

## SWT Special Full Council

Thursday, 29th April, 2021,  
6.15 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh at the bottom right.

[SWT VIRTUAL MEETING WEBCAST LINK](#)

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**Members:** Hazel Prior-Sankey (Chair), Simon Coles (Vice-Chair), Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Dave Durdan, Kelly Durdan, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, John Hunt, Marcus Kravis, Richard Lees, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Andy Milne, Chris Morgan, Simon Nicholls, Craig Palmer, Derek Perry, Martin Peters, Peter Pilkington, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Andrew Sully, Nick Thwaites, Anthony Trollope-Bellew, Ray Tully, Terry Venner, Sarah Wakefield, Alan Wedderkopp, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Declarations of Interest**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**3. Public Participation - To receive only in relation to the business for which the Extraordinary Meeting has been called any questions, statements or petitions from the public in accordance with Council Procedure Rules 14,15 and 16**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

**Temporary measures during the Coronavirus Pandemic**

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

**4. To receive any communications or announcements from the Chair of the Council**

**5. To receive any communications or announcements from the Leader of the Council**

**6. To receive only in relation to the business for which the Extraordinary Meeting has been called any questions from Councillors in accordance with Council Procedure Rule 13**

**7. Items deferred from the meeting of Full Council held on 30 March 2021**

**a) Motion to ban sky lanterns and ceremonial balloons on Council land and raise awareness of their environmental impact.**

(Pages 5 - 10)

To consider a motion proposed by Councillor Ed Firmin, seconded by Councillor Alan Wedderkopp.

**b) To consider the Annual Report from the Chair of Scrutiny - for noting only.**

(Pages 11 - 22)

**c) To consider the Annual Report from the Chair of Audit, Governance and Standards - for noting only.**

(Pages 23 - 26)

**8. Decision taken under the urgency rules regarding the Additional Restrictions Grant Scheme** (Pages 27 - 36)

This matter is the responsibility of Executive Councillor for Asset Management and Economic Development, Councillor Marcus Kravis.

This report details the decision taken on 16 March 2020 by the Chief Executive under the urgency rules contained within paragraph 5 of the Budget and Policy Framework within the Council's Constitution.

**9. Report of the Council Governance Arrangements Working Group** (Pages 37 - 110)

This matter is the responsibility of the Council Governance Arrangements Working Group – Chair, Councillor Ross Henley.

The purpose of this report is to provide Members with an update on the work of the Council Governance Arrangements Working Group and to make recommendations as to how to proceed.

**10. Constitution Update Report** (Pages 111 - 172)

This matter is the responsibility of the Leader of the Council, Councillor Federica Smith-Roberts.

To present the Committee with a number of proposed changes to the Constitution.



**JAMES HASSETT  
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

## Motion to ban sky lanterns and ceremonial balloons on Council land and raise awareness of their environmental impact.

Proposed by Cllr. Edward Firmin

Seconded by Cllr. Alan Wedderkopp

This Council resolves:

1. To end the use of sky lanterns and balloons for ceremonial release to the open air from Council-owned public land.
2. To request the Leader of the Council to write a letter to the Environment Secretary of the UK Government to initiate legislation to ban sky lanterns and balloons for ceremonial use
3. To raise public awareness of the harmful environmental effects and risk to animals as a result of the release of sky lanterns and balloons.

Many councils across the country have already implemented bans or policies against sky lanterns. Other countries have also brought in bans such as Germany and New Zealand.



## **Somerset West and Taunton Council**

### **Motions to Council – Assessment Form**

On receipt of a Motion from a Councillor, the Governance Team will carry out an assessment as to its contents to establish whether there are likely to be significant consequences to the Council should the Motion be carried at the subsequent Full Council meeting.

The first question to be addressed will be:-

“Can the Motion, if approved, be implemented without the need for any resource (financial and otherwise) to be identified outside existing budgets or staffing capacity?”

If the answer is ‘yes’, then the Motion can proceed towards discussion and resolution.

An example of a Motion which would fall into the above category would be where the Council is being asked to lobby the Government, Somerset County Council or other body on a particular issue. If the motion is carried, the action required will usually involve no more than a letter being prepared and sent to the intended recipient.

However, as in the case of the recent Motion on ‘Climate Change’, the answer to the above question would clearly be ‘no’.

In such circumstances, detailed analysis of the wording of the Motion will be required to identify what will be needed if the Motion – when it comes before Full Council – is carried.

Such analysis will include:-

- What additional resource would be required to ensure the Motion (if approved) could be implemented?
- What needs to be done to identify the level of resource necessary both in financial and staff terms?
- Are any approvals needed to provide these resources?
- Will this require reports to be submitted through Scrutiny and the Executive? If a Supplementary Estimate is required, Full Council approval will be required too.

If such analysis is required, the Governance Team will arrange for the attached pro-forma to be completed and this will accompany the relevant Motion onto the agenda of the Full Council meeting so all Members are aware that further investigation will be required before the Motion – even if it is carried – can be implemented.

## Motions to Council – Assessment Proforma

**(To be used in circumstances where it appears the wording of a proposed Motion will commit the Council to providing further financial or staffing resources which cannot be met from existing budgets)**

### Brief Details of the Motion –

**Motion to ban sky lanterns and ceremonial balloons on Council land and raise awareness of their environmental impact**

This Council resolves:

1. To end the use of sky lanterns and balloons for ceremonial release to the open air from Council-owned public land.
2. To request the Leader of the Council to write a letter to the Environment Secretary of the UK Government to initiate legislation to ban sky lanterns and balloons for ceremonial use
3. To raise public awareness of the harmful environmental effects and risk to animals as a result of the release of sky lanterns and balloons.

### Questions to be addressed

- |   |
|---|
| <ul style="list-style-type: none"> <li>• <b><i>What additional resource would be required to ensure the Motion (if approved) could be implemented?</i></b></li> </ul> |
|---|

Answer – There would be a resource requirement spanning a number of functional areas of the council both in financial terms and employee activity.
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Terms and conditions for bookings need to be amended / updated. This is an activity on the comms and engagement team.
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Signage in parks and open spaces would need to be designed and installed, most likely through the Open Spaces service.
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Public awareness would need to be raised through media releases via the comms team
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- |  |
|--|
| <ul style="list-style-type: none"> <li>• <b><i>What needs to be done to identify the level of resource necessary both in financial and staff terms?</i></b></li> </ul> |
|--|

Answer – The likely cost have not been assessed as this would take time to evaluate the number of sign in each location, and how many locations would have these installed. Would we sign every open space across the district? Is that a proportional response? Is the carbon cost of installing all of the signs greater than the environmental benefit they may achieve?
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The council could chose to implement the motion without he signage and this would save time and money but may be less effective.
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- |  |
|--|
| <ul style="list-style-type: none"> <li>• <b><i>Are any approvals needed to provide these resources?</i></b></li> </ul> |
|--|

Answer – This is currently un-resourced work and unbudgeted cost. The activity does not feature in the service plans of the functional areas that would need to implement the changes.
<ul style="list-style-type: none"><li>• <b><i>Will this require reports to be submitted through Scrutiny and the Executive? If a Supplementary Estimate is required, Full Council approval will be required too.</i></b></li></ul>
Answer – If a new budget is the route to funding these cost then yes, if there are other means to fund them, such as in year underspends or other budget virements then possibly not. Again this assumes that the council wish to sign the open spaces.



**Likely timescale involved –**

If the motion is approved teams will need to resource the design and implementation plan for signage. This may also require consultation with the planning service and the impacted communities.



# Full Council Meeting – 30 March 2021

## Scrutiny Committee Annual Report 2020/2021

### 1 Foreword

- 1.1 It was a great honour to have been re-appointed as Chair of the Somerset West and Taunton Scrutiny Committee by my Councillor peers at the Annual General Meeting of Council in May last year.
- 1.2 I had hoped that the 'transition' we had embarked on in 2019/20 would continue but as we all know the Covid pandemic severely disrupted normal life including this Council. As a result we had to move to virtual meetings on Zoom and this took some adjusting to. However once we had established a remote working pattern things bedded down quickly and the Committee was able to get to grips with business without too much difficulty.
- 1.3 In 2019 the Government had published new Guidance for Scrutiny Committees which aimed to clarify and broaden their role and influence. Both I and the Vice-Chair have always been keen to ensure that Scrutiny Councillors gained a greater oversight of their work programme than was done previously. This was to give us a stronger voice over the Executive reports we wished to look at in detail and enable maximum influence to be exerted. We also wanted to be more proactive and investigate external matters which had a bearing on the residents of our area.
- 1.4 The Leader of the Council continued to encourage transparency and the involvement of members and the programme of Briefings to provide information and background on Council business was able to continue successfully online. This allowed these matters to be aired and questioned without impinging on the committee process where time is limited.
- 1.5 As a Scrutiny Committee formulating our programme of work and getting updates on our suggestions and recommendations is a key way that this Council can demonstrate the transparency and accountability that the residents of Somerset West and Taunton expect from their decision-makers. Scrutiny's role as critical friend of the Executive is vital in ensuring that the voice of the community is heard and should result in more inclusive decision-making.

### 2. Professional Development

2.1 Before the Covid Pandemic we had planned to have a facilitated Committee 'Away Day' meeting to help us better understand the role and power of the Committee and deliver enhanced scrutiny of the Council and its business. We were very grateful to have the services of Ann Reeder as Facilitator for a full morning session in October.

2.2 We considered what was going well and these tended to centre on the Committee and its commitments.

2.3 Matters for improvement however related to how the Committee felt it was perceived and responded to in terms of being aware of issues, the timing of these coming forward and to an extent a sense that we were seen as part of a process to be gone through rather than a constructive contributor to Council business.

2.4 We concluded that we needed to:

- Improve the involvement of outsiders and third parties to help deliver better outcomes.
- Be made aware of issues early enough to be able to make a positive contribution particularly in policy development.
- Improve the way that questions and issues raised in Committee were tracked and followed up.
- Have better communication with Executive members.

2.5 We concluded by listing our Top 5 Tasks as a Committee;

- 1) Financial Monitoring
- 2) Policy Making
- 3) Holding Exec to Account/Critical Friend – check and balance
- 4) Evidence gathering
- 5) Policy Review – looking back

### **3. 2020/21 Programme**

3.1 Overall the last year has been an extremely busy one for the Committee. We have discussed many and varied issues of community interest and concern such as:

- Taunton Bus Station.
- Distribution of Community Infrastructure Levy monies.
- The Commercial Investment Strategy,
- Town Centre Recovery.
- The establishment of a Community Chest Fund.
- Delivering Regeneration (including Firepool).
- Social Housing developments in Taunton and Minehead.
- The Climate Emergency Strategy and Climate Resilience Action Plan.
- The Electric Vehicle Charging Strategy.
- Rough Sleeper and Homelessness Accommodation.
- Coastal Defence works.
- Phosphate in Watercourses and the impact on developments.
- Taunton Pedestrianisation.

3.2 We also considered the emerging Unitary proposals and received regular reports on Corporate Performance and Budgeting. (More details are in Appendix 1)

3.3 We have also instituted regular slots to question Executive Councillors. Not only does this offer Committee members a greater opportunity for extended questioning

than is possible in normal meetings of the Full Council but it also offers Executive Members the chance to expand on their roles and responsibilities.

3.4 However, while I believe we were able to add value to many of these topics, it was also clear that being adequately sighted on emerging issues was not always straightforward. Although improved, there have also been occasional issues around timeliness and the process for differentiating between topics for Briefing and one's going to Scrutiny. There have also been times when questions asked or information requested had to be chased up. As a result we have made some adjustments to the process of flagging and reviewing topics and reports for Scrutiny. The involvement of Committee members in agenda setting has really helped in that.

3.5 As the current Municipal Year ends I am optimistic that 2021/22 will allow the return to some sort of normality. In particular I hope we will be able to meet face to face as a Committee again as Zoom meetings are no substitute for personal contact and interaction.

3.6 In conclusion I believe the Committee has made significant progress this year despite the unusual circumstances and that we have a strong foundation going forward.

**This Report is the responsibility of Councillor Gwilym Wren – Chair of the Scrutiny Committee and has been compiled in collaboration with the Vice Chair Councillor Libby Lisgo.**

# Somerset West and Taunton Scrutiny Committee 2020/2021\*

\*As constituted at Annual Council on 26<sup>th</sup> May 2020



- 1 Councillor Gwilym Wren (Chair)
- 2 Councillor Libby Lisgo (Vice-Chair)
- 3 Councillor Ian Aldridge
- 4 Councillor Sue Buller (replaced in year by Cllr Simon Coles)
- 5 Councillor Norman Cavill
- 6 Councillor Dixie Darch
- 7 Councillor Ed Firmin
- 8 Councillor John Hunt (replaced in year by Cllr Sue Buller).
- 9 Councillor Dave Mansell
- 10 Councillor Derek Perry
- 11 Councillor Hazel Prior-Sankey (replaced in year by Cllr Habib Farbahi)
- 12 Councillor Phil Stone
- 13 Councillor Nick Thwaites
- 14 Councillor Danny Wedderkopp (replaced in year by Councillor Ray Tully)
- 15 Councillor Keith Wheatley

## APPENDIX 1

### Topics considered By SWT Scrutiny Committee this year:

#### June 2020

- **Taunton Bus Station and Bus Services in Somerset West and Taunton.**
- **Resolved:-** *The Committee resolved to establish a task and finish group to examine the current provision in relation to public transport in the district and what is required to increase provision and improved modal links including consideration of carbon neutrality*
- **Call-in, by Councillors Norman Cavill, Anthony Trollope-Bellew, Vivienne Stock-Williams and Libby Lisgo of the decision made by Executive Councillor Mike Rigby to approve an allocation of £91,518.06 of Community Infrastructure Levy (CIL) funds to provide enhanced materials for the repaving of the forecourt at Taunton Railway Station**
- **Resolved:-** *that The Scrutiny Committee did not support Call-in.*
- **Commercial Investment Update**  
*The Chief Executive Officer set out to the Committee that due to delays with the Covid-19 pandemic, progress had been stalled in respect of the Commercial Investment Update. Commitment was given to provide further details of projects in the pipeline to the committee. The committee voiced their unease about commercial investments outside of the public and community interest, details impacts of Covid-19 on potential decisions were also requested.*

#### July 2020

- **Signing of the Charter for Compassion**
- **Resolved:-** The Scrutiny Committee recommend that the Council does not sign the Charter of compassion at Full Council
- **Hinkley Point C Housing Fund Strategy**
- **Resolved that:-** the Scrutiny Committee considered the proposed Hinkley Point C Housing Fund Strategy and supporting project activity, and noted the report.
- **SWT Corporate Performance Report 19/20**
- **Resolved that:-** The Scrutiny Committee noted the report.

#### September 2020 (3 meetings!)

- **Emergency Town Centre Recovery and back-fill of Economic Growth and Prosperity Fund**
- **The Scrutiny Committee:-** 1. Noted that £535,000 has been repurposed for Emergency Town Centre Recovery following Covid-19 Lockdown utilising the Council's Economic Growth and Prosperity Fund held in earmarked reserves. 2. Recommended that Full Council approves a budget allocation of £500,000, funded from General Reserves, to back-fill the Economic Growth and Prosperity fund. 3. Recommended that Full Council delegated authority to approve expenditure of both funds to the Director of Development and Place in consultation with the Economic Development Portfolio Holder. 4. Requested that the Director of Development and Place and Economic Development Portfolio Holder, in consultation with Taunton Councillors, consider including Visit Taunton in addition to the Taunton Chamber of Commerce as the grant distributing bodies for Taunton.

- **The Creation of a Community Chest Fund**
- The Scrutiny Committee:- 1. Recommended to approve a supplementary budget of £250,000 for the Community Chest, to be funded from Business Rates Retention Pilot surplus income due to be received in 2020/21. 2. Delegate authority to the Communities Portfolio holder to make decisions relating to the spend of this fund. 3. The Communities Portfolio holder will engage with ward members on proposed spending within their wards.
- **Delivering Regeneration – Setting up a Special Purpose Vehicle**
- The Scrutiny Committee recommended to the Executive to:- 1. Approve the creation of (name to be confirmed) as a company limited by shares and wholly-owned by the Council in accordance with the principles of future business cases set out in this report; subject to the provision of the tax and compliance advice from the SWT Scrutiny Committee, 2 09 2020 PricewaterhouseCoopers (PWC) report and construction industry scheme information. 2. Delegate authority to the Director of Place (in consultation with the Executive) to register the name of (the SPV) and complete all practical, financial and legal matters to enable (the group SPV) to be established including approval of the final form of all necessary legal documentation and thereafter oversee operations of the Council. 3. That Projects and services are added to the Group on a business case by business case basis as approved by Full Council and performance monitored through the Shareholder Agreement.
- **Tangier**
- The Scrutiny Committee Recommended:- 1. The principle of purchasing the current site. 2. An additional budget to be identified to progress detailed design will be tested with sub-contractors on a construction management SWT Scrutiny Committee, 2 09 2020 approach. 3. That funding is sought from Homes England and if a viable solution is not identified then the site should be opened up as a green space with car parking for the benefit of the area. 4. Delegated authority to the Executive Portfolio Holder for Asset Management and Economic Development and the Chief Executive, in consultation with the S151 Officer, to agree the final terms and complete the transaction, subject to satisfactory due diligence and satisfactory professional advice is received in relation to Finance, Procurement, Title, SPV, Tax and VAT and Legal and Ground Conditions specifically. Specifically a detailed business case will be presented to Executive for the final decision to proceed. 5. The acquisition to be subject to an independent valuation confirming the purchase represents value for money and the scheme is valued as outlined in the report. 6. That the development will achieve zero carbon and if possible contribute affordable housing
- **Stronger Somerset Business Case**
- Scrutiny Committee Recommended to: a. Endorse the Business Case for the reform of local government including the creation of two unitary Councils within Somerset, and recommend its approval to Full Council, at the next meeting on 10th September 2020. b. Delegate authority to the Leader of the Council and the Chief Executive, in consultation with the other Somerset District Leaders and Chief Executives, to make minor amendments to the Business Case as necessary and / or appropriate, ahead of its submission to the Secretary of State. c. Support the continuing consultation with local stakeholders, above and beyond any programme of consultation that may be required by the Government in due course. d. Note that in the best interests of

the communities and residents of Somerset West and Taunton, the Council will continue to work with colleagues across all tiers of local government and public service in Somerset.

- **Financial Strategy 2020/21 to 2022/23 – Review and Update**

- The Scrutiny Committee supported the report and the following proposed recommendations to the Executive and Full Council:

- 1.1 The Executive approves the updated Financial Strategy for 2020/21 to 2022/23, including agreement of the principle of using general reserves to reduce the Budget Gap in 2021/22 and 2022/23.

- 1.2 The Executive recommends that Full Council approves the amended CIL Allocation Principles as set out in paragraph 21.15 of this report.

- 1.3 The Executive recommends that Full Council approves the reallocation of reserves to provide increased resilience and flexibility to mitigate COVID related financial pressures, and to support the Revenue Budget in the medium term, as follows:

- (a) To transfer £3.949m of New Homes Bonus reserve to General Reserves, noting alternative financing for relevant capital schemes through Community Infrastructure Levy and borrowing as set out in para 21.7.

- (b) To transfer £1.0m from the Business Rates Volatility Reserve to General Reserves as set out in para 14.6.

- The Committee voted in favour of the recommendations with one abstention.

- **2020/21 Financial Monitoring as at Month 4, ended 31 July 2020, and In Year COVID Budget Changes**

- Scrutiny Committee reviewed the report and supported the following proposed recommendations to the Executive and Full Council:

- 1.1 The Executive reviews the Council's forecast financial performance and projected reserves position for 2020/21 financial year as at 31 July 2020.

- 1.2 The Executive recommends that Full Council approve a supplementary estimate of £657k from General Reserves to fund the estimated overspend related to COVID.

- 1.3 The Executive recommends that Full Council approves the realignment of budgets for COVID related income and expenditure to offset the reported variances that net off to zero when including the £657k in 2.2 above.

- 1.4 The Executive recommends that Full Council approve changes to the General Fund Capital Programme by a total of -£1.370m for the following headings as referred in para 11.3:

- a) £295,000 reduction to Major Transport Schemes budget
- b) £375,000 reduction to remove budget for Creech Castle Road Improvements contribution

- c) £200,000 reduction to Employment Site Enabling schemes budget
- d) £1,000,000 reduction to Public Transport Improvements budget as Housing Infrastructure Fund bid not successful
- e) £500,000 increase to Education Provision budget funded by Community Infrastructure Levy.
  
- 1.5 The Executive recommends that Full Council approve the revised Budget Total for the Growth Programme of £3.56m to be funded by New Homes Bonus as set out in para 11.7 Table 8, and CIL-funded Infrastructure Capital Programme totalling £16.262m as set out in para 11.10 Table 9.
  
- 1.6 In the light of the recent adoption by Council of policy on an Affordable Employment Land Local Development Order, the Scrutiny Committee recommend to the Executive a new fund of £575,000 is allocated towards Employment Site enabling schemes to support that policy.
  
- **Financial Monitoring - Outturn Position 2019/20**
- The Scrutiny Committee reviewed and supported the following proposed recommendations to the Executive:
  - • Note the reported General Fund Revenue Budget underspend of £1.836m in 2019/20 and the General Reserves Balance of £4.522m as at 31 March 2020 which provided financial resilience and flexibility to meet increased financial pressures in 2020/21 and subsequent years.
  - • Note the reported Housing Revenue Account Budget underspend of £8k in 2019/20 and the HRA General Reserves Balance of £2.701m as at 31 March 2020.
  - • Approve the transfer of £1.2m of General Fund Earmarked Reserves back into General Fund General Reserves, as set out in Appendix B.
  - • Note the Capital Outturn position and approve the proposed carry forward of £29.996m approved budget to 2020/21 General Fund Capital Programme (as per Appendix C) and £15.822m to the 2020/21 Housing Revenue Account Capital Programme (as per Appendix D).
- **Corporate Performance Report, Month 4, 2020/21**
- The Scrutiny Committee noted the Corporate Performance Report

### October 2020

- **Regeneration of Firepool: Business case for Phase 1 delivery (Infrastructure and Block 1)**
- **Resolved** that Scrutiny Committee recommended to Executive and Full Council the recommendations numbered 2.1 to 2.8 within the confidential report and added an additional recommendation:
  - 2.9 The committee request that a risk assessment be put in place recognising the recent Natural England advice around phosphates and potential impacts on the projects.”
- All but one of the committee members agreed the recommendations with one abstention.

- **Somerset Climate Emergency Strategy and SWT Carbon Neutrality and Climate Resilience Action Plan**
- The Scrutiny Committee recommend to the Executive that:-
- 2.1 The Somerset Climate Emergency Strategy progresses to Council for adoption.
- 2.2 The Carbon Neutrality and Climate Resilience Action Plan is approved.
- 2.3 A local, multi-agency Climate Emergency Task Force is established to aid delivery and implementation of the Carbon Neutrality and Climate Resilience Action Plan.
- 2.4 A recommendation is made to Full Council that a supplementary “Climate Change Fund” budget of £500,000 is approved within the General Fund 2020/21 Revenue Budget, funded from General Reserves, for the delivery of Somerset West and Taunton priority actions with delegated authority to the Director External Operations and Climate Change / Assistant Director Climate Change, Regulatory Services and Asset Management to agree those priority actions in consultation with the Portfolio Holder for Climate Change. Council also be asked to approve the principle that any unspent balance of this Fund at the end of 2020/21 be carried forward to 2021/22 financial year.
- 2.5 The Committee request that the report to full council gives more details for proposals on the groups to take forward the strategy and action plan, including on member involvement, or that these details are brought back to a future Scrutiny meeting before they are finalised.
- 2.6 £50k of £500k Climate Change fund (referred to in 2.4) to be allocated for tree planting.
- The committee voted by majority in favour of recommendation 2.6 with three abstentions.
- **Coastal Protection Works Associated with the B3191**
- The committee wished to support moves to protect the coastline and coastal communities, there were significant concerns expressed in relation to the potential for responsibility and long term liability and recommend Executive and Full Council fully understand and request details on the long term liabilities going forward to ensure a full understanding of the longevity of the scheme and mitigate long term liability and risk.

