Meeting – 5 October 2010

Report of Councillor John Williams – Leader of the Council

1. Taunton in Bloom

- 1.1 I am sure all Members will join with me in congratulating all involved in the supreme effort of Taunton gaining Gold in the large towns' category, as well as the Mick McGahey Trophy for Exceptional Community Effort, making 2010 one of the best years to date.
- 1.2 Recognition was given to two members of staff in particular for their efforts, Shaun Cregan and Chris Mulcahy, who were given Community Champion Awards. Shaun has been Britain in Bloom Co-ordinator for 10 years and Chris Mulcahy, who retired recently after more than 31 years service, was until then, Parks Manager.
- 1.3 Our special thanks go to Chris for his excellent work in the Borough and what a fitting end to his long and distinguished service. We wish him well in his retirement and our thanks for all that he has done for us over the years.
- 1.4 Besides Taunton gaining Gold in the large towns' category, and the "Exceptional Community Effort" that secured the award of the Mick McGahey Trophy, making 2010 one of the best years to date. "It's Your Neighbourhood" awards were also given to: Kingston Road Allotments, Victoria Park Action Group and St. George's School, who were all commended as 'improving'.
- 1.5 A brilliant achievement all round which builds upon the honours gained in previous years.

2. Local Enterprise Partnerships

- 2.1 Somerset County Council submitted a bid on time encompassing and with the support of all Somerset Districts. It also included Devon but without general support other than potentially support from East Devon DC and Exeter City Council. Cornwall decided they wished to submit their own bid. Included in this was our West Somerset "Local Delivery LEP" which was worked up jointly between us, Sedgemoor District Council and West Somerset District Council. This also had tremendous support from local businesses
- 2.2 Preliminary feedback from Government is that they have received 57 bids to establish LEP's across the country and they are seeking to reduce this to 25 in total. Some LEP's that have a strong economic basis, such as West of England, based on the old Avon, will be given an early green light to proceed. Others, such as Somerset's bid, will be sent

back for further work to include a greater area. In Somerset's case it is suggested that Devon, Cornwall, Scilly Isles and part of West Dorset (that looks to Yeovil) should be incorporated within a much enlarged "Peninsular LEP" which would also include Plymouth which has tried to remain independent.

- 2.3 Much work yet remains but at least we have a goal to work towards and we have agreed with our Somerset partners that we must maintain the "Local Delivery LEP's" as being crucial to engage with our local private sector partners. All the more important if a huge "Peninsular LEP" is to be the final outcome

3. Hinkley Point Opportunities

- 3.1 Since the last Full Council we have been working to establish a liaison with EDF, Sedgemoor District Council and Somerset County Council as being the key players considering the impact of this enormous proposed development on Somerset.
- 3.2 Following useful and informative meetings, we will be making a submission to the relevant authority about the impact of EDF proposals clearly setting out the inadequacy of the detail surrounding the scheme. Also the lack of substance in their plans to show how they will deal with shortcomings in infrastructure, housing of workers, transportation of non water borne material and leisure facilities.
- 3.3 We have a further meeting arranged in Taunton with EDF representatives, some key partners and private sector representatives to promote Taunton Deane. We will most certainly be affected by this major development so it is incumbent upon us to do all possible to ensure our community does gain from it. This can be in the form of improved business opportunity, upgraded infrastructure, education facilities, leisure facilities and legacy issues of the required housing.
- 3.4 Building an ongoing rapport with other Districts, County and EDF are crucial to our gaining improved contributions from the development for our community. Work is ongoing on this and we will continue to try and maximise the gain because of the impact this huge potential development will have.

4. Project Taunton

- 4.1 Much has been happening and despite the national and international fears about the economy I believe we have much to be optimistic about.
- 4.2 Planning consent was granted to St Modwen, our development partners, on the Priory Bridge Road car park site for a development with the potential for 600 jobs and 49 homes. Better still, St Modwen are in an advanced stage of negotiation with an occupier for 20,000 sq ft of office space which if signed up would allow construction to commence. This

can only be a catalyst for other occupiers and is a huge vote of confidence for our regeneration plans for Taunton.

- 4.3 For the avoidance of doubt, although the above development removes a major car park, it is embodied in our development agreement with St Modwen that as car parking space is taken out of commission, they must make equivalent alternative provision on the old livestock market site until such time as the permanent multi-storey is up and running.
- 4.4 Longrun Meadows was successfully launched recently, 65 acres of meadow land bordered by the River Tone within minutes walking of the town centre. A fantastic achievement to obtain this for the benefit of our community and achieve the utilitarian objective of a huge flood retention scheme to protect the areas of new development in the town centre.
- 4.5 The Third Way is progressing well, the construction of the new road and bridge abutments is in an advanced stage with bridge construction scheduled to start in the next two weeks. Alteration and upgrading works of the Wood St/Bridge St junction has also been started and is due for completion shortly. Alterations to the Staplegrove Road traffic lights are planned for late October. The new road construction is on programme and anticipated to be open for traffic in April 2011. Great news for Taunton as it must relieve town centre traffic congestion and make a better shopping experience for all.
- 4.6 We recently held a very constructive meeting with representatives of the Orchard shopping centre and it was heartening to hear they were continuing to develop their plans for the major expansion of the centre to encompass the sites of the multi storey car parks and Quantock House. They are hopeful of producing a viable and realistic scheme. Given the present economic climate, it is a good time to develop plans in advance of the market's recovery. They hope to share some draft plans within a few months and submit a planning application next year. I await developments with great interest.
- 4.7 With the award of Growth Points Funding, we are now able to proceed with the development of the Castle Green area, fulfilling an assurance given to the Heritage and Lottery funders that if they funded works to Castle Museum we would undertake enhancement of the surrounding area. It also fulfils the aspirations of this Council to return this area to high quality open public space opening up views to the wonderful Castle buildings. Work is scheduled to commence in January 2011.
- 4.8 The funding for the vital Northern Inner Distributor Road has been withdrawn during the Comprehensive Spending Review programme, this is a vital section of road that for a £13 million investment would release in the order of £270 million of economic development. I am pleased to report that our MP Jeremy Browne is aware of the problem and has helped facilitate a meeting with Norman Baker MP, Minister of Roads and Transport to allow us to press our case direct. This will very much

