

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 17 July 2012 at 18:30.

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## **Agenda**

The meeting will be preceded by a Prayer to be offered by the Mayor's Chaplain.

- 1 To receive the Minutes of the Annual Meeting of the Council held on 10 May 2012 (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 To receive any petitions or deputations from Taunton Deane Electors under Standing Orders 16 and 17.
- 7 Flooding on Currymoor and Haymoor - To consider the attached motion proposed by Councillor Mrs Slattery and seconded by Councillor Phil Stone.
- 8 To receive recommendations from the Corporate Governance Committee concerning the amended Standards Regime introduced by the Localism Act 2011. A copy of a report prepared by the Monitoring Officer detailing the recommendations is attached.
- 9 Part I - To deal with written questions to, and receive the following recommendations from, the Executive:-
  - (i) Councillor Mrs Warmington - Proposed Crime and Disorder Reduction Partnership Merger (attached);
  - (ii) Councillor Hayward - New Cremators and Mercury Filtration Project - Taunton Deane Crematorium (attached);
  - (iii) Councillor Williams - Financial Outturn 2011/2012 (attached);

(iv) Councillor Cavill - Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton (attached).

These four recommendations will follow shortly.

10 Part II - To receive reports from the following Members of the Executive:-

- (a) Councillor John Williams - Leader of the Council;
- (b) Councillor Catherine Herbert - Sports, Parks and Leisure;
- (c) Councillor Jean Adkins - Housing Services;
- (d) Councillor Vivienne Stock-Williams - Corporate Resources;
- (e) Councillor Mark Edwards - Planning, Transportation and Communications;
- (f) Councillor Jane Warmington - Community Development;
- (g) Councillor Norman Cavill - Economic Development, Asset Management, Arts and Tourism;
- (h) Councillor Ken Hayward - Environmental Services and Climate Change.

Tonya Meers  
Legal and Democratic Services Manager

18 September 2012

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](http://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 the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

## **Council Members:-**

Councillor S Brooks (Chairman)  
Councillor J Adkins  
Councillor J Allgrove  
Councillor J Baker  
Councillor A Beaven  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor N Cavill  
Councillor S Coles  
Councillor B Denington  
Councillor D Durdan  
Councillor K Durdan  
Councillor M Edwards  
Councillor H Farbahi  
Councillor M Floyd  
Councillor E Gaines  
Councillor A Govier  
Councillor J Govier  
Councillor T Hall  
Councillor K Hayward  
Councillor R Henley  
Councillor C Herbert  
Councillor C Hill  
Councillor M Hill  
Councillor J Horsley  
Councillor J Hunt  
Councillor L James  
Councillor R Lees  
Councillor S Lees  
Councillor L Lisgo, MBE  
Councillor J Meikle, MBE  
Councillor N Messenger  
Councillor I Morrell  
Councillor M Mullins  
Councillor B Nottrodt  
Councillor U Palmer  
Councillor H Prior-Sankey  
Councillor D Reed  
Councillor J Reed  
Councillor S Ross  
Councillor T Slattery  
Councillor G Slattery  
Councillor F Smith  
Councillor P Smith  
Councillor V Stock-Williams  
Councillor P Stone  
Councillor B Swaine  
Councillor P Tooze  
Councillor J Warmington

Councillor P Watson  
Councillor E Waymouth  
Councillor D Webber  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor J Williams - Leader of the Council  
Councillor G Wren

## Taunton Deane Borough Council

At the Annual meeting of Taunton Deane Borough Council, held at the Taunton and Pickeridge Golf Club, Corfe, Nr Taunton on Thursday 10 May 2011 at 6.30 pm.

**Present** The Mayor (Councillor Brooks)  
The Deputy Mayor (Councillor Hall)  
Councillors Mrs Adkins, Mrs Allgrove, Beaven, Bishop, Bowrah, Cavill, Coles, Denington, D Durdan, Ms Durdan, Edwards, Farbahi, Mrs Floyd, Gaines, A Govier, Mrs Govier, Hall, Hayward, Ms Herbert, C Hill, Mrs Hill, Hunt, Miss James, R Lees, Mrs Lees, Ms Lisgo, Mrs Messenger, Morrell, Mullins, Nottrodt, Ms Palmer, Prior-Sankey, D Reed, Mrs Reed, Ross, Mrs Slattery, T Slattery, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Tooze, Mrs Warmington, Watson, Mrs Waymouth, A Wedderkopp, D Wedderkopp, Williams and Wren.

The meeting was preceded by a Prayer offered by the Reverend Paul Tullett.

### 1. **Election of Mayor**

On the motion of Councillor Williams, seconded by Councillor Mrs Allgrove, it was **resolved** unanimously that Councillor Terence John Hall be elected Mayor of Taunton Deane for the ensuing year. Councillor Hall made and signed the declaration of acceptance of office.

### 2. **Deputy Mayor**

On the motion of Councillor A Govier, seconded by Councillor Mrs Govier, it was **resolved** that Councillor Elizabeth Susan Lisgo MBE be elected as Deputy Mayor for the ensuing year. Councillor Ms Lisgo made and signed the declaration of acceptance of office.

### 3. **Councillor Stephen Arthur Brooks**

On the motion of Councillor Hayward, seconded by Councillor A Govier, it was **resolved** that the best thanks of the Council be accorded to Councillor Stephen Arthur Brooks for the manner in which he had discharged the duties of the Office of Mayor during his term of office.

Councillor Brooks replied.

### 4. **Past Mayor's Badge**

The Mayor presented Councillor Brooks with his past Mayor's badge.

### 5. **Minutes**

The minutes of the meeting of the Council held on 10 April 2012, copies having been circulated to each Member, were signed by the Mayor.

6. **Apologies**

Councillor Mrs Baker, Henley, Meikle and Ms Webber

7. **Appointment of the Executive 2012/2013**

**Resolved** that membership of the Executive would continue to comprise 8 Members for the ensuing year.

8. **Appointment of the Corporate Scrutiny Committee**

The appointment of a Corporate Scrutiny Committee for the ensuing year was agreed as follows:-

12 Members, 6 Conservatives, 4 Liberal Democrats, 1 Labour and 1 Independent.

9. **Appointment of the Community Scrutiny Committee**

The appointment of a Community Scrutiny Committee for the ensuing year was agreed as follows:-

12 Members, 6 Conservatives, 4 Liberal Democrats, 1 Labour and 1 Independent.

(Note: The Chairmanship and Vice-Chairmanship of both of the Scrutiny Committees would be by Members who were not part of the controlling administration).

10. **Appointment of Regulatory Committees and the Staffing Board**

(a) The appointment of a Planning Committee for the ensuing year was agreed as follows:-

18 Members, 9 Conservatives, 8 Liberal Democrats and 1 Labour.

(b) The appointment of a Licensing Committee for the ensuing year was agreed as follows:-

15 Members, 8 Conservatives and 7 Liberal Democrats.

(c) The appointment of a Corporate Governance Committee for the ensuing year was agreed as follows:-

13 Members, 6 Conservatives, 5 Liberal Democrats, 1 Labour and 1 Independent.

(d) The appointment of a Staffing Board for the ensuing year was agreed with membership being selected on a proportional basis, from a pool of Councillors.

11. **Standards Committee 2012/2013**

The appointment of a Standards Committee for the ensuing year or until new legislative requirements were introduced was agreed, with membership to consist of 7 independent members of the public (Mrs A Elder, Mr T Bowditch, Mr A Cox, Mr R Macey, Mr W L Rogers, Mr R Symons and one vacancy), 3 Councillors (1 from each group) and 3 Parish Members (Mr H Davenport, Mr M Marshall and Mr B Wilson) from whom Panels would be selected when necessary.

12. **Intercessional Prayer**

The meeting was closed at 8.14 pm with a prayer offered by the new Mayor's Chaplain, the Reverend Paul Tullett.

## **Usual Declarations of Interest by Councillors**

### **Full Council**

- **Members of Somerset County Council – Councillors Brooks, A Govier, Henley, Prior-Sankey, Mrs Waymouth, D Wedderkopp**
- **Employees of Somerset County Council – Councillors Mrs Hill, Mrs Smith and Stone**
- **Employee of Viridor – Councillor Miss James**
- **Employee of Sedgemoor District Council – Councillor Slattery**
- **Employee of Job Centre Plus – Councillor Henley**
- **Employee of UK Hydrographic Office – Councillor Tooze**
- **Employee of Natural England – Councillor Wren**
- **Somerset Waste Board representatives – Councillor Hayward and Councillor Ross**
- **Director of Southwest One – Councillor Nottrodt**
- **Alternate Director of Southwest One – Councillor Ross**
- **Tone Leisure Board representatives – Councillors D Durdan and Stone**
- **Part-time Swimming Instructor at St James Street Pool – Councillor Swaine**
- **Employee of EDF Energy – Councillor Mullins**

## **Motion to Full Council – 17 July 2012**

### **Flooding on Currymoor and Haymoor**

**Motion proposed by Councillor Gill Slattery and seconded by Councillor Phil Stone**

Taunton Deane Borough Council wishes to recognise the catastrophic events on Currymoor and Haymoor on the Somerset levels since the exceptional April rainfall, and to demonstrate their support to the farmers and growers who have been affected by the loss of not only their summer pastures but also their ability to make hay and silage for next winter.

We urge our Strategic Planners in conjunction with the Environment Agency to mitigate flooding and enhance flood management by examining more critically the terms and conditions of planning consents for development throughout Taunton Deane and, where necessary add further measures to incorporate above the usual guidelines to help in avoiding such occurrences in the future

The Corporate Scrutiny Committee was advised of an underspend on the flood budget for Taunton. We propose that £10,000 of that is set aside should a permanent scheme be proposed when the study reports on 25 September 2012 and provided to help to fund such a permanent scheme. (This would not be for regular river maintenance.)

# Taunton Deane Borough Council

## Full Council – 17<sup>th</sup> July 2012

### The Localism Act 2011 – The Amended Standards Regime

#### (Report of the Monitoring Officer and Cllr David Reed, Chair of Corporate Governance Committee)

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

#### 1. Executive Summary

This report details the changes to the Standards regime that will be required to comply with the provisions of the Localism Act 2011 and requests Full Council approves the various recommendations.

#### 2 The Localism Act 2011

The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The long awaited regulations are out and the Council now needs to approve various aspects of the regulations in order to comply with the legislation.

This report describes the changes and recommends the actions required for the Council to implement the new regime.

#### 3 Duty to promote and maintain high standards of conduct

The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members and the arrangements that the Council puts in place will provide evidence of compliance with that duty.

#### 4 Code of Conduct

The current ten General Principles and Model Code of Conduct will be repealed, and members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Council's new Code of Conduct must, when viewed as a whole, be consistent with the following seven principles –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. However, regulations provide for the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority’s code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

The Act prohibits members with a DPI from participating in authority business, and the Council can adopt a Standing Order requiring members to withdraw from the meeting room.

Therefore the Council’s new Code of Conduct will have to deal with the following matters –

- General conduct rules, to give effect to the seven principles. This corresponds broadly with Paragraphs 3 to 7 of the current Code of Conduct. In practice, the easiest course of action would be simply to re-adopt Paragraphs 3 to 7 of the existing Code of Conduct. The Council can amend its Code of Conduct subsequently if the need arises; and
- Registration and disclosure of interests other than DPIs – effectively, replacing the current personal and prejudicial interests provisions. The Act requires that the Code contains “appropriate” provisions for this purpose.

The Monitoring Officers in Somerset have been working together to draft a code of conduct that can be used by all authorities including the Parish Councils should they wish to do so. The benefits of a standardised code are that it will assist members who sit on more than one Council and provide some consistency.

Annexed to this report at Appendix 1 is the draft code of conduct that the Monitoring Officers have drafted. The code is similar to the one seen by the Standards Committee and Constitutional Sub-Committee but with the addition of the definition of the relevant interests which were not known at the time.

**Recommendation 1 – it is recommended that Full Council adopts the Code of conduct annexed at Appendix 1.**

## **5 Standards Committee**

The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. Therefore, there will be no requirement for a Standards Committee. However, there will still be a need to deal with

standards issues and case-work, so it would be sensible to continue to have a Standards Committee. It will be a normal Committee of Council, without the unique features which were conferred by the previous legislation. As a result –

The composition of the Committee will be governed by proportionality, unless Council votes otherwise with no member voting against. The present restriction to only one member of the Executive on the Standards Committee will cease to apply.

The current co-opted independent members will cease to hold office but the Act establishes for a new category of Independent Persons (see below) who must be consulted at various stages. The legislation provides that the existing co-opted independent members cannot serve as Independent Persons for 5 years except for a transitional period.

The District Council will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils, but the current Parish Council representatives cease to hold office. The District Council can choose whether it wants to continue to involve Parish Council representatives and, if so, how many Parish Council representatives it wants.

Many authorities are continuing to have a Standards Committee but their composition varies between the different authorities. The Monitoring Officer has been having various conversations with members and has taken on board the desire of members to try to retain some independent members on a Standards Committee due to the value that they have added in the past.

Therefore in order to satisfy the legislation and also the will of this Council the Monitoring Officer suggests that a Standards Committee could comprise of five (5) elected members, (voting), 2 independent co-optees, (non-voting), and 2 parish council representatives, (non-voting).

The terms of reference for the Standards Committee are set out below under constitutional amendments.

**Recommendation 2 – it is recommended that Full Council agrees to appoint a Standards Committee comprising of five (5) elected members, (voting), two (2) independent co-optees, (non-voting), and 2 parish representatives, (non-voting).**

## **6 Independent Persons**

The “arrangements” adopted by Council must include provision for the appointment by Council of at least one Independent Person.

“Independence”

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Borough Council.

A person is considered not to be “independent” if –

- (a) He/she is, or has been within the last 5 years, an elected or co-opted member or an officer of the Borough Council or of any of the Parish Councils within its area;
- (b) He/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the Borough Council or of any of the Parish Councils within its area (which would preclude any of the current co-opted independent members of Standards Committee from being appointed as an Independent Person); or
- (c) He/she is a relative or close friend of a current elected or co-opted member or officer of the Borough Council or any Parish Council within its area, or of any elected or co-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises –

- (i) the candidate’s spouse or civil partner;
- (ii) any person with whom the candidate is living as if they are spouses or civil partners;
- (iii) the candidate’s grandparent;
- (iv) any person who is a lineal descendent of the candidate’s grandparent; parent, brother, sister or child of anyone in Paragraphs (i) or (ii);
- (v) the spouse or civil partner of anyone within Paragraphs (iii) (iv) or (vi); or
- (vi) any person living with a person within Paragraphs (iii) (iv) (vi) as if they were spouse or civil partner to that person.

### **Functions of the Independent Person**

The functions of the Independent Person(s) are –

- They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

### **How many Independent Persons?**

The Act gives discretion to appoint one or more Independent Persons, but provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person, provided that a couple of reserve candidates are retained and can be activated at short notice, without the need for re-advertisement, in the event that the Independent Person is no longer able to discharge the function.

Following discussions with the other Somerset Monitoring Officers we have all suggested that at this stage the Council should appoint 1 Independent Person and 1 reserve until the 1<sup>st</sup> July 2013 in order to give each authority time to work through the implications and arrangements that need to be put in place for a sharing arrangement to work effectively.

### **Remuneration**

As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

It is not known how onerous this role will be but he/she is likely to be invited to attend all meetings of the Standards Committee and Hearings Panels, but not to be a formal member of the Committee or Panel (he/she could be co-opted as a non-voting member but cannot chair as the Chair must exercise a second or casting vote). He/she will need to be available to be consulted by members against whom a complaint has been made, although it is unclear what assistance he/she could offer. Where he/she has been so consulted, he/she would be unable to be involved in the determination of that complaint. This report suggests that the Independent Person also be involved in the local resolution of complaints and in the grant of dispensations.

A general consensus at this stage is that the Independent Person should be paid the same rate as the Chair of the Standards Committee and then be subject to a review before appointing a permanent Independent Person after the 1<sup>st</sup> July 2013.

### **Recommendation 3 – it is recommended that Full Council agrees to:-**

- (a) appoint one Independent person and 1 Reserve**
- (b) the Independent Person is paid the equivalent of the Chair of the existing Standards Committee until 30<sup>th</sup> June 2013.**

- (c) **That 3 members of the Corporate Governance Committee and the Monitoring Officer being given delegated authority to undertake the interviews and recruitment of the Independent Person and Reserve.**
- (d) **That the Reserve Independent Person be able to claim any relevant expenses.**

## **7. The register of Members Interests**

The provisions of the Act in respect of the Code of Conduct require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

Regulations have defined "Disclosable Pecuniary Interests" (DPIs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council's website.

The Monitoring Officer is required by the Act to set up and maintain registers of interest for each Parish Council, available for inspection at the District Council offices and on the District Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.

### **Registration on election or co-option**

Each elected or co-opted member must register all DPIs within 28 days of becoming a member. Failure to register is made a criminal offence, but would not prevent the member from acting as a member.

In so far as the Code of Conduct which the Council adopts requires registration of other interests, failure to do so would not be a criminal offence, but would be a failure to comply with the code of conduct.

There is no continuing requirement for a member to keep the register up to date, except on re-election or re-appointment, but it is likely that members will register new interests from time to time, as this avoids the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

The preparation and operation of the register, not just for this authority but also for each Parish Council, is likely to be a considerable administrative task, especially where different Parish Councils adopt different Code requirements for registration and disclosure in respect of interests other than DPIs. There is no provision for the District Council to recover any costs from Parish Councils.

The definitions of the various interests are set out in the Code of Conduct attached at Appendix 1 to this report. In addition, guidance will be prepared for members to

assist them in their understanding of the definitions but Monitoring Officers have tried to keep definitions close to the current arrangements in order to assist members.

