

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 6 October 2009 at 6.30 pm.

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

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

1. Chief Superintendent Sandy Padgett

The Mayor announced the sad death of Chief Superintendent Sandy Padgett of Avon and Somerset Constabulary.

Members stood in silence in her memory.

2. Minutes

The minutes of the meetings of Taunton Deane Borough Council held on 14 July 2009 and 11 August 2009, copies having been sent to each Member, were signed by the Mayor.

3. Apologies

Councillors Bishop, D Durdan, Edwards, Gaines, O'Brien and Stuart-Thorn.

4. Communications

The Mayor made reference to the visit he had made earlier in the year to Taunton's Twin Town in France, Lisieux, where the Civic Party had been warmly welcomed by their hosts.

In his view twinning was beneficial not only on the cultural side but for the economy of Taunton Deane – with many visitors from both France and Germany making visits to our area.

He informed Members that he was President of both the Civic Twinning Link and the Friends of Lisieux. He had recently met with both organisations in an attempt to encourage a merger between the two, due to a decline in

membership of the Civic Link and a need to sort out future funding arrangements for twinning activities.

The Mayor concluded by asking Councillors to support the current twinning links in as many ways as possible. Regrettably very few of the Council's Members had been involved this year.

5. **Formal Apology by Councillor Stone**

Councillor Stone apologised to the Council for breaching the Code of Conduct last year when he decided not to withdraw from a meeting of Full Council despite declaring a prejudicial interest. He took the opportunity to explain to the Councillors present why he had decided to take the action he had.

6. **Declarations of Interest**

Councillors Brooks, Govier, Henley, McMahon, Paul, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillors Mullins and Slattery declared personal interests as Members of the Somerset Waste Board. Councillor Slattery also declared a personal interest as an employee of Sedgemoor District Council. 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 Court-Stenning, Mrs Hill, Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillors Henley and Mrs Wilson declared personal interests as employees of Job Centre Plus.

7. **Building a Resilient Taunton Deane**

The Mayor introduced Chrissie Godfrey and Paul Birch of Taunton Transition Town to the meeting.

Ms Godfrey and Mr Birch had facilitated the "Climate Change" workshops that had taken place over the past couple of months which had been open to both Members and officers across the Council.

A total of 375 people had attended the workshops and, as a result, a document had been published titled "Towards a Resilient Taunton Deane – 375 voices : one story" which had been circulated to all Councillors.

The document had focussed on the comments and ideas that had been expressed at the workshops and from this feedback an attempt had been made to picture Taunton Deane in the year 2026. A detailed resume of many of the issues raised was provided.

Ms Godfrey and Mr Birch reported that the workshops had proved to be very inspiring for the Transition Town movement and they had both felt very privileged to have been involved.

The Mayor thanked Ms Godfrey and Mr Birch for their very interesting presentation and they both left the meeting.

8. **Changes to the Constitution**

Submitted report which detailed a number of further proposed changes to the Constitution that were required to update the Standards Committee's terms of reference following the implementation of new regulations. In addition some minor amendments had been made to the Council's Standing Orders and these were also required to be approved.

Every local authority was required to have a Constitution which contained relevant information on how the Council operated and gave details of its political and management structures. It was required to be updated as changes to such structures were introduced.

The Standards Committee (Further Provisions) (England) Regulations 2009 came into force on the 15 June 2009 and amongst other things amended the way in which dispensations were granted. As such it was felt by the Standards Committee that some minor changes needed to be made to the way in which these dispensations were granted in order to make the process as flexible as possible.

In addition, upon further consideration of the Standing Orders it had been felt that more flexibility was required on the timing for Members to submit motions to Full Council and that more clarity was required as to what Members could do at a meeting when they had a prejudicial interest. The Council's Standing Orders had therefore been amended to reflect this.

The changes had been considered and approved by both the Constitutional Sub-Committee and the Corporate Governance Committee.

Resolved that the proposed changes to the Constitution as set out in the Appendices A and B to these minutes be approved.

9. **Community Governance Review – Cotford St. Luke**

Submitted report, previously circulated, of the outcome of the recent Community Governance Review that had been undertaken in connection with the creation of a new Parish Council for Cotford St Luke. Currently the village of Cotford St Luke fell within the Parish of Bishops Lydeard and Cothelstone.

A petition, signed by 256 electors of Cotford St Luke, had been received calling upon Taunton Deane to create a new Parish Council under statutory powers.

As part of a Boundary Review in 2005, Taunton Deane had proposed formal warding of the Parish of Bishops Lydeard and Cothelstone to create a new parish ward encompassing Cotford St Luke in order to facilitate the eventual creation of a separate Parish Council.

This had been accepted by the Boundary Commission for England who had made the appropriate Order.