be a partnership meeting of Jeremy, County, Project Taunton and Borough Council to stress the urgent need for this relatively small amount of pump priming finance to allow this strategic employment site to proceed. The Minister is scheduled to visit Taunton on 8 October 2010 and wishes to view the Third Way construction works which is an excellent example of County's ability to deliver major projects.

5. Meetings with Community and Business Groups

- 5.1 Cllr Lewin-Harris and I recently had a very interesting meeting with a Polish migrants group who wished to better understand our democratic process. Discussions were very wide ranging but what was impressive was the amount of self help they generated within their own society, language being a major problem for a lot of them which led to problems accessing other services. Full credit must go to our Lisa Redston who has been working with this group and is helping them to set up a community centre that will be multi user with other groups and provide for meeting and teaching rooms.
- 5.2 We also held a very constructive meeting with Taunton Business Forum which is a relatively new private sector business group who are interested in and concerned about the future growth of Taunton Deane. They are concerned that we have inadequate serviceable land for development whether it be for housing or employment, which will prevent Taunton achieving its full potential. They also recognise the constraints caused by lack of infrastructure and will certainly be a potent force in voicing these concerns to other partners and agencies that are needed to deliver.
- 5.3 I am shortly due to attend a meeting with the Taunton Deane Disability Group as part of a panel to answer questions from the group around barriers to their freedom of access to goods and services in Taunton Deane. It will be interesting to gain this perspective from what I anticipate will be a diverse group with many different requirements. The challenge will be how we can help remove the perceived or actual barriers identified.

6. Wellington Issues

- 6.1 Longforth Farm, I was pleased to attend a presentation by Terence O'Rourke on behalf of Bloor Homes at Wellington Town Council setting out development proposals which are being worked up in consultation with our planning department. It is hoped to submit an outline planning application in late 2010 or early 2011 and works would be phased thereafter if consent is granted. Phase one consists of 190 houses plus it would deliver a spine road to relieve traffic from the existing Relyon site. This would remove around 60% of the HGV's from Wellington town centre which represents a huge improvement on that existing. This development, although ahead of the Core Strategy, is to be welcomed. But although let us not underestimate the huge environmental issues

arising because of the presence of rare bats on the site but with care it seems these problems can be overcome by time and design.

- 6.2 Another interesting presentation was the proposal by Summerfield Developments and Montpelier Estates for a secure treatment centre to be run by Priory Homes on the Sky Park business estate at Chelston. This will need to be the subject of a change of use planning application as it does not fall within the scope of the present approval. From the information given at the presentation (subject to Planning) it would appear to be the type of development we should accept, particularly in light of the COOP recent announcement about the loss of 300 jobs. The Priory Homes development will provide for 225 jobs and a large capital investment with the quality jobs providing a welcome growth in the local economy. I believe it deserves our support to get to the planning application stage and be considered on its merits. Bearing in mind the very serious economic recession affecting the country, we must welcome the opportunity to improve employment prospects, for our community.

7. The Council Budget Situation

- 7.1 It has been much trailed that due to the very serious national economic recession that all public bodies must expect substantial cuts in their grants from Central Government. The cuts in funding to the various Ministerial departments will be announced the 20 October but we will not know the true impact of this until our settlements are notified much later in December. We have obviously calculated our MTFP based on potential cuts in grant but we are unable to firm up on this until more clarity is received from the Government.

8. And Finally, Somerset College Fashion Show

- 8.1 Recently I was invited to attend a fantastic fashion show put on by Somerset College, hosted by the owners of the Orchard Centre and ably assisted by many others including support and generosity of the many traders in the centre. Rachel Davies, Principal of Somerset College when introducing the show proudly proclaimed the recognition both nationally and internationally of the quality of Somerset College trained designers and their work. This show was a great tribute to all that participated and I was certainly proud to be invited to such a spectacular event.

Councillor John Williams

Council Meeting – 5 October 2010

Report of Councillor Terry Hall Corporate Resources

1 Corporate Strategy

It has been decided to defer until after next May, the annual review of the Corporate Strategy. This will allow the impact of the Comprehensive Spending Review and budgetary implications to be implemented and enable the new administration's policies to be incorporated.

2 South West One

In general the back office services provided for us by Southwest One continues to be of a high standard. The exception is Procurement, where the financial savings achieved so far are well behind target. Pressure continues to be exerted on Southwest One who seems to be responding. The new Southwest One Procurement Strategy was revealed at the Corporate Scrutiny meeting on 23rd September. Southwest One will be attending 18th November Corporate Scrutiny Meeting to explain and report on procurement progress.

2.1 Revenues and Benefits

The Revenues & Benefits Service continues to meet its key performance targets. As we approach the end of Quarter 2, we are on track to deliver even better performance than last year with the average speed of processing benefit claims (new claims and changes) under 10 days. Caseloads continue to rise with over 9,200 Housing & Council Tax Benefit recipients - an increase of 16% in the last 2 years.

