

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 7 October 2008 at 6.30 pm.

Present The Mayor (Councillor Slattery)
 The Deputy Mayor (Councillor Bowrah)
 Councillors Mrs Allgrove, Beaven, Bishop, Brooks, Coles, Mrs Copley,
 Mrs Court-Stenning, Critchard, Denington, D Durdan, Ms Durdan,
 Edwards, Farbahi, Mrs Floyd, Govier, Guerrier, Hall, Hayward, Henley,
 Ms Herbert, C Hill, Mrs Hill, Horsley, House, Miss James, R Lees, Mrs
 Lees, Mrs Lewin-Harris, McMahan, Meikle, Morrell, Mullins, Paul,
 Prior-Sankey, Mrs Smith, P Smith, Mrs Stock-Williams, Stone,
 Stuart-Thorn, Thorne, Watson, Mrs Waymouth, A Wedderkopp,
 D Wedderkopp, Mrs Whitmarsh, Williams, Mrs Wilson and Woolley.

1. Minutes

The minutes of the meeting of Taunton Deane Borough Council held on 15 July 2008, copies having been sent to each Member, were signed by the Mayor.

2. Apologies

Councillors Bone, Cavill, Murphy, O'Brien, Ms Webber and Miss Wood.

3. Britain in Bloom

Mr Shaun Cregan, the Taunton Deane in Bloom Co-ordinator, reported on the recent success Wellington and, particularly, Taunton had enjoyed in the Britain in Bloom Competition.

In the South West in Bloom Competition, Wellington had been awarded a gold medal but had narrowly missed securing the Portman Cup which was awarded to the best small town.

Taunton had been awarded a silver gilt medal but had retained the Tesco Cup in the large town/small city category.

In addition, at a ceremony in Chester on 24 September 2008, Taunton had also been named the winner of the National Britain in Bloom title, again in the large town/small city grouping.

The trophies that had been awarded were displayed.

The Mayor thanked Mr Cregan for his presentation and congratulated everyone involved in achieving these highly prestigious awards.

4. Communications

The Mayor reported the sad death of Mr. Harold Inder, who would have been known to Members through his work with the Friends of Konigslutter and as one of the Independent Members of the Council's Standards Committee.

5. **Declarations of Interest**

Councillors Brooks, Govier, Henley, Paul and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Prior-Sankey also declared a personal interest as a Member of the Somerset Waste Board. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Miss James declared a personal interest as an employee of Viridor. Councillors Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillors Mrs Lewin-Harris and Stuart-Thorn declared personal interests as Citizen Advice Bureau Trustees. Councillor Stuart-Thorn also declared a personal interest as a YMCA Trustee. Councillor Bowrah declared a personal interest as a resident of Holyoake Street, Wellington. Councillor Mrs Whitmarsh declared a personal interest as a Director of the Wiveliscombe Area Partnership.

6. **Borough Council By-Election – 2 October 2008**

The Democratic Services Manager, on behalf of the Returning Officer, reported that Councillor Kelly Durdan of Tristram Drive, Creech St. Michael, Taunton had been elected as a Councillor for the Ruishton and Creech Ward.

7. **Further Changes to the Constitution**

Submitted report which detailed a number of further proposed changes to the Constitution following meetings of the Constitutional Sub-Committee held on 4 September 2008 and the Corporate Governance Committee which met on 15 September 2008.

The changes were required to bring the Constitution up to date with the Council's current ways of operating and to make the decision making process even more effective and efficient.

Resolved that the proposed changes to the Constitution as set out in the Appendix to these Minutes be approved.

7. **Written Questions to Members of the Executive**

Councillor Meikle asked a series of questions which are set out below, together with the replies given by the Leader of the Council, Councillor Henley:-

- (1) Could the Council be given the immediate assessment of a rough outline of the major factors which have to be considered when approaching the budget?

Response: The Overview and Scrutiny board will receive a report at

their meeting on 13 October on the forecast budget gap and the reasons why there is a forecast funding gap. Major cost increases include inflation and staff pay increases – we are also experiencing reductions in income due to the “credit crunch”, for example, car parks.

The following meeting (on 30 October 2008) will also receive a report on the Executive’s strategy for closing that budget gap. Issues such as the Core Council Review and the need for ongoing savings and efficiencies to be found will no doubt feature in that plan.

- (2) Such matters as the £500,000 shortfall of the Government’s contribution to their national pensioners free bus passes of last year. Have there been any indications that they will close the gap this year?

