

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 27 June 2012 at 4.30 pm

in the Council Chamber, Williton

Present:

Councillor D D Ross Chairman
Councillor G S Dowding Vice-Chairman

Councillor M J Chilcott	Councillor M O A Dewdney
Councillor G S Dowding	Councillor J Freeman
Councillor S Y Goss	Councillor A P Hadley
Councillor B Heywood	Councillor A F Knight
Councillor K V Kravis	Councillor R P Lillis
Councillor E May	Councillor I R Melhuish
Councillor P H Murphy	Councillor S J Pugsley
Councillor K J Ross	Councillor D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor T Taylor	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Group Manager Resources (G Carne)
Group Manager Housing and Economy (I Timms)
Housing Enabler (H Crockford)
Meeting Administrator (K Kowalewska)

C16 Apologies for Absence

Apologies for absence were received from Councillors A M Chick, H J W Davies, P N Grierson, K M Mills and C Morgan.

C17 Minutes

(Minutes of the Annual Meeting of Council held on 16 May 2012, circulated with the Agenda.)

RESOLVED that, subject to amending 105th to 150th in the Chairman's Announcements for 31 March 2012, the Minutes of the Annual Meeting of Council held on 16 May 2012 be confirmed as a correct record.

C18 Declarations of Interest

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

Name	Minute No.	Member of	Action Taken
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr K J Ross	All	Dulverton	Spoke and voted
Cllr L W Smith	All	Minehead	Spoke and voted
Cllr A H Trollope-Bellew	All	Somerset County	Spoke and voted
Cllr K H Turner	All	Brendon Hills	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, the following interests were declared:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Cllr D D Ross	C21	Member of the Regal Theatre Board of Directors	Prejudicial	Left the Chamber
Cllr K V Kravis	C21	Business interest	Prejudicial	Left the Chamber
Cllr I R Melhuish	C21	Council Representative on MATA Regal Theatre Co Ltd	Personal	Spoke and voted

C19 Public Participation

Item 6 – Request for Allocation of Seaside Strategy Funding to the Regal Theatre

Ray Tew, provided an update on preferred suppliers and timescales for the Regal Theatre Lift Project and asked for the Council's support.

C20 Chairman's Announcements

16 May 2012	Attended the High Sheriff's Garden Party at Orchard Wyndham
22 May 2012	Jubilee Evensong at Wells Cathedral
26 June 2012	Attended the Pupil Parliament at Danesfield followed by the Armed Forces Day service. The Chairman thanked staff and Councillors for their attendance and was pleased at the high turnout.

C21 Request for Allocation of Seaside Strategy Funding to the Regal Theatre

(Report No WSC 88/12, circulated with the Agenda.)

The purpose of the report was to consider a proposal from the Regal Theatre for the allocation and use of an element of the Seaside Strategy earmarked reserve funding for schemes in Minehead.

The Lead Member for Economic Regeneration and Growth outlined the details in the report and stressed that the £200,000 seaside strategy funding was to be used to deliver projects specific to Minehead only. The Lead Member proposed the recommendations contained in the report which were seconded by Councillor M O A Dewdney.

Members were supportive of the proposal. It was questioned whether the sum of funding was enough to cover the cost of the project and, if required, could the Regal Theatre acquire further funding from the planning obligations section 106 monies. The Leader of Council, as Chair of Cabinet, was unaware of a funding shortfall and as the proposal was supported and endorsed by the Minehead Visioning Group, the seaside strategy funding money was considered the most appropriate source of funding.

RESOLVED (1) that the recommendation made by Cabinet on 4 April 2012 to approve a supplementary estimate in the sum of up to £50,000 from the unallocated Seaside Strategy Funding to enable their capital building works (the Lift Project) to be completed be agreed.

RESOLVED (2) that Council agree to the funding becoming available to the Regal Theatre upon receipt of invoices and a payment schedule that clearly evidences the requirement for gap funding, and other agreed processes and requirements in line with those made to third parties from Planning Obligations monies.