There are many changes planned to deliver savings in benefit expenditure. These changes are down to the Government's need to find £2b of cuts in Housing & Council Tax Benefit expenditure. As Members will be aware, there is a briefing on Tuesday 18 January 2011 where we will be informed on the likely impact. I would encourage you to attend.

The service continues its fight against benefit fraud with 2 recent cases detecting substantial amounts of undeclared savings. In one instance prosecution proceedings with the Department for Work & Pensions is underway, while the other fraudster will be required not only to repay the debt but will also incur a substantial fine, known as an administrative penalty, for their misrepresentation.

Customer satisfaction surveys have been distributed not only to those receiving benefit, but also to Council Tax and Business Rate payers. It is hoped the results of these surveys and consequent actions in response to the feedback received will be available in early 2011.

2.2 Customer Contact

During the period 1st July to 22nd September Customer Contact have continued to provide a good level of service to telephone callers as well as visitors to Deane House receptions and Wellington Community Office.

The service came under pressure during August due to the success of the Revenues service in driving up the collection of Council tax. This resulted in a surge of calls in relation to people making payments and arranging to set up direct debits. The impact has continued to be felt in September.

Month	July	Aug	Sep*
CALLS OFFERED	14083	14686	11499
ABANDONED % [Target less than 5%]	4.52	12.96	7.50
G.O.S.% [Target 80% within 20 Secs]	83.60	72.76	73.08
% Answered 1st POC (Target 85%)	99.8	99.8	99.8

At last Council I reported we would be introducing a Customer Excellence Award. This will be launched within the next 3 months. We have been agreeing the process and the delivery of the Award with the Southwest One Management team and are aligning it with the Southwest One Rewards and Recognition Programme.

3 Legal and Democratic Services

Discussions are in progress with the other Somerset Councils to establish a Legal and Democratic Services partnership on similar lines to the SW Audit partnership. There are potentially service and financial benefits to all partners. It is expected that completion of the discussions will occur in mid 201.

3.1 Register of Electors – Canvass

Forms have been sent to all properties in Taunton Deane requiring residents to update and/or confirm their details.

There was a 62% return as of 22nd September. The new Register will be published on 1st December.

The Government have announced that the implementation of Individual Registration will proceed from 2014. From this date people will be asked to supply identifiers in order to register. These will be a date of birth, signature and National Insurance number. This will give greater confidence in the system of Voter registration. Northern Ireland has of course had IR since 2002.

3.2 Personal Searches

In common with the majority of other local authorities we have previously charged a fee for Personal Search Agents to examine land records in connection with

conveyances. Since 17th August, because of a change in the law, we have been unable to charge and there will clearly a loss of income to the Council.

4 Performance & Client Team

The Client Team have continued to closely monitor performance of the authorities key partnerships (Southwest One, Tone Leisure and the Waste Partnership) with no significant issues being reported.

In addition the team are working closely with Southwest One to agree service development plans, refresh the output specifications for each service area and to implement the changes necessary to meet the Govt Connect standards for IT data security.

The embedding within the organisation of the new corporate performance processes is progressing well – detailed services plans have been completed for the new themes, Corporate Aims Delivery (CAD) Plans are in the process of development, the Quarterly Performance Monitoring reports are now established and the risk management processes are back on-track. In addition the Council's Annual Report has recently been completed.

The team is also responsible for managing, from the Council's perspective, the SAP re-launch and Procurement Transformation projects. The SAP re-launch is progressing well and is largely keeping to timetable. The full procure-to-pay process was launched in August with minimal problems being encountered. Training for budget holders is taking place during September in preparation for formally re-launching our budget monitoring processes in October.

However, the Procurement Transformation savings remain behind target. We are awaiting the results from the Procurement Team who are undertaking a detailed analysis of our spending to identify potential future savings. New savings are however being identified and the Procurement Team recently re-negotiated the homeless room rates, which should produce savings of approximately £12k.

The retained Finance, HR and Organisational Development (OD) functions are also provided by the team. The key focus for retained Finance has been on supporting the external auditors with their audit of last year's accounts and on preparing a strategy for dealing with next year's budget and the significant savings required.

The retained HR Officer has been heavily involved with supporting the DLO review, liaising with Unison, HR policy development & review, supporting the Housing Client review together with the ongoing monitoring of the Southwest One HR service.

The focus for retained OD has been on working with Southwest One to ensure delivery of the Corporate Learning & Development Plan and in developing, in conjunction with CMT, an action plan to address the key issues raised in the staff survey and subsequent staff briefings.

Terry Hall

Report of Councillor Mark Edwards - Planning and Transportation

There are many challenges at present across Local Government but one message has been received loud and clear from the new Coalition Government is that if you plan for a strong sustainable future they will do all they can to support that aspiration. It is therefore vital that we look forward and continue to be ambitious about the future of Taunton Deane.

The Localism and Decentralisation Bill will be published in November with expected Royal Assent by next Summer and this will give us detail and direction with regards the changes that are being made to local Government and should shed some light on the real future of true local planning. We should then get more detail on the new homes bonus, which is central to the coalition Governments incentive for local authorities to grow and be rewarded for doing so and other planning policies.

1 Regional Spatial Strategy and the Core Strategy

1.1 The demise of the RSS meant changes to the work on the Core Strategy. Due to this administrations drive towards an employment led strategy the revised housing figure is now 15,000 for the period to 2026 with a revised employment level of 11,000 new jobs. We do appreciate this is still challenging but with the ambitious plans for Firepool and developments such as Longforth Farm coming forward in the coming years we believe this is challenging but achievable over this timescale.