**Recommendation 4 – it is recommended that Full Council agrees:-**

- a. That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council’s Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;**
- b. That the Monitoring Officer ensure that all members are informed of their duty to register interests;**
- c. That the Monitoring Officer prepare and maintain new registers of members’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and**
- d. That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.**

**8. Sensitive interests**

The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests.

So, where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose) at a meeting or on the register of members’ interests would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a “sensitive interest”.

If the Monitoring Officer agrees, the member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members’ interests.

**9. Dispensations**

The provisions on dispensations are significantly changed by the Localism Act.

At present, a member who has a prejudicial interest may apply to Standards Committee for a dispensation on two grounds –

- (a) That at least half of the members of a decision-making body have prejudicial interests (this ground is of little use as it is normally only at the meeting that it is realised how many members have prejudicial interests in the matter, by which time it is too late to convene a meeting of Standards Committee); and
- (b) That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter (this ground would require that the members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be inappropriate).

In future, a dispensation will be able to be granted in the following circumstances:-

- i. That so many members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
- ii. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
- iii. That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- iv. That, without a dispensation, no member of the Executive would be able to participate on this matter (so, the assumption is that, where the Executive would be inquorate as a result, the matter can then be dealt with by an individual Executive Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or
- v. That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by Standards Committee, the Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. Grounds (i) and (iv) are pretty objective, so it may be appropriate to delegate dispensations on these grounds to the Monitoring Officer, with an appeal to the Standards Committee, thus enabling dispensations to be granted “at the door of the meeting”. Grounds (ii), (iii), and (v), are rather more objective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, after consultation with the Independent Person.

**Recommendation 5 – it is recommended that Full Council agrees that the power to grant dispensations is delegated as set out below –**

- a. on Grounds set out in Paragraphs (i) and (iv) of this report to the Monitoring Officer with an appeal to Standards Committee, and**
- b. on Grounds (ii), (iii) and (v) to the Standards Committee, after consultation with the Independent Person.**

## **10. Dealing with Misconduct Complaints**

### **“Arrangements”**

The Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct both by Borough Council members and by Parish Council members. Such complaints can only be dealt with in accordance with those “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct.

The advantage is that the Act repeals the requirements for separate Referrals, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. Indeed, as the statutory provisions no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to any Standards Committee and to the Monitoring Officer.

Attached at Appendix 2, are the arrangements that have been previously drafted and reviewed by the Standards Committee and Constitutional Sub-Committee.

### **Decision whether to investigate a complaint**

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It would be sensible to take advantage of the new flexibility and delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person and the ability to refer particular complaints to the Standards Committee where it is believed to be inappropriate for the Monitoring Officer to take a decision on it.

For example where the Monitoring Officer has previously advised the member on the matter or the complaint is particularly sensitive. These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether

the complaint merits formal investigation. If this function is delegated to the Monitoring Officer, it is right that the Monitoring Officer should be accountable for its discharge. For this purpose, it would be appropriate to make a quarterly report to Standards Committee, which would enable the Monitoring Officer to report on the number and nature of complaints received and draw to the Committee's attention the areas where training or other action might avoid further complaints, and keep the Committee advised of progress on investigations and costs.

### **“No Breach of Code” finding on investigation**

Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement is that this is reported to Standards Assessment Sub-Committee and the Sub-Committee take the decision to take no further action.

In practice, it would be reasonable to delegate this decision to the Monitoring Officer, but with the power to refer a matter to Standards Committee if the Monitoring Officer deems appropriate. It would be sensible for copies of all investigation reports to be provided to the Independent Person to enable them to get an overview of current issues and pressures, and that the Monitoring Officer provide a summary report of each such investigation to Standards Committee for information.

### **“Breach of Code” finding on investigation**

Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. Sometimes the investigation report can cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action.

However, it is suggested that at this stage it would only be appropriate for the Monitoring Officer to agree a local resolution after consultation with the Independent Person and where the complainant is satisfied with the outcome, and subject to summary report for information to the Standards Committee.

In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for the Standards Committee (in practice a Hearings Panel constituted as a Sub-Committee of Standards Committee) to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the Hearing Panel can determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

### **Action in response to a Hearing finding of failure to comply with Code**

The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or requirements for training or an apology on

members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively, rather than “punishing” the member concerned.

In practice, this might include the following –

- (i) Reporting its findings to Council [*or to the Parish Council*] for information;
- (ii) Recommending to the member’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (iii) Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- (a) Instructing the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
- (b) Removing [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
  - (i) Withdrawing [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
  - (ii) Excluding [*or recommend that the Parish Council exclude*] the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There is a particular difficulty in respect of Parish Councils. The Localism Act gives the Standards Committee no power to do any more in respect of a member of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of the member. Parish Councils will be under no obligation to accept any such recommendation. The only way round this would be to constitute the Standards Committee and Hearings Panels as a Joint Committee and Joint Sub-Committees with the Parish Councils, and seek the delegation of powers from Parish Council to the Hearings Panels, so that the Hearings Panels can effectively take decisions on action on behalf of the particular Parish Council.

## **Appeals**

There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

The Council has to decide what “arrangements” it will adopt for dealing with standards complaints and for taking action where a member is found to have failed to comply with the Code of Conduct.

**Recommendation 6 – it is recommended that Full Council agrees that the Arrangements set out in Appendix 2 are adopted and that:-**

- a. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- b. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that Officer be given discretion to refer decisions on investigation to the Standards Committee where it is deemed inappropriate for the Monitoring Officer to take the decision, and to report quarterly to Standards Committee on the discharge of this function;**
- c. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the member concerned, the Independent Person, and reporting the findings to the Standards Committee for information;**
- d. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;**
- e. That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –**
  - Reporting its findings to Council [*or to the Parish Council*] for information;**
  - Recommending to the member’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;**

- **Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;**
- **Instructing the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;**
- **Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;**
- **Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or**
- **Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.**

## **11. Constitutional amendments**

As a result of these changes there needs to be a number of changes to the Constitution. These are a:-

- (a) Change to the Terms of Reference for the Standards Committee;
- (b) Changes to ensure that members leave the room when they have a Prejudicial Interest and a Disclosable Personal Interest.

Attached at Appendix 3 is a copy of the relevant changes to the constitution to be approved.

**Recommendation 7 – it is recommended that Full Council agrees the changes to the Constitution as set out in Appendix 3.**

## **12. Finance Comments**

There is only a minimal increase in the costs of remuneration to members and the Independent Person which is anticipated to be less than £150.

## **13. Legal Comments**

The Council has a statutory duty to promote and maintain high standards of conduct as well as the various requirements set out in this report therefore careful consideration needs to be given to the various recommendations to ensure that the duty is met.

**14. Links to Corporate Aims** (Please refer to the current edition of the Corporate Strategy)

There are no links to the Corporate Aims

**15. Environmental Implications**

There are no environmental implications in this report.

**16. Community Safety Implications** (if appropriate, such as measures to combat anti-social behaviour)

There are no community safety implications

**17. Equalities Impact** (An Equalities Impact Assessment should be carried out in respect of:-

There are no equalities impact contained in this report.

**18. Risk Management** (if appropriate, such as reputational and health and safety risks. If the item the subject of the report has been included in a Service Plan, the result of the risk assessment undertaken when the plan was prepared should be entered here.

The Council needs to demonstrate that it can comply with its duty to promote and maintain high standards of conduct and the recommendations in this report will assist the Council in doing that. Failure to have appropriate processes and procedures in place to deal with any complaints could be damaging to the Council's reputation and credibility.

**19. Partnership Implications** (if any)

There is a requirement to work with parish councils to ensure consistency in operating these arrangements.

**20. Recommendations**

**Recommendation 1 – it is recommended that Full Council adopts the Code of conduct attached at Appendix 1.**

**Recommendation 2 – it is recommended that Full Council agrees to appoint a Standards Committee comprising of five (5) elected members, (voting), two (2) independent co-optees, (non-voting), and 2 parish representatives, (non-voting).**

**Recommendation 3 – it is recommended that Full Council agrees to :-**

**(a) appoint one Independent person and 1 Reserve**

**(b) that the Independent Person is paid the equivalent of the Chair of the existing Standards Committee until 30<sup>th</sup> June 2013.**

- (c) That 3 members of the Corporate Governance Committee and the Monitoring Officer undertake the interviews and recruitment of the Independent Person and Reserve.**
- (d) That the Reserve Independent Person be able to claim any relevant expenses.**

**Recommendation 4 – it is recommended that Full Council agrees that:-**

- (a) That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council’s Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;**
- (b) That the Monitoring Officer ensure that all members are informed of their duty to register interests;**
- (c) That the Monitoring Officer prepare and maintain new registers of members’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and**
- (d) That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.**

**Recommendation 5 – it is recommended Full Council agrees to delegate the power to grant dispensations –**

- (a) on Grounds set out in Paragraphs (i) and (iv) of this report to the Monitoring Officer with an appeal to Standards Committee, and**
- (b) on Grounds (ii), (iii) and (v) to the Standards Committee, after consultation with the Independent Person.**

**Recommendation 6 – it is recommended that Full Council agrees to adopt the Arrangements set out in Appendix 2 and the delegations set out in (a) – (e) below:-**

- (a) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- (b) That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that Officer be given discretion to refer decisions on investigation to the Standards Committee where it is deemed inappropriate for the Monitoring Officer to take the decision, and to report quarterly to Standards Committee on the discharge of this function;**

- (c) Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the member concerned, the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- (e) That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
- Reporting its findings to Council [*or to the Parish Council*] for information;
  - Recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
  - Removing [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
  - Withdrawing [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
  - Excluding [*or recommend that the Parish Council exclude*] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

**Recommendation 7 – it is recommended that Full Council agrees the changes to the Constitution as set out in Appendix 3.**

Contact: Tonya Meers  
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## Corporate Governance Committee 25<sup>th</sup> June 2012

### APPENDIX 1

#### Draft MEMBER CODE OF CONDUCT

NB THE WORDS IN SQUARE BRACKETS [ ] APPLY TO PARISHES ONLY

#### INTRODUCTION AND INTERPRETATION

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you do not do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

An explanation of the terms used in this Code can be found in Appendix 2.

#### 1. GENERAL OBLIGATIONS

When undertaking Council business you must:

- 1.1 treat others with respect;
- 1.2 not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;
- 1.3 when reaching decisions on any matter, consider any relevant advice provided to you by—
  - a) the Council's Chief Finance Officer (S151) [responsible officer (RFO)]; or
  - b) the Council's Monitoring Officer [proper officer],

in accordance with his or her statutory duties;

- 1.4 give reasons for decisions in accordance with any statutory requirements and the Constitution of the Council [second part only applicable if the Town/Parish has a constitution];
- 1.5 act in accordance with the [the Council's policies –Towns/Parishes only] Council's Constitution and the policies contained within it and any other relevant Council policies ;
- 1.6 not use Council's resources improperly (including for political purposes);
- 1.7 avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- 1.8 not bully any person;
- 1.9 not intimidate or attempt to intimidate any person who is or is likely to be—
  - a) a complainant,
  - b) a witness,
  - c) involved in the administration of any investigation or proceedings, or
  - d) any other person carrying out the functions of the Council,in relation to an allegation that a member (including yourself) has failed to comply with the Council's code of conduct;
- 1.10 avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- 1.11 not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - a) you have the consent of a person authorised to give it;

- b) you are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is—
  - i. reasonable and in the public interest; and
  - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
- e) you have consulted the Monitoring Officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

## 2. INTERESTS

### Disclosable Pecuniary Interests

2.1 You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code, and set out in Appendix 3.

2.2 You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the [District] Council's Register of Members' Interests and made available for public inspection including on the [District] Council's website at: [www.. gov.uk](http://www.. gov.uk). [In addition it will be made available on the Council's website at [www.xxxxxxxx-](http://www.xxxxxxxx-) only applicable for those parishes with a website]

2.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's monitoring officer.

2.4 Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest whether registered under 2.2 or 2.3 above or not, and you attend any meeting of the Council, its Cabinet/Executive or any Committee, Sub-Committee, Joint Committee [delete as necessary] at which that business is to be considered, you must:

- not seek to influence a decision about that business
- disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest under paragraph 2.11
- withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee [Council or clerk] .

2.5 Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest. Additionally you must observe the restrictions the Council places on your involvement in matters where you have a Disclosable Pecuniary Interest as defined by the Council and set out in this Code.

## Other Interests

NOTE: It is conceivable that an interest could be categorised as both a Disclosable Pecuniary Interest and a personal or a personal and prejudicial interest. If so you must treat it as a Disclosable Pecuniary Interest and comply with the requirements set out in paragraphs 2.1 – 2.6 inclusive

2.7 (1) In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, you must, within 28 days of—

- a) this Code being adopted by or applied to the Council; or
- b) your election or appointment to office (where that is later),

give written notification to the Monitoring Officer of the details of your other personal interests, as defined in 2.8(1) (i) and (ii) below, for inclusion in the register of interests. The exception to this requirement is if the detail of the personal interest is classified as sensitive – see paragraph 2.11.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any such registered interest, notify the Monitoring Officer of the details of that new interest or change.

## Personal Interests

2.8(1) You have a personal interest in any business of the Council where:

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) established for charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(b) a decision in relation to any business of the Council might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision;

(2) Subject to sub-paragraphs (3) to (5) below, where you are aware of a personal interest described in paragraph (1) above in any business of the Council, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the start of the consideration of that business, or when the interest becomes apparent to you.

(3) Where you have a personal interest in any business of the Council which relates to or is likely to affect a significant person (see paragraph 1 (b) above and Appendix 2 for the interpretation of the term 'significant person'), or a body described in paragraph 2.8(1)(a)(ii) you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

(4) Where you have a personal interest but the interest is not detailed in the Council's register of members' interests because of the sensitive nature of the interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of the Council and you have made an individual decision (as a Cabinet/Executive member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (4) above.

(6) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(7) A copy of the register will be available for public inspection and will be published on the [District] Council's website [and the Council's website (where applicable)].

### Prejudicial Interests

2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

(a) affects your financial position or the financial position of a significant person or a body described in paragraphs 2.8(1)(a)(i) and (ii) (other than another town parish district or county council of which you are also a member); or

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person or a body described in paragraph 2.8(1)(a)(ii) (other than another town parish district or county council of which you are also a member).

(2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—

(a) You may not participate in any discussion of the matter at a meeting.

(b) You may not participate in any vote taken on the matter at a meeting.

(c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.

(3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of—

(i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease [not applicable];

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(5) Where, as a Cabinet/Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the proposed decision you must notify the Monitoring Officer of the interest and must not

take any steps or further steps in the matter, or seek to influence a decision about the matter.

### **Receipts of gifts and hospitality**

2.10(1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.

(2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

### **2.11 Sensitive Interests**

2.11(1) If you have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest or Personal or Personal and Prejudicial Interest (as the case may be). In such instances any published version of the register of interests will exclude details of the interest but may state that you have an interest, the details of which are withheld.

### **Overview and Scrutiny**

(1) [Not applicable to Town/Parishes] In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—

- a. that business relates to a decision made (whether implemented or not) or action taken by your Council's Cabinet/Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and
- b. at the time the decision was made or action was taken, you were a member of the Cabinet/Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph a) and you were present when that decision was made or action was taken;

or

- c. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

you may attend a meeting of the overview and scrutiny committee or sub-committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business.

## APPENDIX 1

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

COUNCIL'S CODE OF CONDUCT - INTERPRETATION

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them—

- “the Act” means the Localism Act 2011;
- “Disclosable Pecuniary Interest” is as defined in Appendix 3
- “meeting” means any meeting of—
  - (a) the Council;
  - (b) the Cabinet/Executive of the Council;
  - (c) any of the Council's or its Cabinet's/Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;whether or not the press and public are excluded from the meeting in question by a resolution of members
- “member” includes a co-opted member and an appointed member.
- “sensitive information” means information relating to a member's interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation
- “bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine
- “disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role
- “significant person” in relation to personal and personal and prejudicial Interests means

a member of your family or any person with whom you have a close association; or any body-

(1) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(2) exercising functions of a public nature;

(3) established for charitable purposes; or

(4) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management

- “wellbeing” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner i.e someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people

## DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

### 1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vocation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council ) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contract	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either –  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

## **2 Dispensations**

The Standards Committee or Monitoring Officer [Council or Clerk] may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **3 Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As a Cabinet/Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

**Guidance on Bias and Predetermination –This is not part of the code of conduct**

- Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

APPENDIX 2

## Arrangements for dealing with standards allegations under the Localism Act 2011

### 1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

### 2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council Offices.

*[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]*

### 3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer  
The Council Offices  
Belvedere Road  
Taunton  
TA1 1HE

Or email

[t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Council Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint. In addition the Monitoring Officer will also notify the subject member of the complaint.

#### **4 Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, you will be informed of that decision and the reasons for it.

Where additional information is required in order to come to a decision, the Monitoring Officer may come back to you and may also request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may

involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

## **5 How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, an Investigating Officer may be appointed. That Investigating Officer may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint, this will allow you to further explain your understanding of events and suggest what documents the Investigating Officer may need to see or who the Investigating Officer may need to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint. They will ask the member to provide his/her explanation of events, and to identify what documents they need to see and/or who he needs to be interviewed. In exceptional cases, the Monitoring Officer may delete your name and address from the papers or delay notifying the member until the investigation has progressed sufficiently where it might prejudice the investigation.

At the end of their, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

## **6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that no further action is required. A copy of the Investigating Officer's final report will be given to both of you. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider their report.