Response: Last year the Government issued figures on the specific grant for concessionary travel for three years. The position for Taunton Deane is as follows:-

2008/2009 - £388,000;
2009/2010 - £397,000 (+2.3%);
2010/2011 - £408,000 (+2.8%).

These figures will be built into the Medium Term Financial Plan. Therefore, at present, we are forecasting only a minimal increase in external support for this service.

- (3) Have we any sort of picture from our own bus companies or other parts of the country that since the scope for ‘national’ travel is included, has there been a marked extra take up, which will add to the expense next year? Knowledge of the take up would enable the very roughest assessment of the extra financial burden.

Response: At present, based on information received to date, we expect to remain within budget, overall usage has gone up about 14% but this has been diminished by the poor summer weather, we are monitoring the position in the current year and any new information on usage in 2009/2010 will be incorporated into the budget gap.

- (4) What is the current forecast of ‘drop off’ in car parking income?

Response: As reported in the quarterly performance report the expected position at Quarter 1 was an expected decline in income of £100,000. This will be revised as part of the Quarter 2 budget monitoring exercise.

- (5) Also Tone Leisure, do we have any indicators that they are suffering significant loss of income due to current economic conditions?

Response: Over the last couple of months Tone Leisure had seen a slight decline in membership and were 2% under budget.

- (6) Are there other areas of dropping income such as Planning, search charges which can be reported at this present time?

Response: This was included in the Quarter 1 performance report to the Strategy and Performance Panel. Other significant budget issues that relate to the economic downturn include:-

Land Charges - £20,000 drop off in income;
Tourist Information Centre - £40,000 drop off in income;
Planning fees - £50,000 drop off in income.

- (7) The Council welcomes the new Government scheme for free swimming for the elderly and young people. Have we had notice from Whitehall that this national scheme will be fully funded, and that resources of local councils will not have to be used to fill the gap? Should we give notice to the Government that we may not be able to implement such a scheme if a promise of funding is not forthcoming (since an officer's rough assessment of the cost of between £90,000 and £140,000 would not be acceptable to add to the Council Tax burden)?

Response: The information received from the Government shows that for over 60s swimming they will provide a grant of £37,420 for this new initiative. As yet no formal notification has been received for the funding of under 16s. We are currently in discussions with Tone Leisure over the expected funding gap and if we choose to support this scheme we hope to agree a funding mechanism, which shares any financial risks appropriately. This topic will be covered by a report to the Overview and Scrutiny Board in October 2008.

- (8) Is there now detectable overspend or underspend overall for the Council within this financial year?

Response: The report to the Strategy and Performance Panel for Quarter1 reported a potential overspend of £88,000 on the General Fund, mainly as a result of the drop off in income reported previously. The Housing Revenue Account reported a net increase of £120,000 primarily due to increased forecast interest income.

- (9) Can we calculate the actual financial benefit figures from belonging to Southwest One or other cost saving alliances?

Response: The Somerset Waste Partnership saves the Council £231,000 when compared to the cost of the service before its formation.

The contract with Southwest One provides for a 2.5% year on year saving on the cost of providing these services back to the Council. Since the Southwest One contract started in November/December 2007 the savings so far have been:-

2007/2008 = £40,000;
2008/2009 (full year) = £136,000;
Total = £176,000.

For 2009/2010 we estimate there will be a further saving of £96,000. Over the life of the Southwest One contract this equates to total savings of over £5.4m.

The South West Audit Partnership also provides better quality audit services to the Council at the same cost of the former in house service.

- (10) Dependent on the rough cumulative outturn of the above set of questions, should we be wise to give notice that such new schemes such as Somerset Waste, which I seem to recall to be between £190,000 and £240,000 may have to be put on ice until the financial climate changes?

Response: The roll-out of further waste services, such as plastic and cardboard collections, was fully supported. The public expected this to happen.

8. **Recommendations to Council from the Executive**

(a) **Medium Term Financial Strategy**

The Executive had closely considered the Medium Term Financial Strategy which contained the current policy and financial issues facing Taunton Deane.

The Council was accountable for the stewardship and use of public money and for ensuring its plans delivered financial stability and sustainability in the future towards achieving the aims of the overall Corporate Strategy. The Financial Strategy set out these plans in detail.

Resolved that the Financial Strategy be approved.

(b) **Taunton Town Centre Area Action Plan and Design Code Supplementary Planning Document**

The Action Plan would help to deliver Project Taunton and it explained the strategy for the regeneration of Taunton Town Centre. It provided the policy framework to guide the redevelopment of a number of important sites, such as Firepool, the Cricket Club, Coal Orchard, Morrisons, Tangier, Wood Street, Tesco, Goodland Gardens, Castle Green, High Street and East Street.