1.2 The additional work to the draft Core Strategy (Regulation 27) will now be published in March 2011 and adoption in March 2012.

2. Development Management

2.1 The Coalition Government is bringing some legislative changes to the Planning System on 1st October in accordance with previous statements.

2.2 An amendment to the legislation allows buildings used as dwellinghouses to be used as small scale houses in multiple occupation (shared by three to six people) without the need for a

specific planning application. This reverses an early decision on 6th April 2010 which required planning permission for a change of use from a dwellinghouse to a house in multiple occupation.

2.3 Local Authorities can make an Article 4 Direction to remove this permitted development right if they consider that the number of houses in multiple occupation is a particular problem in their administrative area, for example, in towns where there is a high student population and family housing is being turned into houses in multiple occupation.

2.4 The Town and Country Planning (General Development Procedure) Order 1995 has been consolidated and renamed the Town and Country Planning (Development Management Procedure) Order 2010. The consolidation merges together the original order and subsequent amendments that occurred on 16 occasions. It will result in a much more useable and simplified document that will benefit all users

3Firepool

3.1 We are delighted that St Modwen, Taunton Deane Borough Council's development partner in the regeneration of Firepool, recently received permission to press ahead with its plans to build offices, apartments and a hotel.

3.2 Firepool is a strategic riverside site and is the biggest regeneration project in the South West with the potential to create up to 4,000 new jobs locally and is central to our aims to fulfill our Core Strategy targets as I have previously indicated.

3.3 The 1.54-hectare site covers the first phase of development on Priory Bridge Road car park and is a key commercial site in Project Taunton the 50-hectare regeneration of Taunton town centre being a catalyst for future development in this area.

4Affordable Housing

4.1 Officers will be taking an item to Scrutiny to debate the adoption of an affordable housing target for the Council's emerging Core Strategy. This target should be based upon an assessment of need, which is evidenced through the Strategic Housing Market Assessment and Fordham's Housing Requirements Study and

what is viable.

4.2 The viability of adopting affordable housing targets is still being tested both through an Affordable Housing Viability Study and also in relation to the prioritisation of different developer contributions through the emerging Infrastructure delivery plan. These studies have not been completed because there is still information, which needs to be gathered in respect of infrastructure requirements, which will impact upon what it is viable to ask developers to provide.

4.3 It is acknowledged that members will want to debate these matters prior to the Core Strategy itself being approved by Scrutiny and that will certainly be the intention once this work is concluded.

4.4 There is however no doubt the need for affordable housing is still extremely high and as an administration we will continue to drive to maximise the Affordable Housing developed in the district.

5Landscape Team

5.1 The Landscape Team is presently assisting West Somerset District Council (WSDC) with serving Tree Preservation Orders and processing applications. The assistance has helped WSDC cover an area of work where they have no specialists and helps the Landscape Team reduce its overall costs.

5.2 The team continues to work with local groups to enhance designated Local Nature Reserves through advice on grant applications and implementation of successful grant bids.

6Civil Parking Enforcement

Proposed County Wide Service

6.1 The plans for the introduction of a County Wide Service for Civil Parking Enforcement will be coming to Community Scrutiny next week.

6.2 These proposals have been discussed for a number of years with these discussions finally coming to fruition with an offer being made by the County Council for a County Wide approach. I look forward to hearing the Councillors views on this at the debate at

Community Scrutiny and wanted to use this opportunity to highlight that this proposal is coming forward.

7. Solar Photovoltaic arrays

7.1 Officers have recently been entering pre-application discussions on a number of sites for medium and large scale commercial Solar Photovoltaic arrays in the borough.

7.2 As a result of the Feed in Tariff (Fit) or Clean Energy Cashback scheme, solar PV is a viable option for a stand alone development due to the payment scheme being guaranteed for 25 years.

7.3 The FiT is also likely to result in a number and dwelling houses being fitted with Solar PV panels where planning permission is not normally required.

Councillor Mark Edwards

Council Meeting – 5 October 2010

Report of Councillor Joanna Lewin-Harris – Community Leadership and Communications

1. LSP

1.1 Work on the development of the LSP continues. Steve Rose, the consultant employed to help the LSP establish its key priorities and an effective structure, attended community scrutiny in August. He has recently held a series of one-to-one interviews with members of the LSP. The next step is a workshop in late October / early November for all LSP members where Steve will present his findings to date and suggest some possible models for the future. His final report will come to Community Scrutiny early next year.

1.2 I was one of those who had a one-to-one interview with Steve Rose. It was clear from our conversation that I was not the only person who feels the LSP as currently constituted is really not making a difference and that complete rethink is needed. As the report to Community Scrutiny says “it is critical to establish a partnership that will work and produce outcomes.” I very much hope that, with Steve’s help, we will develop a more effective partnership structure within Taunton Deane.

1.3 I mentioned the Deprivation Strategy in my last report to Full Council. I am glad to say this has now been renamed the Priority Areas Strategy – a much better title. Its aim remains the same: to tackle deprivation in North and East Taunton and the also hidden pockets of deprivation in the rural areas. Work on information gathering and benchmarking in North and East Taunton is well under way and a very comprehensive programme of community engagement is being planned for November through to early next year. The aim is to speak to as wide range of people within the community as possible, both residents, front line staff working in the area, the voluntary sector and elected members. This work will be resource hungry but there is agreement that it is essential to get a good understanding of the issues and pick up ideas from the community itself. The cynics will say “consultation overload”! Clearly this is an issue, but people, situations, problems change and unless we keep talking to our communities we won’t keep up with their concerns.