### **November 2020**

- **A proposal for delivering future single rough sleeper and homelessness accommodation in SWT**
- The Scrutiny Committee **RECOMMENDED:**
- 1. That the Scrutiny Committee noted the proposed steps and timeline outlined in 4.16 including the resource requirements to undertake the options appraisal proposed to bring back a recommended solution.
- 2. The Scrutiny Committee expected the Executive to take full regard of the comments and concerns raised at Scrutiny and to take these into account when making a full decision on this matter. In particular, any options appraisal must be open, transparent and a forward looking review of all potential sites. Any appraisals involving Canonsgrove should be communicated with both Trull and Comeytrowe Parish Councils as well as local residents.
- **Interim Policy Statement on planning for the Climate Emergency - Draft for public consultation**

- The Scrutiny Committee **RECOMMENDED**:
- 1. That the Executive approve the Draft Interim Policy Statement on planning for the Climate Emergency for public consultation.
- 2. That the Executive approve responsibility for any minor textual and visual changes and enhancements prior to publication for consultation be delegated to the Director for Development and Place in consultation with the Portfolio Holder for Planning and Transportation.
- **Somerset Electric Vehicle Charging Strategy**
- The Scrutiny Committee **RECOMMENDED** to the Executive to;
- 1. That Executive recommend to Full Council that the Somerset Electric Vehicle Charging Strategy is adopted and brought forward into the Council's Carbon Neutrality and Climate Resilience Action Plan.
- 2. Requested that the Report to Full Council contains more detail on how the Strategy will be delivered in the SWT area.
- **Confidential Report - Commercial Investment Review**
- The Scrutiny Committee **RECOMMENDED** to the Executive to;
- 1. Receive Part 1 of the report which is the review of the Commercial Property Investment activity and performance since the last report of the 07/07/20 as set out in Section 10.4 of the original strategy.
- 2. Receive Part 2 of the report which is the first annual portfolio review of the Commercial Property Investment Strategy (CPIS) as set out in Section 11.1 of the original strategy.
- 3. Agree the amendments set out in the review of the strategy as shown in Appendices 3 and 4.
- **Verbal Update on Section 106 Spend**
- The Committee noted the update.
- **North Taunton Woolaway Project**
- The Scrutiny Committee supported the following recommendations to Full Council:-
- 1. To allocate a total scheme budget and borrowing requirement for Phases B-E and the conclusion of the regeneration scheme as set out in confidential Appendix A.
- 2. Delegate authority to the Section 151 Officer to determine the final funding profile for each future phase once the finalised designs have been received for Phases B-E and any relevant planning approval and contract costs have been received.
- 3. To approval the decant of tenants within Phases B which will allow Gold band status in the Homefinder Somerset allocations system for tenants in this Phase and allow those who wish to move outside the regeneration area sufficient priority to move home.
- 4. Delegate authority to the Director of Housing and Communities in consultation with the Portfolio Holder for Housing authority to approve future decanting and demolition for future phases.
- 5. All new build properties (Phase A-D) will be set at affordable rents in line with the 2020 Rent Setting Policy. The affordable rents will be set to ensure scheme viability at between 60% and 80% of market rates. However, all NTWP SWT secure tenants who lived within the NTWP (Phases A-D) at February 2019, when the Council made its decision to regenerate the neighbourhood, will have their rents capped at the equivalent social rent if

being rehoused in the new NTWP development. These rents will remain with the tenant as long as they retain their tenancy. No current NTWP SWT tenant will be required to pay above the equivalent social rent and service charge for their home in line with the Council Shadow Full Council approval to allow existing SWT tenants to remain on a social rent level.

- **Seaward Way – New Build HRA Low Carbon Homes**

- The Scrutiny Committee recommended:-
- (a) Approval of the development of Affordable Homes built to very low carbon standards, subject to planning approval.
- (b) To approve the supplementary budget as stated in confidential appendix A.
- (c) To approve the transfer of land from the general fund to the housing revenue account for the use of social housing development and to delegate authority to the Section 151 officer to approve the final land transfer amount.
- (d) Delegate authority to the Section 151 Officer to determine the final funding profile for this scheme once the finalised design has received planning approval and tenders have been received.
- (e) Note the use of affordable rents for these new build HRA homes in line with the 2020 Rent Setting Policy. The affordable rents would be set to ensure scheme viability at a percentage of market rates.

- **Oxford Inn New Build HRA Zero Carbon Homes, Taunton**

- The Scrutiny Committee recommended:-
- (a) Support of the use of the vacant SWT public house for new zero carbon affordable homes.
- (b) Approve the demolition of the Oxford Inn.
- (c) Approve the development of affordable homes built to standards emerging from the Zero Carbon Affordable Homes Pilot, subject to planning approval.
- (d) Allocate a total budget and borrowing requirement in line with confidential Appendix A.
- (e) Delegate authority to the Section 151 officer to determine the final funding profile for this scheme once the finalised design has received planning approval and tenders have been received.
- (f) Note the use of affordable rents for these new build HRA homes in line with the 2020 Rent Setting Policy. The affordable rents will be set to ensure scheme viability at a percentage of market rates.

## **December 2020**

- **Update on addressing Phosphate Levels**

- The Scrutiny Committee requested that the Executive consider the huge impact on our SME's and request they expedite, whilst working with officers and the consultants, the short term solutions for treatment requirement and mitigation measures to provide certainty to our local construction industries.
- The Scrutiny Committee noted the update.

- **Corporate Performance Report – Qtr. 2, 2020/21**

- Resolved: - The Scrutiny Committee noted the report.

- **2020/21 Financial Monitoring as at Quarter 2 (30 September 2020)**

- The Scrutiny Committee noted the Council's forecast financial performance and projected reserves position for 2020/21 financial year as at 30 September 2020.

- **Review of Voluntary and Community Sector Grants**

- The Scrutiny Committee Recommended: - 1. To maintain or increase current levels of funding for the final year of the current agreement to end in March 2022. 2. To recommend to Executive that a cross party Members Working Group is established to work with officers to ensure that clear funding criteria are in place for future work with the Voluntary and Community Sector beyond March 2022. 3. As part of the review of the Voluntary and Community Sector Grants, the increased workload for the two Citizens Advice Bureaus that cover the SWT area must be recognised accordingly with a grant increase in line with their objectives to meet increased demands due to Covid, and that this support is equalized across population areas that they cover, but not to the detriment of other organisations being funded by SWT.
- **Extension of Public Space at Belvedere Road**
- The Scrutiny Committee recommended to the Executive:- The Committee consider that the historic importance of the building to Taunton in the long term requires that its future needs to be secured and the decision of its future needs to be taken at Full Council.

#### **January 2021**

- **To consider reports from Executive Councillors – Cllrs Pilkington and Rigby**
- **Heritage Project Update**
- The committee expressed concerns around the risk of the project and the liabilities if the project was undertaken. The Scrutiny Committee noted the update.
- **HRA Revenue and Capital budget setting 21/22, including Dwelling Rent setting 21/22 and 30 year Business Plan Review**
- **Draft General Fund Revenue Budget and Capital Programme 2021/22**

#### **February 2021**

- **Scrutiny Requests and Recommendation Tracker**
- **East Street/St. James Street Taunton Pedestrianisation**
- **To consider reports from Executive Councillors – Cllr Kravis**

#### **March 2021**

- **Options appraisal for delivering future single rough sleeper and homelessness accommodation in SWT**
- **Capital Loan to Third Party**
- **20/21 Budget Monitoring Q3**
- **Q3 Performance Report**
- **Scrutiny Chair Annual Report**

#### **April 2021**

- **To consider reports from Executive Councillors – Cllr F Smith and 1 other**

# **Full Council Meeting – 30 March 2021**

## **Audit, Governance and Standards Committee Annual Report 2020/2021**

### **1. INTRODUCTION**

To provide Members of the Council with details of the work carried out by the Audit Governance and Standards Committee (AGSC) during the year ended 31 March 2021. The report also details how the AGSC has fulfilled its terms of reference during this period.

### **2. BACKGROUND**

The AGSC function is to provide assurance of the adequacy of the risk management framework and associated control environment; provide scrutiny of the Council's financial and non- financial performance to the extent that it affects the Council's exposure to risk and weaknesses in the control environment, and oversees the financial reporting processes.

The Committee's specific powers are set out the Terms of Reference in the Constitution. Audit Committees are a key component of Corporate Governance and provide an important source of assurance about an organisation's arrangements and practices for managing risks, maintaining an effective control environment, together with reporting on financial and other performance.

In 2018, The Chartered Institute of Public Finance and Accountancy (CIPFA) issued guidance to local authorities to help ensure that AGSC's operate effectively. The AGSC has adopted the procedures set out in this guidance as best practice.

The guidance also recommends that the AGSC's report annually on how they have discharged their duties.

### **3. WORK UNDERTAKEN AND FINDINGS**

The AGSC have met on six occasions in the year between April 2020 and the date of this report (2 February 2021) prior to the required reporting date of 8 March 2021. The last committee of this financial year is 8 March 2021. All meetings have been conducted in virtual 'Zoom' surroundings so far, which is far from easy and never my preferred option. However, I think this will be the new norm for at least the rest of 2021, so I suppose I'd better just get used to it! There are also at least three more scheduled AGSC meetings due for the remainder of the calendar year 2021, in June, September and December 2021, but more are likely, as additional agenda items arise, and will be reported as appropriate in next year's report.

It has, overall, been a busy and informative year from both a financial and a governance perspective. During this period, the AGSC has assessed the adequacy and effectiveness of the Council's risk management controls and monitoring arrangements, together with the associated counter fraud systems.

The AGSC has reviewed various governance items.

All of this work conducted throughout wholly unpredictable and entirely unprecedented times of the COVID pandemic which, it is fair to say has had a very substantial impact in both the Council's work in their Financial Systems and Governance and also the timescale and logistics of reporting and collating of relevant reports to both the AGSC and Internal and External Auditor requirements.

However, it has to be said that throughout this extremely testing period, the Financial Teams at Somerset West and Taunton Council (SWT), the Internal Auditors, SWAP and External Auditors, Grant Thornton have all worked tirelessly and gone well beyond their normal required workstreams expectations to ensure that the relevant projects were all completed and indeed delivered within a very satisfactory timescale indeed, all things considered.

I want to put on record, as Chair of the AGSC my formal thanks to Paul Fitzgerald and the SWT Finance Teams, both sets of Auditors, Grant Thornton and SWAP, the SWT Governance Team, Clare, Amy, Marcus and Andrew and indeed the AGSC members too for all their help, support, guidance and counsel during these very challenging times, and indeed in my first year as Chairman of the AGSC. They have supported me in every way possible and I cannot thank them enough in helping us all through this past year in what has been a real team effort. There has also been some humour amongst proceedings which, as you know, I do like to encourage!

Coupled with the fact that Transformation is still winding its way through the SWT financials and we are still seeing the after effects of this, I think that we have managed to head off an almost 'Perfect Storm' together really well and I am proud of everyone's contribution and effort towards this throughout this very unprecedented year.

The AGSC has recently reviewed and approved the 2020 Statement of Accounts for the new SWT, at last emerging from two former district councils' (Taunton Deane and West Somerset). Both internal auditors (SWAP), and Grant Thornton External Auditors along with I as Chair and the rest of the AGSC, have all thoroughly discussed the audit process with the new financials and all parties are very pleased with progress, despite the obstacles of COVID and Transformation. A great deal of scrutiny and challenge was put into these first year accounts but I am overall very pleased with the resulting outcome. Analysing a brand new set of first years financials is never easy when there have been no previous comparable to trend against. Nevertheless, all parties mentioned are satisfied with progress in this regard and deem it a very good result and a reasonably healthy and assured future for a first full year's financials with no major High Risk issues to be highlighted at this stage.

## **Financial Statements**

The 2020 Statement of Accounts for the new SWT Authority were late and formally reported as such. However, this was due to a combined effect of COVID, remote working and staff shortages/illness throughout the process. The AGSC were kept informed and updated throughout and SWT was amongst 55% District Councils nationally that were late presenting their year-end financials for the same reason. So we were certainly not alone!

Each Council's Statements of Accounts received an Auditor's unqualified opinion and each entity was considered "value for money".

## **External Audit**

During 2020, Grant Thornton's audit plan updates were received regularly throughout the year. We have approved the 2021 audit plan and fees. As mentioned above, the AGSC was kept informed throughout and Grant Thornton have confirmed that there was no delay or impact on gaining information from SWTs finance team that led to these delays. Again reassuring.

## **Internal Audit**

This function is provided by SWAP. It appears to be very effective. During the year, the AGSC has received and considered various items highlighted by SWAP, together with SWAP's schedule of work to be performed over the financial year. Some of the items identified have been resolved. However, some matters, some of which are carried forward from last year, remain unresolved. The AGSC have asked SWAP to prioritise these during 2021 and agreed that a regular update report will be brought to AGSC for rigorous challenge to ensure these items are concluded.

I have not listed or catalogued all outstanding risk issues that are under discussions at the AGSC, however, members can access the relevant information in the appropriate AGSC minutes and agendas in Mod.Gov and either I, the AGSC, Governance or the SWT Finance Team will be more than happy to answer any member or public queries if they arise. Suffice to say all relevant parties are in agreement that the SWTs governance process and audit procedures are generally fit for purpose going forward.

## **Summary**

As mentioned above, it has been a challenging year for both the new Council and the AGSC. Covid, Transformation staff losses, remote working and other factors have hindered the progression of many projects and system alignments. It is hoped that next year is rather more "harmonious" from both a staffing and systems perspective, so that this new Council may flourish.

I am satisfied, as is the AGSC that the SWT's Governance and Audit processes are fit for purpose and am reassured that the Internal and External Audit functions independently share that view.

The new internal structure and updated Code of Corporate Governance should assist moving forward.

Councillor Lee Baker, Chair Audit Governance and Standards Committee



*Report Number: SWT 39/21*

## **Somerset West and Taunton Council**

### **Special Full Council – 29 April 2021**

#### **Decision taken under the urgency rules regarding the Additional Restrictions Grant Scheme**

**This matter is the responsibility of Executive Councillor Member Marcus Kravis**

**Report Author: Gordon Dwyer, Economic Development Specialist**

#### **1 Executive Summary**

- 1.1 This report details the decision taken on 16 March 2020 by the Chief Executive under the urgency rules contained within paragraph 5 of the Budget and Policy Framework within the Council's Constitution. The Decision is attached as Appendix A.
- 1.2 In summary, the decision agreed to include the 'top-up' amount of £1,377,895 Additional Restrictions Grant (ARG) funding received from Government in January 2021 within the scope of the Council's ARG scheme and processes.
- 1.3 Over the period of the Tier4 and Third National Lockdown restrictions, the Government's message on management of the ARG funds changed; the original intention had been for Local Authorities to manage the funding to cover any additional support required by businesses up until March 2022. However, during the course of the third national lockdown there was an increasing emphasis on local authorities to get funding to businesses as soon as possible in order to provide support for the immediate situation. This message was backed up in with the provision of a top up amount to the original ARG budget.
- 1.4 There was insufficient time to seek approval for use of the funds through the normal democratic processes as doing so would have significantly delayed our ability to get vital funding to businesses.
- 1.5 Addition of the top-up amount to the original ARG budget was therefore agreed under the urgency provisions by the Chief Executive with the consent of the Chair of Scrutiny. The relevant Portfolio Holder, Cllr Kravis, was also consulted.
- 1.6 The Constitution provides that, where urgent decisions are taken, a full report is made to the next available Council meeting to explain the decision, the reasons for it and why it had to be treated as a matter of urgency.

1.7 There are no direct climate implications arising from these decisions.

## **2 Recommendations**

2.1 Council is asked to note the decision made by the Chief Executive on 16 March 2021 under paragraph 5 of the Budget and Policy Framework within the Council's Constitution in relation to the release of funds to the Additional Restrictions Grant Scheme.

2.2 To reflect this new expenditure within the approved Budgets for the current year and next year, Council is recommended to:

- a) Delegate authority to the S151 Officer to bring forward any outstanding budget amounts from financial year 2020/21 to 2021/22 to reflect timing of expenditure within the overall additional budget of £1,377,895.

## **3 Risk Assessment**

3.1 The key risk both we and Government are trying to mitigate through the award of grant funding is the damage to the local economy and community resulting from businesses ceasing to trade as a result of the financial impact of Covid-19. Consequently it was vital that funds were made available for our local discretionary scheme for it to continue to support the categories of business identified as priorities by Government, as well as to any locally identified priorities.

## **4 Background and Full Details of the Report**

### ***Extension of Budget for Somerset West and Taunton Council's Additional Restrictions Grant (ARG) scheme (Discretionary Covid Business Grants Fund)***

4.1 In November 2020 an Urgency decision was made (and the decision brought to Full Council on 15 Dec 2020) for SWT to set up an Additional Restrictions Grant (ARG) Scheme to provide financial support to businesses where they had suffered financial loss as a result of the Government's Covid-19 restrictions. A budget of £3,102,300 was provided by Government for the scheme.

4.2 Government's intention at the time was for Local Authorities to quickly set up processes for applications and payments, but that the budget should be managed to cover any additional support required by businesses up until March 2022. SWT agreed outline plans to manage the budget accordingly across the two financial years.

4.3 Unanticipated in November 2020 was that restrictions would begin to increase again by 26<sup>th</sup> December. Somerset would move into Tier 4 restrictions on 31 Dec 2020 and the Country as a whole would move to a National Lockdown from 5 January 2021 onwards. Subsequently greater demand was put on the

ARG fund than had been originally anticipated.

- 4.4 In January 2021 the Government's emphasis on the timescales for use of the fund was modified and Government issued a clear message that it wanted to get more of the funds to businesses as soon as possible.
- 4.5 SWT responded by widening our policy and quickly getting a modified ARG scheme up and running again in January 2021. Initially this provided a support payment to qualifying businesses to assist up to mid-February. During this period, the Government also announced that SWT would receive an ARG 'Top Up' amount of £1,377,895.
- 4.6 In mid-February 2021 it was confirmed that the payments from the Government's mandatory business support schemes would extend until 31 March. SWT continued to provide support to reflect this in the ARG scheme too, continuing to utilise funds from the original £3.1m allocation.
- 4.7 In a webinar on 9<sup>th</sup> March the Government issued a much stronger message relating to the dissemination of the ARG fund. This announced that a third payment of funds, (a second top-up), would be made available to Local Authorities. However this would be made available, only once the first payment and first top-up payment had been used.
- 4.8 By this time, with the rapid take up of support within the District, the £3.1m original allocation was expected to be reached before the end of March. Therefore, a request was made for use of the first top-up funding so that support could continue to be provided to businesses in line with our existing ARG policies and delegations.
- 4.9 The Government announcement of the second top-up eradicated the need to safeguard a proportion of funds already received to deal with future lockdown issues. At the same time the announcement encouraged LAs to ensure that funds would continue to be disseminated promptly in order to be in a position to be able to access further funding promised by Government.
- 4.10 The decision to include the further amount of £1,377,895 within the scope of the Council's ARG scheme and process was agreed by the Chief Executive. The decision was made in consultation with the Portfolio Holder, Cllr Kravis. The Chair of the Scrutiny Committee, Cllr Wren, was consulted and agreed that the decision was required as a matter of urgency.

#### **ARG Scheme position at 31 Mar 2021**

- 4.11 At 31 March 2021 the scheme had provided financial support totalling £3,501,659 to 942 businesses which would not have qualified for the Government's mandatory schemes.
- 4.12 For the recent period of Tier 4 and National Lockdown restrictions up until 31 March, the scheme has been left open to all business sectors. The scheme has been able to assist businesses outside of the business rates system and

businesses within the system that have not been required to close, but are nevertheless affected by restrictions.

- 4.13 The local policy developed for the scheme has followed Government guidance and prescribed criteria. In taking decisions on the appropriate level of grant, Government has encouraged Local Authorities to take into account the level of fixed costs faced by the business, the number of employees, whether the business is able to continue trading and the consequent scale of coronavirus losses.
- 4.14 Based on these factors, all applications have been put through the same scoring system to determine the level of support to provide to the business and an award of either £500, £1000, £1500 or £2000 made per 4 week period. However the Council reserves the right to amend those values in the event of needing to balance demand against the amount of funding available.
- 4.15 The application process requires completion of an initial Register of Interest form which is also used for the mandatory grant schemes. In this way, through one application process, we have been able to quickly identify which businesses do not qualify for the mandatory schemes and invite full application to the ARG scheme instead.
- 4.16 Our external auditors at SWAP have been involved with developing verification processes. Other checks are built into the process at relevant points to prevent fraud including use of the 'Spotlight' system provided by Government which checks against limited company registrations and our own internal checks to pick up any duplication of bank accounts against all applications.

### **Future considerations**

- 4.17 At the outset of the original scheme launch in November 2020, predicting likely take up was difficult and largely unknown. By contrast, we now have a much better understanding of the volumes and types of businesses that will benefit from this type of grant support. As the funding becomes depleted and as restrictions loosen, this will be of benefit in helping to target remaining/future funds to the specific businesses and/or business sectors that will continue to be most affected.

## **5 Links to Corporate Strategy**

- 5.1 The effective and quick distribution of grant funding supports the economic and community objectives in our strategy.

## **6 Finance / Resource Implications**

- 6.1 The grant funding is provided by Government and they will also be providing new burdens funding to help towards the administration costs. The ARG scheme has been designed in such a way as to limit the availability of grants against the funding provided by Government.

- 6.2 The table below provides a summary of the Additional Restrictions Grant funding received and the anticipated spend across the two financial years. It is therefore proposed to transfer the £978,536 balance of ARG funds to an earmarked reserve on 31 March 2021 and roll this forward to fund a carry forward of ARG Scheme budget of £978,536 to 2021/22 financial year.

	£	
ARG Initial Funding	3,102,300	
ARG Top Up Funding	1,377,895	
Total ARG Funding Received	4,480,195	
Total Grants paid to businesses in 2020/21	3,501,659	78.2%
Balance of funds available in 2021/22	978,536	21.8%

## **7 Legal Implications**

- 7.1 The decision making process for agreeing the allocation of the funding for the stated purpose is in alignment with the Constitution.

## **8 Climate and Sustainability Implications**

- 8.1 There are no specific climate or sustainability implications relating to these decisions.

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 There are no direct safeguarding or community safety implications relating to these decisions, although the scheme could enable us to provide financial support to help maintain businesses or charities which offer medical services or other community support services.

## **10 Equality and Diversity Implications**

- 10.1 There are no specific equality and diversity implications relating to these decisions, but the scheme could enable us to provide financial support to businesses which offer support services.

## **11 Social Value Implications**

- 11.1 There are no specific social value implications relating to these decisions. However, one of the ARG grant schemes principal purposes is to help target funding at small locally based/independent businesses.