C22 **Local Government Ombudsman Annual Review and Corporate Complaints 2011/12**

(Report No. WSC 76/12, circulated with the Agenda.)

The purpose of the report was to bring to Members' attention a summary of the complaints made to the Local Government Ombudsman and an overview of the corporate complaints received in respect of 2011/12.

The Leader presented the report and drew Members' attention to the Local Government Ombudsman's summary report. He advised that the Council's complaint system and performance targets had been debated at Corporate PAG and their recommendations were contained in the report. The Leader proposed the recommendation of the report, which was duly seconded by Councillor M J Chilcott.

RESOLVED that the contents of the report be noted.

C23 **Clean Neighbourhoods and Environment Act 2005 – Dog (Exclusion) Orders**

(Report No. WSC 84/12, circulated with the Agenda.)

The purpose of the report was to review the proposals presented to Council on 21 March 2012 in relation to the Dog Exclusion Order 2012 created under the Clean Neighbourhoods and Environment Act 2005; to amend the order in line with the consultation carried out as part of the adoption process; and to request that Council agree to the adoption of the amended order.

The report was presented by the Lead Member for Community and Customer who for clarification purposes advised that the 'Dogs on Lead Order' meant the dog had to be on a lead at all times and 'Dogs on Lead by Direction Order' was enforced only when a warden or designated officer instructed the owner to put the dog on a lead. He proposed the recommendation and this was seconded by Councillor P H Murphy.

Councillor P H Murphy on behalf of Watchet Town Council expressed thanks that the request to make minor changes to the exclusion zone within the children's play area had been endorsed.

RESOLVED that the Dog Exclusion (West Somerset) Order 2012, attached as Appendix A to the report, with effect from 29 June 2012, be adopted.

C24 **Core Members of Policy Advisory Groups (PAGs)**

It was announced that Councillor R P Lillis would replace Councillor B Heywood on the Community and Customer PAG and that Councillor Heywood would become a core member of the Environment PAG.

The Corporate Director advised that the Constitution stated that the membership of a Policy Advisory Group should normally consist of six members, but there was no absolute amount, and there also was a requirement for the core membership to be agreed annually at Full Council; he further advised that all Members were entitled to attend any of the PAG meetings.

The Leader reminded Members that the PAGs provided a real opportunity for Members from any political group to come together, to debate matters and work together for the benefit of the Council. He mentioned that it would be helpful if the core members on a PAG considered it as an obligation just like any other formal Committee and to send apologies if they were not able to attend.

The Chairman proposed the core membership of the Policy Advisory Groups, as amended, and this was duly seconded by Councillor M A Smith.

A discussion then took place on the membership and the role of the Council's internal groups which had been listed under this item for information.

RESOLVED that, for the 2012/13 municipal year, the core membership of Policy Advisory Groups (PAGs) be approved, as amended, as follows:

Housing, Environmental Health & Licensing

*Councillor K H Turner
Councillor D J Westcott
Councillor A M Chick
Councillor B Heywood
Councillor A F Knight
Councillor P N Grierson
Councillor L W Smith
Councillor A P Hadley
Councillor E May

Community and Customer

*Councillor D J Westcott
Councillor K H Turner
Councillor G S Dowding
Councillor R P Lillis
Councillor A F Knight
Councillor L W Smith
Councillor I R Melhuish

Performance & Corporate Support

*Councillor T Taylor
*Councillor S J Pugsley
*Councillor K V Kravis
Councillor M J Chilcott
Councillor R P Lillis
Councillor M O A Dewdney
Councillor A H Trollope-Bellew
Councillor J Freeman
Councillor I R Melhuish
Councillor D D Ross