## **7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

### **7.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Independent Person will be consulted with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

### **7.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct they will dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform

the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

## **8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council [*or to the Parish Council*] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Executive, particular Portfolio responsibilities, as chairman of a committee or from a committee itself;
- 8.5 Instruct the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
- 8.6 Remove [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
- 8.7 Withdraw [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude [*or recommend that the Parish Council exclude*] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **9 What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the Complainant, to the member *[and to the Parish Council]*, make the decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **10 Who are the Hearings Panel?**

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11 Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
  - 11.3.1 Spouse or civil partner;
  - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 11.3.3 Grandparent of the other person;
  - 11.3.4 A lineal descendent of a grandparent of the other person;

- 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
- 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
- 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

## **12 Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13 Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

# CORPORATE GOVERNANCE COMMITTEE – 25<sup>TH</sup> JUNE 2012

## APPENDIX 3

### ARTICLE 8 The Standards Committee

#### 1.1 Standards Committee

The Council will establish a Standards Committee.

#### 1.2 Constitution

##### (a) Membership

The Standards Committee will be comprised of:

- (i) five (5) elected members from each of the political groups who are represented on the Council;
- (ii) two (2) independent co-opted members who are not councillors or officers of the Council or of any County, District or Unitary Council or of any Parish Council within Taunton Deane (these are referred to as “Independent co-opted members”);
- (iii) (subject to the same exceptions as (ii) above) two (2) members of a parish council from within the Borough of Taunton Deane who shall represent the interests of all such Parish Councils (the Parish Members);
- (iv) members of the Standards Committee will hold office from one Annual Meeting until the next - at which point their appointments shall be either renewed or terminated at Annual Council.

##### (b) Independent co-opted members

Independent co-opted members (see 8.2(a)(ii) above):-

- (i) shall be selected in accordance following a recruitment and selection process ;
- (ii) will not be entitled to vote at meetings of the Committee or on any sub-committees to which they have been appointed. Their role is an advisory one.

##### (c) Parish Members

A Parish Member must be present at any meeting of the Standards Committee when matters relating to Parish Councils or their members are being considered. Parish members will

not be voting members of the Committee and their role is an advisory one.

(d) **Independent Person**

The Independent Person is a person who is appointed following a recruitment and selection process and carries out the following functions:-

- (i) they must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the code of conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- (ii) they may be consulted by the authority in respect of a standards complaint at any other stage; and
- (iii) they may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

(e) **Chairing the Committee**

The Committee shall be chaired by an elected member.

(f) **Sub-committees**

The Standards Committee shall be entitled to appoint sub-committees or Hearings Panels to assess complaints received against members where allegations are made that a member has failed to comply with the code of conduct; where this happens the following limits will apply:-

- (i) the quorum (that is, minimum size at which business may be transacted) shall be 3;
- (ii) All sub-committees shall be chaired by an elected member;
- (iii) All sub-committees must include at least 3 voting members

- (iii) Sub-committees may include at least one co-opted independent member;
- (iv) where a Parish Councillor is the subject of a complaint then a Parish Member (unless s/he is the subject of that investigation) shall be appointed to that sub-committee.
- (g) The Standards Committee may appoint a sub-committee to determine any application for a dispensation should time be of the essence in the application (however there must be compliance with the statutory time limits on notification of meetings).
- (h) Any sub-committee set up to determine dispensations shall adhere to the limits as set out in (f) above.

### **1.3 Role and Function**

The Standards Committee will have the following roles and functions in relation to the Borough Council and Parish Councils within Taunton Deane.

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and any co-opted members on matters relating to the Members' Code of Conduct and wider propriety issues including issuing guidance where appropriate;
- (f) granting dispensations to councillors and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct or delegating such power to a sub-committee. who will be authorised to determine such dispensations based on principles agreed by the Committee:
- (g) deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members, Co-opted and Parish Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a

failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.

- (h) take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
- Reporting its findings to Council [or to the Parish Council] for information;
  - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the member be removed from the Executive Committee, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio holder;
  - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
  - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
  - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or
  - Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (i) advise on the management of statutory and other registers of interest and gifts / hospitality received;
- (j) advise the Council on possible changes to the Constitution (except the Council and Executive Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards;

## WITHDRAWAL FROM MEETINGS

31. Where a member has a Disclosable Pecuniary Interest in any business of the Council, whether registered under paragraphs 2.2 or 2.3 of the Council's Code of Conduct or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered you must:-
- (a) not seek to influence a decision about that business;
  - (b) disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest as set out in paragraph 2.11 of the code of conduct.
  - (c) Withdraw from the meeting room or chamber including the public gallery as soon as it becomes apparent that the business is being considered at that meeting;

Unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

32. Where a member has a prejudicial interest as defined by paragraph 2.9 of the Council's Code of Conduct the member must:-
- (a) not participate in any discussion of the matter at the meeting
  - (b) not participate in any vote on the matter at the meeting
  - (c) disclose the existence and nature of the interest to the meeting and leave the room where the meeting is being held while any discussion or voting takes place on the matter.
33. Where a member has a prejudicial interest in any business of the Council, the member may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and he/she must leave the meeting immediately after making those representations, answering questions or giving evidence.

# Taunton Deane Borough Council

## Council Meeting – 17 July 2012

### Part I

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

#### (i) Councillor Mrs Warmington

##### **Proposed Crime and Disorder Reduction Partnership Merger**

At its meeting on 5 October 2010, Full Council agreed to the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership (CDRP) –which covered Sedgemoor, Taunton Deane and West Somerset - with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide CDRP, currently operating as the Safer Communities Group.

This Partnership has operated on an informal basis ever since.

At a recent meeting of the Executive, the possibility of formalising the Partnership was discussed. The following two options were considered:-

- (1) Opposing the countywide merger - instead opting to remain informally merged. However, this option would only be achievable if Sedgemoor and West Somerset also decided to oppose the countywide merger or if Taunton Deane had an appetite for its own CDRP. During the discussion it was noted that the Home Secretary had the power to force a merger, making an order for two or more CDRP areas to work as a combined partnership; and
- (2) The merger of the East and West CDRPs to a County CDRP, currently operating as the Safer Communities Group, could be acknowledged and approved. Further work will then follow to ensure tactical and operational structures beneath reflect the local delivery needs.

Following careful consideration, the Executive decided to support Option (2).

It is **recommended** that the merger of the Safer Somerset West CDRP with Mendip and South Somerset Community Safety Partnership (Somerset East) to form a Countywide CDRP, which was currently operating as the Safer Communities Group, be approved.

#### (ii) Councillor Hayward

##### **New Cremators and Mercury Filtration Project – Taunton Deane Crematorium**

The Executive has recently received an update on the project to install three new cremators at

the Taunton Deane Crematorium along with Mercury filtration equipment to meet the requirements of legislation.

Following a procurement exercise last year, a tender was accepted from Facultatieve Technologies (FT) for the supply and installation of three new cremators and mercury filtration equipment. The tender price was £1,020,937.00.

However the supply and installation of the equipment by FT forms only one part of the project. The securing of professional services to oversee the project, and the appointment of a second contractor to undertake the ancillary building works to the structure of the crematory building to facilitate the installation were also identified.

The total budget for the project is currently £1,320,000. Taking into account the tender costs, ancillary works, fees and a proposed contingency for unforeseen costs during installation, the current budget provision is not sufficient for the project. The following table summarises costs and commitments:-

	£k
Updated Commitments	
Supply and installation of equipment	1,021
Ancillary Works and Professional fees	372
Contingency	40
Total Commitments	1,433
Total Scheme Budget	1,320
<b>Budget Supplement Required</b>	<b>113</b>

Therefore for the scheme to continue, the Council will need to approve a recommended budget increase of £113,000.

The current funding approval for the scheme includes borrowing approval of £770,000 with the balance funded from a combination of revenue earmarked reserves and capital receipts. In order to avoid the need to borrow further to fund the proposed budget increase, it is proposed to fund the additional £113,000 costs and contingency from General Fund Revenue Reserves. There are sufficient funds in the reserve to make this affordable.

It is **recommended** that a supplementary budget of £113,000 be added to the Capital Programme 2012/2013 for the Cremator Replacement Mercury Abatement project, funded from revenue resources by a transfer from General Fund Reserves.

### **(iii) Councillor Williams**

#### **Financial Outturn 2011/2012**

The Executive received a detailed report on the outturn position of the Council on revenue and capital expenditure for the General Fund (GF), Housing Revenue Account (HRA) and trading services for 2011/2012 at its meeting on 11 July 2012.

A number of issues including:-

- the continuing economic climate and the recession in the United Kingdom;
- The Coalition Government's approach to tackling the national debt and the resulting

impact of reduced funding for local authorities - a 13.2% cut in funding for GF services for this Council;

- The Council has prepared for the move to Self Financing for the HRA, and has had to take on debt of some £85,000,000 in March 2012 to 'buy out' of the national Housing Subsidy system.
- The Council has implemented restructuring as agreed for the 2011/2012 budget, and has also undertaken further restructuring in March of this year to respond to further financial reductions in 2012/2013,

have all impacted on Taunton Deane's overall financial position.

The following provides a summary of the 2011/2012 outturn and reserves position for both GF and HRA services:-

- (1) The 2011/2012 Provisional GF Revenue Outturn is a £535,000 underspend against the Final Budget for the year. A Budget Carry Forward of £86,000 is requested, to be funded by this underspend.
- (2) The GF Reserves balance as at 31 March 2012 stands at £3,337,000. This will reduce to £3,251,000 if the above proposed budget carry forward to 2012/2013 is approved. This is above the minimum reserves expectation within the Council's Budget Strategy, and provides sound financial resilience in view of the continuing financial pressures faced by the Council over the medium term.
- (3) The 2011/2012 GF Capital Programme expenditure for the year amounted to £4,331,000, which is £4,222,000 below the budget for the year. The total slippage of planned project expenditure into 2012/2013 is £4,534,000 and a budget carry forward is recommended for the related schemes.
- (4) The 2011/2012 Provisional HRA Outturn is a £86,000 underspend against the Final Budget for the year. The HRA Reserves balance as at 31 March 2012 stands at £1,355,000, which is above the minimum level set within the 2011/2012 Budget Strategy.
- (5) The HRA is 'self-financing' with effect from 2012/2013, however as the related settlement debt of £85,198,000 was undertaken in March 2012 the expenditure is recognised in the outturn for 2011/2012. This cost therefore appears as a major line of expenditure on the face of the HRA revenue account. However this item is treated as capital expenditure under regulations and the impact on the revenue outturn is neutralised by a transfer from the Capital Adjustment Account. Although these sums are huge they 'net off' and therefore do not affect the HRA revenue reserves position.
- (6) The 2011/2012 HRA Capital Programme expenditure for the year amounted to £4,132,000, which is £168,000 below budget for the year. The expenditure relates largely to the Council's continued investment in maintaining 'Decent Homes' standards.

There are several matters which require the approval of Full Council to formally transfer or carry forward funding within the respective budgets.

It is therefore **recommended** that:-

- a) The transfer of the net underspend on the General Fund Revenue Account to General Fund Reserves, and the transfer of the net underspend on the Housing Revenue Account to HRA Working Balance Reserves be approved;
- b) The net transfer of £258,000 from earmarked reserves for use on General Fund services and capital financing, and £85,000 from earmarked reserves for use on Housing Revenue Account services and capital financing, as set out in the detailed report to the Executive be approved;
- c) Recommend that Full Council transfers The surplus earmarked reserves of £87,000 be transferred to General Reserves as referred to in the detailed report to the Executive;
- d) A Carry Forward of the General Fund Revenue Budget of £86,000 to support expenditure specifically related to Economic Development and Insurance Costs in 2012/2013 be approved; and
- e) The Carry Forward of the General Fund Capital Programme Budget totalling £4,534,000 for slippage into 2012/2013 as set out in the detailed report to the Executive be also approved.

#### **(iv) Councillor Cavill**

#### **Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton**

At its meeting on 11 July 2012, the Executive considered the potential relocation of the Council's depot and the marketing of the site at Priory Way, Taunton.

This followed the meeting of the Corporate Scrutiny Committee on 24 May 2012 where two recommendations were made to the Executive:-

- (i) That the DLO should be supported in its ongoing transformation; and
- (ii) That a marketing exercise of the current depot site should be undertaken.

The view of the Corporate Scrutiny Committee was that the result of any marketing exercise would establish the value of the depot site and provide an important context for considering the business case for potential depot relocation. This view was accepted by the Executive.

The Deane DLO site covers approximately 3.85 acres in total, which includes approximately 0.2 acres currently occupied by three emergency housing accommodation units. The whole site would be subject to any marketing process, meaning that alternative provision would be required for these units.

At this stage, a number of options for depot relocation are being looked at including:-

- 'Squeezing up' operations on the current site, releasing the more visible (and valuable) part of the site adjacent to Priory Way for disposal. This option would also leave open the possibility of a phased withdrawal at a later date, releasing the remainder of the site for disposal;

- Relocating all operations to a suitable site elsewhere; and
- Spreading Deane DLO operations across a number of sites.

A marketing exercise would take between 8 weeks and five months to complete, depending on the Council's appetite to test the market. Therefore, assuming that marketing activity started in August 2012, bids for the depot site would be expected by January 2013 and potentially earlier.

Should a marketing exercise be approved, it is proposed that a senior responsible group of Members is established to oversee the process at key stages, consider any bids and advise the Executive and Full Council on potential depot disposal and relocation options. The proposed Member Group would comprise:-

- The Leader of the Council;
- The Leader of the Liberal Democrat Group;
- The Portfolio and Shadow Portfolio Holders for Economic Development and Property; and
- The Chairman of the DLO Transformation Members Steering Group.

In the circumstances, it is **recommended** that:-

- (i) the marketing of the Deane DLO depot site at Priory Way, Taunton be proceeded with; and
- (ii) the establishment of a senior responsible group of Members to oversee the marketing process, as set out above be approved.

(The following further recommendation does not feature on the agenda for the Full Council meeting as it only arose as an additional required approval at the meeting of the Executive on 11 July 2012. The Mayor will need to certify that he is prepared to allow this recommendation to be considered on the basis that a decision is needed before the next scheduled meeting of Full Council.)

## **(v) Councillor Mrs Stock-Williams**

### **Non-Domestic Rates – Discretionary Rate Relief**

Section 69 of the Localism Act has amended the Local Government Finance Act 1988 to allow local authorities to reduce the business rates of any local ratepayer for any reason, not just those that can currently be granted discretionary rate relief.

When the Executive considered this matter at its recent meeting it accepted a recommended procedure for dealing with future requests for non-domestic, discretionary rate relief, details of which are as follows:-

- All requests for relief must be made in writing.
- If the ratepayer does not provide the required evidence, the Council will reserve the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence.

- The Council may in any circumstances verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer.
- The authority to decline applications for relief under these provisions should be delegated to the Section 151 Officer.
- If the Section 151 Officer declines an application any appeal should be made to the Executive Portfolio Holder.
- Where the Section 151 Officer decides there is sufficient merit in awarding relief under these provisions, a recommendation will be made to the Executive to decline or award relief. Where it supports the recommendation, the Executive will also need to make the necessary budget arrangements to meet the commitment.

This system of delegation should ensure that proper and consistent consideration is given to all applications and that the financial implications are considered. This is consistent with our approach to dealing with Hardship Relief applications for Business Rates as well as for the corresponding discretionary powers relating to Council Tax.

It is **recommended** that the above policy for considering applications for relief under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) be approved.

# **Council Meeting – 17 July 2012**

## **Report of Councillor John Williams – Leader of the Council**

### **1. Great Events for Taunton Deane**

- 1.1 We had the wonderful event of the Olympic Torch Relay passing through the Deane with a stopover in Taunton and the excellent show that went with it staged in the County Cricket Ground. We must not forget the wide array of street events which turned it into a “whole day” event which was an enormous attraction for many to visit Taunton. All in all a very successful day and a credit to all involved in its organisation.
- 1.2 On the same day as the Torch Relay we hosted a lunch time reception with the South Korean Ambassador and many business people who already trade with South Korea and wish to improve links, or those that want open up new markets. South Korea is a booming market so we welcomed the opportunity to show the Ambassador what Taunton Deane and Somerset have to offer.
- 1.3 The reception was well received and it clearly illustrated the importance of South Korea as a trading partner to many businesses already but also reinforced the need to further enhance and improve our trading prospects with such a successful Country. We have now established contacts with the Ambassadors office in London so we may assist any businesses wishing to trade with South Korea to make direct contact with a trade attaché. I would also express my thanks to Jeremy Browne MP and Councillor Farbahi for their help in facilitating this meeting but also sincere thanks to our own officers who rose to the occasion, with all else going on, they still managed to organise and coordinate an excellent reception for the Ambassador at the wonderful venue of Hestercombe House.
- 1.3 Following shortly after this, spread over a four day holiday weekend, were the Diamond Jubilee celebrations and what a celebration this was! The effort that went into organising such diverse but wonderful events is a credit to our community and we can be proud of them. A truly memorable occasion and deserved celebration for our Queen in recognition of her long and excellent service to the Country and Commonwealth. Thank you to all those involved and for the enormous effort put in to ensure it was so successful.
- 1.4 Also happening in Taunton at this time was the hugely popular Elton John concert staged at the Somerset County Cricket Ground.

Thousand's attended and despite the foul weather it was a thoroughly enjoyed by many. All credit to Sir Elton John who I understand had cancelled his previous three concerts due to illness but he braved the Somerset weather to entertain in Taunton and all credit to the audience for staying the course to enjoy a great performance.