## **12 Partnership Implications**

- 12.1 There are no specific partnership implications relating to these decisions.

However, we have worked closely with organisations such as the Taunton Chamber of Commerce and Minehead BID Group in order to publicise the availability of grants. We also continue to work closely with the Economic Development departments of other Somerset Local Authorities to align schemes where possible.

### **13 Health and Wellbeing Implications**

13.1 The grant funding is specifically intended to support businesses and help them to survive through very uncertain times. This has positive knock-on benefits for the employees of those businesses and the wider community. Our local qualifying criteria to access the ARG scheme has been defined with this in mind.

### **14 Asset Management Implications**

14.1 There are no asset management implications relating to these decisions.

### **15 Data Protection Implications**

15.1 There are no specific data protection implications relating to these decisions.

### **16 Consultation Implications**

16.1 The timescales requested by Government prohibited any significant consultation. However, the top-up was discussed in conjunction with the Portfolio Holder.

### **16 Scrutiny Comments / Recommendation(s)**

16.1 These decisions were taken under the urgency rules within the Constitution and, as such, were not formally considered by Scrutiny. In accordance with the Constitution the Chair of Scrutiny was consulted regarding the requirement for urgent decisions and consented to both decisions being made by the Chief Executive.

#### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Executive – No**
- **Full Council – Yes**

**Reporting Frequency:**  **Once only**

#### **List of Appendices**

Appendix A	Record of Decision taken by Chief Executive on 16 <sup>th</sup> March 2021
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#### **Contact Officers**

Name	Gordon Dwyer, Economic Development Specialist
Direct Dial	07881 218 674
Email	g.dwyer@somersetwestandtaunton.gov.uk

## Record of Decision taken by Chief Executive/Director

**Decision title:** Extension of Budget for Somerset West and Taunton Council's Additional Restrictions Grant scheme (Discretionary Covid Business Grants Fund)

**Chief Executive/Director making the decision:** James Hassett

**Author Contact Details:** Gordon Dwyer  
Tel: 07881 218 674  
e-mail: [g.dwyer@somersetwestandtaunton.gov.uk](mailto:g.dwyer@somersetwestandtaunton.gov.uk)

**Date of Decision:** 16 March 2021

### Details of decision:

The Chief Executive has agreed to include the further amount of £1,377,895 Additional Restrictions Grant (ARG) funding received from Government in January 2021 within the scope of the Council's ARG scheme and process, which was presented to and agreed by Council on 15 Dec 2020.

This decision has been taken in accordance with the urgent decisions provision contained in paragraph 5 of the Budget and Policy Framework of the Council's Constitution because it is not practical to convene a quorate Full Council meeting within the required timeframe.

The Chair of the Scrutiny Committee, Cllr Wren, has been consulted and agrees that this decision is required as a matter of urgency and that it is appropriate for it to be made under the urgency provisions. A report will be made to the next available Full Council meeting to explain the reasons for the urgent decision.

### Background

In November 2020 an Urgency decision was made (and the decision brought to Full Council on 15 Dec 2020) for SWT to set up an Additional Restrictions Grant (ARG) Scheme to provide financial support to businesses where they had suffered financial loss as a result of the Government's Covid-19 restrictions. A budget of £3,102,300 was provided by Government for the scheme.

Government had been clear that their intention was for Local Authorities to quickly start to process applications and make payments, but the intention at the time was that the budget should be managed to cover any additional support required by businesses up until March 2022.

Unanticipated at the time was that the County would move into Tier 4 restrictions on 31 Dec 2020 and the Country as a whole would move to a National Lockdown from 5 January 2021 onwards. Subsequently greater demand was put on the ARG fund than had been originally anticipated.

In January 2021 the Government's emphasis on the timescales for use of the fund was modified and BEIS issued a clear message that it wanted to get more of the funds to businesses as soon as possible.

SWT reacted by widening our policy and quickly getting the scheme up and running again in January to provide support over the Tier 4 and Third National Lockdown periods. At that

point, the Government also announced that SWT would receive an ARG 'Top Up' amount of £1,377,895.

In mid Feb it was confirmed that the payments from the Government's mandatory business support schemes would extend until 31 March and SWT has continued to provide support to reflect this in the ARG scheme too, utilising funds from the original £3.1m allocation.

However there has recently been a much stronger message relating to the dissemination of the ARG fund. The Government has announced that a third payment of funds will be made available to Local Authorities, however it was stated in a BEIS webinar on 9 March that the third payment would be available to LAs, only once the first and second payments had been used.

With the rapid take up of support we are also nearing the £3.1 authorisation limit of the original allocation.

Therefore, in order to continue to support businesses and to ensure that SWT Council is in a position to access further funding promised by Government, authorisation is requested for the use of the £1.377m 'Top Up' payment to be utilised in line with existing ARG policies and delegations.

**Government guidance:**

The current guidance can be viewed at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935130/additional-restrictions-grant.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935130/additional-restrictions-grant.pdf)

**Reasons for proposed decision:**

Extending the budget provides an approach to awarding the discretionary grant funding that provides for:

- Our delivering on the Government expectation of a quick response and their new expectation of our quickly spending all of the funding received to date
- Ensuring the total monies awarded remain within the limited funding available
- Managing the expectations of businesses
- Helps limit the risk of delay in gaining access to further financial support for the Additional Restrictions Fund which has been indicated by Government.

**Alternative options considered and rejected:**

The decision is to approve an extension to an existing budget, utilising funds provided by Government for the specific purposes of business support. Existing policies and mechanisms of amendment are in place and Full Council has previously been informed and has agreed these.

The timescales required to take the decision to Full Council would run the risk of delaying the provision of support to businesses and potentially delay access to further financial support for the Additional Restrictions Fund which has been indicated by Government.

<b>The below has been completed:</b>	<b>Name(s)</b>	<b>Date</b>
Relevant Portfolio Holder(s) consulted	Cllr Kravis	16/03/2021
Relevant ward councillor(s) consulted	This potentially affects all wards & there is insufficient time to consult all Members	NA
<b>The following are if appropriate / applicable: Yes/No. If yes the implications should be attached to this decision notice.</b>		
Finance implications	No, as the scheme allows us to keep the cost within the funding provided	
Legal implications	No	
Links to corporate aims	Yes, helps to support the local economy	
Community Safety implications	No	
Environmental implications	No	
Equalities Impact Safeguarding Implications	A specific EIA has not been undertaken due to time constraints for launching this scheme. No disproportionate impacts are anticipated to affect any of the protected groups. There are NO safeguarding implications	
Risk management	The scheme contains appropriate measures to help prevent fraud	
Partnership implications	None	

**Any conflicts of interest declared by Leader or Portfolio Holders consulted on the proposed decision. If Yes provide confirmation from Chief Executive to grant dispensation for the Leader's / Portfolio Holder's views to be considered.**

### **Financial Implication Summary**

The funding for this scheme (£1,377,895) is provided by Central Government. Our scheme has been designed in a way that prevents us from spending more than the allocated funding.

Central Government will be providing funding under the New Burdens funding arrangements to cover the administration costs.

### **Decision Maker**

I am aware of the details of this decision(s), considered the reasons, options, representations and consultation responses and give my approval / agreement to its implementation.

Signed:

A rectangular box containing a handwritten signature in cursive script, which appears to read "James Hassett".

**Name:** James Hassett

**Date:** 16/03/2021

Note – This decision record is for decisions taken by Chief Executive/Director. The decision(s) can be implemented in accordance with the approved delegations.

**Note:** A copy should also be sent to the Governance Team – [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

# Somerset West and Taunton Council

## Special Full Council – 29 April 2021

### Report of the Council Governance Arrangements Working Group

**This matter is the responsibility of the Council Governance Arrangements Working Group – Chair, Councillor Ross Henley**

**Report Author:** Amy Tregellas, Governance Manager and Monitoring Officer

#### **1. Executive Summary / Purpose of the Report**

- 1.1 The purpose of this report is to provide Members with an update on the work of the Council Governance Arrangements Working Group and to make recommendations as to how to proceed.

#### **2. Recommendations**

The Council Governance Arrangements Working Group recommends to Full Council that:

##### Relating to the 2022 Municipal Year

- 2.1 The Council moves to a Committee system of governance from the Council AGM on 10 May 2022, unless a decision is made to set up a Unitary Council for the area from 2023.
- 2.2 The Council proposes to the Unitary Shadow Authority that a committee system of governance is adopted, if set up as the principal council for the area.
- 2.3 The Council writes to the Chief Executives and Leaders of the County and Districts to request ask that they consider that the Shadow Authority governance arrangements are set up as a Committee system

##### Relating to the 2021 Municipal Year

- 2.4 That a second Scrutiny Committee is introduced from the AGM in 2021, and the name is changed to Policy and Scrutiny Committees for the 2021/22 Municipal Year with the focus being Corporate Policy and Scrutiny Committee and Community Policy and Scrutiny Committee. The split of workload for the two Policy and Scrutiny Committees (see Annex A at the end of this report) is approved
- 2.5 That the number of seats on both Policy and Scrutiny Committees is 15 from the start of the 2021/2022 Municipal Year
- 2.6 The Audit, Governance and Standards Committee is split into two separate Committees from the AGM in 2021, for the 2021/22 Municipal Year and becomes Audit and Governance Committee and Standards Committee. The Terms of Reference for both Committees (see Annex B and Annex C at the end of this report) is approved.

- 2.7 That the number of seats on the Audit and Governance Committee is 11 from the start of the 2021/2022 Municipal Year
- 2.8 That the number of seats on the Standards Committee is 9 from the start of the 2021/2022 Municipal Year
- 2.9 The role of Shadow Portfolio Holders is included within the Constitution as per the wording in Annex D to this report
- 2.10 Officers and Portfolio Holders are reminded of requirements to provide information and notifications to Ward Councillors as per the Member Officer Protocol
- 2.11 The Corporate Policy and Scrutiny Committee are asked to work with officers to consider a system for communicating reports to Members from representatives from outside bodies

### **3. Risk Assessment**

- 3.1 The timing of a change of governance arrangements is the biggest risk.
- 3.2 The Localism Act 2011 states that, whilst the resolution to move to a Committee System can be taken at any point in the Municipal Year, the changes can only come into effect from the Council AGM (see section 8.1).
- 3.3 As outlined in later sections of this report and from professional officer advice, it is not logistically possible to move to a Committee system of governance from the AGM in 2021. No resolution has yet been made by Council, and as set out in sections 4.23 and 5, there are a number of steps to go through, once the resolution has been made.
- 3.4 In terms of the move to a Committee System from the AGM in May 2022 there are three main risks to consider, which are:
  - Risk 1 – The move to a Committee system being superseded by the move to a Shadow Unitary Authority. As set out in section 5, the shadow unitary Council arrangements would come into effect from 1 April 2022 and would run for 12 months before the Unitary Council went live from 1 April 2023. This would mean that a change to a Committee system would be in place for one year when the Council was in the process of being wound down. Therefore recommendation 2.1 covers this potential risk stating ‘The Council moves to a Committee system of governance from the Council AGM on 10 May 2022, unless a decision is made to set up a Unitary Council for the area from 2023’
  - Risk 2 – A report went to Council on 30 March 2021 outlining that the Community Governance Review for the Unparished Area is the key priority task for the Governance Team in the next 12 months. This was agreed by Council. Any further key projects will mean that additional resource would need to be allocated to the Governance Team and this has a knock on financial implication.
  - Risk 3 – In terms of changing the schedule of meetings and adding more meetings in, the risk to be noted is that not only does this impact on the resource of the Governance Team, it also has wider implications for officers in other directorates who would attend Committee meetings. It must also be noted that the more time

the Governance Team spend administering meetings the less time they have to deliver key projects such as the Community Governance Review for the Unparished Area of Taunton.

#### **4. Background and Full details of the Report**

- 4.1 The Local Government Association (LGA) and Centre for Public Scrutiny (CfPS) guidance titled '*Rethinking Governance: practical steps for councils considering changes to their governance arrangements*', when talking about the importance of good governance states:

'The difficult funding situation for local government means that councils are increasingly having to make decisions that will have profound, far-reaching implications both for the way that they and their partners deliver services, and on the lives of local people. These changes will involve a permanent shift in people's expectations of what local government does, and does not, do. They will also involve a shift in the way that councils work with others in their areas. Local people need the confidence to know that decisions made in their name are high-quality, evidence based and considered openly and accountably. This is why, now more than ever, good governance is vital. Councils have a responsibility to ensure that decision-making is as effective as it can be: decision making should critically benefit from the perspective of all councillors, but also be accountable, and involve the public.'

- 4.2 The Local Government Act 2000 made provision for the following governance structures:
1. Leader and Cabinet
  2. Elected Mayor and Cabinet
  3. Elected Mayor and Council Manager (withdrawn in 2007)

Section 31 of the Local Government Act 2000 allowed District Councils in two tier areas, with populations under 85,000 to remain as 4<sup>th</sup> option and to retain their Committee System arrangements.

- 4.3 The Localism Act 2011 allowed Principal Authorities to return to decision making by Committees. Following the introduction of the Localism Act in 2011, a number of Councils have reviewed their Council Governance Arrangements and made amendments where appropriate. However, if a Council moves to a Committee structure, it cannot change its governance arrangements again for a period of 5 years.

#### **Council Governance Arrangements Working Group**

- 4.4 At its meeting on 7 July 2020, Full Council resolved that:

- a) An all Member 'away day' was arranged to consider the items listed at section 4.5;
- b) A cross party Members Working Group was established to investigate the options and to report back through the appropriate democratic pathway;
- c) The Terms of Reference for the Council Governance Arrangements Working Group were approved; and
- d) Seven Councillors were selected to form the Working Group along with the Portfolio Holder for Corporate Resources.

- 4.5 The Cross Party Working Group was set up and consisted of Councillors Henley, Lithgow, Mansell, Perry, Pugsley, Stone, Weston and Whetlor. Cllrs Henley and

Whetlor were appointed as the Chair and Vice Chair, respectively, of the Working Group.

- 4.6 Throughout the review the Working Group used the guidance listed below:
- Local Government Association (LGA) and Centre for Public Scrutiny (CfPS) guidance titled '*Rethinking Governance: practical steps for councils considering changes to their governance arrangements*'
  - CfPS guidance titled '*Musical Chairs: practical issues for local authorities in moving to a committee system*'
  - CfPS guidance titled '*Rethinking Governance: A summary of council activities on governance change*' (published November 2020)
- 4.7 At the first meeting of the Working Group scoping of the work plan took place to consider:
- Research to gain an understanding of the models of governance to consider during the review
  - Research to investigate the governance models that have been adopted by other councils
  - The importance of getting the views of the wider Membership to get views on the current arrangements and further down the line to get views on the options being considered by the Working Group
  - How best to get the views of the wider Membership due to the Coronavirus Pandemic preventing the holding of a Members Away Day
- 4.8 The decision was taken to draft a survey to send to all Members, in lieu of being able to hold a Members Away Day. The questions asked were:
1. What do you feel works well with the current governance arrangements – i.e. having an Executive system
  2. What do you feel doesn't work well with the current governance arrangements?
  3. What are your suggestions for improving the Council's governance arrangements?
  4. Do you feel that you can influence policy and the decision-making process?  
Yes/No/Unsure
  5. Please explain your answer to question 4
- A summary of the feedback from this survey is attached as Appendix 1
- 4.9 The CfPS Report titled '*Musical Chairs: practical issues for local authorities in moving to a committee system*' set out a number of reasons for making the change to governance arrangements. The common themes (as set out in their report) are:
- 'The move comes from a desire for backbench members to be more actively involved in decision-making;
  - There is a prevailing view that a properly designed committee system will be just as swift for decision-making as the cabinet system;
  - There is a view that scrutiny is somehow ineffective and unable to alter or influence executive decisions. We should stress that a wide range of evidence suggests that this is by no means the case – in fact, scrutiny is able to demonstrate significant success in making concrete changes that affect people's lives – changes that would not otherwise have occurred;
  - The move will allow all councillors to develop a detailed subject expertise, enhancing the "added value" of their decision-making;

- The move will enhance transparency and democracy in a more general sense, and will link councils, councillors and local communities closer together.'

4.10 The results from the first Member survey, echoed many of the themes above and these became the aims and objectives of the Working Group. The overarching aim of the review was to enhance democracy, improve accountability and transparency.

4.11 The next stage of the work done by the Working Group was to consider the main types of governance models in operation (which are relevant to SWT):

- **Executive Arrangements - Leader and cabinet (also known as Executive)**

As outlined above, this system was brought in by the Local Government Act 2000 and is still the governance system that most councils operate. In some councils, individual members of the cabinet have decision-making powers; in others, decisions have to be made by the whole cabinet. Cabinet is led by a leader, who is elected by full council for a term determined by the council itself or on a four yearly basis (and will usually be the leader of the largest party on the council). These councils must have at least one overview and scrutiny committee.

- **Committee System**

Since the Localism Act this option is now available to all councils. Previously it was available only to district councils with populations under 85,000.

Committee system councils make most decisions in committees, which are made up of a mix of councillors from all political parties. These councils may have one or more overview and scrutiny committees but are not required to.

The way that Committee systems are set up can vary significantly and can include:

- The fully-fledged committee system, with significant autonomy between committees, and with little to no individual member delegation.
- A Committee system with a strong overarching committee to deal with cross cutting issues and provide oversight.
- A system with a more streamlined committee system that sees fewer committees, more delegation and some form of overview and scrutiny

- **Hybrid System**

Most commonly this is a hybrid between leader/cabinet and the committee system (with such an approach usually seen legally as being a modified version of the leader/cabinet system, and therefore not requiring a formal change via the Secretary of State under the Localism Act)

The way that Hybrid systems are set up can vary and could include:

- Cabinet Committees which shape policy and make recommendations to the Executive
- Policy Development Groups which shape policy and make recommendations to the Executive
- A number of Scrutiny Committees with different areas of focus
- Scrutiny Committees and Cabinet Advisory Groups

4.12 The Working Group then used the documents listed in section 4.6 to look at the examples of Councils that had carried out governance reviews and the models adopted by them. This included:

- Councils which considered a formal change, but decided against it and stayed with Executive arrangements

- Councils which moved from Executive arrangements to a Committee System
- Councils which moved from Executive arrangements to a Hybrid system
- Councils which moved from Hybrid system to a Committee System
- Councils which changed from Executive to Committee then back to Executive again
- Councils which moved from a Committee system to Executive arrangements
- Councils which are currently considering their governance arrangements

4.13 A total of 42 Councils were reviewed and officers then drilled down to obtain more detail for each Council. A summary of this information can be found in Appendix 2

4.14 Following this piece of work, the Working Group then put together some options of models that could be considered by the wider Membership. This included options for a Committee system and a Hybrid system either based on the SWT Corporate Priorities, Directorate areas or areas of Portfolio Holder responsibility. The Working Group discounted a number of options and narrowed the options to:

1. Executive arrangements – stay as we are
2. Executive arrangements plus (with the potential to add an additional Scrutiny Committee as an option)
3. Committee structure (to mirror the 4 Directorates)
4. Hybrid System (to mirror the 4 Directorates)

A summary of the options and costs can be found in Appendix 3

4.15 A survey was sent to all Members asking them to rank their preference of these options with 1 being their preferred option to 4 being their least preferred option. Members were also given the opportunity to provide feedback on each of the models. A summary of the survey responses can be found in Appendix 4

4.16 There was an excellent rate of response from Members with 51 responses (based on a total number of 58 Councillors – following the resignation of Cllr Martin Hill):

In terms of Member's first preference the totals are:

- Executive/Executive plus = 21
- Committee System = 28
- Hybrid System = 2
- 7 Councillors did not respond

If you remove Hybrid as the least favoured option (and consider the two Councillors second preferred option) the figures then become:

- Executive/Executive plus = 23
- Committee System = 28
- 7 Councillors did not respond

4.17 The survey showed that the preferred option of Members was the Committee System. However, the Executive/Executive plus option was a close second place.

4.18 Following the outcome of the survey results, there was a clear steer from the Working Group that it was the appropriate time to take a report through the democratic pathway and to get a resolution from Council as to which option Members wished to proceed with. The Working Group are recommending that the Council moves to a Committee System of governance from the AGM on 10 May 2022 (see recommendation 2.1).