Environment

*Councillor C Morgan
Councillor G S Dowding
Councillor P N Grierson
Councillor K M Mills
Councillor S Y Goss
Councillor A H Trollope-Bellew
Councillor J Freeman
Councillor I R Melhuish
Councillor E May
Councillor M A Smith
Councillor B Heywood

Regeneration & Economic Growth

*Councillor D J Sanders
Councillor R P Lillis
Councillor M O A Dewdney
Councillor S Y Goss
Councillor A M Chick
Councillor M J Chilcott
Councillor A P Hadley
Councillor K J Ross
Councillor E May
Councillor M A Smith
Councillor D D Ross

C25

Localism Act 2011 – Preparing for the Implementation of the New Ethical Standards Regime

(Report No. WSC 82/12, circulated with the Agenda.)

The purpose of the report was to enable the Council to adopt a new code of conduct and arrangements for dealing with complaints in relation to the new code to comply with the requirements of the Localism Act 2011 (the Act) which are to commence from 1 July 2012.

The report was presented by the Lead Member for Executive Support and Democracy who made Members' aware of the fact that they must, under the new regime, withdraw completely from the meeting room if they have a disclosable pecuniary interest in the matter being discussed. He reported that the Corporate Director had recently addressed the Exmoor Area Panel on the new standards regime and the Lead Member commended that this was an excellent way to ensure information about the new regime is communicated between the district council and town/parish councils, and he informed that if this could be replicated to all the other area panels it would be extremely beneficial.

The Lead Member proposed that, in order to reflect the recommendations from the Standards Committee, there be an additional recommendation to the report to read "that all town and parish councils adopt a protocol requiring Councillors to sign an undertaking to observe the code of conduct adopted by the Council".

The Lead Member proposed the recommendations, subject to the amendment set out above, and these were duly seconded by Councillor D J Westcott.

During the course of the debate the following points were raised:

- The National Association of Local Councils had issued its own draft code for parish/town councils and it was thought that this might cause confusion.
- Parish and town councils would be encouraged to adopt West Somerset Council's code of conduct but both options would be endorsed so it would be up to the individual parish/town council to decide which code of conduct it adopts.
- Concern was expressed regarding the requirements relating to disclosable pecuniary interests and the point was made that by excluding Councillors they would be put in a disadvantageous position compared to members of the public.
- From 1 July 2012 the old code would not exist and regardless of whether the Council adopted a new code or not, it would be a criminal offence to not properly disclose a disclosable pecuniary interest.
- Councillors welcomed the amended guidance on bias and predetermination.

The following amendments were proposed to the draft Member Code of Conduct:

- remove the last 'and' in paragraph 1.11, point d) ii.;
- paragraph 1.11, point e) - insert 'in all instances'
- in the 5th line of paragraph 2.2, delete the second 'with'

The Chairman expressed his vote of thanks for the tremendous amount of work that had been undertaken in this matter.

RESOLVED (1) that a new code of conduct for Members and Co-opted Members of the Council to reflect the requirements of the Act, with the amendments proposed, as set out in Appendix A to the report; be adopted with the operation of the adopted code being the subject of an annual review by the Standards Advisory Committee.

RESOLVED (2) all town and parish councils in West Somerset be encouraged to adopt the same form of code of conduct as that referred to in resolution (1).

RESOLVED (3) that all councils adopt a protocol requiring Councillors to sign an undertaking to observe the code of conduct adopted by the Council.

RESOLVED (4) that arrangements for dealing with complaints about the new code of conduct for district, town and parish Councillors in West Somerset, with or without amendments, as set out in Appendix B to the report, be adopted and such arrangements be the subject of an annual review by the Standards Advisory Committee.

RESOLVED (5) that the Monitoring Officer be appointed as the proper officer to receive complaints of failure to comply with the code of conduct in West Somerset with the following delegated powers:

- a) in consultation with the Standards Advisory Committee to take an initial assessment decision of no action, attempt to resolve the complaint informally, or instigate a formal investigation; and
- b) in consultation with the Standards Advisory Committee and the appointed independent person to determine the action to be taken following the receipt of the report on any investigation into an allegation of a breach of the code of conduct.