Following receipt of the petition a formal Community Governance Review had been carried out in order to establish that the electors of Cotford St Luke would be best served by the creation of a new Parish Council.

Extensive consultation had taken place and, as anticipated, there was overwhelming support for the proposal and no adverse comments had been received from any interested party. In addition, the Community Scrutiny Committee had also given the proposal its support .

Resolved that the appropriate Order under statutory powers, for the creation of a new Parish Council for Cotford St Luke to coincide with elections planned for May 2011 be agreed. The boundaries of the parish to be coterminous with the existing Cotford St Luke Ward of Bishops Lydeard and Cothelstone Parish Council and to be known as Cotford St Luke Parish Council.

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

(a) **Implementation of Sort It Plus Recycling Collections**

The Executive had previously made a number of decisions relating to the extension of the recycling service in Taunton Deane to enable the kerbside collection of plastic and cardboard.

The purchase of extra recycling bins in connection with this extended service would be necessary at an estimated capital cost of £163,400.

Somerset County Council was in receipt of Waste Infrastructure Grant and had agreed, as a Member of the Somerset Waste Partnership, to assist the District Councils in the purchase of the additional bins by offering 75% of the cost.

This meant the cost to Taunton Deane would be reduced to £40,900.

On the motion of Councillor Slattery, it was

Resolved that an increase to the capital programme of £40,900 for the estimated shortfall in capital funding needed to purchase additional recycling bins be approved, to be funded from uncommitted Waste Services Reserves.

(b) **Non-Domestic Rates – Section 49 Hardship Relief Policy**

The Executive had agreed to support a proposal to introduce a procedure which would give the Council discretion to reduce or remit the payment of rates under Section 49 of The Local Government Finance Act 1988.

As a billing authority, Taunton Deane had to be satisfied that the ratepayer would suffer hardship if it did not agree to reduce the payment of rates. Additionally it had to be reasonable for the Council to do so, having regard to the interest of its Council Tax payers.

Central Government had provided guidance to help billing authorities decide whether to grant relief. From this it was clear that the reduction or remission of rates on grounds of hardship should be the exception rather than the rule.

75% of the cost of any reduction or remittance of rates could be offset against the Council's payment into the National Non-Domestic Rate pool. The other 25% would be borne locally by Council Tax payers and met from the authority's General Fund.

Historically the Council had received very few applications for hardship relief from ratepayers. However, it was expected the number of hardship applications would rise significantly as the economic downturn started to bite.

On the motion of Councillor Mrs Wilson

Resolved that the proposed policy for considering applications for Section 49 Reductions (as set out in the attached Appendix 1) be formally adopted.

(3) Full or Partial Flexible Retirement Policy

The Executive had considered proposals to introduce a new policy for full or partial retirement to meet the requirements under the Local Government Pension Scheme (LGPS).

Since 2006, Her Majesty's Revenues and Customs had allowed pension schemes to facilitate flexible retirement. As a result, flexible retirement provisions had been written into the LGPS.

This flexibility had been introduced to assist Local Government in managing the impacts of the ageing population which would see a greatly increased retired population being dependant on a reduced active workforce.

There were a number of discretions within the LGPS which allowed for a scheme member who had attained the age of 55 (or in certain circumstances 50) to draw all or part of their retirement benefits (both pension and lump sum) even though they had not retired providing that the employer consented and there had been a reduction in hours or a reduction in grade.

Taunton Deane was undergoing significant changes to meet both the financial and service delivery pressures that needed to be faced. In undertaking restructuring it was important that the Council had a range of options that could be used to satisfy these pressures.

The ability to provide full or partial flexible retirement would allow the Council to work with staff to provide an alternative to 'cliff edge' retirements which could see the retention of key skills at the same time as securing cost reductions.

If the payment of benefits occurred before age 65 the benefits would be reduced in accordance with guidance issued by the Government Actuary. The Council would however have the power, on compassionate grounds, to waive any actuarial reduction that the employee might incur.

On the motion of Councillor Mrs Wilson

Resolved that the proposed policy on Full or Partial Flexible Retirement (as set out in the Appendix 2) be formally adopted.

11. **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:-

- Pioneer Somerset;
- Core Council Review;
- DLO Review;
- Rent Increase/Decrease;
- Visit of Lord Coe to Taunton;
- Council Report;
- Climate Change;
- Standards.

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

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

- Regional Spatial Strategy;
- Local Development Framework (LDF) Core Strategy and Site Allocations;
- Extensions to the time limits for implementing existing planning permissions and minor amendments
- Amendments to Parish Delegation Scheme;
- Longrun Meadows, Bishops Hull;
- Pyrland Hall Farm, Taunton.