The Action Plan explained how the various proposals would be implemented, including the roles and responsibilities of partners in the public, private and voluntary sectors and also identified how the regeneration of the town centre could deliver important community priorities including opportunities for training and skills, better connections to the town centre from disadvantaged communities and tackling Climate Change.

The Taunton Town Centre Design Code Supplementary Planning Document, had been prepared in parallel with the Action Plan. The Code was a set of requirements to guide the physical development of an area. The aim was to define acceptable design quality and thereby assist the delivery of good quality new development. The Design Code would act as a tool to guide the implementation of the town centre redevelopment and a point of reference in the development control process.

Both the Action Plan and the Design Code had been the subject of extensive public consultation, including an Examination in Public by a Government appointed Inspector who had concluded that the Action Plan was “sound”.

To comply with the relevant legislation, it had been recommended that the Action Plan and the Design Code should be adopted by the Council.

Resolved that:-

- (1) the Taunton Town Centre Area Action Plan; and
- (2) the Taunton Town Centre Design Code Supplementary Planning Document,

be both formally adopted.

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 Henley)**

Councillor Henley’s report covered the following topics:-

- Britain in Bloom;
- Response Bus Services;
- Rowbarton Allotments, Taunton;
- Free Swimming;

- Pioneer Somerset;
- Greg Dyke;
- Fuel Poverty Day.

(ii) **Resources (Councillor Mrs Smith)**

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

- Democratic Services;
- Personnel;
- Southwest One;
- Corporate Support Services;
- Customer Services;
- Corporate Administration/Word Processing;
- Revenues and Benefits Service Unit;
- Financial Services;
- Performance Management.

(iii) **Community Leadership (Councillor A Wedderkopp)**

Councillor A Wedderkopp's report focused on the following areas within his portfolio:-

- Community Partnerships;
- Citizens Advice Bureau (CAB);
- Local Area Agreement (LAA);
- Safer Somerset West Crime and Disorder Reduction Partnership;
- The Restorative Justice Project;
- Protection from Abuse;
- Phoenix House, Belmont Road, Taunton.

(iv) **Communications (Councillor Brooks)**

Councillor Brooks' report covered the following topics:-

- Public Relations;
- Website Update;
- Place Survey;
- A-Z of Services.

(v) **Planning Policy and Transportation (Councillor Coles)**

Councillor Coles submitted his report, which drew attention to the following:-

- Southwest One;
- Forward Planning;

- Taunton Town Centre Area Action Plan and the Design Code Supplementary Planning Document;
- Core Strategy Community Engagement;
- Monkton Heathfield;
- Staffing Levels;
- Residents' Parking;
- Greg Dyke.

(vi) **Economic Development, Asset Management and Tourism (Councillor Horsley)**

The report from Councillor Horsley covered:-

- Project Taunton;
- Changing Economic Circumstances;
- Inward Investment;
- Culture;
- Pioneer Somerset;
- Economic Development;
- Community Development, Deprivation and Regeneration.

(vii) **Leisure, Arts and Culture (Councillor R Lees)**

The report from Councillor R Lees dealt with activities taking place in the following areas:-

- Britain in Bloom;
- Community Leisure;
- Sport;
- Play;
- Tone Leisure (Taunton Deane) Limited Activities;
- In-Bloom.

(viii) **Environmental Services (Councillor Mullins)**

The Report from Councillor Mullins drew attention to developments in the following areas:-

- Environmental Health;
- Environmental Protection.

(ix) **Housing Services (Councillor Prior-Sankey)**

Councillor Prior-Sankey submitted her report which drew attention to the following:-

- Tenants' Forum Annual General Meeting;
- Review of Council Housing Finance;
- Housing Strategy Event;
- Holyoake Street, Wellington – Proposed Development;
- Choice-Based Lettings (CBL);
- Progress at Norie House, Taunton;
- Fuel Poverty.

(The meeting ended at 8.35 pm.)