1.4 Work on the Rural Strategy is less advanced. The problems are different and a different approach is needed. It is an important piece of work which also needs officer time and should not be tackled until that is identified.

2. Youth Initiatives Fund and Rural Deprivation Fund

2.1 These two funds (Youth Initiatives £30,000 and Rural Deprivation £5,000) were set up as part of this year’s budget. Details of how to apply for a grant from these funds have recently been circulated to all members. If you know of any organisations which you think might be interested in applying to either of these funds,

please contact Martha Prangnell (Youth Initiatives) or Lisa Redston (Rural Deprivation).

3. Grant Finder

- 3.1 The Council has recently subscribed to Grantfinder – an online grant search system which covers around 6,000 schemes, is updated daily and provides a customer support team to help with queries and applications. Grantfinder should make it easier to identify and apply for relevant grants to support projects/initiatives across the authority.
- 3.2 We have also subscribed to Grantnet, a simplified version of Grantfinder. A link to Grantnet will be added to the homepage of the website allowing community groups, businesses and residents to search for appropriate grants.
- 3.3 If any Member would like to know more, please contact Jo Comer in the Strategy Unit in the first instance.

4. Annual Policing Awards

- 4.1 The Annual Policing Awards are now open for nominations and we are invited by the police to nominate a police officer, PCSO, or police team in our area if we think they are worthy of recognition. This is an opportunity to acknowledge outstanding service by the police. Further information is available on www.communitypolicingawards.org.uk or from Scott Weetch.

5. Communications

- 5.1 Press releases over the last couple of months have covered, among others, topics such as: Taunton's success in Britain in Bloom, the Mayor's 300 mile cycle ride to raise funds for his charities, the cleaning up of Station Road Railway bridge, free parking in Wellington on Tour of Britain Day and 4 Saturday's leading up to Christmas, Green Flags for our parks, the launch of the river Tone Community Boat, Septemberfest and, sadly, the collapse of Connaught and closure of the Co-op Depot in Wellington flagging up the help Taunton Deane is able to offer those affected.
- 6.2 Following my report to the July Full Council when I invited comments on the Members Portal, I would like to thank Members who have come back to me since then with comments. It has now been agreed that our IT Trainer will give a bit of time to help make the Portal easier to navigate and more user friendly. If any Members would like to be involved in this, please let Donna Durham know.

Councillor Joanna Lewin-Harris

Full Council – 5 October 2010

Report of Councillor Cavill – Economic Development Asset Management Arts and Tourism

Economic Development (ED)

The core economic development team is now in place, and has been allocating projects and budgets to various members of the team. They will be progressed in line with the corporate plan.

Business initiatives for schools

The ED team assisted in this business competition which was for the RDA's Enterprise Britain award. After the presentation in Exeter, Taunton won the Regional Award. It hopes to re-enter the competition next year, where we could stand a chance in the National competition. I'm sure many of you will have seen the Press reports which develop business awareness and encourage the development of business ideas amongst 14 – 18 year olds by the 'Dragon's Den' style activities.

Green Knowledge economy

'Business opportunities in the new Green Economy' is a three day event at the Genesis Centre. All three days are free to attend, and will show and inform you on many different types of renewable energy systems. The event has support from the Princes Mayday Network, founded by HRH Prince of Wales. The aim is to inspire, engage, support and challenges as many businesses as possible so they work together towards a sustainable future. The Mayday network has supplied key note speakers for this event: the first one is Peaches Golding OBE. I hope that this event is the first of an annual series, and will help establish Somerset College as a National Skills Academy in Environmental Technologies.

Local Enterprise Partnership

The ED has been assisting in putting together this bid. Our initial stance was for a local delivery partnership of TD, Sedgemoor and West Somerset, within a wider bid which would operate at a more strategic level. It is now very apparent that the LEP needs to be larger and there will be considerably more work to be done.

There is an ongoing programme underway aimed at strengthening the links between Council and the local business community, in particular, to make sure we are aware of the issues important to our local businesses so that we can work closer with them in assisting their growth.

The Co-operative Stores Ltd

The Co-op has announced that it plans to close the Distribution Centre in Wellington, and to relocate to Bristol in the Spring 2012. This represents a loss of 300 jobs. The ED unit is working with the Co-op's HR manager and other agencies to co-ordinate the support available for employees.

The ED unit is also working with a potential investor who wishes to build in the Sky Park estate in West Park, Wellington. This proposal by Priory Homes is for a secure mental health facility, and has a potential to create 225 jobs. It will go through the necessary consultation and planning procedures.

EDF

We assisted at the Supplier event on 28th September 2010. The Leader has already reported on this matter. Taunton Deane's participation in this development has great implications for the

future economic development of Taunton Deane.

Access to Finance/Grants

In conjunction with Community Strategy we subscribe to GrantNet grant directory for business and community groups, which will assist in finding funding.

Arts

St Augustine's school is allowing a redundant art building to be used as a community hub/creative workspace. At the moment there are a number of potential users; North Taunton Youth Club, Somerset Racial Equality Council, Somerset Emerging Artists network and the Polish Association. The plan is to make the building available for 3 years, reviewed annually with the school.

Chestnut Tree is presently being reviewed by SCC for its use as a youth club. There are various rebuild issues to be resolved and costed to make the building fit for purpose.

Floodlighting of various landmarks in Taunton Deane has recently been reviewed and a substantial amount of maintenance and upgrading is required to bring up the systems to the present regulatory standards.