(iii) **Economic Development and the Arts (Councillor Mrs Smith)**

The report from Councillor Mrs Smith covered:-

- Economic Development Delivery Strategy;
- Employment and skills;
- Inward investment;
- Tourism;
- Arts and culture;
- Project Taunton;
- Employment land;
- Asset Management;
- Local Action for Rural Communities (LARC).

(iv) **Sports, Parks and Leisure (Councillor R Lees)**

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

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

(v) **Environmental Services (Councillor Slattery)**

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

- Management/General;
- Food Safety/Health and Safety Team;
- Environmental Health Support Team;
- Environmental Protection Team;
- LicensingTeam;
- Waste Management Board.

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

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

- Housing Inspection visit;
- Councils build again;
- Housing Subsidy reform;
- What recession?
- Rents go down!

(vii) **Resources (Councillor Mrs Wilson)**

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

- Southwest One Human Resources Service;
- Core Council Review;
- Revenues and Benefits;
- Update on progress with Investors in People Action Plan;
- Customer Contact highlights;
- Performance and Client Team;

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

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

- Somerset Crime and Disorder Reduction Partnership (CDRP);
- Local Strategic Partnership;
- Wessex Water;
- The Civic Society and the “Living Streets” Agenda.

(ix) **Communications (Councillor Paul)**

Councillor Paul’s report covered the following topics:-

- The Weekly Bulletin;
- Green initiatives;
- Public Relations.

(Councillors Ms Herbert, Stone, Miss James, Govier and Mullins left the meeting at 7.05 pm, 8.10 pm, 8.14 pm, 8.15 pm and 8.25 pm respectively.)

(The meeting ended at 8.37 pm.)

Appendix A

Article 8 The Standards Committee

8.1 Standards Committee

The Council will establish a Standards Committee.

8.2 Constitution

(a) Membership

The Standards Committee will be composed of at least:

- (i) one member from each of the political groups who are then represented on the Council [currently there are three such Groups];
- (ii) seven people 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 Members”);
- (iii) (subject to the same exceptions as (ii) above) three members of a Parish Council from within 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 Members

Independent Members (see 8.2(a)(ii) above):-

- (i) shall be selected in accordance with the statutory rules prescribed under The Standards Committee (England) Regulations 2008 ;
- (ii) will be entitled to vote at all meetings of the Committee or on any sub-committees to which they have been appointed by the Standards Committee.

(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.

(d) **Chairing the Committee**

The Committee shall be chaired by an Independent Member.

(e) **Substitutes**

No substitute members shall be permitted to either the main Committee or to any sub-committee unless there is a conflict of interest that affects all elected members on the Committee that cannot be overcome in any other way.

(f) **Sub-committees**

The Standards Committee shall, in accordance with the Standards Committee (England) Regulations 2008, appoint sub-committees 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 Independent Member;
- (iii) All sub-committees shall include at least one elected 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).

Formatted: Indent: Left: 36 pt

(h) Any sub-committee set up to determine dispensations shall adhere to the limits as set out in (f) above.

Formatted: Indent: Left: 0 pt, First line: 0 pt

Formatted: Indent: Left: 36 pt

Formatted: Indent: Left: 0 pt, First line: 0 pt

8.3 Role and Function

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

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the 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;
- (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) assessing complaints made against members of the Borough Council and Parish Councils within the Taunton Deane Borough in relation to breaches of the code of conduct;
- (h) conducting consideration hearings following receipt of reports from the Monitoring Officer into a member's alleged misconduct.
- (i) conducting hearings on reports as to alleged contraventions of the Members' Code, and deciding upon appropriate sanctions.

Deleted: the Monitoring Officer

Deleted: deal with

Deleted: .)

Deleted: ¶

Deleted: A

Deleted: h

Appendix B

PROCEDURE RULES FOR FULL COUNCIL (STANDING ORDERS)

STANDING ORDERS (updated 2009)

C O N T E N T S

Page

| | |
|-----|---|
| 1 | Order of Business |
| 2 * | Variation of Order of Business |
| 3 * | Discussion on Minutes |
| 4 | Notices of Motion |
| 5 * | Motions during a Debate (including closure motions) |
| 6 * | Amendments |
| 7 | Points of Order or Personal Explanations |
| 8 | Part I Reports of Executive Councillors |
| 9 | Part II Reports of Executive Councillors |
| 10 | Proposers and Seconders |
| 11 | Rights to Speak during Debates |
| 12 | Rights of Reply |
| 13 | Speeches |
| 14 | Questions from Councillors |
| 15 | Public Question Time |
| 16* | Presentation of Petitions |

| | |
|-----|--|
| 17* | Deputations |
| 18* | Voting |
| 19* | Offensive or Disorderly Conduct |
| 20* | Disturbance by Members of the Public |
| 21* | Interests of Members and Officers |
| 22* | Exclusion of Press or Public |
| 23* | Rescindment and Variation of Resolutions |
| 24* | Ruling of the Mayor |
| 25* | Quorum |
| 26 | Agenda & Attendance at Meetings |
| 27 | Summoning of Meetings |
| 28* | Time Limits for all Meetings |
| 29* | Suspension of Council Procedure Rules |
| 30* | Application of Standing Orders |