- 4.19 The Working Group are also keen that the Chief Executives and Leaders of the County and District Councils are written to, to ask them to consider setting up the Shadow Authority and new Unitary Council(s) as a Committee system of governance (reflected in recommendations 2.2 and 2.3)

Process, procedure and timescales

- 4.20 The Terms of Reference resolved by Council in July 2020, set out the democratic pathway for the report of the Council Governance Arrangements Working Group, which is to go to the Audit, Governance and Standards Committee and Executive before going to Full Council.
- 4.21 The report was considered by the Working Group at its meeting on the 24 March 2021. The scheduled timetable for the democratic pathway is:
- Audit, Governance and Standards (AGS) Committee – 12 April 2021
  - Executive – 21 April 2021
  - Full Council – 27 April 2021 or before the AGM on the same evening (due to the fact that we cannot hold virtual meetings after the 6 May 2021 and also taking into consideration the pre-election period)
- 4.22 To clarify, as per the Terms of Reference signed off by Council in July 2020, the AGS Committee and Executive will consider the report and give comments. However, Full Council is the decision making body and, whilst Council can consider the feedback from AGS and Executive, the decision rests with them.
- 4.23 In terms of timescales once a decision has been made by Council, the following steps would need to take place (assuming that the decision is to move to a Committee System):
- Step 1 – May 2021 – End October 2021  
Design the new Committee System - Items to focus on would include:
    - What the structure would look like
    - How the structure would work
    - How decisions are made
    - Whether to keep an Overview and Scrutiny Committee
    - The roles and remit of each Committee
    - Whether the system would include delegation to individual Members
    - Ensuring that the aims and objectives for the review are fully addressed in the final structure and approach to decision making

The Working Group and wider membership would need to be involved with this design phase (perhaps through an Away Day – Covid restrictions permitting). The Localism Act 2011 requires the council to formally publish the proposal and consult on it – considering how we can improve the way we engage with our citizens

There is also an opportunity to hold wider stakeholder focus groups to get their views on any change of system

A report setting out what the new system would look like to go through the democratic pathway for approval by Full Council

- Step 2 – November 2021 – End March 2022  
Once Step 1 has been completed and there is agreement as to what the arrangements will look like and operate, the Constitution will be reviewed and amended to reflect the new governance arrangements.  
This would then need to go through the democratic pathway set out in the Constitution - AGS Committee and then Council for approval, prior to the May 2022 AGM
- Step 3 – November 2021 – End April 2022  
Again, once Step 1 has been completed, a review of the Members Allowances Scheme would need to be completed by the Joint Independent Remuneration Panel and signed off by Council (the timescale for this is outside of our control as it is an 'independent' review – however it normally takes at least 3 months – and this has been confirmed by the JIRP who have confirmed that they would need to work to a 5-6 month timeframe)  
This would then need to go before Council for approval, prior to the May 2022 AGM

## 5. Matters to draw to Members Attention

### Timetable for delivery

- 5.1 Chapter 4 of Schedule 2 of the Localism Act 2011 requires that a change in formal governance arrangements must occur at a specified “change time”, which is at the council’s Annual General Meeting (AGM). Prior to the change time, the council needs to have resolved formally to make a governance change. This is as set out in the Localism Act 2011 and the legal implications section 8.1 of this report.
- 5.2 Whilst there is no minimum period of time between the resolution and the change time set out in legislation or the LGA and CfPS guidance, practically there does need to be enough time to deliver the steps outlined in section 4.23 above. The guidance documents set out in section 4.6 make it clear that ‘getting a new system right is more important than doing it quickly’ and it would be difficult to plan and deliver a new form of governance in an authority with less than six months’ notice of political intent’ i.e. a resolution of Council.
- 5.3 The Monitoring Officer has advised the Council Governance Arrangements Working Group that logistically SWT cannot bring a change of governance arrangements in from the AGM in 2021. To give due and proper consideration to the steps outlined in section 4.23 above, a timescale of at least 3-6 months is needed. Therefore, the earliest this could be brought in is from the AGM in May 2022, as the Council has not yet made a resolution as to which option it wishes to take.
- 5.4 Basildon Council has been quoted as an example of a Council that has changed its governance arrangements urgently and quickly. In this case, a motion was put before Council in December 2016 to go to a Committee system of governance. This was agreed and then officers had 5 months to do the design work, rewrite the Constitution and have the Members Allowances Scheme independently reviewed before the change came into effect from their AGM in May 2017. This gave officers a timescale of approximately 5 months to implement the decision of the Council.
- 5.5 Whilst officers and the Working Group appreciate that a number of Members will be disappointed that the change of governance arrangements cannot come into place from the AGM in 2021, the Working Group has considered if a number of other, minor

changes can be made from the AGM in 2021. These are set out in recommendations 2.4 to 2.11 and are as follows:

- That a second Scrutiny Committee is introduced from the AGM in 2021, and the name is changed to Policy and Scrutiny Committees for the 2021/22 Municipal Year with the focus being Corporate Policy and Scrutiny Committee and Community Policy and Scrutiny Committee. The split of workload for the two Policy and Scrutiny Committees (see Annex A at the end of the report) is approved
- That the number of seats on both Policy and Scrutiny Committee is 15 from the start of the 2021/2022 Municipal Year
- The Audit, Governance and Standards Committee is split into two separate Committees from the AGM in 2021, for the 2021/22 Municipal Year and becomes Audit and Governance Committee and Standards Committee. The Terms of Reference for both Committees (see Annex B and Annex C at the end of the report) is approved.
- That the number of seats on the Audit and Governance Committee is 11 from the start of the 2021/2022 Municipal Year
- That the number of seats on the Standards Committee is 9 from the start of the 2021/2022 Municipal Year
- The role of Shadow Portfolio Holders is included within the Constitution as per the wording in Annex D to this report
- Officers and Portfolio Holders are reminded of requirements to provide information and notifications to Ward Councillors as per the Member Officer Protocol
- The Corporate Policy and Scrutiny Committee are asked to work with officers to consider a system for communicating reports to Members from representatives from outside bodies

#### Local Government Reorganisation in Somerset

- 5.6 As Members will be aware, the Government is currently consulting on both the Stronger Somerset and One Somerset set proposals to move to a Unitary model of Local Government from 1 April 2023 (as per current timescales).
- 5.7 The Secretary of State is anticipated to make his decision by June/July 2021, meaning that SWT will likely be entering into Shadow Authority arrangements for the new Authority from 1 April 2022.
- 5.8 This would mean that, potentially, the Council would be starting to operate a Committee system at the same time as the Districts and County Councils enter into the Shadow Authority arrangements in April/May 2022. Part of the work of the Shadow Authority will be to set out and determine the governance arrangements of the new Unitary Council.
- 5.9 It would also mean that SWT would only operate the Committee System for the last 12 months of its life before becoming a Council from 1 April 2023. Therefore

recommendation 2.1 includes the caveat not to proceed with a Committee system of governance if the decision is made to set up a Unitary Council(s) for the area from 2023.

### Organisational Culture

- 5.10 The guidance published by the LGA and CfPS talks about the issue of organisational culture.
- 5.11 The LGA and CfPS guidance titled '*Rethinking Governance: practical steps for councils considering changes to their governance arrangements*' states 'No one governance system is intrinsically better than another and no system is more or less expensive to operate; however some systems allow more members to be directly involved in voting on decisions. It is important to note that activity at committee level is not the same as member involvement in policymaking. Member involvement in policymaking is a longer-term, more involved process and can happen under any governance option'
- 5.12 The CfPS guidance titled '*Musical Chairs: practical issues for local authorities in moving to a committee system*' states 'some councils think that changing governance arrangements will solve organisational and/or political problems or will result in "more democratic" governance. A focus on structure risks missing opportunities to think about cultures and values. Success will depend much more on the prevailing organisational and leadership culture in the organisation than the structure that is established – but this doesn't mean that structure isn't important... CfPS's long-standing view about council governance is that no one option is necessarily "better" or "worse" than any other. Good governance is about more than structures and processes – as we outlined in our "Accountability Works" research published in 2010. Political and organisational cultures, attitudes and behaviours are what make systems successful. Authorities seeking to change governance arrangements on the assumption that such a change will automatically make services more transparent, accountable and inclusive – whether for non-executive councillors or, more importantly, for the public – are mistaken.'

## **6. Links to Corporate Strategy**

- 6.1 Having effective and efficient governance arrangements is a fundamental element of being a 'well managed' council
- 6.2 The governance arrangements of the Council also links to theme 2 within the SWT Corporate Strategy i.e. a transparent and customer focused council. Objective 7 - Review the Council's decision making arrangements to enable greater participation by all Councillors and the public.

## **7. Finance / Resource Implications**

- 7.1 As per recommendation 2.1, and the risks highlighted in section 3, if we do not move to a unitary authority, there would then be a very strong expectation that SWT would move to a committee system from May 2022. Resource would be needed to complete the work, at the same time as doing the Community Governance Review. Some resilience has been built into the Governance Team budget and it is proposed that this is kept under regular review. If additional resources are needed the Governance Manager will take a business case to the Senior Management Team for consideration.

- 7.2 The estimated financial costs of making a change to the Governance Arrangements are set out in Appendix 3. However, this comes with the caveat that they are best estimates only, and that finalised costs will only be available once a review of the Members Allowances Scheme has been completed by the Joint Independent Remuneration Panel. These costs would need to be factored into the budget for 2022/23
- 7.3 In terms of adding an additional Scrutiny Committee for the 2021/2022 Municipal Year, this would cost £4,665 (additional Special Responsibility Allowance).
- 7.4 In terms of splitting the Audit, Governance and Standards Committee into separate Audit and Governance Committee and Standards Committee for the 2021/2022 Municipal Year, this would cost £2,346 (additional Special Responsibility Allowance).
- 7.5 The total cost of making the minor changes for the 2021/2022 Municipal Year is £7,011.

## **8. Legal Implications**

- 8.1 The Localism Act 2011 enables Councils to return to a Committee system of Governance and Chapter 4 of Schedule 2 states the following:

'If the local authority is not currently operating a mayor and cabinet executive and the change does not provide for the local authority to operate a mayor and cabinet executive, a "relevant change time" ...is a time during—  
(a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or  
(b) a later annual meeting of the local authority specified in that resolution.'

- 8.2 The Localism Act 2011 states that, whilst the resolution to move to a Committee System can be taken at any point in the Municipal Year, the changes can only come into effect from the Council AGM.
- 8.3 However, the Localism Act also makes it clear that if a Council moves to a Committee structure, it cannot change its governance arrangements again for a period of 5 years.

## **9. Climate and Sustainability Implications**

- 9.1 None arising from this report

## **10. Safeguarding and/or Community Safety Implications**

- 10.1 None arising from this report

## **11. Equality and Diversity Implications**

- 11.1 None arising from this report

## **12. Social Value Implications**

- 12.1 None arising from this report

## **13. Partnership Implications**

13.1 None arising from this report

#### **14. Health and Wellbeing Implications**

14.1 None arising from this report

#### **15. Asset Management Implications**

15.1 None arising from this report

#### **16. Data Protection Implications**

16.1 None arising from this report

#### **17. Consultation Implications**

17.1 None arising from this report

#### **Audit, Governance and Standards Committee Comments / Recommendation(s) –**

Comments from the Audit, Governance and Standards Committee are appended to this report in Appendix 5.

**Executive Comments / Recommendation(s) (if any)** – due to the national period of mourning following the death of Prince Philip, the Executive meeting has been moved from the 21 April to 27 April. This is two days before the Council meeting on the 29 April. Officers will add an addendum to include any feedback from the Executive as soon as is practicable following the meeting on the 27 April.

#### **Democratic Path:**

- **Audit, Governance and Standards Committee – Yes** (12 April 2021)
- **Executive – Yes** (27 April 2021)
- **Full Council – Yes** (29 April 2021)

#### **List of Appendices (background papers to the report)**

Appendix 1	First Member Survey feedback
Appendix 2	Review of other Council Governance Arrangements
Appendix 3	Options and costs for governance models
Appendix 4	Member survey feedback on the governance model options
Appendix 5	Feedback and amended recommendations from the Audit, Governance and Standards Committee meeting on 12 April 2021

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## Policy and Scrutiny Committees

It is suggested that the workload for the Corporate Policy and Scrutiny Committee and Community Policy and Scrutiny Committee are split as follows:

<b>Corporate</b>	<b>Community</b>
<p>Matters relating to the Internal Operations Directorate, including:</p> <ul style="list-style-type: none"> <li>• Finance</li> <li>• Revenues and Benefits</li> <li>• Income Control</li> <li>• Procurement</li> <li>• Communications (Internal &amp; External)</li> <li>• HR and People</li> <li>• Health &amp; Safety</li> <li>• Payroll</li> <li>• Business Continuity</li> <li>• Internal Change</li> <li>• Information Technology</li> <li>• Governance</li> <li>• Business Intelligence</li> </ul>	<p>Matters relating to the External Operations &amp; Climate Change Directorate, including:</p> <ul style="list-style-type: none"> <li>• Climate Change</li> <li>• Emergency Planning</li> <li>• Coastal Protection</li> <li>• Asset Management</li> <li>• Parks &amp; Open Spaces</li> <li>• Major contracts</li> <li>• Street Scene</li> <li>• Environmental Services</li> <li>• Regulatory Services</li> <li>• Commercial Services</li> <li>• Public Health &amp; wellbeing</li> </ul>
<p>Matters relating to the Development and Place Directorate, including:</p> <ul style="list-style-type: none"> <li>• Regeneration capital projects</li> <li>• Taunton Garden Town</li> <li>• Commercial Investment Portfolio</li> <li>• Heritage</li> <li>• Hinkley</li> <li>• Strategic Place Planning</li> <li>• Development Management</li> <li>• Economic Recovery &amp; Economic Growth</li> </ul>	<p>Matters relating to the Housing and Communities Directorate, including:</p> <ul style="list-style-type: none"> <li>• Housing Revenue Account 30 year Business Plan</li> <li>• Tenancy Management</li> <li>• Sheltered and Extra Care Housing Service</li> <li>• Housing Options, Homelessness and Homefinder</li> <li>• Rough Sleepers</li> <li>• Safeguarding</li> <li>• Community resilience and engagement</li> <li>• Community grants</li> <li>• Housing Property (including repairs and maintenance, voids, safety compliance)</li> <li>• Housing development and regeneration (affordable housing, projects such as North Taunton)</li> </ul>

	Woolaway Project and low carbon homes)
Performance Indicators relating to the areas under this Committee	Performance Indicators relating to the areas under this Committee
Budget Monitoring relating to the areas under this Committee	Budget Monitoring relating to the areas under this Committee
	Crime and Disorder Committee (as per S19 of the Police and Justice Act) with responsibility for scrutinising crime and disorder

# AUDIT AND GOVERNANCE COMMITTEE

## Membership and Meetings

The Audit and Governance Committee will be composed of:

- 11 elected Councillors, except any councillor who is a member of the Executive;

The Quorum for the Audit and Governance Standards Committee shall be 4 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

## Scope

The Audit and Governance Committee will have overall responsibility for governance and audit matters as set out in the terms of reference.

## Terms of Reference

The Audit and Governance Committee will have the following roles and functions:

### A. Corporate Governance

1. Oversee the Council's use of risk management.
2. Approving the Local Code of Corporate Governance.
3. Approving the Annual Governance Statement.
4. Considering and approving the Council's Risk Management Statement and Strategy.
5. Monitor and review the Council's internal and external audit functions.
6. Monitor and review the Council's systems of internal control
7. To make recommendations to the Council regarding any suggested major changes to the Constitution.
8. Monitoring and reviewing the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.

9. Reviewing any corporate governance issue referred to the Committee by the Chief Executive, the Section 151 Officer or the Monitoring Officer, the Leader/Executive or any other committee of the Council.
10. Considering the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Leadership Team or Statutory Officers.
11. Considering the Council's compliance with its own and other published standards and controls.
12. Considering the annual report regarding complaints about the Council referred to the Local Government Ombudsman.
13. Approving payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.
14. Monitoring the effectiveness of the Council's policies and procedures that ensure sound governance arrangements, including:
  - a) whistle-blowing procedure;
  - b) anti-fraud and corruption policy;
  - c) anti-bribery policy and procedure;
  - d) complaints procedure;and making appropriate recommendations to the Executive.
15. Monitoring and auditing of the Council's equalities and diversity policies.

## **B. Audit and Accounts**

1. Agreeing the internal and external audit plans and monitoring delivery of the plans.
2. Review and challenge any significant issues and the action plans arising in the annual audit report and management letter for the Council.
3. Monitoring the implementation of significant audit recommendations.
4. Raising the profile of internal control within the authority.
5. Reviewing and approving the annual Statement of Accounts and Narrative Statement.

6. To regularly review the effectiveness of overall governance arrangements for the Hinkley Point Project and receive both internal and external audit reports including those undertaken by EDF.
7. Considering reports dealing with the management and performance of the providers of the internal audit function.
8. Considering reports from internal audit on recommendations agreed with service leaders as a result of an internal audit review which have not been implemented within a reasonable timescale.
9. Considering specific reports submitted by the internal or external auditors.
10. Commenting on the scope and depth of external audit work and ensuring that it gives value for money.
11. Considering any other matter referred by the Section 151 Officer.

## **Annual Report**

The Audit and Governance Committee must report annually to the Full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

## STANDARDS COMMITTEE

### Membership and Meetings

The Standards Committee will be composed of:

- 9 elected Councillors, except any councillor who is a member of the Executive;
- 2 Independent co-opted persons who are not Councillors or officers of the Council (independent members);
- 2 co-opted members of any town/parish councils in the Council's area (town/parish members).

The Chair and Vice-Chair of the Committee shall be Councillors. Where a lead Councillor is appointed as a member of the Committee, they shall not be elected Chair or Vice-Chair.

The co-opted independent members and town/parish members will not be entitled to vote at meetings Standards Committee or any of its Sub-Committees.

The Quorum for the Standards Committee shall be 3 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

### Scope

The Council shall establish a Standards Committee to carry out its functions relating to ethical matters under the Localism Act 2011. The Standards Committee will have overall responsibility for ensuring probity, propriety and ethics in the organisation.

### Terms of Reference

The Standards Committee will have the following roles and functions:

1. Promoting and maintaining high standards of conduct by Councillors and co-opted members.
2. Assisting Councillors and co-opted members to observe the Councillors' Code of Conduct.
3. Advising the Council on the adoption or revision of the Councillors' Code of Conduct.
4. Monitoring the operation of the Councillors' Code of Conduct.
5. Advising, training or arranging to train district, town and parish Councillors and any co-opted members on matters relating to the Councillors' Code of Conduct and wider propriety issues, including issuing guidance where appropriate.

6. Granting dispensations to Councillors and any co-opted members from requirements relating to interests set out in the Councillors' 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.
7. Advise on the management of statutory and other registers of interest and gifts/hospitality received.
8. Advise the Council on possible changes to the Constitution in relation to the key documents and protocols dealing with members' conduct and ethical standards.
9. Determining, by delegating such power to a sub-committee or by way of a hearing, those allegations of misconduct by district, town or parish councillors within Somerset West and Taunton or co-opted members where a formal investigation has found evidence of failure to comply with the Code of Conduct and where a local resolution has not been agreed.
10. Determining, by delegating such power to a sub-committee or following a hearing, on action to be taken against any Councillor or co-opted member found to have failed to comply with the Code of Conduct.
11. Making recommendations, by delegating such power to a sub-committee or following a hearing, to any town or parish council in the Council's area on action to be taken against any Councillor or co-opted member of that town or parish council found to have failed to comply with that Council's Code of Conduct.
12. Implementing, monitoring and reviewing the operation of the Code of Conduct for staff.
13. Considering any other matter referred by the Monitoring Officer.

### **Hearings Sub-Committee**

The Hearings Sub-Committee shall conduct local hearings on misconduct allegations against Councillors and co-opted members of the district council or town or parish councils within Somerset West and Taunton. These hearings shall be conducted in accordance with the Arrangements for Dealing with Standards Allegations.

The Hearings Sub-Committee shall be politically balanced and comprise of 3 voting members of the Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chair of the Standards Committee. A Chair shall be elected from among the voting members.

The Independent Person must be present when misconduct complaints against councillors and co-opted members are being considered by the Hearings Sub-Committee.

At least one co-opted town/parish member of the Committee and one independent member, together with the Independent Person, must be present when misconduct

complaints against members or co-opted members of Town/Parish councils are being considered by the Hearings Sub-Committee.

Following on from a Hearing, the Hearings Sub-Committee may make a decision including the use of the following actions/penalties:

- Reporting its findings to Council (or to the Town/Parish Council) for information;
- Recommending to the Councillor's Group Leader that a Councillor be removed from any or all Committees or Sub-Committees of the Council;
- Recommending to the Leader of the Council that a Councillor be removed from the Executive, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio holder;
- Instructing the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for a Councillor;
- Removing (or recommend to the Town/Parish Council that a Councillor be removed) a Councillor from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- Withdrawing (or recommend to the Town/Parish Council that it withdraws) facilities provided to a Councillor 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;
- Excluding (or recommend that the Town/Parish Council exclude) a Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- Publish its findings in respect of the Councillor's conduct
- Issue a formal letter of advice as to future conduct to the Councillor;
- Request that the Councillor tender an apology to such persons as were aggrieved by his or her actions; or,
- Where the Monitoring Officer and the Independent Person are not satisfied that the Councillor has tendered the apology described above or completed such training as arranged above, then the Monitoring Officer shall report the matter to the Chair of the Audit, Governance and Standards Committee who shall cause a meeting of the Hearings Sub-Committee to take place with the purpose of resolving to apply an alternative sanction.

## **Shadow Portfolio Holders**

It is recommended that the following is added to the Roles and Responsibilities section of the Constitution:

### **Shadow Portfolio Holder**

Purpose of Role:

To assist the Leader of the majority opposition group by providing informed comment and advice in respect of their particular shadow portfolio and with regard to the work being undertaken by the current Portfolio Holder.

Duties and responsibilities (in addition to those of a Ward Councillor):

- a) To provide constructive challenge to the policies of the administration.
- b) To assist in shaping the policy of the opposition group with regard to its shadow portfolio.
- c) To liaise and work with other shadow portfolio holders on cross-cutting areas of responsibility.
- d) To receive briefings at regular intervals from senior officers of the Council as required. These briefings may be held together with the Executive Members if this can be agreed, or separately if it cannot. Service officers will alert Shadow Executive Members to issues of importance affecting their shadow portfolio.
- e) To participate effectively as a member of the Shadow Executive by becoming thoroughly conversant with the area of expertise relevant to their specific portfolio



## Member Survey Feedback

The questions asked were:

1. What do you feel works well with the current governance arrangements – i.e. having an Executive system
2. What do you feel doesn't work well with the current governance arrangements?
3. What are your suggestions for improving the Council's governance arrangements?
4. Do you feel that you can influence policy and the decision-making process?  
Yes/No/Unsure
5. Please explain your answer to question 4

### **Question 1. What do you feel works well with the current governance arrangements i.e. having an Executive system**

Responses:

- Resource efficient – both in terms of officer time and cost
- Not working in silos
- Nothing. It's outdated, cumbersome, and undemocratic
- I think the best is having the current system – the executive style as it goes, to me, gets results.
- I have nothing to compare this with as it was in existence when I became a Cllr. I do feel, however, that there is not enough opportunity for back benchers to be quite so involved.
- I believe that the present of Executive system is more cost effective and a better use of members and officers time than the committee system
- Our governance system is AWFUL. The only things that work semi-ok in the current system are the bits that are not influenced by the Exec ie the regulatory committees but even they have been subject to a bit of top down tinkering re chair/vice chair nominations which was horrible. See also my comments re Q5. I had an open mind as to governance structures when I joined the Council. I would say it only took 6 months if that to grasp how bad an executive system is in terms of hoarding power, questionable decisions being made because of lack of democratic engagement and involvement, failing to utilise breadth of knowledge and expertise across councillor body, this awful 'us and them' culture. Even if we have only a couple of years left as an authority we need to ditch this rotten system and have modern, democratic replacement ready for next spring.
- I feel the current system works well and I personally wouldn't want to see a fundamental change
- I think the Member briefings are good

- Not much. It may allow the council to make some decisions more quickly in some circumstances where needed, but other systems can allow for this too. It provides figureheads to be quoted in the press, but that is possible under other systems too and in ways that are more representative of the whole council.
- I do not personally like Executive Systems and I would prefer the Committee structure, where all members feel equal. However, during the current pandemic crisis, I believe the Executive System has worked extremely well, to the benefit of local residents and tax payers. I also believe the Council should give more delegated power to the Leader in the event of an emergency, however this must always be transparent with a small time limit. I love the Newsletter, an excellent idea.
- Having great members of staff who are willing to help out as much as they can!
- No I don't think it works well. As a new member I didn't know what to expect but quickly realised that there was little point being a Councillor unless you were on the Exec. So we have 50+ Councillors the majority of whom are only able to contribute occasional comments. It's an awful waste of people's time.
- The current governance arrangements fall short of expectation. The exec system is, as far as I am concerned undemocratic. There is a complete lack of engagement with back benchers and this can lead to unsound decisions. Rather than embracing the views of other councillors it is very much a "do as we say approach". Regulatory committees work better and of course are made up with cross party mixture of councillors however, there is a sense recently that these are being subject to influence from the Exec. However, I consider that Scrutiny is purposely overloaded so that members do not have the time to properly scrutiny an item and often officers in attendance are not fully up to speed on the particular matter and thus cannot answer questions, promising follow up in writing. This often does not materialise and then has to be followed up. I do not consider that any part of the current governance system works well at all and this leads to bad decision making.
- Very little, The Scrutiny Committee is one of the most efficient committees whereby thus far, party politics does not interfere in the decision making process. Unfortunately the work of the Scrutiny Committee is rarely able to influence the executive policy. I have worked in private sector most of working life and most decisions were based on communicating and interacting with colleagues in a proactive way. I always encouraged good ideas by allowing colleagues the freedom to follow their passions and thinking with their heads. This culture is not possible with the current governance. Politicians of all persuasions must be closer to the decisions/actions as decision makers in local government or else, it is a pointless exercise. Consulting with council executives seems to be hard; we all should be working through the logic of their decisions, which makes managing politicians much easier, they hope! With current system there is no room for improvement. We should be looking for guidance from both the public and private sectors on some decisions. If your idea does not resonate with the member of executives or the leadership, you can spend many months or years to convince

them otherwise, this is not acceptable in today's world. This model of governance is the death nail in the coffin of democracy.