## **2. Taunton BID Ballot Process**

- 2.1 The result of this was unknown when I wrote my last report but of course since then we know that it failed to receive sufficient support from retailers and business rate payers, albeit by a small margin. This in my view has potentially serious implications for the economic vitality of Taunton, particularly the town centre. The present BID programme and funding runs out in September so leaving uncertainty of how the Christmas lights and usual festivities will be funded. Events and seasonal initiatives form an essential part of attracting shoppers and visitors to the town at this crucial time for traders.
- 2.2 In my last report I did say that as a Council we did not have the finance or resources to step in and fill the undoubted gap that will be left by the cessation of BID funding. We will work with the Town Centre Company as much as we are able but in reality this will not be much more than a facilitating role for traders and the Town Centre Company to deliver Christmas events and festivities on a self help basis.
- 2.3 To demonstrate the value of town centre events can I say how impressed I was by the Family Fun Day, an organised event in the High Street by the Town Centre Company over the Diamond Jubilee weekend. It was absolutely packed with people and it was a thoroughly enjoyable event especially bearing in mind the number of Jubilee events that would have been occurring that day. The success of the day was borne out by an increase of 13% in footfall through the Orchard Centre. A big thank you to the Town Centre Company staff for putting on such a popular event, it achieved its aim of increasing footfall for the traders and providing fun for the many visitors.

## **3. Project Taunton**

- 3.1 Firepool - the Viridor building is now complete and handed over, fitting out is in progress and should be complete by September to receive the 100 staff already based in Taunton but increasing fairly quickly to 120 as staff are brought back from other UK offices to this new, prestigious headquarters.
- 3.2 Northern Inner Distributor Road - this is an absolutely key element of the development of Firepool, the CPO enquiry has been held and the County Council can now only await the deliberations of DFT and the Minister. The funding is in place so they still hope to be on site this

year subject to the results of the Enquiry but I am assured they are ready to move quickly in the event of receiving a positive result.

- 3.3 Also a key element of development is the new Boulevard coupled with the redevelopment of the railway station so the main access and egress from the station is at platform level leading straight out into the Boulevard rather than low level under the bridges. These are two separate elements of the project but the Project Taunton team are working hard to coordinate and facilitate delivery. It will be an enormous improvement for the experience of the train visitor to Taunton and we must do all possible to deliver this improvement.
- 3.4 Later this month sees the official opening of Waterside House, a development of 108 residences, mainly affordable or shared equity, led by Knightstone Housing which is a great development and boost to our much needed affordable housing stock.
- 3.5 On the old East Goods Yard around Waterside House a private developer has been granted planning permission for 204 dwellings and work is scheduled to start shortly. This should be a particularly attractive development leading down to the towpath of the Canal and provide much needed housing in a sustainable location to meet the demand that exists.

#### **4. Broadband Enhancement**

- 4.1 I am pleased to confirm that the necessary upgrade of the telephone infrastructure has been completed in Taunton and we have met with BT/Openreach to agree an “awareness campaign” so that our community is actually made aware of what is available and where. The present roll out covers Taunton exchange only so the “where” is very important to get across so we do not build expectations where it does not exist but take maximum advantage of what is available.
- 4.2 Since the last meeting progress has been made by the County Council under the “Connecting Devon and Somerset” programme as follows:
  - National Broadband Suppliers Framework was established as scheduled May 2012;
  - Award of Devon and Somerset Broadband Contract is on track for September 2012;
  - This will allow work to start and schedule of works announced January/February 2013; and
  - Superfast Broadband to 85% of the area by 2015.

It is anticipated by next January/February if the above timetable is kept we should be in a position to inform our communities when they may expect an enhanced service in their area.

- 4.3 This is a very important development programme for the rural areas and it is great the County Council have so far kept it on track despite very difficult times.

## **5. Police and Crime Panels**

- 5.1 These have to be set up in readiness to scrutinise the activities of the new Police and Crime Commissioners due to be elected in November 2012. An interim panel consisting of the Leaders of each Council in the Avon and Somerset Police Authority area has been meeting to decide the constitution of the Shadow Panel Members who have to be notified to the Home Office this month.
- 5.2 The Panel has to be a minimum of eight elected Members and two independent persons up to a maximum of 20, 18 elected Members and two independent persons.
- 5.3 When constituting the panel regard must be paid to political proportionality and ratio of numbers in each community to the number of representatives on the panel. These two factors are not necessarily compatible so it is a case of finding a compromise rather than a hard and fast rule.
- 5.4 Members formed the original panel being one County and five Districts for Somerset and four Unitary/City Councils. To ensure better representation for the more populous City and Unitary Councils agreement was reached that each Unitary/City Council would be allowed two representatives so addressing in part the population issue. The concern expressed by Bristol was that Somerset County would have six Members as opposed to four for the Unitaries. Hence the agreement of the panel to increase the panel size by four elected Members so addressing in part the concerns of Bristol, the final size of Panel therefore becomes 14 elected Members and two independent persons.
- 5.5 By agreement Bristol City Council has been appointed as the “host authority” to set up and service the Police and crime Panel.

## **6. Core Strategy**

- 6.1 This has now progressed and all Members should be aware that we have received the final recommendations from the Inspector which is for adoption of the plan subject to the agreed modifications being incorporated.
- 6.2 My sincere congratulations to officers and Members who have worked so hard to deliver what is now recognised as a sound plan. All the more credible because the preparatory work was carried out in advance of the National Planning Policy Framework but our plan is judged to be compliant with the new legislation. When formally

adopted we will be one of the first authorities to have an NPPF compliant Local Plan, that is a tremendous achievement and again my congratulations to all involved.

- 6.3 It would not be right if I did not pay credit to the great contribution of Ralph Willoughby-Foster in the preparation of the Core Strategy and the necessary background information. Thanks to him for all he has done.

## **7. Welfare Reform and Housing Benefit Changes**

- 7.1 The enormity of the changes proposed by Central Government I do not believe are understood by very many of us. We have had the opportunity to attend Members Briefings and I know Officers have visited individual Groups but I do believe we have to do more to ensure members and our community, particularly those most affected, have a much greater understanding of the difficulties we will have to face. As a headline figure that can easily be understood it is estimated that the total lost benefit income annually from 2014 onwards in Somerset alone will be in the order of £150 million. Remember this is the annual figure for lost benefits and it will have a huge impact on our community.
- 7.2 Changes have already occurred in January and April this year but more are due April and concluding in October 2013 when many existing benefits are encompassed by the "Universal Credits". This one credit will replace some of the current benefits. As a Council we are working with all Councils across Somerset to understand and prepare for these changes but I believe more needs to be done with Members. This to ensure we all grasp the significance of the new welfare benefits system so we are best able to help our community through what will undoubtedly be a difficult time.

## **8. Economic Development, Taunton Deane**

- 8.1.1 With the agreement of the Inspector to our Core Strategy I believe we need to move forward and be proactive in the development of new areas of employment land. We already have this under consideration and will need to work with our Local Enterprise Partnership and the Homes and Communities Agency to see what funding is available to support our aspirations. From preliminary discussions as long as we can demonstrate job creation and economic development then applications are given more favourable consideration.
- 8.1.2 It is important we ensure the large employment site, Bathpool to Langaller, is quickly brought forward for development so we have sites available for local expansion, inward investment and to offer companies associated with the major development of Hinkley Point.

8.1.3 With employment land in our yet to be adopted Local Plan, land at Chelston and the Firepool site we are at last achieving a selection of locations which are strategically located near the motorway network and mainline railways. We now need to build upon this by promotion and advertisement to ensure would be investors are well aware of what we have to offer. That will be a challenge in these difficult times but we are strategically located and Taunton Deane is a great place to live, work and play. We must use those strengths to sell ourselves as a location.

Councillor John Williams  
Leader of the Council

# Council Meeting – 17 July 2012

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

### 1. Parks

- 1.1 The weather certainly has a lot to answer for. Much of the work planned in the parks has been severely delayed by the persistent rain we have been experiencing. The team has been playing catch up and has only just finished planting out the bedding as I write this report. The permanent planting outside The Deane House is now also in place and will establish itself over the next few weeks.
- 1.2 Earlier in the year we sowed two trial beds of wildflower planting, one on Chestnut Drive and one in Victoria Park, Taunton. These have also suffered with the rain but are now beginning to give a taste of the rainbow of colours that wildflowers can display.
- 1.3 I cannot avoid the situation with the highways grass cutting and I know it has been causing us all a lot of concern. The plan agreed with Somerset County Council was severely affected by the poor weather making it impossible to start the cutting of the verges (or indeed most of our other grass cutting responsibilities). The route was started as soon as practically possible with staff volunteering to work weekends and bank holidays to try and get the job done. Unfortunately as soon as the team caught up, the task has again been delayed by rain. The team continues to work tirelessly to carry out this work to their normal high standard.
- 1.4 I am sorry to report that we are still having issues with the pump at the play area in Vivary Park. The supplier has given us instructions which has resulted in a temporary fix, but I am not happy with the pump as it is obviously not fit for purpose. I have instructed the Parks Department to request Legal to be become involved to either get a replacement from the original supplier or our money back and we will work with the landscape architect to get a suitable replacement. In the meantime if the pump fails again then the Park Ranger will be filling the troughs with water as often as possible to enable the water play feature to be used by the children.
- 1.5 We would like to welcome a new Friends group - Friends of Hamilton Park, Taunton is now established and I attended their first community consultation event a few weeks ago. They gathered ideas from those who dropped in and we look forward to working with them to protect and support Hamilton Park for its wide variety of users.

- 1.6 Britain in Bloom judging is taking place on the 12 July 2012 and then the National judging on 30 July. I would like to thank the Taunton in Bloom Committee, Deane DLO, our sponsors and all the volunteers who help throughout the year to make the floral displays, parks, allotments, schools and town centre ready for the competition. It has to be said though that this effort is done by a very few people and the committee struggle to get new members, so if you or anyone else you may know would be interested in getting involved then it would be much appreciated.

## **2. Community Leisure and Play**

- 2.1 We now have tenders in for the upgrade of the playground at Wellington Recreation Ground. Working with Barnardos, the local children let their imaginations go wild. I am sure we will not have achieved some of their more extreme ideas, but it will not be long before they have an improved play / sports area to occupy them.
- 2.2 The specialist reports are now in and officers are pulling the information together ready to present options on the swimming pool project to scrutiny in August 2012.

## **3. Tone Leisure (Taunton Deane) Limited Activities**

### **Community, Sports and Health Development**

- 3.1 Tone continues to work hard to develop a number of community outreach programmes:-

#### **Health Development**

- 3.2 Older People
- 3.2.1 Tone Leisure has launched Ping, which gives participants the opportunities to play Ping (table tennis) without the need for specific table tennis equipment. This game can even be played on the kitchen table! Also seated Basketball has been launched in partnership with Basketball England.
- 3.3 NHS Health Checks
- 3.3.1 Tone created a partnership with the medical staff at Victoria Gate Surgery and Warwick House Surgery to increase the numbers of residents in Halcon taking up the offer of a NHS Health Check.
- 3.4 Deprived Wards
- 3.4.1 Priorswood successfully ran the Community Pounds project from October 2011-April 2012, with huge success and this project is continuing with extra funding from NHS Somerset. A similar project is being set up in Halcon by Tone and NHS Somerset, in partnership with the Link Centre.

- 3.4.2 Rush Hockey has been launched by Tone in Priorswood to try and incentivise the younger girls into participating in more physical activity.
- 3.5 Back on the Bike - Cycling Initiative for Older Adults
  - 3.5.1 In May Tone secured funding from NHS Somerset Public Health Directorate to develop and provide an initiative that would help older adults who have not cycled recently to gain skills and confidence to start cycling again. Tone is working in partnership with DC Cycleworks to provide the four session courses on Sunday mornings during July in Taunton.
- 3.6 Walking for Health
  - 3.6.1 Tone's Walk Well Communications Volunteer has developed a dedicated website for Tone's Walking for Health schemes, which was launched in May. The website address is <http://www.walkwellwithtone.btck.co.uk>
- 3.7 Sportivate
  - 3.7.1 Tone has had considerable success with its Sportivate Project (Sport England funding through SASP) set up to encourage 14-25 year olds to be retained in sports or physical activity. Starting in April 2012, Tone has now sold over 140 ONE memberships in Taunton Deane for young people to purchase, enabling them to participate in a wide range of sporting activities including fitness, classes, racquet sports, golf and swimming.

## **Facility News**

- 3.8 Taunton Pool
  - 3.8.1 Swimathon - On 28 and 29 April 2012, Taunton Pool hosted their annual Swimathon event. 80 people swam either 1 mile (48 lengths), 2.5K (75 lengths), 5K (150 lengths) or Team 5K over the weekend. This year's Swimathon was in aid of either Sport Relief or Marie Curie Cancer Care.
  - 3.8.2 Two regular customers swam from 12:00-20:00 and between them recorded 1,116 lengths (Neil York 572/Alison Lowbridge 544) totalling over 37K, almost 23 miles. The total amount raised to date is £6,456, beating last year's amount by £400.
  - 3.8.3 In June Taunton Deane Borough Council installed PV onto the roof of Taunton Pool, designed to generate up to 30,000 Kwh of electricity; one-tenth of the site's annual consumption. The PV and Solion System went live on 22 June, 2012. The unit has generated 986.96 Kw of electricity to date.
- 3.9 Wellington Sports Centre
  - 3.9.1 The Z3 (kids gym) project is now in its final year. The facility is averaging over 450 visits per month. In order to increase the current footfall the team have agreed to offer the facility free of charge over the summer holidays.

3.9.2 No Strings Badminton has been launched in partnership with Badminton England offering 2 sessions per week where customers can turn up and play with the help of a co-ordinator.

### 3.10 Taunton Tennis Centre

3.10.1 Taunton Tennis Club is now operating two new outreach tennis coaching courses at Elms Tennis Club and Stoke St. Gregory Tennis Club, which expands the club's outreach programme to five club sites and three primary schools.

3.10.2 The Tennis Club's performance programme has just received notification that they have been successful in receiving Performance Centre status for 2012/2013. The award comes with £13,000 of funding to develop the best performing players and Tone is continuing to develop links with Taunton School to progress towards High Performance status.

### 3.11 Wellsprings Leisure Centre

3.11.1 An agreement was reached in May between Wyvern Nursery, Tone Leisure and Taunton Deane Borough Council to accommodate the nursery in the leisure centre on a permanent basis. This facility was successfully relocated from the Taunton Academy site and opened to its customers in June.

3.11.2 Tone Leisure supported and hosted the Taunton Academy's first music festival on 23 June 2012. Approximately 1,500 people enjoyed a variety of music including the soprano Belinda Evans, teen boy band FTW and Glenn Tilbrook from Squeeze.

### 3.12 Vivary Golf Course/High Ropes

3.12.1 Vivary Golf Course has been impacted by the wettest April-June on record. With the course closed for a week in April this not only impacted Tone's golf business but also the construction of the new High Ropes course. However, despite the weather the High Ropes course partially opened on the Jubilee weekend and has now been fully completed with the official opening taking place on Friday, 13 July 2012. Feedback on the course to date has been very positive and Tone is confident business will grow and develop over the coming weeks and months.

Councillor Catherine Herbert

# **Council Meeting – 17 July 2012**

## **Report of Councillor Mrs Jean Adkins – Housing Services**

### **1. Housing Property Services**

- 1.1 I am happy to report that the post of Property Manager (Maintenance) has been filled and welcome Steve Esau. Please note that all queries regarding maintenance should be addressed to him rather than Tim Haynes, who has moved over to Contracts.
- 1.2 The new Voids Team, which deals with voids exclusively as part of the restructure, has been driving down the turnaround time for re-letting.

### **2. Affordable Housing Development Partnership and Open Day**

- 2.1 This is now up and running with 5 main partners:-
  - Yarlington Housing Group;
  - Devon and Cornwall Housing;
  - Knightstone Housing Association;
  - Magna West Somerset; and
  - Somer (which has just announced a change of name and will be known as Curo – latin for “I care”, in future).
- 2.2 Each partner has had a one-to-one meeting with the Council and will meet as a group quarterly. The partnership meetings are also attended by Asad Butt from the Homes and Community Agency (HCA).
- 2.3 I was unable to attend the first meeting, but the second had useful briefings from Nick Bryant on the Core Strategy and CIL and Ian Franklin on Project Taunton, as well as updates from partners and the HCA.
- 2.4 All partners had stalls at the Open Day and found this a useful networking opportunity. Held at the Long Room at the County Cricket Ground again, this was attended by over 400 people. Thank you to all involved in organising this popular event.

### **3. Affordable Housing Target**

- 3.1 The 2011/2012 target of 200 completions was exceeded by 18. This is a significant achievement in view of the slow-down in housebuilding and shows that it would be futile to rely on delivery of affordable

housing through planning only, as a large number of these were provided by RSLs and through regeneration.

- 3.2 The target for 2012/2013 remains at 200, based on homes already in the “pipeline”. These are from two regeneration schemes at Victoria Gate and Ruskin Close as well as developments such as Kinglake, Bishops Hull, Silk Meadows, Staplegrove and Rylands Nursery, Rockwell Green which are currently under construction.
- 3.3 These are not all social rent or “affordable rent” units, as some shared ownership homes are currently being marketed at Waterside and Silk Meadows.

#### **4. Estates Team and Anti-social Behaviour (ASB)**

- 4.1 The new ASB Officer is now in post, following Steven Clarke’s move to the Tenant Services Team as Development Officer. A warm welcome to Tony Knight, who has a background in Policing.
- 4.2 A report was taken to the Tenants’ Services Management Board on the proposed ASB Strategy 2012-2015, which is a living document to be reviewed annually and reflects the Respect Charter.
- 4.3 The aims are:-
  - To demonstrate leadership and commitment to dealing effectively with reports of ASB;
  - To provide an accessible and accountable service for all tenants;
  - Taking swift action to protect tenants and communities from ASB;
  - To adopt a supportive approach to working with victims and witnesses; and
  - To encourage individual and community responsibility from our tenants and support the development of sustainable communities.

#### **5. Tenants Services Management Board (TSMB)**

- 5.1 A successful election was held for membership of the TSMB following the issue of a striking Information Pack, which I am sure helped to stimulate interest. There were 12 candidates for the 10 seats and a “turnout” of around 30%. (The composition of the Board is 10 tenants and 2 Members, the latter being appointed).
- 5.2 I congratulate the successful candidates and welcome them to the Board, especially the new members. I thank all the candidates for taking part in this democratic process and making an election possible.