Those marked * apply to Council and to the Committees

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 15;
 - (6) To receive petitions or depositions from Taunton Deane electors under Standing Orders 16 & 17;
 - (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 Overview & Scrutiny Committees, Standards Committee or from an Officer;
 - (11) To deal with questions asked under Standing Order 14(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.

VARIATION OF ORDER OF BUSINESS *

2. The Mayor may, with the consent of the Council, vary the order of business.

MINUTES *

3. (a) At the next ordinary meeting, the Mayor shall, with the Council's assent, sign the minutes of the business transacted at the previous meeting as a correct record.

- (b) The only discussion allowed upon the Minutes shall be as to their accuracy, and any objection upon that ground shall be made by motion. A question may be put to the Mayor as to the accuracy of the Minutes.

NOTICES OF MOTION

4. (1) If a councillor wishes to move a motion at a meeting of the Council then notice in writing shall be given to the Legal and Democratic Services of its terms and the name of a Councillor who has agreed to second it. Such notices shall be dated, numbered as received and available for the inspection of councillors.
- (2) Twelve calendar days notice is needed in order to have a Notice of Motion included in the Summons. This means that written notice must be delivered to the Democratic Services Manager's office by 12 noon on the Monday week prior to the day on which the Council Meeting is to be held.
- (3) The motion shall relate to the work of the Council or the interests of people living in the Borough.
- (4) A motion shall not be taken if its proposer is not present, unless another councillor has been asked to propose it and the Council so agree.
- (5) Such motions shall be taken before the reports of the Executive Councillors have been presented
- (6) A motion or amendment to rescind a decision within 6 months of it being approved should be made in accordance with Standing Order 23 of this Constitution

Deleted: 4.00 pm

Deleted: Thursday

MOTIONS DURING A DEBATE *

5. (1) A Councillor may at the conclusion of a speech of another Councillor, move without comment one of the following motions: -
- (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 item of business;
 - (f) that the question be now put;
 - (g) to request a recorded vote; see standing order 18(2)
 - (h) 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 Committee for consideration;

5(2) If the motion is seconded then (subject to the proviso set out in (c) below) the Mayor shall proceed as follows:-

- (a) the 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 motion shall be immediately acted upon;
- (c) The Mayor shall have the discretion not to accept such a motion when of the opinion that the matter before the meeting has not yet been sufficiently discussed.

5(3) In the consideration of applications for development under the Town and Country Planning Act 1990 (as amended), where a motion to grant or refuse permission is lost, and there is no amendment, then the direct negative of that motion will be the minuted resolution of Development Control Committee. The reasons for refusal, or conditions in the case of an approval, will be those referred to at the meeting or recommended in the officer's report to the committee.

AMENDMENTS *

6. (1) An amendment shall be either –
- (a) to leave out words;
 - (b) to leave out words and insert or add others; or
 - (c) to insert or add words;
- but shall not have the effect of introducing a significantly different proposal or of negating the motion
- (2) Before moving an amendment a Councillor shall ensure that there is likely to be a seconder for that amendment.
 - (3) When an amendment has been moved and seconded no further amendments shall be moved until the first amendment has been voted upon.
 - (4) If an amendment is carried, it shall be incorporated into the motion which shall become the substantive motion upon which further amendments may be moved. If an amendment is voted down, further amendments may then be moved on the motion.

- (5) With the agreement of any seconder and with the assent of the Council, given without comment, a councillor proposing a motion or amendment may:-
- (a) Withdraw that proposal, or
 - (b) Alter its wording, or
 - (c) Accept an amendment
- (6) If there is to be an amendment to the proposed budget then it must be received by the Democratic Services Manager by 12 noon the day before the Council meeting.

Deleted: 4pm

POINTS OF ORDER OR PERSONAL EXPLANATION

7. A councillor may rise on a point of order or in personal explanation and shall be allowed by the Mayor to be heard forthwith.
- (1) A point of order shall relate only to an alleged breach of a specified Standing Order or statutory provision and the councillor raising it shall immediately identify how it has been broken.
 - (2) A personal explanation shall be confined solely to a brief explanation of how a speech in the current debate by that councillor appears to have been factually misunderstood. It shall not be used to introduce new material.