- I do not think that the Executive system involves the views of all councillors. We are able to comment but decisions have already been made.
- Seems to work reasonable well if you are in the controlling party. If you outside the executive of another party, whether governance is working is a bit of a mystery.
- The current system allows for quick decision making when this is required eg during the Initial lockdown of the Covid crisis. However this is not sufficiently democratic. Backbench councillors are not consulted about many decisions that are made by the Exec.
- With the possible exceptions of Licensing and Planning, both of which are quasi-judicial frankly not much. The "Strong Leader" model does and always will, fail to engage with anything other than a small number of "Hand-picked" Executive members. Whilst I personally do not agree, it could be argued that the "Strong Leader" model permits fast decision making. To my mind, this is a false positive. It only provides a thin veil of transparency and leaves most backbenchers feeling left outside the decision-making process. It does allow the Officers a simpler route to decision making. However, we must not lose sight of the old adage "Officers advise, but, members decide"
- Fair to say that it works in an operational sense and in a very few urgent situations it can deliver quick decision-making
- Every system has to have a balance, as we are currently using a Executive system it works as well as it can do when the political balance is tilted in one direction. This enables policies to be pushed through but makes the "other" members somewhat not involved in the day to day operations.
- I think this works well to the extent that it is effective and able to make firm and swift decisions to enable responses to crises like COVID and Brexit be effectively managed. I am aware that it seems to exclude backbench councillors in some decisions but when I was a backbench Cllr at work I did not have time to do more than I did in keeping up with decisions and actions and reading Cttee Agendas and minutes.
- The cycle of Scrutiny before Exec before Full Council works well in most instances but often it feels that decisions come to us already worked up so it's difficult to say no to them, or to have a really informed debate about them. I think the briefing sessions work really well as it's very much open discussion and information-giving without pressure to push something through. Having Exec portfolio holders in a sense relieves ordinary councillors from a degree of burden of responsibility as it's the PHs who take the rap when the things go wrong, as well as receiving the public's ire, which is sometimes unreasonable and uninformed. The Exec. also carry the workload. It is my impression that some members don't appreciate the hours and commitment put in by the Executive

members. I do appreciate it. Having an Executive possibly makes decision making easier and faster as there are fewer individuals to reach consensus but of course they are acting on behalf of the larger councillor group, so the decisions should be made democratically. I like the way in which officers do the communicating with councillors and give guidance on process as I feel their neutrality and professionalism work as a useful buffer where there might be political differences or personality clashes. Cross-party committees to my mind are working really well. The political balance is helpful and most members think independently and work collaboratively. Having a specialist area in which you can become more knowledgeable and skilled at decision-making (eg Planning) is helpful.

- Planning and Licensing are cross party and their decisions are transparent, although by the nature of the services, not always received well by everyone. One can argue that the decision making process is quicker under a strong leadership model, but this must be weighed against whether the decisions prove to be good ones or not. In recent times our Council is making decisions about investment of very large sums in various projects. Would a specific economic development/ investment committee with cross party membership with the relevant experience not be serving us better in these circumstances? From an officer perspective, having to persuade just one portfolio holder or 10 Exec members of a course of action is much easier than a cross party committee, but is this a good thing ?
- The Executive system is sub-standard, concentrates too much strategic decision making in a small group and lacks true transparency. I suppose there are some inherent benefits in terms of swift decision making etc, but hard to muster a significant number of positives.
- As a new councillor, I perhaps do not have as much as others to compare with, however, I have been surprised at how little really I am consulted or asked queries. Particularly when it comes to matters that impact the community I represent. The briefings are a positive for me, and have enabled a greater understanding of the delivery of the council. Training when it has happened has been good, and I have always felt the officers have genuinely done their best on at times tricky issues. I have found the IT and IPAD system to work well and can see there is good sense in many of the ways things are done. I know to start with the change was a challenge for some councillors but most have embraced it. I do wonder whether there may need to be an assertive outreach approach to councillors who struggle more with the technology, as I worry it impacts their ability to contribute at times. I am not always the most assertive person often choosing to sit back and observe, and consider my response. Sometimes other more vocal councillors have had quite some table time and I am not sure this is always great. But I know officers and executives are aware of this and make efforts to ensure all are heard. Certainly on a number of occasions I have been very grateful to James for allowing space for questions/comments to be heard and answered.
- I'm happy with the current system.

- I feel that I must give the same answer to both questions, the decisions which go before full council are made by the Portfolio Holder and Officers with little or no input from members. The first time members see them it is normally at a members briefings, by which time its to late to add or remove anything. Member Briefings in my opinion are no more than questions and answer sessions, where the Portfolio Holder and Officers are only interesting in justifying their decisions and not listening to general members. If an item does manage to get to scrutiny it's normally too late to make major changes before the item gets to the Full Executive and Full Council, as the three meetings come very close together.
- It is easier to make urgent decisions with the current system and the pfh is accountable when making a decision
- Expedited decision-making, no endless committee discussions, easy for public to identify a single member-level point of contact, easier for the ruling group to implement their manifesto,
- Having Briefing sessions to give us some information.
- The decision-making process is clear, simple and relatively speedy. Exec members can make decisions themselves where possible. It doesn't require much evening attendance or endless committee meetings.
- I don't know how it works behind the scenes but perhaps portfolio holders have the opportunity to explore what mutually beneficial, or possible unintended consequences for each other's areas of responsibility might arise from their respective proposals in ways that a committee system might not easily allow. Officer briefings are an important aspect of the current arrangements, but could presumably be continued under a committee system.

**Question 2. What do you feel doesn't work well with the current governance arrangements?**

Responses:

- Could be improved with addition of Policy Advisory Groups
- Most things, it is undemocratic
- Knowing who to contact and having to use the member support through the Jess McVie team
- I personally feel there is too much responsibility given to too few people
- No system is perfect but cannot see any obvious improvements.
- Currently under the Executive system: Only a small handful of councillors (9) are involved in formulating policy and shaping decisions. We have 59 elected members who have a wealth of experience, knowledge and expertise but this is not utilized. That's a waste and carries the risk of flawed policy making through ignoring relevant insights and expertise. I can tell my colleagues 'oi I used to work

for the Disability Rights Commission and worked on the Equality Act when it was going through parliament and you are trampling all over the Equality Act by not making provision for blue badge holders whose impairment necessitates parking really close to key services' they are not listening, that expertise is apparently irrelevant, not needed, not welcome GRRRRR!!!! There is a democratic deficit. Power is concentrated in far too few hands. This creates an unfortunate arrogance frankly. A small coterie only hold power, they can then impose a line on the rest of their political group ( with threats of disciplinary action if you deviate) and that group has an inbuilt majority. Thus matters brought to full council tend to be foregone conclusions rather than be debated and decided on their merits. There is insufficient scrutiny and challenge - there is just one scrutiny committee so they don't have time to examine everything and their recommendations can simply be ignored by the Executive. In addition I feel that ordinary councillors are not provided with enough information to be able to assess different policy options because officers see themselves as serving the exec so there are behind the scenes discussions and we get a 'version' but not the full whammy. Also I feel members of the public are often made to feel like a nuisance and not accorded enough time to have their say or even enough respect. They have no opportunity to put decision makers really on the spot. Some processes allow for no public involvement - eg SWT can extend leases with no public engagement process. Too much power is delegated to officers. The lack of any directory of staff creates the impression that the machine wants to keep us at arms length! I think we can be trusted not to be plonkers and treat officers with respect and if we don't we would get taken to the cleaners anyway. Local ward members are not routinely consulted on decisions affecting their ward. There is a culture of secrecy - what happened to the BID vote? Are we actually buying commercial properties? Where is that 600 page document commissioned with public money under last administration setting out business case for a new Brewhouse?

- Scrutiny has a real value and maybe the one Committee is somewhat overloaded
- I feel the current system works well and I personally wouldn't want to see a fundamental change
- There is a lack of clarity. Who is taking decisions and accountable – officers or portfolio holders? Some PHs seem more confident in their roles than some who appear mostly led by officers and look like they barely know what they are doing. There is a big lack of involvement for other political groups, apart from the one group making up the administration. Scrutiny is little substitute for being involved in policy development and deciding on project implementation. There is a lack of opportunities for involvement of backbench councillors, especially those not in the largest group. It is known that the administration has regular group meetings to discuss policy and decisions, which are held behind closed doors and give extra access for those in that one group to the executive and PHs. With a committee system that type of group meeting should be OK, but with an executive/cabinet model it just further excludes those in other groups.
- I believe it fails to include all members at all times. Also, there is definitely a divide between Taunton and West Somerset, something which could take years

to overcome, if ever. Only time will tell. Mind you, the current Covid 19 crisis has put a lot of extra pressure on the system, which has worked well. Also, I would rather attend a meeting in person, then do a meeting with zoom, which I find very impersonal.

- Having to go around the houses instead of being able to go direct to the department/officer concerned. Not knowing who does what. We should have a directory of officers to be able to contact either by phone or email. Having to go to one person and then wait a few days or a week or more is not ideal when the public want answers there and then.
- I'm not impressed with the system of local government. It's very slow and time consuming- but much of that time is wasted as decisions are made by few and presented to Full Council as fait a complete.
- Power is concentrated in the hands of the few and decisions are rarely challenged. Some councillors are fearful of challenging matters as they feel they may be victimised/ bullied. Within the entire councillor group there are many specific skill sets but these are untapped. This is inefficient. I also find the treatment of the public who bother to attend FC to be astonishing as they are not afforded time to state their particular case nor receive an adequate response to their issue. It is almost as if they are a nuisance. I consider too many matters are discussed behind closed doors. This culture of secrecy is not helpful in a body which is publicly accountable. I accept that some commercially sensitive decisions may have to be kept secret but there is a feeling that just about every item is deemed "confidential". Ward councillors are not always consulted on specific ward matters. This causes conflict in our communities as people expect answers from their councillors. Member briefings are more frequent and are merely a means to advise members of a conclusion rather than engagement in an inclusive consultation. Most councillors would like more engagement, more concise reports and that both PH and officers clearly show they have grasped the issues which they are presenting and willingly answer questions
- The failure of the current system to even listen to, let alone respond to community concerns is a major problem. Decisions are made and then the councillors and public have to accept them. As local authorities gain more autonomy through reduced central government funding, council executives/leaders will be increasingly held to account for progress against expectations. This is unfair. They will be accountable for all decision making, understanding and taking action on the voice of the public and translating central government policy at a local level is often challenging. If it does not enjoy the support of cross party it will turn possible advocate to outright opposition both within the council and in the public, which cannot be sustainable.
- A fait accompli
- Transmission to all members.
- The present system is divisive, with two groups within a governing party ie Exec and non Exec. The Exec have considerably more interaction with council officials

and because they are seen as the important Executive Councillors officials will also be far more proactive when dealing with them. Officials are not in contact with ward councillors like myself on matters the Exec are dealing with. They also fail to be in contact on other local issues that impact on the ward I represent. The culture discourages contact. It is bizarre that I have even got the impression that councillors should keep officers at arms length and not even contact them. The lack of any directory of staff with a list of officers and phone numbers was an early sign of this approach. A committee system would be more democratic and use the experience and the abilities of all councillors eg business and financial. I am a member of the Licensing Committee but it has only had a few meetings since May last year. Officials obviously make nearly all the decisions.

- The current Scrutiny processes do not really add value, no matter how much it suggests alterations to the Executive all those suggestions can and are dismissed in short order unless they are very minor. This system does not allow or even listen to the ideas or questions from Councillors from all walks of life and many with great experience in the world of business. This leaves Councillors who are not members of the Executive frustrated and disillusioned in their backbench roles. It is also incredibly wasteful of an enormous and varied pool of talent. Genuine concerns from the communities we represent should be catered for not brushed aside. Members Briefings are mostly used to TELL Councillors of decisions that have already been made. This engenders a feeling of disenfranchisement in backbenchers of all parties or none. The local member should be informed of any important or contentious issues in their ward as they will have to help sell the idea to their residents.
- 1. The majority of councillors in both the ruling group and opposition parties feel excluded from meaningful participation in policy-making and decision-taking. The result is disaffection and disillusionment among cllrs who were keen to stand for election but lack the time or possibly skills to be a member of the Exec. 2. Portfolio Holders have very heavy workloads, the equivalent of a near full-time job in some cases. Many cllrs cannot give this commitment but would still more involvement in SWT work than they currently have. 3. The existence of a small Exec group encourages secrecy and unnecessary use of confidentiality. This excludes and alienates many other cllrs. Officers tend to treat the Exec as “real” cllrs and the rest of us as nuisances.
- When the political balance is tilted in one direction as is the case currently suggestions made by those member not in the political majority tend to be looked on with distrust and general discounted those ideas. We loses the sight of the fact that good ideas are not limited to those of the majority party or if fact other people. This enables policies to be pushed through but makes the “other” members somewhat not involved in the day to day operations.
- There is clearly deep misgivings amongst Cllrs about this Strong Leadership system from both those who have experienced a Cttee system in the past and from some, like me, who have never experienced it. People feel excluded from decision making and despite regular briefings and group meetings they still do not feel fully part of the process and so are alienated by it. The issue has become increasingly difficult for both members and Executive and in my view

needs to be addressed urgently. I suspect that the SMT also prefer to deal with an Executive but I do not feel that is a justification for keeping it.

- As stated in my previous answer, some decisions come to us already worked up and it feels as if we are heavily persuaded to vote them through or there would be negative consequences. I don't doubt that these are usually the right decisions and I trust on the whole the judgement of both the Executive and the officers, (as a new councillor I often feel I'm making decisions within areas outside my skill-set and specialist knowledge, despite training) but it doesn't always feel democratic. The current system also requires us to be a "jack of all trades" and sometimes members are voting on issues they don't know a great deal about.
- The Executive system concentrates decision-making and power in the hands of a few members. This is a poor arrangement as it does not make use of the abilities and knowledge of the majority of cllrs. Exec members, and especially the Council Leader, are often overloaded with information and decisions while the skills of other members are neglected. The scrutiny process does not work. However constructive and positive the discussions at scrutiny the impact on decisions is usually marginal or negligible. By the nature of the Scrutiny process, it has to deal with a very wide range of issues and policies across the Council, and sometimes beyond, but with a very limited say in the actual policy. This is a very inefficient and ineffective process which takes up a lot of members time but with little impact on policy. The ineffectiveness of the process is a source of frustration for Scrutiny members as well as other cllrs. It is not just opposition members that feel that the process does not allow a better decision-making process, many members of the majority group also feel disenfranchised. Members briefings have become more frequent and are often a means of telling us what has been decided and why, rather than a real attempt of consultation. Council meetings are often too long, partly as a result of members not having had a chance to make their key points previously. Councils under a strong leadership model are more likely to make disastrous mistakes as the experience and benefits of collective decision-making can be ignored. The enormous cost of the recent so-called transformation process is an example. The extremely costly decision to allow all officers to claim redundancy payments is perhaps a good example of a basic mistake which would surely have been picked up by a committee process.
- Too much decision making in too small a group. Scrutiny is effectively "after the fact" and therefore limited in power to influence. Large numbers of members not part of it, and therefore not representing the views of electorate. Broadly (currently) urban dominated. Would be equally bad if it were rural dominated by the way. The system needs to reflect the spectrum of the community. Currently drives too much focus towards Taunton. Does not effectively capitalise on the broad wealth of experience across the elected membership. People could contribute more. Officers are accountable to Executive but can be unresponsive to other members, with little consequence.
- It seems that some portfolio holders embrace the role, but others there is a lack of communication and consultation. It surprises me that with the broad spectrum of experience in elected councillors this is not tapped into more. I have acted as a shadow portfolio since being elected but have not been given any opportunity

to deliver on this, despite pushing both the portfolio holder and lead officer. It feels like there is a closed shop on this from some in the leading party. Though I know colleagues have had a very different experience so assume some of this is down to individual traits. However, if there were a formal expected system this would reduce this, and I think allow for more collaboration and broader spectrum of opinion. While I appreciate it may slow decision making down at times, I think also think a better engagement with councillors earlier on in issues might help and make officers jobs easier in coming to a good decision, though appreciate this could make processes long. It would be useful to have a full list of working groups/task&finish etc. I have offered to help in a number of different ways but not heard anything back. I have also found it hard to engage with some of the existing processes. I have tried to attend Planning Training as a substitute. But on a number of occasions training for this has happened at a time not defined, in or around the end of the planning committee. I don't think this worked well and should have been at a different set time. While planning members were there they were often tired after a meeting or for those not there had no way of knowing the right timing, and on one occasions despite following all that was asked of me it still went ahead at a different time.

- If you mean the officers in the governance team, then I think they do a good job, particularly under the current Covid restrictions.
- I feel that I must give the same answer to both questions, the decisions which go before full council are made by the Portfolio Holder and Officers with little or no input from members. The first time members see them it is normally at a members briefings, by which time its to late to add or remove anything. Member Briefings in my opinion are no more than questions and answer sessions, where the Portfolio Holder and Officers are only interesting in justifying their decisions and not listening to general members. If an item does manage to get to scrutiny it's normally too late to make major changes before the item gets to the Full Executive and Full Council, as the three meetings come very close together.
- It can stifle debate and be seen as a system that's not very inclusive.
- Heavy load of Exec/Full Council meetings though, given the size of the programme, understandable. Would be worse with a committee system though. Maybe greater delegation to PHs? A second scrutiny committee would help with their workload. Maybe also split off Audit as a separate committee.
- Confidential agenda items not being available on the mod gov site or given directly to Cllrs
- Some Councillors don't understand the democratic path of Group, Exec, Scrutiny, FC - this does seem to vary widely and it could be explained simply for each paper. As a result, some councillors feel left out of the process, simply because they don't understand it.
- It doesn't enable 'back-bench' councillors across all groups to contribute their knowledge and ideas in a deliberative process of policy development. Cllrs

represent a range of communities and have many different areas of experience, expertise and perspectives that can enrich the process and outcomes.

### **Question 3. What are your suggestions for improving the Council's governance arrangements?**

Responses:

- Could be improved with addition of Policy Advisory Groups
- Bring in a Committee system, and a Scrutiny Committee that does not have a majority membership that reflects the majority on the Council. Scrutiny needs to be able to halt a Council, with a political majority, running roughshod over the whole Council.
- Members being able to contact officers direct when they need to
- We should revert back to the Committee system so that Cllrs could be involved in a more specific topic rather than expected to be "masters of all".
- No system is perfect but cannot see any obvious improvements.
- SWT should abandon the Executive /'strong leader' model and adopt a modern, democratic committee system so that power is dispersed, consensus is the goal and every Councillor can have a real voice and contribute their insight and expertise to public policy and decision making. This would be pretty much cost neutral in terms of allowances ( chairs replace exec members etc); ideally one would build in some extra policy/ democratic services capacity. Doubtless there will be training needs. My feeling is anything spent on getting a more robust, open, democratic system is money well spent and will save money by preventing copy decisions. You would still have a leader elected by full council who can represent us externally and provide leadership internally. The executive would go. You could have around 7 -8 committees with places (11 councillors) allocated in proportion to political group representation each with a Chair and Vice Chair( of different political persuasions). I would go for something along these lines:

#### Strategic Committees:

- Policy and resources committee - responsible for overall strategic direction and budget, resource planning and allocation, emergency planning, equality and human rights, economic development, anything that doesn't fit neatly under another committee, made up of chairs/ vice chairs of cttees or nominated reps from political groups. Leader of Council would Chair. This cttee I would have responsible for commercial investment decisions (see below)
- Climate change and environment - climate strategy, tackling ecological emergency, coastal protection, active travel and green transport, parks and green spaces, biodiversity, waste and recycling ( to feed through reps into Somerset waste partnership board - currently there is insufficient democratic input I feel )
- Housing and Planning - strategic planning, local plan, HRA, council house building programme, estate regeneration, housing standards, hmo licensing,

regulation of private sector housing, building control, heritage (another option is have cttee devoted to Housing and have one dealing with Planning and transport)

- Internal services/ operations - finance, IT and HR, assets
- External services/ operations ( Kingston calls theirs 'Community and Engagement,') - communications, public engagement, crematorium, arts and culture, leisure, electoral services , voluntary sector grants and partnerships

Regulatory type committees:

- Development control
- Licensing
- Plus Audit, Governance and Standards Committee( could this be incorporated in internal services?)

All committees need to have a focus on equalities and inclusion and carbon neutrality. The new member/officer working group on Equalities should continue and have a link into Policy and Resources and be a resource for all committees. Obviously Full Council would continue to meet regularly to debate key issues, approve policies and strategies, decide the budget in feb, to appoint councillors to outside bodies with provision for petitions, motions etc as now. I think members need more opportunity to have things on agenda that matter to their constituents. So Modern Committee System that's the really big and most important change we need. In addition: I think delegation schemes need reviewing. Even in pandemic scenarios there can and should be more elected member control over decisions. Re the leisure services contract by the time we got a say our hands were effectively tied by decision of CEO to begin shovelling money Everyone Active's way. I want to see modern committee system where in between meetings there can be dialogue and involvement ongoing through email etc and mechanism for urgent things to be voted on remotely when necessary by whole committee.

I will be in a minority no doubt but I still find it completely and utterly shocking that a tiny coterie gets to decide massive commercial investments - it's just beyond my comprehension. Appalling. Decision to buy gaumont went through full council rightly so - all the stuff about oh we need to be fleet of foot is a distraction, we managed to consider that purchase ( gaumont) utilizing the democratic process. In new committee system I would run these decisions through policy and resources and if time the full council.

New protocol for consulting and informing ward councillors about decisions affecting our ward. I was incandescent when a fun fair turned up in my park at the end of August with no prior notification and in the middle of a pandemic – should have been blatantly obvious this was sensitive and should have been guided by political steer from elected members not officer just deciding.

More transparency across the board. The commercial investment strategy should never have been debated in secret. I will never recover from the horror of that, never. Shocking. When there are genuinely confidential matters fine discuss in camera but at least give us all the full info - too often I feel people are sticking their hands up willy nilly for stuff they don't understand which is the opposite of good governance.

I really wish there was a provision against party political whipping in local government - I have come to despise that with avengence. Carry people with you but accept the fact there will be divergent views would be a more mature approach. It is totally inappropriate in my view – a lot of decisions are not political

they are business decisions so people should be allowed to use their professional judgment, in any case our first duty is to our communities not party. Unfortunately I expect this will be left up to political groups and without scope of review.

- I do wonder if a policy advisory group for each portfolio holder might be a good idea.
- Maybe a group of 4 people cross party who could discuss in a private forum ideas with the Portfolio Holder and lead officers to help steer policy in a cohesive way. I would see this as being led by Portfolio Holder and the topics for discussion coming mainly from them or lead officers
- I think the briefings are good
- Switch to a committee system, with representation in relation to group size and committee chairs to speak on behalf of the committee. I don't think Scrutiny would be needed as there would be a greater spread of views on the committees, which should improve decision-making and result in scrutiny being undertaken at the same time on the committees. There would be a committee with a co-ordinating and strategic role, including for developing the annual budget.
- As the Council is coming to an end within the next two years, I would personally leave the Council's governance arrangements alone. It would be a waste of time and money to charge things now.
- Go to Committee working. Have a dedicated person in each department who can answer councillor's questions.
- Fewer Councillors! Committees that are cross party, trained, with working parties to inform decision making by dedicated Councillors.
- The current system should be disbanded and a modern committee system introduced. This gives every councillor a voice, regardless of their political beliefs. This system would work across parties, members could focus on matters which interest them and for which they have experience. It would streamline council meetings making them more efficient. A committee system would also ensure that a full democratic process is respected. It is likely to be cost neutral. There will still be a Leader for external representation and internal leadership. The remainder of the Exec would be abandoned and 6-10 committees could be formed with members and a Chair and Vice Chair of different political persuasions. I would like to see political neutrality across the whole regime. I would also like a position where dialogue and involvement can take place at short notice for specific urgent matters. Covid has taught us we need to be more agile and remote voting etc is wholly acceptable in certain situations
- We need a change from strong leader cabinet model to a more open, transparent and democratic committee system, whereby positive and productive contributors are encouraged-not discouraged. We should capture

the best local knowledge and expertise in order to come up with solutions to future challenges that lies ahead, one that bubbles from the community, a bottom up strategy, not a top down one. We need to be able to work effectively and proficiently/profitably with external suppliers and delivery partners. Flexibility, agility, proper decision-making process and expert project management will be prized skills in the new-look future new authority, where it is vitally important to reach out to all parties.