5.3 At the first meeting, Dustyn Etherington was re-elected Chairman. My thanks to him and the other returning members for their continuing commitment.

## **6. Tenants' and Leaseholders Open Day**

6.1 The TSMB received a report on the feedback from this event, held on 23 April 2012. Attendance was up from the previous year (123 against 100). I apologise for being unable to attend due to ill health and note respondents' comments that they would like to see more Councillors attending.

## **7. Jubilee Gardens, Priorswood Place, Taunton**

7.1 Congratulations to those who worked so hard to enable the Jubilee Garden to be opened at the Jubilee Bank Holiday weekend by the Deputy Lord Lieutenant of Somerset. It was well attended, the weather held and the food was delicious!

Councillor Mrs Jean Adkins

# **Council Meeting - 17 July 2012**

## **Report of Councillor Mrs Vivienne Stock-Williams - Corporate Resources**

### **1. Customer Contact Centre**

#### **Customer Contact Award**

- 1.1 SWOne Customer Contact entered the South West Contact Centre Awards again this year – this time in two categories: People Development and Best Public Sector Contact Centre. These awards are hotly contested and prized by both private and public sector companies with Contact Centres in the South West, and are judged by industry experts.
- 1.2 The team were delighted in May 2012 to be informed that they had been short-listed for both categories. They attended an awards ceremony on Thursday, 28 June 2012 at Marriott Bristol, where the winners were announced. Unfortunately, they were pipped at the post by LV= for the People Development Award, but won the award for Best Public Sector Contact Centre.
- 1.3 This award acknowledges the professionalism and dedication of the service and team, and recognises the excellence of their delivery. In addition, by being short-listed for the People Development Award with private sector companies LV= and Screwfix, it is recognised that SWOne Customer Contact fully understands, and places an importance on, the people on the ground doing the job.

#### **Staff Development**

- 1.4 The people development programme continues within the service, with eight members of the team recently signing up to undertake NCHE certification in Customer Excellence. One of the Team Leaders is about to join the SWOne Inspiring Leaders Programme. In addition, approximately 20 people have shown interest in undertaking the NVQs recently announced by SWOne in partnership with Intec. Staff are working with SWCCF on building stage 2 of the Contact Centre's own internal Customer Service Excellence programme which was rolled out last year.
- 1.5 In May 2012, the second annual team day event was held. These sessions are on consecutive days, when half the service gathers each day in the JMR to undertake service updates, training activities and information sharing sessions. This year, each team was asked to present – in their own way – what their part of the service did. Each presentation was very different and provided a fun yet informative look

at what the service delivers. Louise Dance, from the Client Team, attended all day one and most of day two in support of the service. She was impressed by the level of work and effort which the teams had made in preparing for the days. Her level of understanding of the work undertaken within Customer Contact was vastly increased by attending the sessions and Louise is now working with the rest of the Client Team and the Leads on further interaction with Managers and their services.

## Service Delivery

- 1.6 SWOne Contact Centre's technology development programme continues. They will shortly be in a position to finalise the system which will then be procured to improve resilience. SWOne is also investing in a new e-learning programme to build on the staff development programme. This will be installed by the end of July 2012. It will then be possible to begin building bespoke programmes for SAP CRM and other systems the Contact Centre uses. This will enable the team to train in a new and innovative way.

### **Statistical Information – April & May 2012:**

Service Line	Reporting Authority	KPI No	Performance Measure	Frequency of Reporting	2012/2013 Target	Apr-12	May-12
Customer Contact	TDBC	1	% of calls answered in 20 secs	Monthly	80%	80.28%	82.90%
Customer Contact	TDBC	2	% of calls resolved at first point of contact	Monthly	91%	97.67%	93.59%
Customer Contact	TDBC	3	% of external customers rating the Customer Contact service as Very Good/Good	Annually (monitored quarterly)	73.5%		
Customer Contact	TDBC	4	Abandoned call rate - less than 5%	Monthly	<5%	3.84%	3.94%

- 1.7 During April and May, a total of 6,918 enquiries were dealt with at The Deane House Main, Housing and Planning Receptions. During this period, 4,064 people visited Wellington Community Office – 2,387 to make enquiries including TIC and 1,677 to make a payment through the kiosk. Staff also dealt with 655 letter and email enquiries during this time.
- 1.8 There were no complaints about the service.

## 2. Corporate and Client Services

## **Staff**

- 2.1 On 1 June 2012, changes were made to the team as part of the Theme reshuffle. These changes involved the Corporate Performance function (and Dan Webb) moving to the Strategy Team, and the Civil Contingencies and Parking Functions (and John Lewis) moving into the team. The team name has changed to 'Corporate and Client Services' to reflect these changes.
- 2.2 Also on 1 June, Ian Bowman replaced Fiona Capstick as Chief Executive of SWOne. Ian has a background in contract/partnership management. Members of the team have been meeting with Ian in conjunction with the other SWOne partners to bring him up to speed regarding SW One and to agree priorities for the future. Taunton Deane Members will have the opportunity to meet with Ian in July, when he will attend the Corporate Scrutiny Committee to co-present the regular Southwest One update report.

## **Civil Contingencies**

- 2.3 There are no issues to report. The Civil Contingencies Officer was heavily involved in the preparations for the Olympic Torch event, which ran smoothly.

## **Client Team**

- 2.4 The majority of the Service Development Plans (SDP's) and Key Performance Indicators (KPI's) have been signed-off and agreed with SWOne. The Client Team are closely monitoring progress against these KPI's and SDP's for the SWOne services in relation to the new financial year.
- 2.5 In general, services within SWOne continue to function well. However, the Client Team are continuing to work with SWOne to progress service improvements in the ICT and Finance services. They will shortly be implementing an 'ICT Forum'. Senior managers from both Taunton Deane and the Southwest One ICT Service will attend, with a view to developing a robust ICT Strategy for the Council.
- 2.6 The Client Team are continuing to monitor the impact that the changes Somerset County Council has made to their SWOne services are having upon service delivery to Taunton Deane. To date, any impact has been minimal and service delivery to the Council appears unaffected.
- 2.7 The team continue to work closely with Tone Leisure to monitor service delivery and to progress individual issues. The construction of the High Ropes activity is now completed and will be formally opened on 13 July 2012 by the Mayor. They also continue to work closely with the Strategy Team in relation to the Swimming Pool project.

## **Parking**

- 2.8 The new Civil Parking Enforcement Partnership successfully went live on 11 June 2012. Our enforcement staff transferred under TUPE to the new contractor on that date. To date, this transfer has gone smoothly and, whilst there have been minor teething problems, solutions have been quickly identified and implemented. The key challenge now is to implement mechanisms to ensure the effective contract management (clienting) of the new partnership, together with the delivery of the parking functions the Council has retained.

## **Private Sector Housing Partnership**

- 2.9 From April 2012, the Corporate and Client Services Team took over responsibility from the Strategy Team for client monitoring of the Private Sector Housing Partnership (PSHP). The focus since April has been on understanding what the PSHP does and on building relationships with the Partnership Manager. This exercise is progressing well and there are no significant issues to report.

## **Procurement**

- 2.10 The shortfall in delivered savings through the Procurement Transformation Project remains a significant concern and issue for the Authority. However, the Client Team are monitoring the position closely and ensuring that regular reports are being made to Members by the Strategic Procurement Service (SPS). Progress is, however, being made.

## **Retained Finance & Corporate Insurance**

- 2.11 The Retained Finance Officer continues to focus on maintaining day-to-day delivery of the retained finance functions and in providing support to the S151 Officer.
- 2.12 The insurance function is currently being provided for Taunton Deane by Somerset County Council's Insurance Team, as our Insurance Officer is on maternity leave. This arrangement continues to work well.
- 2.13 The Strategic Finance Officer has been involved with the review of the Annual Governance Statement that has been approved by the Corporate Governance Committee and will be included in Taunton Deane's accounts for 2011/2012. She has also updated the SAP controls report. Work has started on the new Financial Procedure Rules.

## **Retained HR**

- 2.14 Recently, a revised lease car and car allowance policy has been issued for consultation with staff and UNISON. A report will be taken to Corporate Scrutiny on 19 July 2012.
- 2.15 The proposals for the Local Government Pension Scheme (LGPS) 2014 have been issued. These are being considered and communicated to staff
- 2.16 The assessment and evaluation of the Employee Assistance Programme tenders is being completed. Discussions are taking place with Southwest One HR on the development of a Wellbeing and Sickness Action Plan
- 2.17 The Retained HR Officers continues to provide support to the Client Team in monitoring the SWOne contract.

### **SAP Re-launch and Patching**

- 2.18 The key elements of the system have been launched and are working.
- 2.19 The performance review (PREDS) functionality has been piloted within part of the Council. This has identified the need to make two changes to the system: these are currently with SWOne IT service to resolve. Once these changes have been made, in order to make the process more user-friendly, we will be in a position to roll out SAP PRED across the organisation.
- 2.20 This leaves the sickness, E-recruitment, overtime, leave and some aspects of Business Intelligence Reporting elements of the system which are not currently in use. Work is ongoing with SWOne and our partners to change the way E-recruitment and Sickness functions operate and, until these changes are made, we will not launch. Overtime is delayed until the Council reviews its overtime policy as part of the budget savings project, as our rules will need to be programmed into SAP.

### **Corporate Projects**

#### **The Deane House Project**

- 2.21 Responsibility for Project sponsorship and management for the The Deane House Project rests within the team. Currently, they are in the process of identifying the viability of accommodating the Police within The Deane House. A Business Case is being developed which will be brought to Members later in the summer.

#### **Halcon Project**

- 2.22 The team continues to provide project management support for the Halcon Project.

## **Welfare Benefits**

- 2.23 The team continues to project manage, from the Authority's perspective, the implementation of the changes required as a result of the forthcoming reforms to the Welfare Benefits system. Initially, this will involve the replacement in 2013 of the existing Council Tax Benefit scheme with a new Council Tax Support scheme. The project is progressing well and regular updates are made to the Members Change Steering Group.

## **Corporate Performance**

### **Staff**

- 2.24 The Corporate Performance function has now moved within Theme 1 from the Performance and Client Team to the Strategy Team (now called 'Strategy and Performance').

## **3. Corporate Performance**

- 3.1 The Quarter 4 corporate performance report has recently been through the Corporate Scrutiny and Executive cycle. Quarter 1 (April – June) will be reported in August – September 2012.

## **Corporate Governance**

- 3.2 The Corporate Governance Action Plan was reported to the Corporate Governance Committee on 25 June 2012. This report provided an update on the progress of the improvement actions recommended by the Audit Commission last year.

## **Service Planning**

- 3.3 Taunton Deane's approach to service planning has been the subject of a recent audit review. The auditor offered '*Reasonable Assurance*' with no major issues identified. 2012/2013 Service Plans will be monitored by Theme Managers and by CMT at quarterly performance review meetings. Theme/Service performance scorecards are being developed to support this monitoring and review process.

## **Growth Strategic Delivery Plan**

- 3.4 The Corporate Performance Lead has been working with the Strategic Director (Growth) and new 'Economic Development and Regeneration' Team (including Project Taunton) to develop a new Growth Strategic Delivery Plan. He will provide support with Performance, Risk and Project Management

## **Corporate Change Programme**

- 3.5 The Council's Corporate Change Programme is to be overseen by the Strategy and Performance team. Formal Change Programme management will commence in September 2012, reporting to a new 'Results Management Team' on a monthly basis.

## **4. Legal and Democratic Services**

### **Corporate Support Unit**

- 4.1 Unfortunately, Beckie Staddon decided after a couple of days that her new job with the Corporate Support Unit was not for her, so she handed in her notice. The process of recruiting is now underway and interviews are scheduled to take place during the week commencing 23 July 2012.
- 4.2 The team have now moved offices and are settled in the Directors suite. Walls have come down and new offices created to optimise the space.

### **Land Charges**

- 4.3 The input of historical data is now almost completed, with only three more files to be put onto the system.
- 4.4 The Monitoring Officer has had a conversation with SWOne regarding the implementation of the Public Access Module. A schedule is currently being drawn up detailing what initially needs to be done with timescales attached. Once that is completed, the service will be reviewed to ascertain what the impacts of the module will be and future needs.
- 4.5 Members will recall that it was reported in November 2011 that there had been several claims made against this Authority to re-pay the search fees of personal search agents. On the advice of our legal representatives, the Council entered into standstill agreements with the claimants. This meant that all claims could eventually be dealt with simultaneously. Taunton Deane has paid into a fighting fund through the LGA and is being represented by Bevan Brittan.
- 4.6 Negotiations between the LGA and the Government are continuing. A further case management conference is scheduled for October 2012.

### **Legal Services Shared Services Report**

- 4.7 An initial report has been prepared by the Legal Service Managers for the individual Authorities. All have agreed that each work stream will be sponsored by a Monitoring Officer, who will be responsible for pulling the work together.

- 4.8 A slight delay has occurred in this work due to the implementation of the new Standards regime; but it will be re-starting this month following Full Council approval by the participating Authorities.

### **Localism Act**

- 4.9 As Members will be aware, regulations have now been issued regarding Disclosable Pecuniary Interests. A report went to the Corporate Governance Committee on 25 June 2012, with decisions needing to be made at Full Council on 17 July relating to changes in the Standards regime. The very short time-scales, and paucity of Government guidance, have resulted in a heavy workload for the Monitoring Officer in order to get the relevant parts of the legislation in place by the deadline date. The impact of these changes will be kept under review by the Monitoring Officer.

### **Community Infrastructure Levy (CIL) and Governance**

- 4.10 The Monitoring Officer will be working with Tim Burton to set up a Governance Board. The purpose of the Board will be to decide how the CIL monies will be spent and to ensure that governance arrangements are in place to reduce the risk of challenge.
- 4.11 In addition, an increase in Section 106 Agreements is expected between January and March of next year. It will, therefore, be necessary to recruit a locum in order to assist with this, as that capacity does not currently exist in-house. The funding for this temporary post can be allocated from future CIL payments.

## **5. Revenues and Benefits**

### **Council Tax and Business Rates**

- 5.1 During 2011/2012, the team collected 98.34% of Council Tax due for 2011/2012, the best in-year collection performance to date. Collection does not stop at the end of the financial year, but continues for as long as it is cost-effective. By 31 March 2012, staff had collected 99.42% of the Council Tax payable from 1 April 1993 up to 31 March 2011. The service achieved similar success in Business Rates collection, recovering 99.22% of the amount due for 2011/12. This compares with the previous best in-year performance of 99.01% in 2010/2011.

### **Customer Forum**

- 5.2 In continuing their work to improve services based on customer needs, the next Customer Forum will be at The Deane House on 10 July 2012. Feedback from the "Letter Improvement Project" has been very positive and we are grateful to those members of the public who gave up their time

to help us. Customer satisfaction surveys are now underway and the results will be reported to Members in the future.

### **Staff**

- 5.3 The Revenues and Benefits Service has submitted bids for the Institute of Rating, Revenues & Valuation (IRRV) Annual Team Awards. We are awaiting news as to whether they have been shortlisted.

### **Council Tax Support Scheme**

- 5.4 Work on the localised Council Tax Support Scheme, to be implemented in April 2013, continues. A report will be going to Corporate Scrutiny on 19 July 2012 detailing this scheme and recommending the basic principles of the scheme for public consultation. Members will NOT be asked to approve or adopt the scheme in July – this is purely the transition for consultation.

Councillor Vivienne Stock-Williams

# **Council Meeting – 17 July 2012**

## **Report of Councillor Mark Edwards - Planning, Transportation and Communications**

### **1. Core Strategy**

- 1.1 The Inspector has concluded that the plan is sound and can be adopted subject to the minor modifications advertised by the Council between March and June of this year.
- 1.2 We are all in receipt of the final report and this allows for the Council's Community Scrutiny Committee to consider an item on adoption of the Plan on 23 July 2012. Beyond this, the plan will then need to go to Executive and Full Council prior to adoption.
- 1.3 I wish to thank everyone involved in the Core Strategy for their hard work not only where there minimal changes to the final draft we are also one of the first authorities in the Country that will have an adopted Core Strategy which is in line with the National Planning Policy Framework (NPPF).

### **2. Planning Policy and Strategy Resource**

- 2.1 Following the publication of the National Planning Policy Framework in March 2012 the Government formalised its intention to replace the suite of Development Plans, known as the 'Local Development Framework' (LDF) with a single 'Local Plan'.
- 2.2 The Council's current Local Development Scheme indicates that a 'Site Allocation and Development Management' Development Plan Document will be produced after completion of the Core Strategy. Commencement of this Plan was programmed to commence during summer 2012 with adoption around spring 2014.
- 2.3 It is unlikely that the Core Strategy would require a review so soon after adoption and therefore this Plan could be simply 'rolled-up' into a future 'Local Plan' incorporating further (smaller) site allocations in Taunton and Wellington as well as in smaller rural centre's across Taunton Deane (including those for gypsies and travellers). It will also include development management policies as well as a review (where necessary) of the Taunton Town Centre Area Action Plan (AAP).
- 2.4 The adoption of the Core Strategy therefore certainly does not mean any reduction in the workload of the Planning Policy Team. The recent National Planning Policy Framework reinforces the need to get plans in place quickly and in the absence of the above work being undertaken speedily, would significantly increase the risk of developments that the

Council would not wish to see come forward being allowed on appeal.

- 2.5 In addition the Council will need to progress work on master planning of urban extensions at Monkton Heathfield, Comeytrove and Staplegrove, implement the Community Infrastructure Levy (CIL) and provide necessary support to the Neighbourhood Planning process.
- 2.6 In recognition of this increased planning policy workload, short term opportunities to supplement resource in this area are currently being explored, whilst a more thorough review will take place to ensure that we have adequate capacity to deliver the Local Development Scheme on time. This will be informed by the outcome of the review of the Council's Corporate Business Plan.