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

PROPOSERS AND SECONDEES

- 10.
 - (1) If the mover of a motion or of an amendment sits down without speaking to it, the right to speak shall be lost but the mover of a motion shall retain the right of reply.
 - (2) The seconder of a motion or of an amendment may declare that s/he is reserving the right to speak:-
 - (a) until later in the debate; or
 - (b) until it appears to the Mayor that - at that point - there are no more speakers to be called and before the mover of the motion exercises the right of reply.

RIGHTS TO SPEAK DURING DEBATES

- 11. A Councillor who has spoken once on any motion, amendment or on an Executive Councillor's report may not speak again. The exceptions to this rule are that a councillor who has already thus spoken may also:
 - (1) speak once to an amendment moved by another member;
 - (2) move a subsequent amendment; if a councillor wishes to exercise this right, then s/he shall immediately make the purpose of this second speech clear to the Mayor
 - (3) exercise a right of reply under Standing Order 12, or,
 - (4) make a point of order or personal explanation.

RIGHTS OF REPLY

- 12. (1) (a) The mover of a motion shall have a right of reply to any debate on that motion.

(b) The member of the Executive presenting a report shall have a right of reply to any discussion upon that report.

In both cases this right shall be in addition to that councillor's speech introducing the motion or the report.

- (2) The mover of a motion shall also have a right of reply to any debate:-
- (a) on any amendment to that motion,
 - (b) on a reference back to the Executive of that recommendation, and
 - (c) immediately before the following closure motions are put to the vote:-
 - (i) to postpone consideration of the motion,
 - (ii) to adjourn the debate
 - (iii) that the question be now put.
- (3) The Executive Councillor presenting a report shall also have a right of reply to the following closure motions immediately before they are put to the vote:-
- (a) that the Council proceed to the next business;
 - (b) to adjourn the debate; or
 - (c) that the question be now put.
- (4) A Councillor who has moved a motion or introduced a report shall only have the further rights to speak which are defined in this Standing Order but shall not otherwise speak during that debate.
- (5) A Councillor exercising a right of reply shall not introduce new factual material.
- (6) The mover of an amendment or of any of the procedural motions referred to in Standing Order 5 shall not have a right of reply.

SPEECHES

13. (1) (a) A Councillor shall not speak on a motion or amendment or on an Executive Councillor's report for longer than three minutes.
- (b) The exceptions to this rule shall be that:-
- (i) the mover of a recommendation (or of a motion of which notice has been given in accordance with Standing Order No.4) may speak for not more than ten minutes when moving such recommendation or motion, and
 - (ii) a Councillor exercising a right of reply may speak for 5 minutes
- (2) A Councillor shall normally stand when speaking and shall address the Mayor. When the Mayor rises all Councillors shall be silent. No-one else shall speak until the Chair has been resumed.

QUESTIONS FROM COUNCILLORS

- 14** (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.

PUBLIC QUESTION TIME *

- 15.** (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.

PRESENTATION OF PETITIONS *

- 16 (1)
 - (a) A "Formal Petition" is one which its promoters wish to appear on the agenda of the next appropriate Scrutiny Committee for discussion and for recommendation on to the Executive - or to the relevant Executive Councillor – for decision. For such petitions the formal procedure set out in this Standing Order should be followed.
 - (b) An "Informal Petition" is one where its promoters wish the feelings of a significant number of the local community to be drawn to the attention of the Council before a decision is made on a particular matter. Where such an informal petition is received:-
 - (i) The decision-maker shall be informed of the terms and level of support for such a petition when any report is submitted recommending that a course of action should be adopted.
 - (ii) The promoter of the petition shall be notified of any public meeting at which the issue is to be discussed or decided and shall subsequently be notified of the Council's decision.
 - (c) The choice of which route to follow shall be at the discretion of the petition's promoter.

(2) A Formal Petition may be presented at any meeting of the Council (or of its Executive or any Committee) by any Taunton Deane elector, if the Democratic Services Manager, at least 12 calendar days before the meeting, shall:-

- (a) have received notice in writing of the intention to submit the petition and of its content, and
- (b) have been shown the petition;

provided that the Mayor may, because of special circumstances, give approval to a lesser period of notice.