TIC

The TIC has had a busy summer; income has remained steady and the travel centre income has increased by 10% on the previous year. In conjunction with Berry's Coaches, the TIC was present at the Taunton Flower Show, promoting the office, and opportunities and services available. Ticket sales have been boosted by the Flower Show and the Moscow State Circus. I would also like to congratulate the TIC on receiving an excellent feedback from the 'Visit England' mystery shopper – they scored an average of 90% - well done! The revised 'Welcome to Taunton' leaflet is now available at the TIC.

Asset management

We are now in a position to promote the sale of the old Nursery site at Mount Street, as reported in the Executive minutes, which will be debated at Council this evening. In addition, the site at Frobisher Way will shortly be considered by the Planning dept, as soon as we have the transport assessment/comment back from the County Council (SCC). This site is also attracting considerable local interest.

Property and leasing agreement reviews are also on-going, in particular the future use of Flook House, and the scrap yard re-let at Tone Way.

The old pavilions at Hamilton Gault and Galmington are to be removed, and the work is being costed, prior to tendering.

Local action for Rural Communities (LARC)

Larc is part of the Rural Development programme for England, which has European funding from 2009 to 2013. In Somerset we have three schemes; Levels and Moors, Western Somerset and 'Making it Local (Blackdown Hills)'. The respective budgets are Levels and Moors £1.8m, Western Somerset £2.25m, and Blackdown Hills £2.4m. Generally, small grants are in the range of £1k -10k; whereas large grants are in the £10k-100k range. Councillors Dave Durdan, Peter Watson, Andrew Govier respectively are the people to contact for their areas, for further information. The Taunton Deane Officer is Mrs Hattie Winter.

Councillor Norman Cavill

Council Meeting – 5 October 2010

Report of Councillor Ken Hayward – Environmental Services

1. Environmental Health Teams

- 1.1 On 15th September I joined the whole EH Team for a full morning workshop session to begin to lay the foundations in preparation for the forthcoming comprehensive spending review. Each team looked at the services they provide and discussed ways in which they might achieve even more efficiencies. There is a general realisation among team members that the minimum levels of service need to be clearly defined, which will then help to establish at what a fair and affordable level of service may look like. A number of good ideas came forward and it is hoped that this will also help shape some tough decisions for the future.
- 1.2 The feedback Charlotte Dale received from the officers was really positive, not only did they make the most of the opportunity to challenge the work that they do, and identify the areas where there may be some discretion but, I am told, really appreciated the support from their Portfolio Holder. The informal 'hands on' approach gave me the chance get to know the officers and to find out the details of how service currently works. It also gave those officers the chance to get to know me as well.
- 1.3 We will be following up some of the suggestions for change made during the session and have identified some additional areas for further challenge.

Community Toilet Scheme

- 1.4 Chris Hall has now invited a total of six establishments to join the pilot but interest has been somewhat muted. Local managers are keen to join, but it seems 'Head Office' has a different view! This may well be yet another indicator of the recession. At the time of writing this report, I have made arrangements to meet with Chris to discuss a way forward. I hope to be able to bring a verbal update to Full Council on the evening.

2. Crematorium

- 2.1 Mercury filtration. The successful tenderer has been chosen and hopefully work is scheduled to commence next March. We are currently in discussion to obtain architectural support etc from SW1.

3. Waste Management

SORT IT Plus

- 3.1 I am doubly delighted to report that as of 25th September I now have kerbside recycling of plastic bottles and cardboard. Not only can I now personally divert more waste away from landfill, but also as I live on just about the last street to 'go live', I can report that SORT IT Plus has now been rolled out across the whole of Taunton Deane!
- 3.2 Having said that, the Somerset Waste Partnership is very much aware that there are still some communal (i.e. flats, etc) and other properties around the Deane not benefitting from this new service. Officers are working hard to find the best solution to this problem.
- 3.3 The Somerset Waste Partnership of course faces the same challenges that we all face with regard to the Comprehensive Spending Review. Officers have organised an informal workshop for 29th October for Waste Board Members to begin working on ways of meeting these challenges.

4. Climate Change / Carbon Management

- 4.1 The Council's 10%Less Campaign was launched with 21 roadshows attended by nearly 300 staff and Members. The Campaign was the idea of our volunteer staff Green Champions and has been designed to encourage all staff to reduce their energy usage by 10%, and part of our commitment to the 10:10 initiative. Following the successful launch, the Campaign now runs for 6 months and will focus on 4 high energy use areas at different times – electrical equipment, lighting, heating and business mileage. Our Green Champions and Energy Champions will be working hard to encourage all staff to do their bit.
- 4.2 An emerging topic that fits neatly under the Climate Change Corporate Priority is that of the Sale of Electricity by Local Authorities.
- 4.3 Since 1989 local authorities have been able to put any renewable electricity they generate to local use, and to benefit from the associated feed in tariff for projects smaller than 5MW. But they have been restricted from selling any excess renewable electricity into the grid (other than that generated from combined heat and power), and also from benefiting from the additional export component of the feed in tariff. The new Regulations, which came into force on 18th August 2010 removes these restrictions.
- 4.4 As Kevin Toller recently reported to Corporate Scrutiny, these new Regulations open up a whole range of opportunities, from spending lots of money on investing in and retaining full ownership of renewable energy generation (capital intensive, but we would receive the full income stream) to simply allowing our buildings to be used to install, for example, PV panels.

With this option, the installation company would take on all the financial risk, but in return would get all of the financial benefit.