### **3. Neighbourhood Planning**

- 3.1 The first Neighbourhood Plan Forum met in June to discuss the way forward for the three initial areas, which had been awarded front-runner status.
- 3.2 In the next couple of weeks we will have a page on the Council's website on Neighbourhood Planning. There will be some information on what is a Neighbourhood Plan and the current areas producing Neighbourhood Plans. The web page will host the maps and letters submitted to the Department of Communities and Local Government (DCLG) as well as items for consultation as required. It will also contain links to the regulations, legislation, guides and advice by bodies such as the RTPI, Planning Aid and CPRE.
- 3.3 Recognition of Front Runners - The Taunton Deane Borough Council Local Development Framework (LDF) Steering Group has formally recognised and approved your Neighbourhood Planning groups.
- 3.4 New Proposed Neighbourhood Plans - We have also received conformation from Stoke St Gregory Parish Council and Milverton Parish Council that they are going to produce Neighbourhood Plans. They will be writing to us to formally asking the Council to recognise and approve their request to produce Neighbourhood Plans, which we will publicise and put on the new Neighbourhood Plan page of our web site when it is active. They will also be invited to join the Neighbourhood Plan Forum so that they can learn and understand from the plans that have already started.

### **4. Community Infrastructure Levy**

- 4.1 Consultation commenced on the CIL Draft Preliminary Charging Schedule on 29<sup>th</sup> June 2012. This consultation runs for four weeks and invites comments on the validity of the approach taken to CIL and the

proposed charges set out.

- 4.2 The CIL charges are based upon extensive viability testing (for which a separate report is available on our website).

## **5. Planning Reforms**

- 5.1 Whilst this report was being prepared further details were emerging from DCLG with regard to some further changes to the planning system to make it more streamlined and effective. I have listed a few of the points being raised and more detail will be circulated as it becomes available.
- 5.2 There are proposals to make it easier to reuse agricultural buildings, retail and commercial units and offices and warehouses without the need for planning applications to support business growth this will be subject to a consultation shortly.
- 5.3 There are proposals to cut out unnecessary information in the planning application process to speed it up again a consultation will be taking place.
- 5.4 Supporting Planning guidance will also be reviewed to reflect the NPPF.
- 5.5. Planning fees will be up rated to more fairly reflect their cost and reduce the burden on the ordinary council taxpayer. This being an issue that I have already assessed is necessary for us to deliver the growth required in Taunton Deane and will need to progress as soon as we are able to.

## **6. Planning Applications**

- 6.1 The first six months of 2012 have seen a significant rise in the number of planning applications being submitted. So far, almost 700 applications have been registered this year whereas it was 600 for the previous year. We have also noticed a corresponding increase in the number of customer interactions and comments received on those applications.
- 6.2 There are a number of controversial applications, which are generating a significant amount of representations received including a request to vary a Section 52 Agreement at Creedwell Orchard, as well as the application for residential development at Killams.
- 6.3 The Public Inquiry against the refusal of planning permission for Fox's Meadow at Milverton Road, Wellington is due to commence on 19 July 2012 and is expected to last eight days. Another appeal has been received against the refusal of planning permission for residential development at Maidenbrook has recently been received and this will

be the third time that the site has gone to appeal. The Public Inquiry is likely to take place in October this year

## **7. Heritage**

- 7.1 Tone Works - planning applications and related listed building applications, have been approved, which will see the redevelopment of the Grease Works for low cost housing. The latter is conditional on a dowry being transferred to ensure the appropriate repairs to building envelopes, to the Grade 2 \* listed buildings north of the River Tone and facilitate the remodeling of the Dye Works, to provide a much needed weaving operation for Fox Brothers.
- 7.2 Sandhill Park - the temporary roof is now in place following the extensive fire. Detailed discussions with regards its repair, conversion and a revised enabling development to the north, have been continuing and new applications are expected to be submitted, as indeed was the case immediately before the fire! Clearly the fire has meant that certain aspects have needed to be revisited and the housing market has changed since the earlier approved scheme for the enabling aspect of the proposals.

## **8. Parking County-wide Civil Parking Enforcement (CPE) Project**

- 8.1 On Monday, 11 June 2012 the Somerset County-wide Civil Parking Enforcement Project finally became a reality after several years planning between the County Council and the five Districts.
- 8.2 This means responsibility for all matters relating to on-street parking (residents' parking schemes, charged bays, yellow lines etc) moves across to the Highway Management Team at County Hall. Following a recruitment process they have appointed Jon Pallett as County Parking Manager and Heide Gill as his Administrative Assistant. I am sure all Councillors wish them well as they take all their experiences forward for the benefit of the rest of the county area.
- 8.3 The County Council has appointed NSL Services as its enforcement and notice-processing contractor. All our Civil Enforcement Officers and Seniors are TUPEing across to NSL. Most of you will have seen the brand new maroon uniforms instead of the familiar green. They have had a high profile presence on the streets and in the car parks over the last twelve years, attracting the best and worst of reactions from the motoring public. They have shown however that proper parking enforcement leads to good traffic management. I am personally proud of what they have achieved and am confident service levels will continue.
- 8.4 Taunton Deane still owns and is responsible for its car parks, including strategy and setting charges. We still get the money, from both

machines and penalties. We pay the County Council (not NSL) for the enforcement and follow-up activities.

- 8.5 John Lewis has moved to the slightly different role of being the Client Officer for the County Council contract, and has joined the Corporate Client Team under Richard Sealy so you still contact John Lewis with regards any issues relating to the Car Parks.

## **9. Communications**

- 9.1 The Olympic Torch Relay dominated communications activities throughout May, before, during and after the event.
- 9.2 Numerous press releases were issued in the run-up to the Relay and we were able to work closely with the Somerset County Gazette and BBC Somerset to get the messages across, particularly in the week before the Relay arrived.
- 9.3 An advance briefing was held for the media on the Saturday before the Torch arrived, hosted by the Council and organised by LOCOG – the London Organising Committee for the Olympic Games.
- 9.4 On the day the event was extensively covered by local, regional and national media – and, due to the arrival of our celebrity Torchbearer, by the international media. Coverage was universally positive with some great pictures appearing online, on air and in print.
- 9.5 Following the event, Taunton Deane was asked to attend a communications summit in London, organised by the Department for Transport, to share what we had learned from our experiences. This led to follow-up contact from other local authorities hosting the Torch in June and July.
- 9.6 Other communications activities have involved working with the Friends of Longrun Meadow to promote their hard work, with Project Taunton on regeneration news including new signage for Taunton and the completion of the Viridor building at Firepool.
- 9.7 I wish to formally thank everyone involved in the Olympic Torch from officers, elected Members and the many and varied organisations large and small that played their part. It was a truly wonderful event, one to remember. It is very difficult to name everyone that I would like to thank but I do feel I should certainly mention David Evans whose vision I shared as soon as the opportunity arose and whose enthusiasm and motivation inspired so many to be involved from within our own organisation. I would therefore like to formally pass my thanks to David for his efforts.

And for those that ask why Will.i.am in Taunton, I say why not, it certainly added an extra dimension to the most wonderful day and the international publicity that Taunton has gained has been beyond

anything we could ever have imagined. I am personally looking forward to his next visit!

Councillor Mark Edwards

# **Council Meeting - 17 July 2012**

## **Report of Councillor Jane Warmington - Community Leadership**

### **1. Police and Crime Panel (PCP)**

- 1.1 In brief, the PCPs are being set up alongside the new Police Commissioners in each of the police forces across the country. Their purpose is to hold the Commissioner to account on behalf of the public and act as a monitor. Voting for Police Commissioners is taking place on 15 November 2012.
- 1.2 The interim PCP has its inaugural meeting later this month. It has been agreed that the unitary authorities should have two representatives each and the districts and the county one each, plus two independent members, totalling sixteen (with an upper limit of twenty).
- 1.3 The Leader's Report goes into the above in more detail.

### **2. Voluntary and Community Sector Grants Panel**

- 2.1 The first meeting of the Grants Panel is on Wednesday 18 July 2012 and is made up of both members and supporting officers -three Portfolio Holders (Community Leadership, Economic Development and Housing), two shadow Portfolio Holders and one Labour/Independent.
- 2.2 Councillors Jean Adkins, Norman Cavill, Richard Lees, Libby Lisgo, Fran Smith and Jane Warmington with Debbie Arscott, Steve Boland, Martha Prangnell, Lisa Redston and Dan Webb.
- 2.3 It is envisaged the Grants Panel may need to meet several times early on to establish how it operates before settling into a pattern.

### **3. Health and Wellbeing**

- 3.1 The draft Health and Wellbeing Strategy has been agreed and will be out to consultation shortly. Its three priorities are:-
  - Create an environment that supports people to take responsibility for their own health and wellbeing;
  - Families and communities are resilient; and
  - Somerset people are able to live independently for as long as possible.
- 3.2 The intention is for local district areas to agree their health and wellbeing focus for the year using the Health and Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA) agreed between partners and local providers.
- 3.3 It is sensible that this is managed through the Taunton Deane Partnership as many of the issues align well with the Priority Areas Strategy and Troubled/ Vulnerable Families workstream.

### **4. The Community Right to Challenge (Localism Act 2011)**

- 4.1 The Community Right to Challenge (CRTC) came into effect on 27 June 2012 and is contained

within part 5 of the Localism Act (Nov 2011) – Community Empowerment.

- 4.2 The CRTC is intended to allow communities to take over or help provide local services they believe they can run differently and better. It places on local authorities the duty to consider and respond to such 'challenges'. For example this might be the street cleaning/ grass cutting in their parish.
- 4.3 The challenge, to be submitted as a written expression of interest, must come from a 'relevant body' and be for a 'relevant service'.
- 4.4 One concern is that despite the aim being to empower local groups, as it acts as a trigger for an open procurement process, the result may be a national or even international firm taking over services previously supplied by the local authority and of interest to local community groups.
- 4.5 The CRTC does not appear to prevent groups making informal approaches to discuss the option of taking over or helping run local services (as has happened in the past). This would enable a dialogue to identify any areas of mutual benefit without the complex procurement procedure.
- 4.6 The CRTC should perhaps be seen as a last resort and unnecessary where there are good links between the authority and the relevant groups.
- 4.7 The starting point of any discussion should therefore be to establish the reason for the approach; is the community group/ parish concerned keen to take on service delivery and capable of doing so, or is it more simply that they have concerns about the current service, for example the roads are not being swept the day that is most helpful. If the latter, it may be that a review of the service is required.
- 4.8 The stance TDBC has taken is on the website: on the Services tab  
<http://www.tauntondeane.gov.uk/irj/public/services/directory/service?rid=/wpccontent/Sites/TDBC/Web%20Pages/Services/Services/Community%20Right%20to%20Challenge>

## **5. Priority Areas Strategy (Taunton Deane Partnership)**

- 5.1 This Strategy is the action plan and is the culmination of a thorough consultation and appraisal involving the communities concerned and all partners organisations. It covers the next five years and demonstrates the Taunton Deane Partnership's ongoing commitment to tackling some tough entrenched problems.
- 5.2 It is a multi-agency approach that seeks to tackle pockets of deprivation which exist in parts of the Borough by working together, sharing information and resources.
- 5.3 Prioritising what really matters to the community, avoiding waste and duplication and focusing on those things that will bring about lasting change. The Strategy is very much intended to be a 'living document' and it will be refreshed periodically by the Partnership. It is anticipated that new projects and work streams will be added regularly and partners will have the ongoing opportunity to put forward projects that they would like included.
- 5.4 Financial pressures on both public and voluntary sector organisations, with forced budget cuts mean significant changes to the services they deliver. Many of the most vulnerable residents already face the challenge of unemployment and changes to their benefits entitlement.

- 5.5 These challenges make the need for a co-ordinated and joined up approach all the more important and the work of the Priority Areas Strategy very timely.
- 5.6 The Strategy is deliberately short and to the point. I commend it to Members.
- 5.7 Village Agents Project
- 5.7.1 Recently appointed Village Agents offer a signposting service to support people living in rural areas across Somerset to bridge the gap between the local community and the statutory or voluntary organisations which offer help or support. Two agents were appointed in Taunton Deane at the end of June (covering a cluster of villages around Creech St Michael and Stoke St Gregory) [www.somersettrcc.org.uk](http://www.somersettrcc.org.uk). Lead - Katherine Armstrong, Community Council for Somerset.
- 5.8 Community Clean Up Days
- 5.8.1 These improve the look of the local area by getting volunteers to clear public spaces. Residents are also given the opportunity to clear rubbish out of their homes and gardens.
- 5.8.2 These are underway again with a core team of volunteers from Halcon with support from Deane DLO (local PCSOs and other occasional volunteers may also be involved).
- 5.8.3 There is a programme of eight visits over the summer and so far four have taken place filling eight enormous skips (Robin Close and Smithy in Bishops Hull, Howard Road in Wellington and Outer Circle in Taunton).
- 5.8.4 The next visits are to Greenway in Bishops Lydeard, Wyndhams in Wiveliscombe, Beadon, Valley and Moorland Roads in Taunton and Creedwell Orchard in Milverton.
- 5.8.5 With good local support, the enthusiasm and determination of the volunteers and help from the DLO, these days make a big impact on the communities they visit.
- 5.9 Halcon Breakfast
- 5.9.1 Supporting the community to organise and run holiday breakfast clubs where vulnerable families are given the chance to have a healthy breakfast and encouraged to read, play games and take part in quizzes.
- 5.9.2 This starts on 23 July 2012 and is every Monday and Friday throughout the school holidays at Crossway Centre, Halcon from 10.30 am until 12.00 noon.
- 5.10 Community Activity Days
- 5.10.1 These very successful days organised out of the Link and Priorswood Community Centres are continuing this summer and encourage the community to organise and take part in local activities once a week during the school holidays.
- 5.10.2 Families come together, socialise and learn new skills. Residents will be asked to take on increased responsibility for organising these and to learn new skills in the process.
- 5.10.3 Activity days in Halcon are on a Thursday and in Priorswood on a Tuesday and usually run

from 10.30 am until around 3 pm.

Councillor Jane Warmington

# **Council Meeting - 17 July 2012**

## **Report of Councillor Cavill - Economic Development, Asset Management, Arts and Tourism**

### **1. Keeping Members informed**

1.1 The Torch Relay on 21 and 22 May 2012 was a major event and dominated the Economic Development Team's work for the 6 months preceding it. In spite of this Economic Development services were available and support was given to external parties when requested. We were unable to progress any new projects and services during this time.

### **1.2 Review of the Economic Development service**

1.2.1 In April the team joined with Project Taunton staff to form the new Economic Development and Regeneration Team. This new team will coordinate the services available to businesses and, notably, design a better inward investment service with coordinated marketing and fulfilment elements.

1.2.2 One of the new team's first jobs has been to produce an Operational Plan for the service, led by Joy Wishlade. The future themes for Economic Development are likely to be the following:-

- I. Stimulating Business Growth and Investment;
- II. Ensuring a Skilled and Entrepreneurial workforce;
- III. Marketing the Borough to investors and visitors; and
- IV. Creating an attractive business environment.

### **1.3 Taunton Deane Economy Bulletin**

1.3.1 The next Quarterly Economic Bulletin will be available at the end of July, when it will be circulated to all Members and business contacts and put on the Taunton Deane website. Any feedback from Members on the usefulness of the Bulletin is welcome.

1.3.2 The latest quarterly Job Seeker Allowance (JSA) figures will also be available at the end of July and circulated to Members, giving details of changes to claimant rates locally. The number of people claiming Jobseekers Allowance reduced in May but was up on the same period last year. The numbers of people claiming long term has noticeably increased from 2011.

### **1.4 Staffing Issues**

1.4.1 The new team is currently recruiting for an Administration and Marketing

Apprentice to supply essential project and admin support. The person will be recruited through Somerset College.

## **2. Theme 1 Stimulating Business Growth and Investment**

### **2.1 Business Liaison**

The team undertakes a proactive programme of visits to larger local businesses with the aim of assisting businesses to realise their growth and investment plans. During the year to date the team has visited around 30 businesses.

New organisations met on a 1:1 basis during the past three months and currently being supported include:-

- EDF Energy
- Potential EDF supplier
- ARC Airstreams
- Mundy Veneer
- APR Design
- Rumwell Hall
- Paywood Lodges (Stapley)
- BT Openreach
- Lloyds TSB
- Debenhams
- MIND
- Stoke St Gregory Store

### **2.2 Business Events**

#### **Olympic Torch Relay**

One of the primary justifications for supporting the Taunton stage of the Torch Relay was to attract visitors to the town and to encourage them to spend in town centre businesses. It is estimated that the event attracted around 30,000 visitors. Based on a spend per head of £20 (which is the rate accepted by other visitor destinations), the event would have stimulated expenditure in the region of £600,000.

The event also gave excellent profile for the Council, and during the year preceding the day itself presentations were delivered to hundreds of local businesses to inform them about the day and to give them advance notice of the disruption that they would likely incur.

#### **Olympic Torch Relay Business Breakfast**

The final act of the Taunton stage of the Olympic Torch Relay on the morning of Tuesday, 22 May 2012 was a business Breakfast at the County Ground,

delivered by the Economic Development team and funded in partnership with Lloyds TSB. The Olympic Sprinter, Jason Gardener MBE was the guest speaker and he provided an inspiring, motivational talk on what it takes to be a winner. 90 local businesses attended the event, which was an excellent networking opportunity and very positive feedback was received.

### **South Korean Ambassador Visit**

A business event was held at Hestercombe House on 21 May 2012 at which the South Korean Ambassador was welcomed alongside 13 Taunton Deane business leaders and Korean students from Taunton School. The visit by the Ambassador was hosted by Jeremy Browne MP. The meeting was an opportunity to promote and consider investment opportunities for Korean businesses in Taunton Deane.