- (3) Subject to the Democratic Services Manager being satisfied that the formal petition complies with this Standing Order, its content and the number of its signatories shall be described on the agenda for the meeting.
- (4) The Mayor shall invite the promoter to present the formal petition. In so doing, the promoter may speak in its support for not more than 4 minutes – or such longer period as the Mayor shall decide.
- (5) If the formal petition is presented to a meeting of the Full Council, the Chair of the relevant Scrutiny Committee shall, with the assent of the Council (given without discussion), accept it for consideration at the next meeting of that Committee; the promoter shall be invited to attend that meeting.
- (6) Where a formal petition is presented first to a Scrutiny Committee or to the Executive (after the necessary notice has been given under paragraph 2 above), the meeting shall decide whether:-
- (a) to consider it immediately; or,
 - (b) to defer consideration to the next meeting; or,
 - (c) refer it to a Committee for its advice or for it to deal with.
- (7) An Informal Petition may be presented without notice at any meeting but shall not be acted upon unless it relates to an item of business already on the meeting's agenda for which proper notice has already been given.
- (8) For the purposes of this Standing Order, "petitions" shall mean requests consisting of a significant number of signatures of Taunton Deane electors relating to matters over which the Council (or that Committee) has powers or duties or which particularly affect the Borough or its residents.

DEPUTATIONS *

- 17. (1)** Any Taunton Deane elector may ask that a deputation should be received by a meeting which has powers or duties relating to the matter of concern to that deputation.

Such a request shall be made by written notice to the Democratic Services Manager at least 3 working days before the meeting to which it relates unless the Mayor has, because of special circumstances, given approval to a lesser period of notice.

- (2) The person making the request shall indicate in the notice:-
 - (a) the matter to which the request relates;
 - (b) the number and the names and the addresses of those making up the deputation, and
 - (c) the name of the leader who will speak for them
- (3) On being called by the Mayor the leader of the deputation may speak for not more than 4 minutes about the matter described in the notice given.
- (4) For a further period of 5 minutes, councillors may ask questions of the deputation, which questions shall be asked and answered without discussion.
- (5) Having heard from the deputation, the Mayor (or councillor chairing the meeting) may either:-
 - (a) give an immediate oral response to their request, or
 - (b) ask that an immediate oral response be given to the deputation by the Leader (or other Executive Councillor who is present) or by an officer; or,
 - (c) call for a report to be considered at the next meeting of that – or the relevant Committee unless the request relates to business which is already on the Committee's agenda.
 - (d) ask that a written answer be given to the deputation where the necessary information is not readily available.

VOTING *

- 18** (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 18 (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 against the proposition.

OFFENSIVE OR DISORDERLY CONDUCT *

19. (1) If at a meeting a councillor uses an expression which another councillor believes is offensive and the latter draws the attention of the Mayor to it, the Mayor may request the councillor to withdraw the expression.
- (2) If at a meeting the Mayor believes a councillor to be guilty of persistently disregarding the ruling of the Chair by behaving improperly or offensively, or by deliberately obstructing business, the Mayor or any other councillor may move "that Councillor_____ be not further heard" and the motion, if seconded, shall be put to the vote and voted on without discussion.
- (3) If a councillor continues to behave improperly after such a motion has been carried, the Mayor may either:-
 - (a) move "that Councillor_____ do leave the meeting", or
 - (b) adjourn the meeting for a specified period;if seconded the motion shall be put and voted on without discussion,
- (4) If a councillor does not leave the meeting after a resolution to that effect, the Legal and Democratic Services Manager shall arrange for the removal of the councillor and shall take such measures as may be necessary to prevent the councillor from re-entering the meeting.
- (5) In the event of any significant disturbance which makes the due and orderly dispatch of business impossible, the Mayor, in addition to the exercise of any other power, may, without the need for the Council's approval, adjourn the meeting for such period as s/he thinks necessary.

DISTURBANCE BY MEMBERS OF THE PUBLIC *

- 20 (a) If a member of the public interrupts the proceedings at a meeting, the Mayor shall request that there be no further interruptions. If the interruptions continue the Mayor shall order the removal of the person interrupting from the room.
- (b) If there should be general disturbance in any part of the room open to the public the Mayor may order that part to be cleared.

INTERESTS OF MEMBERS AND OFFICERS *

21. (1) Where at a meeting any matter is being considered in which a councillor then present has a “*prejudicial interest*” as defined by the Council’s adopted Code of Conduct, that councillor shall be entitled to make representations, answer questions or give evidence provided that members of the public also have the same right. The Councillor must then leave the meeting immediately thereafter unless:-

(a) a dispensation has been granted by the Council’s Standards Committee in exercise of its powers under the Local Government Act; or,

(b) the item merely forms part of minutes submitted and is dealt with as “for information” only.

(2) Where a Councillor present at such a meeting has a “*personal interest*” (as defined in the adopted Code) which is not a “*prejudicial interest*” then the Councillor shall immediately draw the attention of the meeting to that personal interest.

(3) (a) Any officer of the Council present at a meeting when an item involving a disclosable interest is under consideration shall draw the attention of the meeting to that interest.

(b) A “disclosable interest” is an interest which, if the officer were a Member of the Council, would need to be declared under the Council’s adopted Code of Conduct as a *prejudicial interest*.