RESOLVED (6) that in regard to the new requirement to the preparation of registers of interest the Monitoring Officer be instructed to:

- a) prepare and maintain any registers of members' interest to comply with the requirements of the Act and of the Council's new code of conduct and ensure that it is available for inspection as required by the Act;
- b) ensure that all members are informed of their duty to register interests;
- c) prepare and maintain the register of members' interests for each parish and town 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) arrange to inform the Town/Parish Clerks on the new registration arrangements.

RESOLVED (7) that a Standing Order that will require a Member to withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which he/she has a disclosable pecuniary or other pecuniary interest, except where he/she is permitted to remain as a result of the grant of a dispensation be agreed.

C26 **Tenancy Strategy and Localism Act Housing Related Requirements**

(Report No. WSC 82/12, circulated with the Agenda.)

The purpose of the report was to outline the Council's Tenancy Strategy and the process that has led to the production of that strategy; to request that Council adopt the Tenancy Strategy to ensure that the Council addresses the requirements of the Localism Act relating to flexible tenancies; and to describe other duties contained within the Localism Act and how they are being discharged.

The report was presented by the Lead Member for Housing, Environmental Health and Licensing who advised that the Localism Act required the Council to adopt a Tenancy Strategy even though it did not own any housing stock, and the strategy would be used as an influencing document to other housing associations who operate in the district.

The Lead Member proposed the recommendation in the report and this was seconded by Councillor M O A Dewdney.

In reply to a question regarding downsizing and whether there would be any guarantee that the remaining tenant would be rehoused in the same town or village that they presently lived in, the Group Manager Housing and Economy confirmed that by working with the housing association every effort would be made to suitably rehouse the tenant in accordance with his/her wishes although there was no absolute guarantee. He reassured that, through the strategy, all housing associations in Somerset would work cooperatively with their tenants.

Concern was expressed regarding the Tenancy Strategy that was attached to the report because reference was made in the heading and throughout the document to the word 'interim'. As a result Councillor P Murphy proposed an amendment that the following be added to the end of the recommendation - 'subject to the removal of the word interim from the document and reserving the right to review the document before the need to adopt formally in April 2013'. It was seconded by Councillor M A Smith.

On being put to the vote the amendment was CARRIED, with one abstention.

This then became the new substantive motion there on which there was no further debate.

RESOLVED that the Tenancy Strategy, as attached at Appendix A to the report, be adopted, subject to the removal of the word interim from the document and reserving the right to review the document before the need to adopt formally in April 2013.

C27 **Low Cost Home Ownership**

(Report No. WSC 79/12, circulated with the Agenda.)

The purpose of the report was to outline to Members the proposed amendment to the Council's Low Cost Home Ownership Policy and the circumstances that have led to the proposals being required.

The Lead Member for Housing, Environmental Health and Licensing presented the report and proposed the recommendation in the report, seconded by Councillor D J Westcott.

In response to a question, assurance was provided that the Nationwide Building Society were happy with the policy wording change.

RESOLVED that the income restriction be removed from the Low Cost Home Ownership Scheme Policy and the wording "whose housing needs are not able to be met on the open market" be added under Eligibility Criteria.

C28 **Minutes and Notes for Information**

(Notes and minutes relating to this item, circulated via the Council's website.)

RESOLVED that the draft notes and minutes of the following meetings be noted:

- Hinkley Point Somerset Nuclear Energy Group (SNEG) held on 17 January 2012
- Standards Committee held on 13 March 2012
- Exmoor Panel held on 8 March 2012
- Minehead Area Panel held on 14 March 2012
- Watchet, Williton and Quantocks Area Panel held on 27 March 2012
- Dunster Panel held on 23 April 2012

The meeting closed at 6.11 pm.