### **Business Start Up Events**

The Economic Development Team supported events organised by the Somerset Chamber of Commerce and the Federation of Small Businesses aimed at assisting people intending to start their own business. The FSB event at Somerset College, called "Dare to Dream", was particularly successful, attracting around 45 pre-start ups. The Council took a stand at both events to highlight the support available from across the Council to new businesses.

## **2.3 Support for Rural Business Projects**

**LARC** (Local Action for Rural Communities): Levels and Moors and Western areas LARC open for new applications for business projects; Blackdown Hills fully committed. Applications that have been received so far are being appraised. Funding of £4000 has been given to Stoke St Gregory Stores which enhances our Business Grant of £2000. Through discussions with the LARC Managers none of the applications really impact on the Taunton Deane area too much.

## **2.4 Small Business Grant**

Five applications were received asking for funding in 2012/2013, three of which are now being offered Business Grants.

## **2.5 Stimulating Enterprise amongst Young People**

The Council has contracted once again with BIS – Business Initiative in Schools – to offer learning and support to young people in Taunton schools to create new businesses. A BIS panel meeting has recently been attended by 15 young people who all presented their business ideas. Members will recall that last year the initiative gave Taunton the accolade of being the Regional Winner of the UK Enterprising Town Competition.

### **3. Theme 3 Creating an Attractive Business Environment**

#### **3.1 Taunton Town Centre Company and BID Programme**

The proposal for a second BID term, commencing at the end of the current term in September 2012, was rejected by businesses in the town centre at the end of March. Although 52% of business voted 'yes' they represented only 45% of the rateable value of all votes cast, so the proposal was unsuccessful.

Since the result of the ballot the Town Centre Company, which proposed the BID, has met with Lead Members and officers within the Council to agree a way forward. Extensive discussions have also been held with other organisations to identify the causes of the failure.

The Town Centre Company agreed at its meeting in June that it would work towards drafting a new BID proposal, although it did not put a specific timescale on that exercise. In all likelihood, however, the BID will be held in 2013. In the meanwhile the company will consult with businesses over the contents of the BID proposal.

#### **3.2 Floodlighting**

The Executive resolved in October 2011 to transfer floodlighting on third party properties to the property owners, with certain exceptions. Those owners have been written to, to assume ownership of the installations from 1 August 2012.

#### **3.3 Portas Pilot bids**

Bids were submitted at the end of March to the new Mary Portas Pilot Programme for Taunton and Wellington. Both were, however, unsuccessful but will be resubmitted in the second round. The first Taunton bid focused on the High Street, looking to increase year round activities and to encourage footfall all the way along the street. For the second round submission the bid will be extended to include the whole of the town centre.

The Wellington bid focuses on the opportunity to regenerate the Corn Hill and to reassert Wellington as a Food Town.

#### **3.4 Marketing Taunton Deane to Investors**

The Economic Development and Regeneration team is working with Fresh PR to design a new marketing programme for Taunton Deane to provide investment information to inward investors, existing businesses and new start ups. The programme will include a new website, PR material and an improved protocol for dealing with investment enquiries.

The new marketing programme will be launched over the Summer.

### **3.5 Town Centre signage**

Installation of the new direction signs and tablets around the town is ongoing. The installation of the Castle Green signs will be take place nearer completion.

## **4. Taunton Tourist Information, Ticket and Travel Centre (TIC) update**

### **4.1 Visitor numbers and spend**

4.1.1 The TIC played a key role in the visit of the Torch to Taunton acting as its public face and as a result was very busy during May dealing with over 2500 enquiries just on this topic alone.

4.1.2 Since the Torch, the TIC has had a successful Diamond Jubilee weekend and despite the current five week closure of the Library (for the installation of self-service technology) has kept busy dealing with tourists and Library customers.

4.1.3 Income wise, the poor weather has had a knock on to sales with a decrease in travel bookings especially day excursion trips.

### **4.2 Promotional activities.**

4.2.1 The TIC took their services to the Town Centre on Torch Relay Day promoting the office and the town.

4.2.2 TIC staff will be promoting the Deane with other Somerset tourism partners at the Weymouth Bayside Festival during the Olympics in late July and early August.

### **4.3 Visit England Mystery Shopper results.**

4.3.1 The TIC had its annual mystery shopper visit in March receiving a 96.77% score placing the centre within the top 10 TIC's in England.

4.3.2 This score would have been further improved with the presence of the new signage that is now installed around the town. The feedback form commented that "the staff were polite and efficient. There are genuinely no recommendations that I can make as I felt that my inquiry was dealt with effectively. The centre was welcoming, clean, tidy and staff were friendly."

### **4.4 New activities planned**

4.4.1 The Tourist Information Lead is working with the team in the creation of a new Marketing Strategy for the Economic Development and Regeneration Unit.

- 4.4.2 A work placement student is joining the TIC for a week in July from Kingsmead Community School, Wiveliscombe to see how the centre operates.
- 4.4.3 The TIC Team continues to work closely with the Economic Development Unit, Licensing Section, Project Taunton, Somerset Tourism Association, Taunton Town Centre Company and other organisations to raise the profile of Taunton Deane.

## **5. Asset Management**

- 5.1 The search continues for an appropriate site that would be of benefit to Deane DLO in relocation. A number have been considered, and more remain to be evaluated.
- 5.2 With the benefit of an Asset Management client representative in Taunton Deane, working with Southwest One is much more satisfactory, ensuring that our properties are actively managed, and assisting in co-ordinating and managing our Asset Plan.
- 5.3 The Asset Management Plan is being reviewed to see that it is fit for purpose.

Councillor Norman Cavill

# Council Meeting – 17 July 2012

## Report of Councillor Ken Hayward – Environmental Services

### 1. Environmental Health (EH)

#### Staffing

- 1.1 Catrin Brown has now returned to the EH Team following her excellent work with Economic Development as the Olympic Torch Event Safety Manager.
- 1.2 Interviews will be held on 12-13 July following the departure in 2011/2012 of four members of the team.
- 1.3 We have a vacancy for a District Environmental Health Officer for the Food, Health and Safety Team, and one for an Environmental Control Officer within the Environmental Protection Team. We have received 13 applicants for the District EHO job and 10 for the ECO. These have been whittled down and we will be interviewing six shortlisted candidates.
- 1.4 Scott Weetch has settled well into his new role. He tells me that he feels that the Management Team is coming together and that he has been able to have useful discussions on a number of issues. There is openness and honesty within the team and he is trying to ensure that the whole team benefits from this.

#### Policies

- 1.5 These are all being reviewed and updated. In a heavily legislated service, it is appropriate that we review, amend or archive accordingly. There are 56 policies, so this is somewhat time consuming.

#### Dog warden

- 1.6 The Council has a dog warden service which it contracts out in two parts; one for patrols, enforcement and collection of strays and one for kennelling. The larger contract is now ten years old and needs review and refresh. It is appropriate therefore to review the entire service, particularly in light of other marked changes within Environmental Health in recent times.
- 1.7 Following consultation with myself, Scott is looking at re-procurement of the service, and comparing that to the option of bringing it back in house so that the Council may understand which option provides the best package and at what cost.
- 1.8 We have sent out the invitation to tender and await results. Scott suspects that we will get limited responses. If that is the case, we need to look further about bringing this in house.

#### Prosecution for Health and Safety Offence

- 1.9 The case against Maliha was heard in Magistrates Court on 16 May 2012 for contravention of a health and safety prohibition notice relating to gas safety. The owner made a late guilty plea for the offence and was given a conditional discharge for 6 months and a contribution to costs of £1000.

#### Prosecution for Noise Nuisance Offence

- 1.10 The case against the occupier was heard on 29 June 2012 who pleaded guilty to two charges of non-compliance with a Noise Abatement Notice where noise from music was causing a nuisance to neighbours. The occupier was fined £250 for each offence, with costs of £450 and victim surcharge of £15 totalling £965.

#### Cautions

- 1.11 The Green Dragon Public House has accepted two Simple Cautions in May 2012 for food hygiene offences following inspections in 2011.

#### Public Health Funerals

- 1.12 The team has been dealing with a number of public health funerals over the past few weeks that have been very resource intensive.

#### Gulls

- 1.13 The Gull control programme has again been successful this year in the BID area of Taunton with 121 eggs removed over four planned visits.

#### Food Hygiene and Health and Safety Inspections

- 1.14 Despite greatly reduced staff numbers in EH, the team is still progressing through last financial year's food hygiene inspections and prioritising those with poor performing history.
- 1.15 Following recent HSE guidance about inspecting only the highest risk premises for health and safety of which Taunton only has a handful; the team will be developing project work based on types of premises that may pose a risk to health and safety. These may include premises where there is a national priority for asbestos, visitor attractions and beauty treatments but also local business of concern such as residential spa's with associated risk of legionella, tattooists and other invasive treatments.

#### Events

- 1.16 The team have been working with Licensing, organisers and local residents on a number of events in Taunton Deane including Cosmo, Strummer of Love, Buddhafield, One Big Weekend, on matters of health and safety, food safety and noise.

## **2. Climate Change / Carbon Management**

#### Solar PV installation on Taunton Pool completed

- 2.1 An array of 146 solar PV (photovoltaic) panels, commissioned by Taunton Deane Borough Council, is now in place and already producing some 90kWh

each day for the pool's use – the average household consumers about 9kWh per day.

- 2.2 The array, fitted by Earth Elements Limited from Barnstaple who won the tender, cost around £70,000 and is funded from the Council's Climate Change budget. Taunton Deane will receive the Feed-in-Tariff (FIT) subsidy from Government plus an income from selling all electricity generated on to Tone Leisure at a discounted rate. Both elements could create an income of up to £10,000 per year over the 25 year lifetime of the array.
- 2.3 A large LCD visual display will be installed in the Pool's reception area to tell visitors about the solar panels' performance - the instantaneous electricity generation; the total energy generated since commission; and the total CO saved since commission. The array is anticipated to save about 18 tonnes of CO<sub>2</sub> per year.

#### Carbon Management and Energy Resilience Plan (CMERP) for 2012/2013 approved

- 2.4 A Plan for reducing carbon emissions from the Council's operations (buildings, equipment and fleet) during 2012/2013 was approved by the Executive on 20 June 2012. The Plan contains 41 actions that if fully implemented would produce carbon savings of around 300 tonnes of CO<sub>2</sub>.
- 2.5 I have asked that The Plan be renamed as the Carbon Management and Energy Resilience Plan (CMERP) in order to strengthen the focus on the Council creating its own energy (as well as saving energy) in order to cushion the Authority against continuing increases in national fuel prices of around 10% pa.

#### Financial savings from reducing carbon emissions (2006/2007 – 2010/2011)

- 2.6 The Council's total energy bill for 2006/2007 was around £658,500. This figure included all of Taunton Deane's buildings (i.e. also The Deane House and leisure sites) and the fleet. Assuming a 10% increase in energy prices per year, this bill would have gone up to around £930,000 in 2010/2011, if the Authority had not done anything to reduce its energy consumption. The actual bill for 2010/2011 was around £810,000. This means that through investing in energy efficiency and changing working practices the Council and Tone Leisure have reduced their annual energy bill by £120,000 (or 15%) already over the past four years.
- 2.7 A breakdown of the bill / savings is Taunton Deane (70%) and Tone (30%). Of the total energy bill of £810,000 in 2010/2011, Tone's bill was £245,000 and the Council's £567,000.
- 2.8 A Monitoring Report with figures showing the carbon and financial savings made during 2011/2012 will be published by the end of July 2012.

#### Pay-as-you-save (PAYS) schemes for The Deane House and Leisure sites

- 2.9 Two companies did a presentation in April to Taunton Deane, Tone Leisure and Southwest One about potential PAYS schemes for improving the energy efficiency of The Deane House. Following on from this, one company

(Schneider Electric) was asked to produce more detailed proposals for The Deane House and Wellington Sports Centre, in advance of a survey covering all leisure sites.

- 2.10 Pay-As-You-Save generally means that all measures identified by the company would be installed at no upfront cost to the Council. The company pays the upfront cost and then recoups the costs through a rental charge on the equipment and installation costs. After the rental period the Council would own the equipment.
- 2.11 Actions identified in the initial high level report would reduce the energy consumption by 30% at The Deane House and 32% at Wellington Sports Centre, and produce annual energy savings of around £34,000 at The Deane House and nearly £38,000 at Wellington Sports Centre. The rental period would be seven years.
- 2.12 Once the company has surveyed the sites, they produce a business plan. Once the Council enters a contract with them, the savings identified on the business plan are guaranteed. This means that if the measures do not meet the guaranteed saving target, the company is obliged to write a cheque to cover the gap between actual and target consumption.
- 2.13 With the potential for significant savings and following discussion at the recent Carbon Management Steering Group, I have given the go ahead for Schneider Electric to carry out a full survey of the Tone Leisure sites. This will carry a relatively moderate cost of £3,000, which can be met out of the Carbon Management budget.

### **3. Waste Management**

- 3.1 Members will have received a summary of the key issues covered at the Somerset Waste Board Meeting 29 June 2012. Forgive me for repeating this information here, but doing so brings it within the forum of Full Council, thus enabling Members to ask questions of that meeting should they wish so to do.

The headlines were:-

Progress update regarding the VAT issue

- 3.2 At previous Board meetings it has been reported that a ruling by HMRC in relation to the treatment for VAT purposes of the district authorities payments for waste collection was financially detrimental to the districts. As a result the Waste Board and the partner authorities have all written to the Prime Minister, other Ministers and local MP's to seek to have the HMRC's ruling reversed.
- 3.3 The Chairman reported to the meeting that he had a very recently received a letter from the Treasury to confirm that they will make changes to ensure that the districts are not financially penalised as a result of this ruling. This is good news.

Controlled Waste Regulations 2012

*Village Halls & Community Centres*

- 3.4 A proposal was put to the Board to standardise the practice across the County for the collection of waste from Village Halls/Community Centres and to bring it into line with legislation. This will require each district to either fund the costs of collection from their village halls/community centres or pass the costs on to those village halls/community centres.
- 3.5 The Board agreed to the proposal. We and the other districts will now have to notify the Partnership by 31 August 2012 whether we wish to bear the costs or pass them on.

#### *Residential Homes*

- 3.6 At the Board meeting on 30 March 2012 the Board agreed to a policy of charging residential homes for the disposal of household waste unless they are exempt. The Board received a report on the potential impacts of implementing such a policy, which are minimal (this potentially only affects six residential homes in Somerset, all of which are thought to be exempt).
- 3.7 The Board agreed that the policy be implemented.

#### Business Plan and Service Review Process

- 3.8 The Board was advised that Somerset County Council (SCC) intends to review the waste disposal elements of the Waste Partnership as part of the overall service review process they are currently undertaking.
- 3.9 It was recommended to the Board that the review process should be owned and driven by the Waste Board and that it would make sense to undertake an overall review of all services within the partnership as part of the normal annual business planning processes.
- 3.10 Following discussion it was agreed to endorse the proposal with an amendment to ensure that any recommendations for change would be put to all partners for approval.

#### Budget Outturn position 2011/12

- 3.11 The Board received a report detailing the outturn position for 2011/2012. Overall the partnership was under spent by £496,000. The under-spends will be returned to the partner authorities (Taunton Deane will receive £44,000), although the partnership has requested to retain £100,000 of the SCC under-spend. If agreed by SCC, this £100,000 will be used to enhance the services at recycling centres and to combat fly-tipping.

#### Cost Sharing Agreement

- 3.12 A report recommending minor adjustments to the cost sharing agreement was put to the Board. The cost sharing agreement is periodically reviewed and amended to ensure that the costing sharing arrangements between the partners remain reasonable and equitable.
- 3.13 Specifically the cost sharing mechanism is being amended to provide a fairer process for the sharing of weekly collection costs and recycling credits

between the partners. There is a minor detrimental financial impact for Taunton Deane from these changes, but this can easily be met within existing budgets. The changes, if accepted by the partner authorities, will be implemented from 1 October 2012.

- 3.14 The Board agreed to recommend the proposed changes to each partner authority.

#### Performance Monitoring Outturn Report 2011/2012

- 3.15 The Board received and noted a detailed performance report for 2011/2012.

- 3.16 The headline message is that all the key indicators have moved in a positive manner i.e.

- 4% reduction in household waste arisings;
- 5% reduction in residual waste per household;
- Minimal increase in recycling performance; and
- 4% reduction in municipal waste landfilled.

## **4. Deane DLO Update**

- 4.1 The new uniform has arrived and is being rolled out for trades staff.
- 4.2 DLO outturn was better than expected even with the in year savings to clients being in excess of £800,000. This is excellent news, and I am sure Members will join me in thanking Chris Hall and his entire team for achieving this.

## **5. Crematorium**

- 5.1 Providing the usual standard of cemeteries and crematorium grounds maintenance has proved difficult this year due to the poor weather conditions experienced. However the team are doing the very best they can in the circumstances.
- 5.2 Building works for the replacement of three cremators and the installation of mercury filtration equipment is due to start on the 19 July 2012, anticipated to take six to seven months to complete.

Councillor Ken Hayward

## 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 17 July 2012 at 6.30 pm.

**Present** The Mayor (Councillor Hall)  
The Deputy Mayor (Councillor Ms Lisgo)  
Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Beaven, Bishop, Brooks, Cavill, Coles, Denington, Ms Durdan, Farbahi, Mrs Floyd, Gaines, A Govier, Mrs Govier, Hayward, Henley, Mrs Herbert, C Hill, Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Mrs Messenger, Morrell, Mullins, Nottrodt, Ms Palmer, Prior-Sankey, D Reed, Mrs Reed, Ross, Gill Slattery, T Slattery, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Tooze, Mrs Warmington, Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp, Williams and Wren

### 1. **Minutes**

The minutes of the Annual meeting of Taunton Deane Borough Council held on 10 May 2012, copies having been sent to each Member, were signed by the Mayor.