- 4.5 Talking of risk, I recently read a paper that among other things, pointed out that to continue to rely wholly on fossil fuels is in itself a risky strategy as markets become increasingly volatile and price sensitive. In addition, we in the UK have to rely more and more on imported fuel. Both these factors will serve to make it increasingly difficult to budget in the coming years.
- 4.6 The Conservative administration is committed to Climate Change as a corporate priority. As such we will explore all opportunities for renewable energy fed into the national grid. It goes without saying of course that whatever course of action we might choose to take it must be for the benefit of our wider community.
- 4.7 As a first step I shall be joining Kevin Toller & Roger Mitchinson in attending the “Renewable Energy in the Public Sector – Leading the Way to Zero Carbon” conference in London later this month.

Councillor Ken Hayward

Council Meeting – 5 October 2010

Report of Councillor Mrs Catherine Herbert – Sports, Parks and Leisure

1. Parks

1.1 Following lots of hard work and commitment from our parks department and many volunteers, Taunton has again had a most successful year in the South West in Bloom competitions as detailed in the leaders report. I think it is important to remember that it is actually plants grown at our nursery that help many other towns also win prizes in this arena.

1.2 Last week the Taunton in Bloom awards were kindly hosted at Monkton Elm Garden Centre. It was great to see local business people mixing with allotment owners and individual gardeners united through horticulture. Monkton Elm very generously donated a new resident for the sensory garden who should be in place very soon.

2. Community Leisure

2.1 Vivary Park has again hosted a most successful series of Sunday bandstand concerts. Unfortunately the Energise event had to be cancelled due to poor weather, but the Moscow State Circus was a real crowd pleaser, and they have again impressed with their slick set up and clean pack up leaving the park as they found it.

2.2 The French Weir Park family fun day was also well supported following a lot of hard work by the Friends of French Weir Park with assistance from the Community Development Team.

3. Play

3.1 The summer has also seen all our new play areas fulfilling their purpose and they are proving to be attracting children from far and wide.

3.2 Following the suspension of Playbuilder the projects at Greenway Rec and Taunton Green were in doubt and we were expecting a decision on Playbuilder by the end of August. There has still not been any decision from Government on this but Somerset County Council have allocated some money which has saved the Taunton Green scheme. Work is still ongoing to source some funding for the Greenway Rec project.

Tone Leisure

4. Sports Development

4.1 Sunday 26th September saw the 24th Taunton 10K road race. The maximum entry of 650 runners certainly had a perfect day for a run! Luke Scott, who is a member of the team at Taunton Pool, is dreaming of a hat trick of wins as Luke has come first in both the 2008 and 2009 races.

5. Health Development

5.1 A Soul Walk was held in Taunton on Friday, 30th July, to promote the benefits that physical activity in the great outdoors has for people's mental health and well-being. Tone Leisure worked in partnership with The Albemarle Centre and the event attracted nine adults, some of which were new to physical activity. Soul Walks is a countywide initiative being provided by members of the Somerset Physical Activity Group for mental health.

5.2 A Volunteer Walk Leader Training Day was provided in Wellington in August and nine adults completed the course. Three of the volunteers have joined the team in Taunton, bringing the number of active volunteers on the Walk Well scheme up to thirteen. Three of the volunteers are contributing to the development of a new programme for Wellington and two are developing a programme for members of the Feel Good Factory at Blackbrook Pavilion in Taunton.

5.3 The development of these new programmes will increase the number of participations in walking and will contribute to Natural England's expansion of the Walking for Health Initiative.

6. Facility News

6.1 St. James Street Baths, In preparation for the essential works to the plant and machinery the small pool was closed on Sunday, 25th July to allow for the preliminary assessments to commence.

6.2 Currently the work is scheduled to be completed by 5th November, 2010. The Institute of Sports and Recreation Management (ISRM) led on the procurement process, with the contract being awarded to Biwater, who are a world leader in the water industry with a highly successful track record of working in over 30 countries. Their expertise is widespread and covers water systems, management water and environmental engineering.

7. Programmes and Events

7.1 The events planner at Wellsprings is really taking shape, with great variety of acts and artists that will appeal to a vast range of existing and new customers.

7.2 The Wedding Fair took place on Sunday, 19th September. This was the first full event that our new Events Manager, Nick Townsend, managed. A great deal of planning and event organisation went into making the day a very special one for the brides to be!

7.3 The summer holiday programme was a huge success across the contract, with both Wellington Sports Centre and Blackbrook Pavilion exceeding their numbers compared to the summer of 2009.

7.4 During this time we also had two OFSTED visits to the Blackbrook Pavilion; the feedback from OFSTED was very positive on the child provision that is provided at Blackbrook.

7.5 Vivary Golf Course held its Family Open Day on Sunday, 15th August. Over 800 people took advantage of the programme of activities including a bouncy castle, face painting, mini golf competitions for both juniors and adults and a half price offer on the Mr. Whippy specials. The feedback from families who participated was really positive and this event will now be a regular annual feature on the promotion plan for the golf course.

7.6 A number of new innovative programmes and sessions have been delivered or are scheduled for later this year; here is a selection of some of these activities.

Salsa Dance - These classes are non-partner dance and offer members the opportunity to keep fit whilst jiggling away to the very latest in Cuban music.

Zumba Dance -The Zumba® programme fuses hypnotic Latin rhythms and easy-to-follow moves to create a 'one of a kind' fitness programme that will blow you away. The goal is simple: we want you to want to work out, to love working out, and to get hooked. Zumba® fanatics achieve long-term benefits while experiencing an absolute blast in one exciting hour of calorie-burning, body-energising, awe-inspiring movements meant to engage and captivate for life!