- A committee system which involves more councillors in decision making.
- Wider communication
- We need to abandon the undemocratic, strong leader cabinet model in favour of a more open and accountable committee system. The local knowledge and expertise of all councillors should be valued far more. Committee debate will allow many good alternative ideas to develop.
- An immediate change to a modern Committee system. There would be no loss of power to the majority group because the Executive Councillors would simply move over to become Chair of the Committee (with casting vote) the majority group would have under political proportionality rules a majority on each Committee. All these new Committees would attract members from all parties or none with either knowledge or interest in each subject. When the decisions have been made and if required, go onto Full Council for ratification then those items are going with the support of the Committees recommending them to Full Council. This will allow for smoother Full Council meetings negating the rehash of old arguments. The membership of Committees should be no more than 11 members, with political proportionality. The members of any Committee would have more engagement with Officers advising that Committee and would therefore be fully engaged with the process. There should be a minimum of two Scrutiny Committees. There should be two regulatory Committees Licensing and Planning/Development Control. A Climate Committee. A Council Property Committee dealing with all Council-owned assets. A strategic Committee and both an External and an Internal operations Committees. There should be an overarching Policy & Resources Committee chaired by the Council Leader and having all the Committee Chairs as members.
- Move to a Committee system which the provision for each chair to be able to take quick pre-emptive decisions if the need arises.
- To engage member that are not involved in the portfolio level, it should be about taking suggestions/ideas no matter where they come from and not those used for council business aimed at capital political gain.
- As a matter of urgency we should divide the Scrutiny Committee into 2 committees as was previously the case and set up a Town Council for Taunton. This should happen without delay. I should like to see a report on what Committees would be needed to run a Council under the Committee

system and that the Full Council should get an opportunity to review and vote on these proposals in time for them to be implemented in April 2021.

- I would certainly like to explore different models of a committee system to see what the implications would be and how things would change. I understand that one criticism of the committee system is that councillors will be expected to attend more meetings and attendance is crucial. I can see this may be a problem but recently I seem to be spending most weekday afternoons and evenings attending meetings or briefings anyway (and weekends reading the documents)! I think that greater ownership of decisions would reduce cross-party conflict and indeed between members of the ruling group. But I do want to know the downsides.
  
- The establishment of a modern committee system is essential. This would have the following advantages :-
  - 1) Cross party membership would be a democratic consensual approach to decision making.
  - 2) Members would be able to focus their efforts on subjects in which they are particularly interested or have particular skills or knowledge.
  - 3) All members would feel involved, be able to influence actual decisions within a system of proportional party representation and cooperation.
  - 4) Full Council meetings would be likely to be shorter and an affirmation of policies in which all has had the chance to participate.
  - 5) The Chair of each committee would be in a position to take all views into account and come to Full council in the knowledge that the democratic process has been respected.
  - 6) Members of all parties and none would have better access to officer advice and be likely to spend time seeking information which they feel they need to take decisions.Some changes to the way committees have operated in the past at the two Councils should be considered. Some of these might be :-
  - 1) Two stage reports to committees, an initial report outlining the proposal with a relatively short report which can either be approved as is or members may feel that more info was required and ask for a second more comprehensive report before deciding.
  - 2) The number of members on each Committee could be reduced to 13 or 11 perhaps, depending on the nature of the committee.
  - 3) The time each member is allowed to speak could be limited in some way if the Chair felt it necessary. We all know that sometimes members can take too long to get to the point! A limit of 5mins on each item might be appropriate.
  - 4) There would be some sort of overall Policy and Resources committee, chaired by the Leader and having Chairs of committees but with a proportional representation. This would enable the Leader to focus on the big issues and co-ordination of Council policy.There may be other ways of modifying the committee system to make it as relevant as possible to present day circumstances and further discussion on this would be welcome.

- Like many others, a Committee system would seem to address the core issues of centralisation of decision making and lack of reference to full council.
- I would suggest a skills audit of councillors would be useful to identify possible strengths and supports that could be utilised in working with officers. This I understand could be utilised if a committee system were in place. I also think this would support better decisions as often there is a lot of complex information and if only a few analyse then crucial detail may be missed. When first elected I also put myself forward to be a councillor trustee for an organisation in the community, and this was from a list of councillor representations. However, I have never been asked to report back on this, or given a template/process to do so. This feels like a vital part of the council having a sense of its community and a lost opportunity. I also think a briefing on this would be useful, in terms of how councillor trustees etc might make best endeavour of this.
- We have direct lines into the team, what we need is direct dial numbers to a contact in each department to gain better responses for those we represent.
- A committee system would allow the views and ideas of members to be put forward and fully debated before any decisions are made and they go to full council. I for one would feel that I would be able to put my views across one way or another. It also removes the danger of a strong willed officer pushing through ideas that a weaker Portfolio Holder may be willing to accept. Also as committees would be made up of cross party members the decisions would reflect the views of the whole council
- A hybrid version of the current system
- Heavy load of Exec/Full Council meetings though, given the size of the programme, understandable. Would be worse with a committee system though. Maybe greater delegation to PHs? A second scrutiny committee would help with their workload. Maybe also split off Audit as a separate committee.
- More reports from non committees through there stages of working. Effectively more info of what is going on behind the scenes ,not just the final report .
- Some Councillors don't understand the democratic path of Group, Exec, Scrutiny, FC - this does seem to vary widely and it could be explained simply for each paper. As a result, some councillors feel left out of the process, simply because they don't understand it.
- A Committee system along with officer/expert briefings and, where appropriate/desirable, utilising well worked out methods of public consultation.

**Question 4. Do you feel that you can influence policy and the decision-making process?**

Yes	8
No	13
Unsure	8
No response	2

**Question 5. Please explain your answer to question 4**

- Political balance of Council
- Whilst a member of the Council might feel they can make suggestions, some of which could be taken into account, the “ruling party” can/could become dictatorial
- Working with other Councillors to do so. For my part too, being an Executive member is advantageous
- Councillors should work together to get the best results. When they do things certainly seem much better.
- Every member has the chance to influence policy through speaking at Full Council, Executive and Scrutiny. Whether the ruling group will act on good suggestions from opposition members is another matter but always has been and always will be
- No but there have been exceptions, as a rule though, no. In general the exec system especially when combined with political whipping make for a sorry situation where most councillors just feel like window dressing – ‘oh look this is democratic we have elected members in the room’ but the power lies with senior officers primarily followed by the Exec. By the time we get a look in it is often too late to change trajectory or there is unwillingness to take a different approach, things have been largely stitched up. I think exec feels it needs to defend its line rather than listen and adjust and change (although there have been examples of enlightened exec members occasionally going with councillors’ view, ok actually only one I can think of!) Exceptions:- when cross party committees/groups are involved at the beginning of a process, eg scrutiny during initial development and scoping of climate change strategy I felt our input actually did some good and was heeded as the post holder and officer concerned were very open to suggestions. Ditto Local Plan member steering group – chaired by opposition member, good old mix of people, it feels like we are all equal and can contribute and again, because we were involved at the beginning it was worth the effort writing and submitting pages of notes!
- I feel I can influence decisions via our group meetings primarily. Where groups complain about lack of info I don’t think that the council is to blame for that it is a group issue

- Barely at all. I sat on a working group intended to be involved in developing policy and recommending this to the Council for decision. However, the process was poorly managed, so that policy discussions were nearly non-existent. We had presentations when officers, in effect, told us what policy would be and seemed to have little interest in our views. Only the views of Portfolio Holders seemed to count, which were presumably given at other times elsewhere. This gives the appearance of the real policy making being a secretive process hidden from most councillors. The only effective opportunities to contribute to policy appeared to be when allowed to submit comments on draft papers. However, it appeared officers then decided on what went in the final version and there was NO cross-party or wider debate or discussion on different options or possibilities. It appears that having Portfolio Holders can stifle other forms of policy making and encourages officers to look to work with them. It can then depend on the characteristics and abilities of the Portfolio Holder whether others may be involved. Some seem able and willing to listen to others. Some appear to lack what would be needed to fulfil the role in this way. There is no official role for shadow PHs, which, possibly, might allow a small improvement, but moving to a committee system should be far better.
- As an individual elected member I believe I have very little influence on policy, this is because the Council is political. Where the winner takes all, under the current decision-making process, at this present time we have a Liberal Democrats administration in control. Who knows, in two years' time it could well be a Conservative administration or another group. All top appointments are made to the Cabinet System from the winning party. Not a very inclusive system, especially if you are an independent elected member not affiliated to any political group.
- Decisions are made by ??? I am not sure who does make the decisions and therefore would have no idea if I could influence them or the policies of the council.
- If I was willing and able to devote more time, and eg get on the Exec or Chair a Committee then maybe it would be possible to influence policy, but I'm not! Consequently my skills and experience and decision making ability are not utilised.
- Generally not as often feel totally ignored. Councillors are often consulted at a late stage where a decision has effectively been made by the exec. Some of these decisions are fine but there are some which have been found to be lacking. Often we are subjected to the "closed mind syndrome". It is in fact quite demoralising to have to listen to some unsound decisions being voted through for various reasons but often because of a lack of member's understanding, sometimes because briefings recommendations do not cover the bigger picture and are rushed through with limited time for consideration.
- NO, I fear the executives have the monopoly on most important decision-makings and any influence to change the policy will take years, unless it has executives support and it is inline with their thinking. Most executives have their own priorities and are influenced by officers and are not professionally/adequately

equipped to bring the rest of the councillors on board from the start. As we have witnessed with overseeing the transformation that has taken a few years and yet to function effectively, we are still taking the necessary steps to fill some skill gaps. We need a good mix of knowledge/expertise to complement and guide officers for the best outcome. One thing that is lacking within the executives is commercial mindset as it will be a top priority in years to come for the team and as the local councils will shrink, along with, project management skills, flexibility, a clear vision and digital expertise to combat future challenges. Tapping in to the expertise that we have across party politics will help and support future decision-making.

- It seems to be a done deal by the Executive
- As a member of the minority party I don't feel I have any influence on council activity.
- Generally no with a few exceptions. I feel the Executive have a monopoly on many decisions and often other councillors are unaware of the issue or the decision. Consultation with ward councillors is inadequate by the Exec and council officials. On a few occasions I have been completely unaware of issues that affect my ward and didn't know about meetings arranged to deal with these issues.
- The material decisions are seemingly made before they reach the Committee and the current Executive appear to defend the decisions rather than discuss any potential for an alternative, possibly even better outcome for the people we serve. We must be seen to be responsive to our electorate after all, without their votes we would not be Councillors.
- Only through informal means such as lobbying and relying on friendships among cllrs. It needs to be hard-wired into the system. Let me give an example; I'm a councillor very interested in Ec Dev. Where is the routine opportunity for me to influence policy in this area? Marcus K does a good job as PH but there is no Cllr group or working party around him, just the relevant officers. So beyond bending Marcus's ear on an informal basis, what am I supposed to do. I could table issues at LD group meetings, but what about the 29 or so cllrs who are not Lib Dem's?
- Unfortunately, where an unbalance situation exists there is a tendency to marginized any help offered as coming from other motives particularly those coming from outside the current majority party. This does a disservice to not just other members but also to the public at large not just those who voted for them or not. It is very difficult in these circumstances to influence policy and the decision-making process; a good example of how this is played out in practice is the make up of the members on the investment board. Initial discussions made it clear the make up of the board would not include any members outside the Executive although this by far one of the most important functions of this council. However after a lot of lobbying a concession was made to have a non-voting member included on the board but they were not able to vote - why.? It was make clear that any member outside the Executive was not trusted to vote in line with

the other members and concerns maybe raised by the non-exe member and delay the proceedings consequently although an outside the Executive could attend the board they could not vote. This attitude does not encourage engagement in the policy and the decision-making process hence the lack of participation.

- Yes. I do to some extent but I am part of the Executive. When I was a backbencher I did not really understand how the Council worked or how decisions could be influenced and made but that is clearer to me now. Were I to be campaigning or particularly passionate about a particular issue or matter I think that my path to get that issue dealt with would, as a backbencher, be far more difficult notwithstanding that I am in the majority party for the time being. I think some experienced Cllrs were used to dealing directly with officers of the previous Council and that they feel much less effective with new officers that they do not know. I think that this has compounded the problem of disaffection with the current system.
- I haven't answered question 4 because none of the answers really fit for me. I can influence the decision-making process in that, as part of the ruling group, I can vote in Group meetings, and of course I can vote in Full Council. However, there will be times when my vote will be influenced by Group loyalty. There have been times when I have shaped policy but on the whole I feel more as if my role is one of scrutinising decisions that come to me fully formed. I have made suggestions which have not been taken up but I am well aware that too often members push for their own areas of interest without awareness of the big picture.
- Comments as follows:
  - 1) If decisions are taken by a few Exec Councillors why would I want to be a Councillor?
  - 2) How can I represent those who elected me if I have so little say in the decisions of the Council?
  - 3) As a democrat, I wish to see members of all parties and none have some meaningful say in the decisions of the Council.
  - 4) Why should I support the Council's decisions if I have had no meaningful involvement in them?
  - 5) Why should I have to spend so many hours listening to debates about details of Council activities in which I have little interest and which are not relevant to those who elected me, and yet not have say in those issues which do ?
  - 6) I would like the time I spend on Council work to be relevant to those issues which are most relevant to me and my electorate and make my contribution effectively and efficiently, preferably on issues about which I have some expertise.The current system does not do that
- Not enough. As per answers above, the Executive system puts too much emphasis on the few and does not empower the rest. This permeates into the whole organisation and results in an authority that does not always respect the importance of those democratically elected yet not at the top table.

- Yes but not as much as I would like. I have found the briefings provided to councillors a great benefit and grateful to James/others from introducing these. I do my best to attend all, and the timings of these are good. Sometimes I wonder if a greater range of options might need to be presented at these briefings though, as sometimes it feels like a decision has already been made and therefore we are just being told what has been done/is going to happen. I also feel that again if there were a committee system more input to come to the right decision could be achieved. I am often surprised at some of the comments statements that happen in Full Council when those ideas and details could have perhaps been addressed in an earlier stage. With regard to my earlier suggestion of a skills audit and interests audit I think this would also allow for councillors to really contribute in key areas they have knowledge and interest. Though recognising there will always be less interesting areas that will still need councillor time, and we cannot all be deployed on the key areas. Overall I think there could be more collaboration which would I think bring about more ownership from councillors.
- We started off well post election, lots of working together etc. Now this has lessened considerably. Involvement of the opposition parties is important. We have some excellent councillors, their opinions and ideas should be sought.
- As above in question 1/2 all I done at present is to vote on decisions put forward by executive and officers with no input at all and very little chance to challenge the decisions I feel are weak or not in the best interests of the people that elected myself. I have over the last year questioned why am I wasting my time being a councillor if no one is prepared to listen or take notice. It's not always wise to go with those that shout the loudest be they councillor or officer.
- I feel I know how to ask the right questions and can approach pfh s direct with ideas
- I know who to speak to on any issue.
- Most unlikely - Being a member of a minority group
- Democratic path offers plenty of opportunity for involvement of members.
- If you're not part of a deliberative process, but are presented with limited choices already determined by vote within the ruling group there are limited opportunities to have an impact on decisions.



**Appendix 2 – Review of other Council Governance Arrangements**

<b>Name of Council</b>	<b>System/Structure of Governance</b>	<b>Political Makeup</b>	<b>Reasons for change</b>	<b>Population size</b>	<b>Demographics</b>	<b>Sparse Member?</b>
Plymouth City Council (Unitary)	No Change – operate Executive arrangements. Have cabinet of 10, 4 Scrutiny Committees and other Committees, Boards and Panels	57 Councillors – 30 Labour, 17 Conservative & 10 Independent	Didn't change. Review design principles were open and transparent, accountable, responsive, inclusive, clear, flexible and best for Plymouth. Decided that Strong Leader Model was the most efficient for decision making. Decided to develop the Executive model instead of changing arrangements.	262,100	Urban Unitary Council Area of 30.82 sq miles (79.83 sq km)	No
Lancashire County Council	No Change – operate Executive arrangements. Have a Cabinet of 8, 4 Scrutiny Committees and other Committees Have Cabinet Committees and Working Groups, 5 x Champions (Older People, Young People, Parishes, Disabled People and Armed Forces and Veterans) and 5 x Lead Members (Young People, Health & Adult Services, Highways and Transport, Cultural Services and HR & Property)	84 Councillors – 44 Conservatives, 30 Labour, 5 Independents and 4 Liberal Democrats Currently have 1 vacancy	Didn't change. A Working Group gathered evidence and presented three options to the Council in December 2014 – these were Cabinet Model, Hybrid Model and Committee Model. The presented the advantages and disadvantages of each model. The Working Group felt there was a significant issues in relation to the Committee system of balancing the need to keep decision making efficient and streamlined, and yet to ensure there were sufficient meetings in the calendar. A motion was put to the Council by the Leader to retain the Cabinet system. However the Working Group was retained and a report went to AGM in May 2015 to consider changes to the governance arrangements.	1,219,799	Area of 1,187 sq miles (3,075 sq km) Covers Blackburn with Darwen, Blackpool and Lancashire	Yes
Derby Council (Unitary)	No Change – operate Executive arrangements. Have a cabinet of 8, Scrutiny Boards and Scrutiny Review Boards and other Committees. Also have Neighbourhood Boards, Neighbourhood Forums and Ward Committees	51 Councillors – 19 Conservatives, 4 Independent, 2 Labour & Co-operative, 13 Labour, 8 Liberal Democrat and 5 Reform Derby	Didn't change. Local news reported a heated debate on the subject at the Council meeting in January 2020. Administration pushed through decision to remain with Executive arrangements as the Working Group couldn't reach a decision after two years work on alternative arrangements.	257,302	Urban Unitary Council Area of 30.13 sq miles (78.03 sq km)	Yes
Isle of Wight (Unitary)	No Change – operate Executive arrangements. Have a Cabinet of 10, 4 Policy and Scrutiny Committees and other regulatory Committees and Boards	40 Councillors – 24 Conservatives, 8 The Island Independents Group, 2 Liberal Democrats, 2 Independent Members Group, 2 Island Independent Network and 2 Independent	Didn't change. The motion for reviewing the governance arrangements was tabled by a Councillor in the run up to an election (March 2017) so the Council decided not to consider it. Felt it was more appropriate for the matter to be considered after the election – doesn't appear to have been re-tabled yet. The issue appears to have been the Executive model not being designed for a 'no overall control' Council	141,771	Unitary Council Area of 146.80 sq miles (380.20 sq km)	Yes
North Somerset (unitary)	No Change – operate Executive arrangements. Have a Cabinet of 10, 6 Policy and Scrutiny Panels and Regulatory Committees	50 Councillors – 16 Independent, 13 Conservative, 11 Liberal Democrat, 6 Labour and 3 Green Currently have 1 vacancy	Didn't change. In 2012 a Councillor laid a motion for a change from Cabinet to Committee system but it was defeated.	215,052	Unitary Council – mostly rural in nature Area of 144.30 sq miles (373.80 sq km)	Yes

**Appendix 2 – Review of other Council Governance Arrangements**

<b>Name of Council</b>	<b>System/Structure of Governance</b>	<b>Political Makeup</b>	<b>Reasons for change</b>	<b>Population size</b>	<b>Demographics</b>	<b>Sparse Member?</b>
Thanet District Council	No Change – operate Executive arrangements. Cabinet of 5, 1 Overview and Scrutiny Committee, Regulatory Committees and a number of Advisory Groups and Working Groups	56 Councillors – 25 Conservative, 18 Labour, 7 Thanet Independents, 3 Green and 2 Independents. Currently have 1 vacancy	Didn't change. A motion was put to Full Council on 10 July 2014 but the Council voted not to debate it.	141,922	Area of 39.90 sq miles (103.30 sq km)	No
Chelmsford City Council	No Change – operate Executive arrangements. Cabinet of 5 plus 5 Cabinet Deputies (support Cabinet Members with specific areas of responsibility. Have 10 members of a Shadow Cabinet (from two opposition groups) Have 1 Overview and Scrutiny Committee and Regulatory Committees	57 Councillors – 30 Liberal Democrats, 21 Conservatives, 5 Chelmsford Independents Group Currently have 1 vacancy	Didn't change. A motion went to Council on 16 <sup>th</sup> July 2019 requesting that the Council went back to a Committee system. The reasons argued were that it widened decision making and was a constructive and transparent way to get things done. Other speakers suggested that the Cabinet system could take several different forms and be just as inclusive as a Committee system. An amendment was put and the resolution made was 'This Council will have a more open governance system where all councillors will input into formulating both key decisions and strategic policies of the City Council, and the Officers of the Council will take most of the day to day decisions about the running of the Council and provision of service. Any other proposals for amending the governance system will be brought to the Governance Committee.' No discussions appear to have taken place at the Governance Committee since this meeting	178,388	Area of 130.80 sq miles (338.80 sq km)	No
Cambridge City Council	No Change – operate Executive arrangements. Executive of 8, 4 Scrutiny Committees and Regulatory Committees. They also have 4 Area Committees which are made up of the relevant Ward Councillors and they make decisions about local issues	42 Councillors – 25 Labour, 12 Liberal Democrats, 1 Independent Currently have 4 vacancies	Didn't change. Considered a report and resolved to take no action	124,798	Area of 15.71 sq miles (40.70 sq km)	No
West Sussex County Council	No Change – operate Executive arrangements. Executive of 9, 5 Scrutiny Committees and a number of Regulatory Committees. Also have 11 County Local Committees covering Ward patches – aim of involving the public in decision making	70 Councillors – 51 Conservatives, 8 Liberal Democrats, 4 Labour, 4 Independents and 2 Independent Conservatives Currently have 1 vacancy	Didn't change. A motion was put before Council but was defeated	863,980	Area of 769.00 sq miles (1,991.00 sq km)	Yes