### 2. **Apologies**

Councillors Bowrah, D Durdan, Edwards and Mrs Hill.

### 3. **Communications**

The Mayor reported that at a number of recent Civic Services he had attended, Councillors had been asked to re-affirm their commitment to work for the communities they represented as part of the service.

He was keen to include this within Taunton Deane's forthcoming Civic Service and sought approval from Councillors for its inclusion. This was agreed.

### 4. **Declaration of Interests**

Councillors Brooks, A Govier, Prior-Sankey, 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. Councillors Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Wren declared personal interests as an employee of Natural England and as Clerk to Milverton Parish Council. Councillors Hayward declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Stone declared a prejudicial interest as a Tone Leisure Board representative. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Swaine, declared a personal interest as a part-time

swimming instructor. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College and as a local resident of the Currymoor/Haymoor Area (Agenda item No.7 refers).

## 5. **Public Question Time**

Messrs. Tyler and Hebditch both referred to the serious flooding that took place during April on Currymoor and Haymoor, in the North Curry and Stoke St Gregory Wards.

In the past, such flooding had occurred during the winter months which after a short time had been pumped off the fields to allow the land to dry out and allow normal agricultural practices to continue.

With the rainfall occurring as it did, there had been problems pumping the water off the land. Some areas had been underwater for almost two months and, as a consequence, farmers were experiencing real difficulties with the long term ruination of their land.

It was accepted that the land was within a flood plain, but it was certainly not intended to act as a reservoir. There were real fears that the major development of land at Monkton Heathfield over the next few years would exacerbate the flooding issue even further. It was possible that both the towns of Taunton and Bridgwater could easily suffer flooding if the rainfall experienced during April was repeated at a time Currymoor and Haymoor were already saturated.

Messrs. Tyler and Hebditch asked the Council for its support in trying to persuade the Environment Agency to investigate a long-term solution to this issue.

Councillor Bradford of Sedgemoor District Council hoped this issue could be moved forward promptly involving all relevant parties. He thanked Councillors Gill Slattery and Phil Stone for the moral support they had provided to those affected by the flooding.

## 6. **Motion – Flooding on Currymoor and Haymoor**

Before the motion was put and discussed, Councillors Gill Slattery and Phil Stone made a presentation to the Council as to the situation that existed on Currymoor and Haymoor. A number of photographs of the condition of the land in the area were shown together with a plan offering a further route some of the flood water could perhaps be encouraged to follow away from the two moors.

Moved by Councillor Gill Slattery and seconded by Councillor Stone.

Taunton Deane Borough Council wished to recognise the catastrophic events on Currymoor and Haymoor on the Somerset levels since the exceptional April rainfall, and to demonstrate its support to the farmers and growers who

had been affected by the loss of not only their summer pastures but also their ability to make hay and silage for next winter.

We urge our Strategic Planners in conjunction with the Environment Agency to mitigate flooding and enhance flood management by examining more critically the terms and conditions of planning consents for development throughout Taunton Deane and, where necessary, add further measures to incorporate above the usual guidelines to help in avoiding such occurrences in the future.

The Corporate Scrutiny Committee was advised recently of an underspend on the flood budget for Taunton. It was therefore proposed that £10,000 of that was set aside should a permanent scheme be proposed when the study on the latest flooding was reported on 25 September 2012 and provided to help to fund such a permanent scheme (This would not be for regular river maintenance).

Full Council was therefore requested:-

- (1) to approve a Supplementary Estimate from the General Fund Reserves of £10,000 to support a permanent flood alleviation scheme on Currymoor and Haymoor;
- (2) to maintain pressure on the Environment Agency to come forward with proposals for a permanent solution to the flooding issue; and
- (3) to agree that details of a permanent scheme would be shared with Scrutiny before the Council's payment was made.

The motion was put and was carried.

## **7. The Localism Act 2011 – The Amended Standards Regime**

The Localism Act 2011 had made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The long awaited regulations had now been issued and the Council needed to approve various aspects of the regulations in order to comply with the legislation.

A report describing the changes in detail had recently been considered by the Corporate Governance Committee which had recommended the actions required for the Council to implement the new regime.

The Council would remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and the arrangements that the Council put in place would provide evidence of compliance with that duty.

On the motion of Councillor D Reed, it was

**Resolved** that:-

- (1) The proposed Code of Conduct annexed to these Minutes at Appendix 1 be adopted;
- (2) A Standards Committee comprising of five (5) elected Members, (voting), two (2) independent co-optees, (non-voting), and 2 parish representatives, (non-voting) be appointed;
- (3) One Independent person and one Reserve be appointed to undertake the functions set out in the report submitted to the Corporate Governance Committee;
- (4) The Independent Person be paid an annual allowance the equivalent of the Chairman of the existing Standards Committee until 30 June 2013;
- (5) Three Members of the Corporate Governance Committee and the Monitoring Officer be given delegated authority to undertake the interviews and recruitment of the Independent Person and Reserve;
- (6) The Reserve Independent Person be able to claim any relevant expenses;
- (7) The Monitoring Officer be required to:-
  - (a) prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it was available for inspection as required by the Act;
  - (b) ensure that all Members were informed of their duty to register interests;
  - (c) prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that both were available for inspection as required by the Act; and
  - (d) arrange to inform and train Parish Clerks on the new registration arrangements;
- (8) It be agreed that the power to grant dispensations be delegated as set out below:-
  - (a) on the Grounds set out in Paragraph 9 (i) and (iv) of the report submitted to the Corporate Governance Committee to the Monitoring Officer with an appeal to the Standards Committee, and
  - (b) on Grounds set out in Paragraph 9 (ii), (iii) and (v) of the report submitted to the Corporate Governance Committee to the Standards Committee, after consultation with the Independent Person;
- (9) The arrangements set out in Appendix 2 to these Minutes be adopted and

that:-

- (a) The Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) The Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merited formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that officer be given discretion to refer decisions on investigation to the Standards Committee where it was deemed inappropriate for the Monitoring Officer to take the decision, and to report quarterly to the Standards Committee on the discharge of this function;
- (c) Where the investigation found no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the Member concerned, the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation found evidence of a failure to comply with the Code of Conduct the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution was not appropriate or not possible, the Monitoring Officer would report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- (e) Full Council delegated to a Hearings Panels such of its powers as could be delegated to take decisions in respect of a Member who was found on hearing to have failed to comply with the Code of Conduct, such actions to include:–
  - Reporting its findings to Council [*or to the Parish Council*] for information;
  - Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities;

- Instructing the Monitoring Officer to *[or recommending that the Parish Council]* arrange training for the Member;
- Removing *[or recommending to the Parish Council that the Member be removed]* from all outside appointments to which he/she had been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdrawing *[or recommending to the Parish Council that it withdrew]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Excluding *[or recommending that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; and

(10) The changes to the Constitution as set out in Appendix 3 to these Minutes be agreed.

## 8. Recommendations to Council from the Executive

### (a) Proposed Crime and Disorder Reduction Partnership Merger

At its meeting on 5 October 2010, Full Council agreed to the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership (CDRP) –which covered Sedgemoor, Taunton Deane and West Somerset - with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide CDRP, currently operating as the Safer Communities Group.

Although the Partnership had operated on an informal basis ever since, the possibility of formalising the Partnership had been discussed at a recent meeting of the Executive.

On the motion of Councillor Mrs Warmington, it was

**Resolved** that the formal merger of the Safer Somerset West CDRP with Mendip and South Somerset Community Safety Partnership (Somerset East) to form a Countywide CDRP, which was currently operating as the Safer Communities Group, be approved.

### (b) New Cremators and Mercury Filtration Project – Taunton Deane Crematorium

The Executive had recently received an update on the project to install three new cremators at the Taunton Deane Crematorium along with Mercury filtration equipment to meet the requirements of legislation.

A tender in the sum of £1,020,937 was accepted last year from Facultatieve Technologies (FT) for the supply and installation of three new cremators and mercury filtration equipment.

However the supply and installation of the equipment by FT formed only one part of the project. The securing of professional services to oversee the project, and the appointment of a second contractor to undertake the ancillary building works to the structure of the crematory building to facilitate the installation had also been identified.

The total budget for the project was currently £1,320,000. Taking into account the tender costs, ancillary works, fees and a proposed contingency for unforeseen costs during installation, the current budget provision was not sufficient for the project. For the scheme to continue, a budget increase of £113,000 would be required.

The current funding approval for the scheme included borrowing approval of £770,000 with the balance funded from a combination of revenue earmarked reserves and capital receipts. In order to avoid the need to borrow further to fund the proposed budget increase, it was proposed to fund the additional £113,000 costs and contingency from General Fund Revenue Reserves.

On the motion of Councillor Hayward, it was

**Resolved** that a supplementary budget of £113,000 be added to the Capital Programme 2012/2013 for the Cremator Replacement Mercury Abatement project, funded from revenue resources by a transfer from General Fund Reserves.

**(c) Financial Outturn 2011/2012**

The Executive had received a detailed report on the outturn position of the Council on revenue and capital expenditure for the General Fund (GF), Housing Revenue Account (HRA) and trading services for 2011/2012 at its meeting on 11 July 2012.

The following provided a summary of the 2011/2012 outturn and reserves position for both GF and HRA services:-

- (1) The 2011/2012 Provisional GF Revenue Outturn was a £535,000 underspend against the Final Budget for the year. A Budget Carry Forward of £86,000 was requested, to be funded by this underspend.
- (2) The GF Reserves balance as at 31 March 2012 stood at £3,337,000. This would reduce to £3,251,000 if the above proposed budget carry forward to 2012/2013 was approved.
- (3) The 2011/2012 GF Capital Programme expenditure for the year amounted to £4,331,000, which was £4,222,000 below the budget for the year. The total slippage of planned project expenditure into

2012/2013 was £4,534,000 and a budget carry forward was recommended for the related schemes.

- (4) The 2011/2012 Provisional HRA Outturn was a £86,000 underspend against the Final Budget for the year. The HRA Reserves balance as at 31 March 2012 stood at £1,355,000, which was above the minimum level set within the 2011/2012 Budget Strategy.
- (5) The HRA was 'self-financing' with effect from 2012/2013, however as the related settlement debt of £85,198,000 was undertaken in March 2012 the expenditure was recognised in the outturn for 2011/2012.
- (6) The 2011/2012 HRA Capital Programme expenditure for the year amounted to £4,132,000, which was £168,000 below budget for the year. The expenditure related largely to the Council's continued investment in maintaining 'Decent Homes' standards.

There were several matters which required the approval of Full Council to formally transfer or carry forward funding within the respective budgets.

On the motion of Councillor Williams, it was

**Resolved that:-**

- (a) The transfer of the net underspend on the General Fund Revenue Account to General Fund Reserves, and the transfer of the net underspend on the Housing Revenue Account to HRA Working Balance Reserves be approved;
- (b) The net transfer of £258,000 from earmarked reserves for use on General Fund services and capital financing, and £85,000 from earmarked reserves for use on Housing Revenue Account services and capital financing, as set out in the detailed report to the Executive be approved;
- (c) The surplus earmarked reserves of £87,000 be transferred to General Reserves as referred to in the detailed report to the Executive;
- (d) A Carry Forward of the General Fund Revenue Budget of £86,000 to support expenditure specifically related to Economic Development and Insurance Costs in 2012/2013 be approved; and
- (e) The Carry Forward of the General Fund Capital Programme Budget totalling £4,534,000 for slippage into 2012/2013 as set out in the detailed report to the Executive be also approved.

**(d) Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton**

The Executive had considered the potential relocation of the Council's depot and the marketing of the site at Priory Way, Taunton.

This followed the meeting of the Corporate Scrutiny Committee on 24 May 2012 where two recommendations were made to the Executive:-

- (i) That the DLO should be supported in its ongoing transformation; and
- (ii) That a marketing exercise of the current depot site should be undertaken.

The view was that the result of any marketing exercise would establish the value of the depot site and provide an important context for considering the business case for potential depot relocation.

At this stage, a number of options for depot relocation were being looked at including:-

- 'Squeezing up' operations on the current site, releasing the more visible (and valuable) part of the site adjacent to Priory Way for disposal. This option would also leave open the possibility of a phased withdrawal at a later date, releasing the remainder of the site for disposal;
- Relocating all operations to a suitable site elsewhere; and
- Spreading Deane DLO operations across a number of sites.

A marketing exercise would take between eight weeks and five months to complete, depending on the Council's appetite to test the market.

It was proposed that a senior responsible group of Members should be established to oversee the process at key stages, consider any bids and advise the Executive and Full Council on potential depot disposal and relocation options. The Member Group would comprise:-

- The Leader of the Council;
- The Leader of the Liberal Democrat Group;
- The Portfolio and Shadow Portfolio Holders for Economic Development and Property; and
- The Chairman of the DLO Transformation Members Steering Group.

On the motion of Councillor Cavill, it was

**Resolved** that:-

- (i) the marketing of the Deane DLO depot site at Priory Way, Taunton be proceeded with; and
- (ii) the establishment of a senior responsible group of Members to oversee the marketing process, as set out above, be approved.

The Mayor certified that he was prepared to allow the following recommendation which had arisen from the meeting of the Executive on 11 July 2012 to be considered by Members on the basis that a decision was needed before the next

scheduled meeting of Full Council.

**(e) Non-Domestic Rates – Discretionary Rate Relief**

Section 69 of the Localism Act had amended the Local Government Finance Act 1988 to allow local authorities to reduce the business rates of any local ratepayer for any reason, not just those that could currently be granted discretionary rate relief.

When the Executive considered this matter at its recent meeting it accepted a recommended procedure for dealing with future requests for non-domestic, discretionary rate relief, details of which were as follows:-

- All requests for relief must be made in writing.
- If the ratepayer did not provide the required evidence, the Council would reserve the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence.
- The Council might in any circumstances verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer.
- The authority to decline applications for relief under these provisions should be delegated to the Section 151 Officer.
- If the Section 151 Officer declined an application any appeal would need to be made to the Executive Portfolio Holder.
- Where the Section 151 Officer decided there was sufficient merit in awarding relief under these provisions, a recommendation would be made to the Executive to decline or award relief. Where it supported the recommendation, the Executive would also need to make the necessary budget arrangements to meet the commitment.

This system of delegation would ensure that proper and consistent consideration was given to all applications and that the financial implications were considered.

This was consistent with the approach taken to dealing with Hardship Relief applications for Business Rates as well as for the corresponding discretionary powers relating to Council Tax.

On the motion of Councillor Mrs Stock-Williams, it was

**Resolved** that the above policy for considering applications for relief under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) be approved.

**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:-

- Great Events for Taunton Deane;
- Taunton Business Improvement District (BID) Process;
- Project Taunton;
- Broadband Enhancement;
- Police and Crime Panels;
- Core Strategy;
- Welfare Reform and Housing Benefit Changes; and
- Economic Development, Taunton Deane.

(ii) **Sport, Parks and Leisure (Councillor Mrs Herbert)**

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

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

(iii) **Housing Services (Councillor Mrs Adkins)**

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

- Housing Property Services;
- Affordable Housing Development Partnership and Open Day;
- Affordable Housing Target;
- Estates Team and Anti-social Behaviour;
- Tenant Services Management Board;
- Tenants and Leaseholders Open Day; and
- Jubilee Gardens, Priorswood Place, Taunton.

10. **Suspension of Standing Order**

**Resolved** that Standing Order 28, Time limits for all meetings, be suspended to enable the meeting to continue for a further half an hour.

(iv) **Corporate Resources (Councillor Mrs Stock-Williams)**

The report from Councillor Mrs Stock-Williams provided information on the following areas within her portfolio:-

- Customer Contact Centre;
- Corporate and Client Services;
- Corporate Performance;
- Legal and Democratic Services; and
- Revenues and Benefits.

(v) **Planning, Transportation and Communications (Councillor Edwards)**

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

- Core Strategy;
- Planning Policy and Strategy Resource;
- Neighbourhood Planning;
- Community Infrastructure Levy;
- Planning Reforms;
- Planning Applications;
- Heritage – Tone Works and Sandhill Park;
- County-wide Civil Parking Enforcement (CPE) Project; and
- Communications.

(vi) **Community Leadership (Councillor Mrs Jane Warmington)**

Councillor Mrs Warmington presented the Community Leadership report which focused on the following areas within that portfolio:-

- Police and Crime Panel;
- Voluntary and Community Sector Grants Panel;
- Health and Wellbeing;
- The Community Right to Challenge (Localism Act 2011); and
- Priority Areas Strategy (Taunton Deane Partnership).

Due to Standing Order 28, Time limits for all meetings, insufficient time was available to enable the following Executive Councillor reports to be formally presented to Members. These reports were submitted for information only.

(vii) **Economic Development, Asset Management, Arts and Tourism (Councillor Cavill)**

The report from Councillor Cavill covered:-

- Keeping Members Informed;
- Stimulating Business Growth and Investment;
- Creating an Attractive Business Environment;
- Taunton Tourist Information, Ticket and Travel Centre; and
- Asset Management.

(viii) **Environmental Services and Climate Change (Councillor Hayward)**

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

- Environmental Health;
- Climate Change / Carbon Management;

- Waste Management;
- Deane DLO Update; and
- Crematorium.

(Councillors A Govier and Mrs Govier left the meeting at 8.51 pm. Councillors Tooze, Henley, Ms Durdan and Mrs Floyd left the meeting at 9.07 pm, 9.08 pm, 9.10pm and 9.27pm respectively. Councillors Mrs Baker, Mrs Herbert, Meikle, Mrs Messenger, Mullins, Prior-Sankey and Ross all left the meeting at 9.28 pm respectively.)

(The meeting ended at 10.00 pm.)