(c) No such duty shall arise regarding an item which merely relates to the general terms and conditions of employment of all staff employed by the Council.

Deleted: within the meaning of the

Deleted: then

Deleted: ,

Deleted: on declaring the interest, immediately leave the meeting room during the consideration of the matter

Deleted: is one before the Planning or Licensing Committees, in which case the member may be able to address the committee before leaving the meeting before any debate and vote; or that the item

Deleted: , or

Deleted: there is no discussion upon the matter.

Formatted: Indent: Left: -21.85 pt

Formatted: Bullets and Numbering

EXCLUSION OF PRESS AND PUBLIC *

22(1) Press representatives and public shall withdraw from a meeting if an exclusion resolution (under the Local Government (Access to Information) Act 1985) is passed. [see Part 4B of the Constitution]

(2) Even where an item or report has been marked either “Exempt” or “Confidential”, it is for the meeting itself to decide whether – taking the

wider public interest into account - the item (or part of it) should nevertheless be considered in the presence of the press and public.

- (3) If an issue should arise during a debate as to the appointment, promotion, dismissal, salary, conditions of service or conduct of any identifiable employee of the Council, the councillor chairing the meeting shall move the exclusion resolution (due to the likelihood that exempt information about a particular employee would be disclosed to the public).

The motion shall be immediately approved or rejected before the issue is further considered.

- (4) When an exclusion resolution is passed those permitted to remain include all those who are members of the Council, the officers or consultants serving that meeting and those specifically invited by the meeting to remain for reasons set out in the minutes.

RESCINDMENT & VARIATION OF RESOLUTIONS *

23. (1) A resolution passed within the previous six months shall not be rescinded or varied unless either:-
 - (a) there has been a significant change of circumstances (noted in the minutes of the meeting) since the previous resolution was passed and is agreed by 50% of the members, or
 - (b) by resolution of the Full Council on a motion of which notice has been given under Standing Order 4 signed by not less than 12 members.
- (2) Where it is intended that such an item should appear on the agenda for a meeting, the agenda item shall say that this "6 month rule" applies.
- (3) This Standing Order shall not apply in the case of a planning or licensing application.
- (4) Every such notice of motion shall specify the resolution to be rescinded or varied

RULING OF THE MAYOR *

24. The ruling of the Mayor on any question under these Standing Orders, on a point of order, or, on the admissibility of a personal explanation shall be final and shall not be open to discussion.

QUORUM *

- 25 No business shall be transacted at a meeting unless at least the indicated number of its members is present:-

| Meeting | Quorum |
|------------------------------------|---|
| Full Council | 14 |
| Planning Committee | 5 |
| The Executive | 3 |
| The Overview & Scrutiny Committees | 4 |
| Any other Member body | ¼ of its members, or 2 (whichever is the greater) |

AGENDA AND ATTENDANCE AT MEETINGS

- 26.** (1) A councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Overview & Scrutiny Committees and the Planning Committee and to attend and speak at all such meetings – whether the councillor is a member of the body or not.
- (2) This right to be treated as a participating member of these bodies shall not extend to their sub-groups which have been convened to act
- (a) in a quasi-judicial role on the Council's behalf in relation to such matters as staff disciplinary appeals, licensing hearings, or to deal with staff appointments or other specifically identified matters, or
- (b) as Task and Finish scrutiny panel
- (3) With those bodies listed in (2) above:-
- (a) The right to attend shall be the same as for members of the public
- (b) The right to contribute to the discussion shall be at the discretion of the councillor chairing that meeting.
- (4) In order to avoid any doubt:-
- (a) The rights under paragraph (1) shall also extend to Exempt items of business.
- (b) Councillors attending a meeting by virtue of this Standing Order shall not have a right to vote nor shall their attendance rank as an “approved duty” under the Members Allowances Scheme.

SUMMONING OF MEETINGS

- 27.** Those listed below may request the Legal and Democratic Services Manager to call a Full Council meeting in addition to ordinary meetings:-
- (a) The Council (by resolution),
- (b) The Mayor,

- (c) The "Designated Officers" [see *Constitution - Article 12*],
- (d) Any five members of the Council - if they have signed a requisition presented to the Mayor and the Mayor has either refused to, or has failed to call, such a meeting within seven days of presenting their requisition.
- (e) The notice convening such a requisitioned meeting shall state the names of those councillors requesting it and the business which they wish to have dealt with

TIME LIMITS FOR ALL MEETINGS*

- 28.** (1) A meeting of full council or other committees including Overview and Scrutiny committees shall not exceed three hours in duration except in accordance with 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.
- (5) Any suspension of time for adjournments during the meeting shall not count towards the 3 hour time limit.

