

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.)

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. [In addition it will be made available on the Council's website at www.xxxxxxxxxx- 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.

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> | Description |
|---|--|
| 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 | <i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</i> (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

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 of 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 ungrouped 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.

APPENDIX 3

ARTICLE 8 The Standards Committee

Standards Committee

The Council will establish a Standards Committee.

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.

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

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 11 September 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,
 Bowrah, Brooks, Cavill, Coles, Denington, D Durdan, Miss Durdan,
 Edwards, Farbahi, Mrs Floyd, Gaines, A Govier, Hayward, C Hill,
 Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Morrell, Mullins,
 Ms Palmer, D Reed, Mrs Reed, Ross, Gill Slattery, T Slattery,
 Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Mrs
 Warmington, Mrs Waymouth, Ms Webber, A Wedderkopp,
 D Wedderkopp, Williams and Wren

1. Apologies

Councillors Mrs Govier, Mrs Herbert, Mrs Hill, Nottrodt, Prior-Sankey, Tooze and Watson.

2. Communications

Councillor Edwards made reference to the recent success of both Debbie Criddle and Lucy Shuker who had won medals at the Paralympic Games in London. He felt that it would be appropriate for the Council to mark in an appropriate way these achievements and sought the endorsement of the other Councillors present to do this. This was agreed.

3. Declaration of Interests

Councillors Brooks, A Govier, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. 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. Councillor Hayward declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Stone declared a prejudicial interest as a Tone Leisure Board representative. 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.

4. Public Question Time

(i) Heather Davis said she had attended the Planning Committee last week to object to the planned – now approved – 41 acre site of solar panels situated adjacent to the nature reserve of Ash Priors wood and conservation village of Halse.

She had been shocked at the lack of discussion, nor any attempt by Councillors to establish the facts behind the many submissions made. Councillors also demonstrated the lack of thought that had been applied to such a large and policy challenging application.

The debate had not covered the definition of “sustainable development” which was at the heart of the National Planning Policy Framework.

In reviewing the Core Strategy it was clear that there was no statement about the importance of agricultural land, how much there was, or how much would be given over to non agricultural developments. Given the role of agricultural land in absorbing carbon this highlighted a fundamental issue.

It was stated that Taunton Deane would be a leader in addressing the causes and impacts of climate change but later it was stated that the Council would follow building control national standards which currently developed houses at only level 2/3 of the Sustainable Development Code. Why not level 4 or 5 as used by other Councils?

Surely a leader would work with developers and energy suppliers to ensure all new builds had solar heating and / or photovoltaic panels on all roofs.

Mrs Davis asked Taunton Deane to change the Strategy statement to reflect the reality of the Council's actions or implement substantial changes in attitude and approach to justify stated intentions.

(ii) Sylvaine Shapland referred to the Core Strategy which correctly highlighted the shifting of weather patterns. In recent months these patterns had resulted in falling yields leading to dramatic rises in food prices.

Last Tuesday the United Nations had issued a press release urging countries in the developed world to produce more food from the agricultural land that they had, rather than growing crops for alternative energy such as bio diesel, in an effort to reduce imports of food and fend off looming worldwide food shortages and price rises.

She had objected to the solar development in Halse on the basis that such developments undermined the wealth of ordinary people through higher food and energy prices, whilst making the land owners and financiers rich.

On a piecemeal basis the Council was allowing the removal of prime high grade arable land, so depleting the nation's ability to feed itself. In the National Planning Policy Framework it stated that developments on three measures should be sustainable – social, environmental and economic.

The Core Strategy was at odds with the National Planning Policy Framework because it had created a presumption in planning that renewables trumped all else. Indeed it inferred/advocated the use of high grade arable land in section CP1.

The Core Strategy recognised the need for more than 17,000 new homes. More people meant more food required, but there was no more farmland

available, other than that which was being used for other things than producing food.

If a farmer presented a solar panel scheme that was for a grain store roof and/or to use land at the side of fields which were already set aside to encourage nature, then that would be reasonable. Rejecting large schemes and supporting this suggested type of approach would be leadership in carbon reduction, renewable energy and securing the nation's food supply.

Ms Shapland suggested that the Core Strategy policy should be changed to reflect a balanced approach to schemes in order that our ability to produce food was not reduced.

Most farmers did not embark on large schemes, because they cared about their role in society and their impact on the environment. They realised that these schemes were morally repugnant and an abuse of the land they farmed.

(iii) Mike Davis stated that following last week's decision an environmental charity had been engaged to take the decision to a Judicial Review.

As part of the case, the lack of balance in the proposed Core Strategy and positive endorsement of large scale solar developments, regardless of land types, would be highlighted.

It was felt that in the context of sustainability laid down in the National Planning Policy Framework, the Core Strategy was leading Planning Officers to disregard arguments put forward.