**Appendix 2 – Review of other Council Governance Arrangements**

<b>Name of Council</b>	<b>System/Structure of Governance</b>	<b>Political Makeup</b>	<b>Reasons for change</b>	<b>Population size</b>	<b>Demographics</b>	<b>Sparse Member?</b>
Fenland District Council	No Change – operate Executive arrangements. Cabinet of 10, 1 Scrutiny Committee and a number of Regulatory Committees	39 Councillors – 25 Conservatives, 10 Independent, 2 Liberal Democrats and 1 Green Currently have 1 vacancy	Didn't change. Motion put forward by one Councillor and it was heavily defeated due to the Council having more important priorities to address	101,850	Area of 211.00 sq miles (546.50 sq km)	No
Cornwall County Council	No Change – operate Executive arrangements. Cabinet of 10, 6 Overview and Scrutiny Committees, a number of Regulatory Committees and a number of Scrutiny Inquiries and Task and Finish Groups	123 Councillors – 43 Conservatives, 34 Liberal Democrats, 32 Independent, 4 Labour, 4 Mebyon Kernow, 3 Independent Alliance and 2 Non aligned Currently have 1 vacancy	Didn't change. Governance arrangements were considered when Cornwall became a Unitary Council. Established an independent governance commission which looked at the proposals in more detail. This has resulted in adopting an informal approach which looks more like a hybrid system – Cabinet plus.	569,578	Area of 1,369 sq miles (3,546 sq km)	Yes
Bristol City Council (Unitary)	No Change – operate directly elected Mayor plus Executive arrangements. Cabinet of 10, a number of Scrutiny Commissions, Committees and Boards. Have a number of Regulatory Committees. Also have 6 Area Committees and a Member Forum Committee.	Mayor plus 70 Councillors – 36 Labour, 14 Conservatives, 11 Green and 9 Liberal Democrats. Currently have 1 vacancy	A referendum for a directly elected Mayor was held. Some Councillors were hopeful of a 'no' vote enabling a move back to a Committee system. However the result of the referendum was 'yes'.	463,377	Area of 42.40 sq miles (109.70 sq km)	No
London Borough of Sutton	Committee System – 5 Committees plus two Boards, 1 Scrutiny Committee, number of Regulatory Committees and 6 Local Committees	54 Councillors – 33 Liberal Democrats, 18 Conservatives and 3 Sutton Independent Residents	To enable a consensual approach to policymaking with a greater number of Councillors to be involved with policy formulation and assessment over a wider range of responsibilities than under the Executive system.	206,349	Area of 16.93 sq miles (43.85 sq km)	No
Nottinghamshire County Council	Committee System – 6 Committees, 1 Scrutiny Committee and a number of Regulatory Committees	66 Councillors – 32 Conservatives, 22 Labour, 6 Ashfield Independents, 4 Mansfield Independents, 1 Liberal Democrat and 1 Independent The Council is currently governed by a coalition of the Conservative Party and Mansfield Independents	Moving to the Committee system was a manifesto commitment of the Conservative party	332,900	Area of 28.81 sq miles (74.61 sq km)	Yes
Brighton and Hove City Council (Unitary)	Mayor plus Committee System – 5 Policy Committees, 1 Overview and Scrutiny Committee for Health, several Regulatory Committees.	54 Councillors – 19 Green, 18 Labour, 13 Conservative and 4 Independents	Had problems with an Executive system due to no overall control and the largest minority party making most of the key decisions. Moved back to Committee system in 2012 as felt to be the most open, democratic and accountable system for the political makeup – despite the	290,885	Area of 31.97 sq miles (82.79 sq km)	No

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
			decision making process being too slow and sometimes agreements being hard to reach. Currently considering reviewing it again as there is a view that the Council's committee system is not fit for purpose and doesn't allow for timely decision making.			
London Borough of Barnet	Mayor plus Committee System – 8 Committees, 3 Area Committees, 1 Health Overview and Scrutiny Committee and a number of Regulatory Committees	63 Councillors – 38 Conservatives, 24 Labour and 1 Independent.	To enable Members to shape Council policy and to be more inclusive	395,869	Area of 33.49 sq miles (86.75 sq km)	No
Hartlepool Borough Council (Unitary)	Committee System – 5 Policy Committees, 2 Neighbourhood Forums and a number of Regulatory Committees. From May 2013 has operated as a Committee system with a Leader and Ceremonial Mayor	33 Councillors – 6 Hartlepool Independent Union, 6 Independents, 6 Labour, 4 Conservatives, 4 Socialist Labour Party, 2 Putting Seaton First, 1 For Britain Movement and 1 Veterans and People's Party Currently has 3 vacancies	A petition was submitted requesting a referendum to remove the executive Mayoral role – local people approved a move to a Committee System	93,663	Area of 36.12 sq miles (93.56 sq km)	No
Reading Borough Council (Unitary)	Committee System – 4 Committees and 2 Sub-Committees and a number of Regulatory Committees	46 Councillors – 26 Labour, 10 Conservatives, 4 Green, 4 Labour and Co-operative and 2 Liberal Democrats	Concerns with how the Scrutiny of the Council was working therefore wanted to reinstate a form of Committee system. Requirements were that it didn't cost any more than the Executive system, must be more transparent and allow the public to better engage with the Council. They did not wish to reintroduce the old style of Committee system but a committee structure that was fit for purpose	161,780	Area of 15.60 sq miles (40.40 sq km)	No
London Borough of Kingston upon Thames	Committee System – 6 Strategic Committees, 4 Neighbourhood Committees and 3 Neighbourhood Sub-Committees, 1 Scrutiny Panel and 1 Health Overview and Scrutiny Panel and a number of Regulatory Committees. Whilst they have Committees they still have a Leader and 8 Portfolio Holders	48 Councillors – 37 Liberal Democrats, 9 Conservatives and 1 Green Currently have 1 vacancy	Introduced Committee system in 2012. Felt that some aspects of the old Committee system had worked relatively well in the past so wanted to move to Committee arrangements. The Council had called for a more democratic style of decision making which would increase the involvement of Councillors.	177,507	Area of 14.39 sq miles (37.26 sq km)	No
Cambridgeshire County Council	Committee System – 8 Policy and Service Committees, Health Scrutiny Committee and a number of Regulatory Committees	61 Councillors – 35 Conservatives, 16 Liberal Democrats, 6 Labour, 2 Independent and 2 St Neots Independent Group	Wished to change to encourage more open democracy and to allow more Councillors to participate in the debate. The effectiveness of the new arrangements were reviewed in 2014 and the feedback was that it had transformed decision making, enabling the diverse viewpoints and needs of their communities to	653,537	Area of 1,310.00 sq miles (3,390.00 sq km)	No

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
			be more involved in the detail and the way decisions are made. The 2015/16 business plan has been developed with “closer and stronger cross party political engagement”			
Wirral Metropolitan Borough (Unitary)	Committee System – 8 Policy and Services Committees, 1 Health and Wellbeing Board and a number of Regulatory Committees	66 Councillors – 31 Labour, 20 Conservatives, 6 Liberal Democrats, 3 Independents and 2 Green. Currently have 4 vacancies The Council is governed by a minority Labour administration	Members wanted to adopt a “more democratic” model of governance and to weaken the power of the Council’s Leader and Cabinet. Opposition Councillors suggested that bad decisions were being made without proper Scrutiny. The ruling administration did not vote in favour of this change but were outnumbered by the opposition groups. Conservative Group leader felt that the Cabinet arrangements did not endear people to work collaboratively Council faced some negative press coverage over the potential financial cost of between £70,000 and £200,000 of implementing the change of structure	324,011	Area of 60.60 sq miles (157.00 sq km)	No
Basildon District Council	Committee System – 6 service committees, 4 Sub-Committees and 3 Regulatory Committees Moved to Committee System in May 2017	42 Councillors – 20 Conservatives, 15 Labour, 4 Independent Group, 2 Wickford Independents and 1 Non aligned Independent	Wanted most decisions on Council functions to be dealt with by politically balanced committees subject to the general oversight of the Council. No individual Member of the Council has decision making powers – collective decision making.	187,199	Area of 42.50 sq miles (110.00 sq km)	No
Arun District Council	Currently operating as a Cabinet System but resolved to move to a Committee System from May 2021 (15 <sup>th</sup> January 2020). Latest draft suggests that there will be 6 Service Committees and 4 Regulatory Committees	54 Councillors – 21 Conservatives, 18 Liberal Democrats, 7 Independents, 2 Arun Independent Group, 2 Greens, 2 Independents and 1 Labour Currently 1 vacancy	Changes due to go live in May 2021. Contentious decision where some Councillors felt that it was being rushed and didn’t have enough information or assurance as to how the new system would operate. Wanted to make their decisions better for residents and giving councillors a greater say in those decisions. Strengthen the link between residents and their local Councillors. Feeling that cabinet members had been able to hide at distance from the local community. It was also suggested that the council’s culture was wrong rather than the organisation.	160,758	Area of 85.30 sq miles (220.90 sq km)	No
Worcester District Council	Committee System – 3 Committees and a number of Regulatory Committees	35 Councillors – 16 Conservatives, 15 Labour, 3 Green and 1 Liberal Democrat	A motion was carried in November 2016 to change to the Committee system, citing the Council’s political contestability and suggesting that the Committee system would make it easier to manage a Council over no overall control	101,222	Area of 12.85 sq miles (33.28 sq km)	
Stroud District Council	Committee System – 6 Committees which also incorporate the Regulatory functions	51 Councillors – 20 Conservatives, 15 Labour, 9 Green, 2 Liberal Democrat, 1 Conservative (no Group) and 3 Independents. Currently 1 vacant seat.	The current Leader and Executive model had excessive delegation and decisions were made by only a few Members. He wanted more Members to be engaged in the decision making process and more public involvement	119,964	Area of 177.90 sq miles (460.7 sq km)	Yes

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
		Council is led by a cooperative alliance of the Labour, Green and Liberal Democrat parties	eg by watching the webcast, attending meetings or submitting questions.			
Newark and Sherwood District Council	Committee System – 4 Committees and 4 Regulatory Committees	39 Councillors – 27 Conservatives, 7 Labour, 3 Independents and 2 Liberal Democrats	In 2012 the Council was no overall control and this caused problems with decision making hence the decision to move back to a Committee structure.	122,421	Area of 251.50 sq miles (651.30 sq km)	Yes
Great Yarmouth Borough Council	Committee System came into effect from May 2016. 4 Committees and 4 Regulatory Committees	39 Councillors – 20 Conservatives, 15 Labour, 3 Independents and 1 UKIP	There were debates about switching to Committee system and the costs involved so they were keen to fit the system to the budget. Reason for change was two examples of where back bench Members felt that decisions had been made without debate relating to a local ice rink and the sacking of the previous CEO. Non Executive Members felt this would not happen under a Committee system.	99,336	Area of 67.40 sq miles (174.50 sq km)	No
Kent County Council	Hybrid – Have Executive plus model. Executive of 10, 6 Cabinet Committees which shape policy and make recommendations to the Executive, 1 Scrutiny Committee plus 4 health related Overview and Scrutiny Committees and a number of Regulatory Committees. Also have a number of Select Committees that arise from the work of the Scrutiny Committee	81 Councillors – 65 Conservatives, 7 Liberal Democrats, 5 Labour, 1 Independent, 1 Green, 1 Independent Swanscombe and Greenhithe Residents Association and 1 Swale Independents	It was felt that Members skills and knowledge acquired from vocational and life experience was not fully utilised under Executive arrangements. Hybrid arrangements proposed to strengthen policy development, more robust decision making and greater accountability of decision makers. Key outcome to make decision making process more open and transparent. Cabinet Committees will provide an important contribution to policy development. Key objectives were to: <ul style="list-style-type: none"> <li>• Streamline the committee infrastructure</li> <li>• Make the decision making process more robust and accessible</li> <li>• Provide non-executive Members with the opportunity to shape policies and major decisions</li> <li>• Ensure the impact on the Member's Allowances scheme is cost neutral</li> </ul>	1,581,555	Area of 1,443.00 sq miles (3,738.00 sq km)	No
Oxfordshire County Council	Hybrid – Have Cabinet plus model. Cabinet of 10, 2 Scrutiny Committees and a number of Regulatory Committees. Also have 3 Cabinet Advisory Groups which examine topics selected by	Councillors – 29 Conservatives, 13 Liberal Democrats, 11 Labour, 3 Independents (part of Conservative Independent Alliance), 3 Independent non grouped, 3 Labour and Co-operative and 1 Green	A motion was put before the Council by the opposition to bring about greater engagement and savings. More like traditional leader-Cabinet model. Cabinet establishes a range of time limited “advisory groups” to provide advice and guidance on developing policy.	691,667	Area of 1,006.00 sq miles (2,605.00 sq km)	No

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
	the Cabinet which align to the Corporate Priorities	Operate with a Conservative Independent Alliance				
Sevenoaks District Council	Hybrid – Cabinet plus model. Cabinet of 6 plus 6 Advisory Committees as per the Cabinet Portfolios (undertake work on policies and submit recommendations to Cabinet) Also have 1 Scrutiny Committee and a number of Regulatory Committees	54 Councillors - 46 Conservatives, 3 Independents, 3 Liberal Democrats, 1 Labour and 1 Ungrouped	Concerns around the lack of inclusion in policy initiation and development. Opted for this model to improve this	120,750	Area of 142.50 sq miles (369.20 sq km)	Yes
Tunbridge Wells Borough Council	Hybrid – Executive plus model. Executive of 5, 3 Cabinet Advisory Boards, 1 Overview and Scrutiny Committee and a number of Regulatory Committees	48 Councillors - 28 Conservatives, 9 Liberal Democrats, 4 Labour, 4 Tunbridge Wells Alliance and 2 Independent Currently have 1 vacancy	The change was made in April 2012. It stemmed from the Leader of the Council being concerned that the current Cabinet structure: <ul style="list-style-type: none"> <li>• Provided for a disconnect between Cabinet Members and the wider membership of the Council</li> <li>• Led to a reduction in open discussion of key decisions and reduced transparency</li> <li>• Led to an over emphasis on post decision scrutiny</li> <li>• Increased distrust with the public and the local media</li> <li>• Created a confusing system of member working groups that were not transparent and open</li> </ul> <p>What were the aims of the review?</p> <ul style="list-style-type: none"> <li>• Greater involvement of non-executive members in the development of Cabinet decisions</li> <li>• Basic principle that all key decisions will be discussed and developed by the relevant Advisory Board prior to a decision by Cabinet</li> <li>• Provide for greater participation and greater ownership of Council decisions</li> <li>• Reduce the number of call-ins</li> </ul>	118,724	Area of 127.90 sq miles (331.30 sq km)	Yes
London Borough of Wandsworth	Hybrid – Executive plus model. Executive of 9, 6 Overview and Scrutiny Committees and a number of Regulatory Committees	60 Councillors – 33 Conservatives, 26 Labour and 1 Independent	To increase Member involvement in shaping policy.	329,677	Area of 13.23 sq miles (34.26 sq km)	No
York City Council (Unitary)	Hybrid – Executive plus model. Executive of 10, 6 Policy and Scrutiny Committees, a number of Scrutiny Review Task	47 Councillors – 21 Liberal Democrats, 17 Labour, 3 Green, 2 Conservative, 2 York Independent Group and 2 Independent	The Council used the change of Legislation in the Localism Act 2011 to consider its arrangements and how decisions are made. Local people need to be confident that such decisions are evidence based and considered openly and accountably.	210,618	Area of 105.00 sq miles (271.90 sq km)	No

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
	Groups, and a number of Regulatory Committees. They also have 21 Ward Committees and Executive Member Decision Making Sessions which are public meetings and formally minuted		Wanted Members to more involved in aspects of policy development.			
Guildford District Council	Hybrid – Executive plus model. Executive of 8, 2 Executive Advisory Boards, 1 Overview and Scrutiny and a number of Regulatory Committees	48 Councillors – 17 Guildford Liberal Democrats, 16 Residents for Guildford and Villages, 4 Conservatives, 4 Conservatives Independent Group, 3 Guildford Greenbelt Group, 2 Labour and 1 Independent. Currently have 1 vacancy	The council considered change options by way of a scrutiny review, which also involved an independent person. The review took evidence in public, including from a local campaign group. It recommended the adoption of hybrid arrangements. The review highlighted the value of increased councillor involvement in decisions. The need for increased public awareness of both the Council's governance arrangements and the role of councillors was called for. However the review group was against a formal change from a leader and executive model.	148,998	Area of 104.60 sq miles (270.90 sq km)	No
London Borough of Richmond upon Thames	Hybrid to Committee – 5 Committees, Policy and Performance Review Board and a number of Regulatory Committees	54 Councillors – 39 Liberal Democrats, 11 Conservatives and 4 Green	Felt that Executive arrangements were not involving Members in shaping policy and the decision making process. In May 2018 they adopted a hybrid style pre-decision arrangement where a new set of committees was set up to mirror council directorates and consider decisions before they came to be made by Cabinet. In May 2019 moved to Committee System following a motion.	198,019	Area of 22.17 sq miles (57.41 sq km)	No
Cheshire East (Unitary)	Hybrid to Committee? Currently they have a Cabinet of 10, 4 Overview and Scrutiny Committees and a number of Regulatory Committees	82 Councillors – 32 Conservative, 24 Labour, 17 Independent Group, 4 Liberal Democrats, 2 Real Independents and 2 non grouped	The council resolved to adopt a committee system form of governance in May 2019. The original plan was to adopt the committee system from May 2020, but this was delayed following detailed study of the issues by the Council's constitution committee. Members and officers continue to consider the final design of a new system in detail.	384,152	Area of 450.00 sq miles (1,166.00 sq km)	Yes
South Gloucestershire (Unitary)	Committee then back to Leader-Cabinet. Have an Executive of 8, Health Scrutiny Commission and a number of Regulatory Committees	61 Councillors – 32 Conservatives, 17 Liberal Democrats and 11 Labour. Currently have 1 vacancy	Early adopter of moving to Committee structure in 2012 but moved back to the Executive arrangements after the 5 years had passed in 2017. It was felt that Executive arrangements better reflect the political reality of a majority council.	285,093	Area of 191.90 sq miles (496.90 sq km)	No

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
			The operation of executive arrangements provides an opportunity for more streamlined and efficient decision making.			
Norfolk	Committee then back to Leader-Cabinet. Cabinet of 10, 1 Scrutiny Committee, and a number of Regulatory Committees. They also have 3 Select Committees	84 Councillors – 54 Conservatives, 16 Labour, 9 Liberal Democrats, 3 Independents and 1 non-aligned Independent. Currently have 1 vacancy	Early adopter of moving to Committee structure in 2012 but moved back to the Executive arrangements after the 5 years had passed in 2019. Looks like the changes were made following a peer review and due to moving from no overall control to a Conservative majority.	907,760	Area of 2,080.00 sq miles (5,380.00 sq km)	Yes
Melton Borough Council	Committee to Executive - Cabinet of 5, Scrutiny Committee and a number of Regulatory Committees	28 Councillors – 20 Conservatives, 6 opposition and 2 Independents	Moved from the old style Committee System to Leader and Cabinet Model to support the Council's ambitions and to become a more agile and commercial council. This is a key component of realising the Council's commercial and wider ambitions to have a quick and efficient decision making process.	51,209	Area of 185.90 sq miles (481.4 sq km)	Yes
Swale District Council	Under consideration Currently operating Executive arrangements. Cabinet of 7, 1 Scrutiny Committee, a number of Regulatory Committees and 4 Area Committees	47 Councillors – 16 Conservatives, 11 Labour, 10 Swale Independent Alliance, 4 Independents, 3 Liberal Democrats, 2 Green and 1 UKIP	The Council has considered a change in governance alongside a wider constitutional review. Changes to area committees were taken forward, but further discussion of future governance models was deferred after having been discussed by councillors in July 2019. Discussing the objectives of a constitutional review, councillors considered that clear lines of demarcation, involving more Members in decision-making; timeliness of decision-making; working more effectively with the public; the additional burden on officer time and the costs of a new system were all of importance. They also considered that maintaining a strong role for scrutiny was important.	150,082	Area of 144.60 sq miles (374.5 sq km)	No
York City Council (Unitary)	Under consideration – see above	See above	Currently operating Hybrid arrangements (see above). In September 2019 the Council's Cabinet decided to undertake a full review of the Council's formal governance arrangements. However, the Coronavirus pandemic has resulted in no further updates being submitted to the Cabinet.	210,618	Area of 105.00 sq miles (271.90 sq km)	No
Uttlesford	Under consideration Currently operating Executive arrangements. Cabinet of 6, 1 Scrutiny Committee and a number of Regulatory Committees. Also have 2 Cabinet	39 Councillors – 22 Residents for Uttlesford, 5 Liberal Democrats, 4 Conservatives, 2 Greens, 2 Independents and 2 Thaxted and Eastons Independent Group.	A report was presented to Council in July 2019 to establish a member working group, to consider options relating to governance change. The Council's leadership considered that it would be possible to make changes to come into force in May 2020.	91,284	Area of 247.60 sq miles (641.20 sq km)	Yes

**Appendix 2 – Review of other Council Governance Arrangements**

Name of Council	System/Structure of Governance	Political Makeup	Reasons for change	Population size	Demographics	Sparse Member?
	Committees and a number of Cabinet Working Groups	Currently have 2 vacancies	Later in the year, the Working Group resolved that, instead of proposing changes for May 2020, instead a (non-public) “shadow committee” should be established to experiment with cross-party working and decision-making, evaluated through comparison with the authority’s existing governance arrangements.			