Kettle Bell Training/Classes - We have programmed a training day to 'up skill' our internal instructors with the right skills and techniques to deliver a comprehensive workout. With the main focus on the weight and full range of exercises, customers will definitely get the toning results that they strive for.

7.7 On top of the exercise classes for adults we also have a number of new sessions for our junior customers including: indoor paint ball (without the mess), water walkers (basically children in hamster balls) and the traditional roller skating discos.

8. Environmental Investment

8.1 Taunton Deane Borough Council has confirmed that the funding for the new lighting project at Wellington Sports Centre has gained full approval, with work scheduled to take place during the October half-term in an attempt to reduce the level of activity disruption.

8.2 The new lighting system will operate on a Passive Infra Red (PIR) system that will significantly reduce the annual electricity consumption at the centre. This, coupled with an annual saving of 15 tonnes of CO₂, will go a long way to assist the Council in achieving its commitment to 10:10.

Councillor Mrs Catherine Herbert

Council Meeting – 5 October 2010

Report of Councillor Mrs Jean Court-Stenning – Housing Services

1. Housing Property Services Review

1.1 A review led by James Barrahan is ongoing to separate the client function and the DLO workforce, as recommended by the Audit Commission and the consultants, Turner and Townsend.

1.2 The Tenant Services Management Board recently considered the report which was also presented to the Member Change Steering Group and is now out for consultation with staff. This will then come to Corporate Scrutiny on 21st October and Executive for a decision on 10th November.

2. Affordable Housing

Mrs Lesley Webb has decided to take flexible retirement and will be working 3 days a week concentrating on the Regeneration sites. We welcome Jo Humble as the new Housing Enabling Officer.

2.1 A Groundbreaking Ceremony was held at Firepool Lock organised by Knightstone Housing Association and attended by representatives of the Homes and Communities Agency. The Mayor officiated and spirits were high despite the heavy rain. The opportunity was taken to tour the other Regeneration sites by bus before the ceremony.

2.2 Firepool Lock will deliver 108 affordable homes.

2.3 Work is about to start at Wordsworth Drive on 18 social rented and intermediate homes.

2.4 Other affordable housing schemes are well under way with completion of 36 units expected in March 2011 at Holyoake St, Wellington, 46 units at Westford in December and 40 expected at Hyde Lane by Autumn 2011 and 9 social rented homes at the Denmark Inn next month.

2.5 At Ruskin Close there is one tenant left to rehome and it is hoped that demolition can be carried out here in conjunction with Wordsworth Drive as the two sites are adjacent. This will provide 45 more homes of mixed tenure.

2.6 A planning application has been submitted for 64 homes at Victoria Gate and an application for a further 6 at Dorchester Rd is expected soon.

3. Regeneration of Halcon

- 3.1 South West Planning Aid have been retained to assist with public consultation at Halcon.

4. Estate Officers

- 4.1 Interviews were held last Friday for 2 vacant estate officer posts. It is hoped to recruit officers with experience of tackling antisocial behaviour who will concentrate on this issue freeing up other officers to deal with other business on their estates.

5. Sheltered Housing

An Open Day has been held at Lodge Close Wellington and another will be held tomorrow, Wednesday 6th October from 10am to 2pm at Kilkenny Court, to inform about the options for care which are available. All are welcome.

6. Somerset West Private Sector Housing Partnership

6.1 Empty Homes

A mapping exercise has been undertaken and work is ongoing to set a target for next year.

- 6.2 The Empty Homes Officer has been working with Revenues and Benefits as this exercise has not only resulted in 6 empty homes being brought back into use, but also the identification of properties which are in fact occupied leading to Council Tax being recovered which was not being paid.

Councillor Mrs Jean Court-Stenning

This Council deeply regrets the decision of Somerset County Council (SCC) to announce cessation of the plan to possibly pedestrianise North Street/Bridge Street on the completion of the Third Way. It also regrets the halting of the consultation on the 4 options being considered for a comprehensive town centre pedestrianisation which could have been delivered when the Northern Inner Distribution Road (NIDR) had been built

It notes that this decision could undermine the regeneration of Taunton's town centre at a time when there is a danger of losing its competitive edge over Exeter and Bristol as an attraction for retail business and economic development.

This council also notes that the impact of this unilateral action undermines the basis of the partnership that has served Project Taunton so well. The decision further undermines the relationship between SCC and this council on Highway matters where consultation has always been strength of the goodwill between the 2 councils over many years. This council notes that the report to the cabinet member of the SCC that highway officers have highlighted the risk of more accidents happening if the Third way happens with no pedestrianisation. They also highlighted the risk to prosperity of the town. These concerns have been raised by professional officers and not politicians and the County Council cabinet member has not addressed either of them. We want to know what the County Council intends to do about these risks if they are determined to do nothing about pedestrianisation. We also note the total waste of time and money the County Council has made of a public consultation.

This council also notes that the axing of the “temporary” pedestrianisation of North Street/Bridge Street is likely to have a disproportionate cost/benefit effect on the economy of Taunton. It also believes that the temporary pedestrianisation was solely dependent on the completion of the Third Way and not the NIDR.

It therefore requests that the relevant Cabinet member from SCC be asked to appear before the next meeting of this Council's Community Scrutiny committee to explain the decision which is going to have such an adverse impact on Taunton's economic development and long term future.

It further asks the Executive of this council to undertake in conjunction with Project Taunton a consultation process to consider if temporary pedestrianisation of North Street/Bridge Street can be re-instated with the possibility of funding coming from internal sources and Growth Point funds and other form of finance available.