SUSPENSION OF COUNCIL PROCEDURE RULES*

- 29.** (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 21 and 25 cannot be suspended. But section 5 still applies

APPLICATION OF STANDING ORDERS *

- 30.** These Standing Orders shall apply to meetings of the Full Council. Those Standing Orders marked "**", shall also apply to meetings of all Regulatory Committees, the Overview and Scrutiny Committees (subject to the necessary changes in wording).

Appendix 1

Non-Domestic Rates – Section 49 Hardship Relief Policy

The Recommended Procedure

- 1.1. All applications for Hardship relief must be made in writing using a prepared forms designed by Revenues and Benefits service to ensure that all the information which is considered important to the decision making process is captured.
- 1.2. All applications must be accompanied by a copy of the last two years audited accounts, a projected income and cash flow for the next 12 months and any other information in support of the application.
- 1.3. The process detailed below should ensure that proper and consistent consideration is given to all applications, the financial implications are considered and members have the final say in deciding on, and financing, any awards.
- 1.4. Applications will initially be received within the Revenues and Benefits unit where they will be examined for completeness.
- 1.5. Where the application is not complete the Revenues and Benefits unit will contact the ratepayer to seek any missing information or seek clarification where it is necessary. The application will not be considered further until it is complete.
- 1.6. The Revenues and Benefits unit will consider each complete application on its merits and the Head of Revenues and Benefits Service make a written recommendation to the Section 151 Officer whether to reject the application or whether to make an award.
- 1.7. In making either recommendation, the Head of Revenues and Benefits Service will consider the following
 - The goods or services provided by the applicant and the closeness of alternative suppliers;
 - Whether the goods or services are mostly provided to customers within the Borough;
 - Any social benefits provided by the applicant;
 - Local employment provided by the applicant;
 - The causes of the hardship;
 - The applicant's attempts to mitigate the hardship;
 - The impact of Rates as a % of overall business expenses;
 - Whether the business is viable; and

- Whether it is in the interests of the Council Tax payers within the Borough to provide the 25% cost of any hardship relief awarded.
- 1.8. Where a recommendation to reject the application is made adequate reasons should be put forward.
- 1.9. Where a recommendation to approve the application is made, the recommendation should detail
- The period to be covered by the award
 - The social benefit to the Council Tax payers in the award being made
 - The amount of the award
 - The sum to be met by the general fund and the Non-Domestic rating pool respectively.
- 1.10. The authority to **decline** applications for hardship relief should be delegated to the Section 151 Officer.
- 1.11. Where the Section 151 Officer decides there is sufficient merit in awarding hardship relief a recommendation will be made to the Executive. The Executive should have the delegated power to decline or award hardship relief following referral of an application by the Section 151 Officer. **Where it supports the recommendation, The Executive will also need to make the necessary budget arrangements to meet the commitment.**

Appendix 2

Full or Partial Flexible Retirement Policy

1. Employees aged 55 (aged 50 up to 31 March 2010) who are members of the Local Government Pension Scheme are able to request payment of early retirement benefits whilst remaining in the Council's employment on reduced hours or a lower grade.
2. This right does not apply to employees who are in receipt of a redundancy payment and early pension benefits or who have taken early retirement in the interests of the efficiency of the service.
3. As a guide, a business case for flexible retirement where any reduction is minimal (e.g. less than 20% either in terms of reduced hours or lower grade) may be difficult to objectively justify.
4. Requests for flexible working may be instigated by employees who meet the criteria set out in 1 above at anytime but will only be able to make one request in any 12 month period.
5. An employee should, in the first instance, approach their line manager with a request for reduced hours, more flexible working patterns by putting their request in writing.
6. The line manager will notify the HR Advisory Team and a meeting will be arranged within 21 days to discuss the request from the employee.
7. At this point the HR Advisory Team will request an estimate of early retirement benefits from the Pension Section of Somerset County Council which will be provided to the employee and be used to complete the Flexible Retirement Approval Request Form.
8. The meeting between the employee, line manager and a member of the HR Advisory Team will discuss the request and business case and will only be referred for approval if it is operationally viable.
9. If the request is referred for approval this will be considered by the relevant Theme Manager/Service Unit Manager and the HR Manager.
10. It should be noted that employees who are retiring in this way before their normal retirement age will suffer an actuarial reduction in their benefits to reflect early payment. In exceptional compassionate circumstances the Council has the right to waive this actuarial reduction.
11. If the request is not referred for approval this will be confirmed to the employee in writing to the employee within 14 days of the meeting. The

employee would have the right of appeal against this decision which should be made in writing to the Retained HR Manager within 10 days of receipt of the reason for refusal of the request or refusal to waive the actuarial reduction on compassionate grounds where the request is approved.

- 12.** Appeals will be heard by a Strategic Director advised by the Retained HR Manager.