It was sad that the democratic processes decided to rush this application without fully understanding the technical issues raised in the submissions and omitting to inform local residents of the application.

At the meeting, it was clear that most Councillors had not read beyond the Planning Officer's summary. He understood that not one Councillor had visited the site. Detailed points had not been investigated by the Planning Officer and it appeared that the decision had already been made.

The impending Core Strategy was biased towards renewable energy at the expense of food production. The logical consequences had not been thought through. Policy was being used as a defence by Planning with the "sustainable" element of the National Planning Policy Framework being interpreted as renewable energy and reducing carbon generation.

The Core Strategy should ensure that one problem did not accentuate another. It was felt that, as worded, Policy CP1 opened the door for large scale solar farms.

So the question that the Core Strategy needed to address, but did not, was how do you maintain as much high yielding agricultural land as possible whilst reducing your carbon footprint and increasing renewables?

Before the Core Strategy was signed off as worded, Mr Davis hoped that Councillors would reflect on what he and his colleagues had said and consider Taunton Deane's essential role as a farming area in sustaining life.

In response, Councillor Edwards asked if copies of the three submissions could be forwarded so that a full written response to the points raised could be made.

5. **Recommendation to Council from the Executive**

Adoption of the Taunton Deane Core Strategy

The Executive had recently considered the proposed adoption of Taunton Deane's Core Strategy as part of the statutory development plan for the district.

The Core Strategy had been prepared over a number of years and set out a long-term strategic vision and spatial policies to guide planning decisions in Taunton Deane up to 2028.

Earlier in the year, the Government's Planning Inspector had considered issues that had been raised in representations and made verbally at the hearing sessions. This had included the need for any 'Main Modifications', which were considered necessary in order for the plan to be considered 'sound' and recommended for adoption. In addition, a number of further consultations had been held to address the publication of new national planning policies such as the National Planning Policy Framework (NPPF).

The Taunton Deane Core Strategy Inspector's Report had been received on 3 July 2012 which had identified a number of Main Modifications which were outlined below:-

- Clarifications to Policy CP3 to define the geographical extent of town centres and the operation of the 500 m² threshold for impact assessment;
- Additional text following Policy CP4 to set out the process for advancing sites into the five-year housing land supply;
- Removal of a reference in Policy CP7 to an interim policy pending the introduction of a Community Infrastructure Levy charging schedule;
- Amendment to Policy SP1 relating to housing allocations in minor rural centres to allow greater flexibility;
- Numerical corrections to the housing provision figures in Policies SP4 and SS1;
- Removal of the requirement for the allocation of strategic housing sites within the identified 'broad locations' (Policies SS6 and 7) to await a Core Strategy Review in 2016 and substitution of reference to allocation in the

Site Allocation and Development Policies Development Plan Document (DPD) by 2015; and

- Re-wording of Policy SS8 (Broad location for Taunton Strategic Employment) to provide a clear criterion-based context for site identification in a future DPD.

In addition, a new Policy (CP1) had been introduced as a main modification to ensure that the plan properly reflected the presumption in favour of sustainable development introduced in the NPPF.

The incorporation of these changes meant that the Core Strategy could be considered sound and capable of adoption.

Moved by Councillor Horsley, seconded by Councillor Coles that the proposed recommendation be amended by the addition of the following wording:-

“The continued need for the items below be recognised for the forthcoming Site Allocations Document to address the following:-

- (a) Putting in place Flood Alleviation schemes that will fulfil the requirements of the Environment Agency and identify the infrastructure risks and funding costs for Taunton Deane Borough Council;
- (b) Bringing forward further identifiable and deliverable housing sites to strengthen the five year supply of housing land and deliverable employment land in Taunton Deane as soon as possible; and

Strive to make the economic case for achieving housing and employment targets that are predicated on a much more realistic rate of growth at the next Core Strategy Review than the 2.8% of the current Core Strategy”.

The amendment was put and was carried.

The substantive Motion which is detailed below, was put and was carried:-

Resolved that:-

- (1) The Taunton Deane Core Strategy 2011-2028, incorporating the Inspector’s recommended modifications, be formally adopted;
- (2) The continued need for the items below be recognised for the forthcoming Site Allocations Document to address the following:-
 - (a) Putting in place Flood Alleviation schemes that would fulfil the requirements of the Environment Agency and identify the infrastructure risks and funding costs for Taunton Deane Borough Council;
 - (b) Bringing forward further identifiable and deliverable housing sites to strengthen the five year supply of housing land and deliverable employment land in Taunton Deane as soon as possible; and
- (3) Strive to make the economic case for achieving housing and employment

targets that were predicated on a much more realistic rate of growth at the next Core Strategy Review than the 2.8% of the current Core Strategy.

(Councillors Mrs Baker and Swaine left the meeting at 7.55 pm and 7.58 pm respectively.)

(The meeting ended at 8.03 pm.)