Appendix to the Minutes

Changes to the Council's Constitution

ARTICLE 16

16.0 Suspension of the Constitution

(c) Rules capable of suspension

The following rules may be suspended in accordance with the above provision:

The council's procedure rules apart from SO22 and SO26 and financial procedure rules

PART I REPORTS OF EXECUTIVE COUNCILLORS

8. (1) An Executive Councillor shall submit a report to each Full Council meeting. The report shall be in two parts.
- (2) Part I shall contain recommendations and Part II shall contain reports as to current and future business for the information of and comment from the Council.
- (3) Each recommendation shall be proposed separately by the Executive Councillor, or, in his/her absence, by the Leader of the Executive; it shall not need to be seconded before being discussed.
- (4) The normal rules of debate will apply to the recommendations contained in Part I

PART II OF EXECUTIVE COUNCILLORS' REPORTS

9. (1) When Part II of an Executive Councillor's report is being considered, Councillors may, upon items referred to in that report :-

- (a) submit written questions to be received by the Democratic Services Manager by 4pm 2 working days before the Council meeting;
- (b) Responses will be given to these questions and 1 further supplementary question will be allowed related to the question arising from the answer to seek further clarification;

Comment [11]: As per amendment at full council 15/07/08

(c) Verbal questions will be allowed which may be answered verbally or in writing within 5 working days.

Comment [I2]: As per amendment agreed at full council on 15/09/08

- (2) Part II items are for information, discussion and comment only and no motion shall be put to the meeting as to any such item - other than those closure motions described in Standing Order 13.
- (3) A councillor may not speak on Part II of a report if a recommendation relating to that same item has already appeared in Part I of a report submitted at that meeting.
- (4) The Executive Councillor may introduce Part II of his report and update the Council on developments that have taken place since the report was dispatched.

QUESTIONS FROM COUNCILLORS

- 15** (1) At a Full Council meeting any Councillor, upon giving 5 working days written notice to the Democratic Services Manager, may ask the Mayor a question on a matter which concerns the Council's functions, powers, duties and which affects the borough.
- (2) Any Councillor, upon giving 2 working days written notice to the Democratic Services Manager, may ask the Leader of the Council, a portfolio holder, chairman of a committee or another member who has been appointed to an outside body, a question which concerns the Executive's or committee's functions, powers and duties or the work of the outside body and which affects the borough.
 - (3) The leader, portfolio holder, or committee chair may direct the question to be answered by the Chairman of the appointed sub-committee which has been delegated the subject matter of the question.
 - (4) The member asking the question may ask a supplementary question related to the question or arising from the answer to seek further clarification.
 - (5) Questions are to be asked and answered without further discussion by other members present. The Leader of the Council or a committee chairman to whom the question has been addressed may ask another member or officer to answer it if they are of the opinion that a discussion is required or they may refer it to another relevant meeting of the Executive or Committee.

TIME LIMITS FOR ALL MEETINGS*

- 29.** (1) A meeting of full council or other committees/panels including Overview and Scrutiny committees shall not exceed three hours in duration except in accordance with SO 30 below.
- (2) If the business of the meeting has not been completed within that time the Mayor or Chairman will interrupt the debate to announce the time and call for a vote to be taken immediately on the item under discussion.
- (3) No member will be able to address the meeting after the Mayor's or Chairman's interruption on any item appearing on the agenda.
- (4) Any items remaining on the agenda, which have not been considered, will be adjourned to the next scheduled meeting or a date to be fixed before the meeting adjourns.

SUSPENSION OF COUNCIL PROCEDURE RULES*

- 30.** (1) A motion to suspend a particular procedural rule shall state the particular purpose and require a majority of at least half the total number of members appointed to that Council Meeting or Committee.
- (2) on occasions that rule 29(1) (guillotine) is being waived, the duration of the suspension shall not exceed 30 minutes and shall, if seconded, be put to the vote without discussion.
- (3) Rule 29(1) can only be suspended once per meeting. However the Mayor, Chairman of Planning Committee or Chairman of the Licensing Committee may decide otherwise in respect of the meeting they are chairing. This will generally only occur in exceptional circumstances.
- (4) Rules 22 and 26 cannot be suspended. But section 13 still applies.

Part IV – Public Question Time

- 16.** (1) Subject to paragraph (10) of this Standing Order, questions from Taunton Deane electors shall be taken in accordance with the procedure in this Standing Order at the beginning of each meeting.
- (2) The period allowed for questions and answers shall not exceed

15 minutes except with the consent of the Mayor; each individual questioner shall be restricted to speaking for a total of four minutes.

- (3) Questions shall be directed to the Mayor, who may request the appropriate member or officer to reply.
- (4) Every question shall relate to matters over which the Council has powers or duties and which particularly affect the Borough and shall be put and answered without discussion.
- (5) However, if a question relates to a ward-based issue, the Mayor shall invite a contribution from one councillor representing that ward before calling for the formal reply.
- (6) Questions shall not be disallowed merely because advance notice in writing has not been given. Such questions may not be answered immediately but later in writing. However it is always preferred that questions are put in writing in order to assist members and officers to be able give answers at the meeting.
- (7) An answer may take the form of:-
 - (a) an immediate oral answer; or
 - (b) a written answer where the necessary information is not readily available.
- (8) Subject to the time limit in paragraph (2) above, and to the discretion of the Mayor, the questioner shall be permitted to ask one supplementary question relating to the issue raised.
- (9) Any question shall be disallowed which the Mayor believes to be scurrilous, offensive, improper, repetitious, capricious, irrelevant or otherwise objectionable.
 - (10) The procedure for taking questions or statements from members of the public at meetings of the Planning Committee shall follow such pattern as agreed from time to time by that Committee to best take account of its needs for public involvement.

Comment [I3]: Discussed and agreed at Constitutional Sub committee 4/09/08

- 19.** (1) All motions and amendments, unless the law otherwise requires, shall be decided by affirmation or by a show of hands, as the Mayor shall choose.

- (2) If before the Mayor calls for the vote, either,
- (a) the mover and seconder of the motion - or of the amendment, or,
 - (b) any councillor supported by the votes of at least a quarter of the councillors present,

request that a Recorded Vote be taken, then votes shall be publicly declared, and recorded in the minutes.

- (3) In addition to the option under SO 19(2), any member may require - immediately after a vote is taken - that the manner in which that member's vote was cast (for, against or abstaining) shall be recorded in the minutes.
- (4) Where a vote is taken upon the choice of more than two candidates for an appointment and there is not an absolute majority in favour of one candidate, the candidates receiving the least number of votes shall be excluded and a further vote taken, the procedure being continued until there is an absolute majority in favour of one candidate.

(5) (a) in the case of an equality of votes, the Mayor shall have a second or casting vote.

(b) The Mayor shall have unfettered discretion as to its use for or against the proposition.

Comment [14]: 5(a) has been amended to clarify the position with second and casting vote for the mayor.

PART I – MEETINGS OF THE COUNCIL

ORDER OF BUSINESS

1. At meetings of the Council, the order of business shall be as follows:-
- (1) To elect a councillor to preside if the Mayor and Deputy Mayor are absent;
 - (2) To transact any business required by statute to be done before any other business;
 - (3) To receive the minutes of the preceding meeting and, if agreed, to order that they be signed as a correct record;
 - (4) To receive any communications;

- (5) To deal with questions from Taunton Deane electors under Standing Order 16;
- (6) To receive petitions or deputations from Taunton Deane electors under Standing Orders 17 & 18;
- (7) To transact any business adjourned from previous meetings;
- (8) To consider Motions received under Standing Order 4;
- (9) To consider reports from Executive Councillors;
- (10) To consider any reports submitted by the Review Board, a Review Panel, Standards Committee or from an Officer;
- (11) To deal with questions asked under Standing Order 15(2);
- (12) To transact any other business which the Mayor is prepared to certify as of such urgency that it must be disposed of at this meeting.

Comment [I5]: O&S committees?

Comment [I6]: Agreed at Constitutional sub committee 4/09/08

MOTIONS DURING A DEBATE *

5. (1) The only proposals which may be moved during a debate are:-

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that Councillor _____ be not further heard;
- (h) that Councillor _____ do leave the meeting;
- (i) that the (identified) recommendation be referred back for further consideration;
- (j) that the press and public be excluded;
- (k) to suspend any one or more Standing Orders during all or part of the meeting;
- (l) to refer a petition which has been presented to a meeting of the Council to a Panel for consideration;

5 (2) A councillor who has not previously spoken in the debate may, at the conclusion of a speech of another councillor, move without comment one of the following closure motions:-

- (a) "that the meeting do now adjourn
- (a) "that the debate be adjourned",

- (b) "that the meeting do now proceed to the next business", or
- (d) "that the question be now put".

(3) If the closure motion is seconded then (subject to the proviso set out in (c) below) the Mayor shall proceed as follows:-

- (a) the closure motion shall be put to the vote forthwith and without discussion;
- (b) then - subject only to the right of reply of the councillor who either presented the report or who proposed the original motion - the closure motion shall be immediately acted upon;
- (c) The Mayor shall have the discretion not to accept such a closure motion when of the opinion that the matter before the meeting has not yet been sufficiently discussed.