Note:  
As a point of reference the area of Somerset West and Taunton is 459 sq miles (1,188 sq km)

## Options for Governance Arrangements

	<b>Option 1 - Current arrangements – Executive Arrangements</b>	<b>Option 2 - Current arrangement (Executive Arrangements) plus minor changes</b>	<b>Option 3 – Committee system (links to Directorate Structure)</b>	<b>Option 4 – Hybrid (links to Directorate Structure)</b>
Structure	<p>Council Executive of 10 Scrutiny Committee (15)</p> <p><u>Regulatory:</u> Audit, Governance and Standards Committee (11) Planning Committee (15) Licensing Committee (15)</p>	<p>Council Executive of 10</p> <p>Policy &amp; Scrutiny Committee (Corporate)</p> <p>Policy &amp; Scrutiny Committee (Community)</p> <p><u>Regulatory:</u> Audit &amp; Governance Committee Standards Committee Planning Committee Licensing Committee</p>	<p>Council</p> <p>Strategy and Resources Committee Internal Operations Committee External Operations and Climate Change Committee Development and Place Committee Housing and Communities Committee</p> <p><u>Regulatory:</u> Audit, Governance and Standards Committee Planning Committee Licensing Committee</p>	<p>Council Executive (max 10) Scrutiny Committee</p> <p>Internal Operations Policy Development Group (PDG) External Operations and Climate Change PDG Development and Place PDG Housing and Communities PDG</p> <p><u>Regulatory:</u> Audit, Governance and Standards Committee Planning Committee Licensing Committee</p>
Political make up	All Committees except the Executive are politically balanced	All Committees except the Executive are politically balanced	All Committees are politically balanced	All Committees except the Executive are politically balanced
Democratic pathway and decision-making	As currently – decision making bodies are Executive and Council	As currently – decision making bodies are Executive and Council	Committees and Council	PDG consider and shape policy and then make recommendations to the

	<b>Option 1 - Current arrangements – Executive Arrangements</b>	<b>Option 2 - Current arrangement (Executive Arrangements) plus minor changes</b>	<b>Option 3 – Committee system (links to Directorate Structure)</b>	<b>Option 4 – Hybrid (links to Directorate Structure)</b>
				Executive (and Council if appropriate)
Special Responsibilities	<ul style="list-style-type: none"> <li>• Chair &amp; Vice Chair appointed by Council annually.</li> <li>• Leader appointed every 4 years</li> <li>• Leader selects Executive Members</li> <li>• Chair of Scrutiny appointed by Council annually</li> <li>• All other Chairs and Vice Chairs appointed annually at first meeting of Committee after AGM (by the Committee Members)</li> </ul>	<ul style="list-style-type: none"> <li>• Chair &amp; Vice Chair appointed by Council annually.</li> <li>• Leader appointed every 4 years</li> <li>• Leader selects Executive Members</li> <li>• Chairs of Scrutiny appointed by Council annually</li> <li>• All other Chairs and Vice Chairs appointed annually at first meeting of Committee after AGM (by the Committee Members)</li> </ul>	<ul style="list-style-type: none"> <li>• Chair &amp; Vice Chair appointed by Council annually.</li> <li>• Leader appointed every 4 years</li> <li>• All other Chairs and Vice Chairs appointed annually at first meeting of Committee after AGM (by the Committee Members)</li> </ul>	<ul style="list-style-type: none"> <li>• Chair &amp; Vice Chair appointed by Council annually.</li> <li>• Leader appointed every 4 years</li> <li>• Leader selects Executive Members</li> <li>• Chairs of Scrutiny appointed by Council annually</li> <li>• All other Chairs and Vice Chairs appointed annually at first meeting of Committee after AGM (by the Committee Members)</li> </ul>
Number of Committees	6	8	9	10
Number of staff	4	5	6	6
Cost of Governance Model	£539,087 See spreadsheet for breakdown	£575,675 See spreadsheet for breakdown	£575,246 See spreadsheet for breakdown	£607,625 See spreadsheet for breakdown

	<b>Option 1 - Current arrangements – Executive Arrangements</b>	<b>Option 2 - Current arrangement (Executive Arrangements) plus minor changes</b>	<b>Option 3 – Committee system (links to Directorate Structure)</b>	<b>Option 4 – Hybrid (links to Directorate Structure)</b>
Difference in cost to current arrangements	£0	£36,588	£36,159	£68,538
Comments	N/A	<p>The addition of an extra Scrutiny Committee would require an additional member of staff to be able to carry out the Committee Support and also the Scrutiny Officer function</p> <p>There would also be additional costs for the Chair of Scrutiny and Chair of Standards</p>	<p>With a Committee system it is likely that the JIRP would include an SRA for the Committee Chairs and also Committee Vice-Chairs</p> <p>For 9 Committees anticipating that 6 members of staff would be needed.</p>	<p>If the size of the Executive was reduced to Leader plus 5 that would save £30,060 from the cost listed above</p> <p>For 10 Committees anticipating that 6 members of staff would be needed.</p> <p>Assumed that PDGs would meet every 2 months i.e. 6 meetings a year. Anticipated SRA allowance to be the same as AGS and Licensing Chairs.</p> <p>If meetings are more regularly e.g. monthly then likely the SRA for Chairs would be the same as Planning &amp; Scrutiny i.e. £4,665</p>



	<b>Option 1 - Current arrangements</b>	<b>Option 2 - Current arrangement plus minor changes</b>	<b>Option 3 – Committee system (links to directorate structure)</b>	<b>Option 4 – Hybrid (links to directorate structure) 4 PDGS</b>
Basic Allowance	£297,596.00	£297,596.00	£297,596.00	£297,596.00
<u>SRAs:</u>				
Chair of Council	£4,665.00	£4,665.00	£4,665.00	£4,665.00
Vice-Chair of Council	£2,346.00	£2,346.00	£2,346.00	£2,346.00
Leader of the Council	£15,889.00	£15,889.00	£15,889.00	£15,889.00
Portfolio Holders	£67,635.00	£67,635.00	N/A	£67,635.00
Chair of Scrutiny	£4,665.00	£9,330.00	N/A	£4,665.00
<u>Regulatory:</u>				
Chair Planning	£4,665.00	£4,665.00	£4,665.00	£4,665.00
Chair AGS	£2,346.00	£0.00	£2,346.00	£2,346.00
Chair Licensing	£2,346.00	£2,346.00	£2,346.00	£2,346.00
Chair Audit & Governance	£0.00	£2,346.00	£0.00	£0.00
Chair of Standards	£0.00	£2,346.00	£0.00	£0.00
Committee Chairs	£0.00	£0.00	£37,575.00	£9,384.00
Committee Vice Chairs	£0.00	£0.00	£11,730.00	£0.00
Staffing	£136,934.00	£166,511.00	£196,088.00	£196,088.00
<b>Total cost</b>	<b>£539,087.00</b>	<b>£575,675.00</b>	<b>£575,246.00</b>	<b>£607,625.00</b>



**Council Governance Arrangements Working Group  
Governance Options Survey feedback**

	<b>Option 1 Executive</b>	<b>Option 2 Exec Plus</b>	<b>Option 3 Committee</b>	<b>Option 4 Hybrid</b>
Councillor 1	-	-	1	-
Councillor 2	-	-	1	-
Councillor 3	4	2	3	1
Councillor 4	-	-	1	-
Councillor 5	-	-	1	-
Councillor 6	2	1	-	-
Councillor 7	-	-	1	-
Councillor 8	-	-	1	-
Councillor 9	1	2	4	3
Councillor 10	1	2	4	3
Councillor 11	-	-	1	-
Councillor 12	-	-	1	-
Councillor 13	1	2	4	3
Councillor 14	2	1	-	-
Councillor 15	2	1	-	-
Councillor 16	2	1	-	-
Councillor 17	1	2	4	3
Councillor 18	-	-	1	-
Councillor 19	2	1	4	3
Councillor 20	-	1	-	-
Councillor 21	-	-	1	2
Councillor 22	3	2	1	4
Councillor 23	-	-	1	-
Councillor 24	-	-	1	-
Councillor 25	2	1	4	3
Councillor 26	4	3	1	2
Councillor 27	-	-	1	-
Councillor 28	3	2	4	1
Councillor 29	-	-	1	-
Councillor 30	-	-	1	-
Councillor 31	3	2	1	4
Councillor 32	-	-	1	-
Councillor 33	-	-	1	-
Councillor 34	-	-	1	-
Councillor 35	-	-	1	-
Councillor 36	2	1	3	4
Councillor 37	1	2	3	4
Councillor 38	1	2	4	3
Councillor 39	-	-	1	-
Councillor 40	2	1	-	-
Councillor 41	-	-	1	-
Councillor 42	2	1	-	-

	<b>Option 1 Executive</b>	<b>Option 2 Exec Plus</b>	<b>Option 3 Committee</b>	<b>Option 4 Hybrid</b>
Councillor 43	2	1	-	-
Councillor 44	1	-	-	-
Councillor 45	1	-	-	-
Councillor 46	4	3	1	2
Councillor 47	-	-	1	-
Councillor 48	-	-	1	-
Councillor 49	1	2	4	3
Councillor 50	1	2	4	3
Councillor 51	-	-	1	-
Councillor 52				
Councillor 53				
Councillor 54				
Councillor 55				
Councillor 56				
Councillor 57				
Councillor 58				
<b>TOTAL</b>	10	11	28	2

Note\* - As Cllr Hill has resigned with immediate effect the number of SWT Cllrs is 58  
The listing above has been done in a random order so as to ensure that responses are anonymous.

In terms of Member's first preference the totals are:

- Executive/Executive plus = 21
- Committee System = 28
- Hybrid System = 2
- 7 Councillors have not yet responded.

If you remove Hybrid as the least favoured option (and consider the two Councillors second option) the figures then become:

- Executive/Executive plus = 23
- Committee System = 28
- 7 Councillors have not yet responded.

In terms of the option that people classed as their least favourite i.e. score of 4, the figures are, as follows:

- Executive/Executive plus = 3
- Committee System = 10
- Hybrid System = 4
- 34 Cllrs declined to rank an option as their least preferred option.
- 7 Councillors have not yet responded.

## Comments

### **General**

My last choice would be to go back to the old Committee system, a time consuming Committee process which would not expedite decision making. The third choice (Hybrid) although more expensive could I believe bring some benefits in decision making and understanding.

I have also sent in the circulated form for completeness. However I wish that the attached be registered with all members of the working group as my survey response.

As we are the life support stage of SWT, I think that option 1 and 2 are the most pragmatic taking on board external issues and public perception.

My ultimatum view is a compromise of systems, albeit I am wary of the implications on staff time. If the constitution can be amended to allow the constitution to be changed anytime in the year, i.e. on governance arrangements, my preference of options remain. However, if this is not the case and the change of system would need to be voted on by May, which for me would be vastly inadequate preparation time, I would switch my first and second preference around. The crucial flaw in Option 3 is a lack of leadership.

My vote is for The third choice with Committee system it allows greater involvement by all councillors. I'm not saying the current system is no good but that personally we could do better I don't see any value in the fourth option to me it just appears bureaucratic

I think in an ideal world I'd be supporting a hybrid system, but based on the costs shown I think that's a non starter. I would also theoretically support an additional Scrutiny committee as our current agendas are regularly over burdened. However, as there are only two years left for the lifespan of this Council I see no benefit in changing the current system and will therefore support that option. I believe this whole exercise has been unnecessary and has needlessly used valuable resources in your governance team.

I am mindful that in order for Council decisions to have a proper basis which cannot be legally challenged, the system that gives rise to them has to be grounded in a formally adopted Constitution. Members have to accept that they cannot adopt a new system on the hoof, but that the Constitution will have to be changed and adopted first before any new system can operate; and we have to accept that as a process that cannot be rushed. The elephant in the room remains FOLGIS. It seems to me a monumental waste of Officer time and resources to be making changes that might only last for a few months.

Final comment. As unitary appears to be Central Government's preferred option in just over 2 years I find this whole operation pointless and a waste of officer time.

Expensive change shortly before moving to a new Unitary Council(s) is an unwise use of resources.

Sorry am not bothering to rank – option 3 all the way - none of the other options have ANY merit. If we are going to do governance reform, as we must, let us do it properly. I would not underestimate the urgent need for change – many of us new

councillors feel completely disillusioned, we feel we are prevented from doing our jobs effectively in serving our communities by the rotten governance system where a group of 9-10 hog power and ignore the rest. The democratic deficit is appalling!!!!

I appreciate we've been asked for to rank the options, however the only option I would choose is option 3. To rank the remaining options would be misleading, as I wouldn't vote for them. My only concern is the cost of changing systems (officer time) with Unitary becoming a reality in May next year.

The existing arrangement seems on the face of it to be the preferred option, it does suffer from the closing down and stifling of discussion from the majority party particularly if the Council Chair is from that same party. It would seem to me that any change at the current time would bring unnecessary expensive change on the very eve of moving to a new Unitary Council(s) a complete waste of money and time.

### **Option 1 – Executive arrangements i.e. staying as we are**

As we are the life support stage of SWT, I think that option 1 and 2 are the most pragmatic taking on board external issues and public perception.

I do not like the Exec system because it favours political parties by allowing a small cabal of Councillors in a ruling group to dominate a Council and stifle debate. Under the Exec system backbench and opposition Councillors have little opportunity to get involved and are little more than voting fodder.

Too little engagement with wider membership on key decisions, resulting in limited perspectives and narrow decisions.

I believe that having an executive does allow for simple representation for the different functions for the public and press. It also allows for Mundane or emergency decisions to be made more easily. However it can mean decisions that would interest councillors and the public in ways that are unexpected can be decided without consultation.

The current system is not democratic. Many members feel disenfranchised and unable to be involved in the decisions which affect the electorate who put their trust in them to act on their behalf.

We can't stay as we are

The present system doesn't allow non-Exec councillors enough influence in decision making. Officers and the Executive decide on proposals and then present to Full Council, often without sufficient notice, and the chance to amend and fully understand what is being proposed. There aren't enough committees and one committee, Licensing, rarely ever meets.

In my view the current arrangements are the most efficient and accountable so far devised to run a Political Authority (which SWAT is likely to remain).

We should move away from any option involving a one-party Executive or Cabinet. Having a one-party Executive is a hindrance to the fair and efficient operation of the council. It compounds the problems of the unfair first past the post voting system by allowing a minority to run the council. These tensions increase in councils, such as SWT, where the largest group hold a small majority of the seats. More groups and councillors should be genuinely involved in decisions, which is likely to lead to more factors being taken into account and better decisions taken. The Executive system has many other problems, including a lack of transparency and a blurring of accountability between officers and portfolio holders, with many decisions apparently being taken behind closed doors. Because Portfolio Holders are firstly chosen because of their party colours, some appear to lack competency in doing the job, which is bad for the council and the communities we serve

Best option

This simply is not getting the best out of elected councillors and their knowledge of their community's and their own expertise and skills.

Don't feel this is working as well as it might. Insufficient buy in from councillors.

Although as a party we would like a committee system I don't think this is practical in the time left before unitary so I would be willing to stay as we are.

I personally think we should just leave things as they are. We have more than enough to deal with right now without having to waste officers' time on this when who knows what will be happening later this year and into next.

I think option 1 has served the council very well.

Being this close to a new kind of administration ie unitary we should be focusing our time money and officers on the future of democracy not on changing something that may only be in existence for 1 year

This would be completely unacceptable. Lib Dems took control of SWT on basis of a manifesto which committed to introducing a modern committee system. The current arrangements mean councillors outside the Executive are little more than 'window-dressing'/ 'useful idiots' rather than able to exercise any real power or involvement and this in turn impacts on the quality of decisions and public policy interventions. Anything that retains powers in the hands of Leader and handpicked bods is a NO GO in my book.

This arrangement is fairly effective and agile but it has led to complaints about the joint audit & governance scrutiny being overworked.

The system has only got to last 2 years until unitary, it is cheap and all understand how it works. To change to any other system will be more expensive and take at least a year to get it to run smoothly.

The only viable option in my view is the introduction of a Full Committee system no later than April 2021. The Executive arrangement is not working for most Councillors

and should be terminated as soon as possible and the Committee system introduced with immediate effect.

The current system needs updating to make sure All councillors views are taken into consideration.

The current system is not sustainable, whereby an individual makes a decision and the rest have to follow.

It's hard to keep most cllrs motivated and engaged when they feel so excluded from policy-making and decision-taking.

This arrangement is clearly not working and is not sufficiently transparent. Back bench councillors' views are totally disregarded

**Option 2 – Executive arrangements with an extra Scrutiny Committee and splitting the Audit, Governance and Standards Committee into two – Audit & Governance Committee, Standards Committee**

Support this as a hybrid model due to the life expectancy of the council

Pointless. Seems like it will fall between the gaps.

The one scrutiny committee which we have is largely ignored by the Executive and they simply argue against almost all recommendations which scrutiny make. There would simply be 2 scrutiny committees which would be ignored.

This is not much different to the current system

I don't believe this would make any difference. Scrutiny doesn't have much teeth anyway.

I feel that there is little to be gained, but if it helps create greater member engagement, pragmatically it might be worth doing.

We should move away from any option involving a one-party Executive or Cabinet, for reasons given above (option 1).

Cannot see much advantage

This still does not address the involvement issues as referenced in comments on 1.

I think this would be an improvement on the current system and hope we can bring it in for the beginning of the next municipal year.

My preferred option is option 2 - Wonder if at all relevant now we are probably going to unitary in some form in a years time

The previous council had two scrutiny committees, corporate and community which looked at items relevant to those titles. This enabled councillors who were interested in certain subjects to sit on or attend and be involved in the debates and recommendations. Having the two committees also involved more councillors and there was more time for different subjects to be covered. I was unhappy during the transformation and said so that the council was only having one scrutiny committee and the reason was to save costs.

The current system with informal policy advisory groups (PAG) would enable back bench members to be involved in discussions and also allow officers to bring ideas informally for discussion

Bit pointless. This would be moving deckchairs around when the deck has rotted. An extra scrutiny committee would just be an extra committee for the Exec to ignore so more time wasted for councillors.

This arrangement presents the best way forward in my mind, by maintaining a working Executive and providing more scrutiny committees where needed.

I think staying as we are is fine but 2 gives a little more balance for scrutiny which I think is reasonable given the volume of work

The current system with two committees (AG & Standards) is frankly a non starter and offers nothing new or useful.

Scrutiny is only advisory and the Executive can ignore any recommendations made.

What is the point, scrutiny committee has no teeth, and they are advisors

Changes are too small to address issues above i.e. It's hard to keep most cllrs motivated and engaged when they feel so excluded from policy-making and decision-taking.

This would appear to be particularly burdensome

### **Option 3 – Committee System designed on the Directorate Structure**

If SWT was not coming to an end and we had far more information on this, i would review it further as to full cost, time and impact on working arrangements eg when will the committees meet, how long does a decision take, who would decide on evictions in housing portfolio, how do curveball events get dealt with, what is cost of set up etc

This seems a fairer way to enable and ensure the widest participation in decision making. The ruling group would still control committees but it would allow a much wider involvement for all Councillors.

In the absence of proper discussion, which committees would bring, we are left with the chaotic scenes we have witnessed in recent Full Council meetings. Committees will enable all members to have an input into issues in which they have some skills, knowledge or interest at any early stage when these are most needed, rather than at a late stage when any changes will be blocked.

A Committee Structure would allow all councillors to be more involved and encourage a 2 way process of engagement. It would allow councillors to choose and focus on a committee they are interested in with some knowledge or expertise. Councillors would have more confidence in Full Council proposals and feel that the minor details have also been adequately scrutinised.

In my view this is the least desirable option: slow, less focussed, and - as I have pointed out to others - it is likely to have to be more tightly politically whipped and therefore (counterintuitively perhaps) is the option where backbenchers will have least room for manoeuvre.

This is by far the best option. It is very important to give all groups a greater say and to give more members a greater opportunity to be involved in developing policy and taking decisions through committees, especially in areas in which they have an interest. A committee system should allow a greater variety of voices to be genuinely taken into account in council decision making, so being better for the council and the communities we serve.

Delayed decision making

This option allows for all councillors to be involved and does not cause the financial cost to go up as significantly as option 4.

I like the idea of linking with the Directorate structure, a logical move so that officer/budget implications, etc are in line. Pleased this does not involve significant extra costs.

I think if we could have another year or two to design and work out the details plus train Cllrs how it would work then this might be the best option but in view of unitary coming I do not think we should attempt to make this change now

My vote would be for option three the committee system as hopefully this would give greater representation based on the make up of the council than the current system

I believe this is the only viable option.

Committee system worked in the past and will work now and therefore should be introduced as soon as possible

This would be a retrograde move for the council, it would slow down decision making. Councillors who are not members of the existing committees do not attend other committees so I wonder if there will be the interest or commitment to fill lots of different committees. The current council is nearing its end if unitary moves forward and setting up and changing the whole system of the council is an unnecessarily

time consuming operation. It also increases costs to the council which is already working hard to maintain standards of services for the residents of the area. Officers should be spending their time working on a review of the unparished area rather than on the system of governance of the council which has worked exceptionally well during a pandemic and post transformation.

Very strongly support this option for which there is a DEMOCRATIC MANDATE from electorate. I want this introduced for next municipal year. Finally ALL councillors would actually have a meaningful role and we would see more consensus-based policy and decisions. YES!!!! Have been having a close look at our existing constitution in preparation for serving on Constitution working group and comparing with committee system local authority decision structures and constitutional arrangements. Change would not be difficult to implement from that point of view.

I would like to have it noted that I strongly believe number 3 is the way to go, so I am all for the committee system.

This is a recipe for slow and difficult decision making, where every single decision is the result of late-night horse-trading and requiring a huge input of time from both committee members and officials. As originally envisaged, it would also have handed significant power away from the ruling group.

I feel this is the only option that would work well to enable very one to have their say. Much fairer system.

3 is definitely not ok in my opinion. It's very cumbersome and not responsive. Presumably if all Committees are politically proportionate then the ruling group could take all the chairs and vice chairs as you couldn't stipulate anything other than the ruling group taking those positions. I think the opposition parties would find this very irksome!!

The Committee System is in my view the only viable option as it allows Councillors with an interest or competence to sit on the committees that interest them and allows a much more collegiate and consensual approach to be made before going onto Full Council for ratification.

This is the most viable option and ideas/expertise can be used to the benefit of the committee.

The only viable option, whereby councillors with interests and expertise can choose which committee they can sit on to add value, debate/discuss issues in a proactive way rather than a chaotic ways that we have witnessed in recent full council meetings that goes on for ever!

Optimum system if we were not facing major time constraints due to re-organisation

Yes this is the only option I have voted for as I do not support any of the other option. Committee system would provide a more collaborative and transparent regime. A more modern and democratic government in these modern times.

This is the only viable option, it's more democratic than all of the others. I also believe that the number of Chairs should be handled in the same way as members of Committees. In that if one group has 51% of the Members on the Council, they should be allocated 51% of the Chairs, and 51% of the Deputy Chairs. Another group with 25% of the Members they should get 25% of the Chairs, and 25% of the Deputy Chairs.

#### **Option 4 – Hybrid system designed on the Directorate Structure**

If SWT was not coming to an end and we had far more information on this, i would review it further as to full cost, time and impact on working arrangements eg when will the committees meet, how long does a decision take, who would decide on evictions in housing portfolio, how do curveball events get dealt with, what is cost of set up etc

Any hybrid scheme will involve two sets of decision-making bodies and this will continue, or perhaps even accentuate, the conflict within the Council. This is the last thing we need.

This is too similar to the current system

A hybrid system is preferable to leaving the system as it is but is inadequate when compared to the Committee system.

I think this could offer the best of both world in keeping the accountability and speed of the Executive system but giving. Members a real sense of influence and engagement over Policy at all stages of its creation.

We should move away from any option involving a one-party Executive or Cabinet, for reasons given above (under option 1).

Most expensive

Creates a much bigger burden of cost, and I think will result in conflict between the old model and new with issues arising should executive move in a different direction to the committees.

Expensive.

I don't know enough about this and would have to find out more about how it would or could work before opting for it. Again I do not think we have enough time left before unitary to make this change.

Will not cut the mustard

This would again be moving deckchairs around when the deck has in fact rotted. Policy development committees would have no real power and just be extra committees for the Exec to ignore so more time wasted for councillors.

This is likely to set the policy development groups against the executive. It seems to combine the worst features of both systems into one gigantic bear-pit.

4 is ok

The Hybrid System is just a fudge which will make the whole decision making process more complicated and less inclusive leaving even more back bench councillors feeling left out of the process entirely and should not be considered for that reason alone.

A Hybrid will lead to going back to the old way of working.

The current system is not working; any hybrid will have a tendency to revert back to its original structure.

Best available short-term improvement

This looks unworkable and is likely to be very cumbersome and could cause delays in decision making



## **Appendix 5 - Update from the discussions at the Audit, Governance and Standards Committee on 12 April 2021**

The Council Governance Arrangements Working Group Report was considered by the Audit, Governance and Standards Committee at their meeting on 12 April 2021. Changes were proposed to recommendations:

2.1 – take out the wording '*unless a decision is made to set up a Unitary Council for the area from 2023.*'

2.4 – take out the word Policy from the names of the Committee i.e. call them Corporate Scrutiny Committee and Community Scrutiny Committee

2.5 – as per recommendation 2.4 take out the word Policy

2.11 – as per recommendation 2.4 take out the word Policy

Therefore the amended recommendations from the Audit, Governance and Standards Committee would read as follows:

### Relating to the 2022 Municipal Year

- 2.1 The Council moves to a Committee system of governance from the Council AGM on 10 May 2022.
- 2.2 The Council proposes to the Unitary Shadow Authority that a committee system of governance is adopted, if set up as the principal council for the area.
- 2.3 The Council writes to the Chief Executives and Leaders of the County and Districts to request ask that they consider that the Shadow Authority governance arrangements are set up as a Committee system

### Relating to the 2021 Municipal Year

- 2.4 That a second Scrutiny Committee is introduced from the AGM in 2021, with the focus being Corporate Scrutiny Committee and Community Scrutiny Committee. The split of workload for the two Scrutiny Committees (see Annex A at the end of this report) is approved
- 2.5 That the number of seats on both Scrutiny Committees is 15 from the start of the 2021/2022 Municipal Year
- 2.6 The Audit, Governance and Standards Committee is split into two separate Committees from the AGM in 2021, for the 2021/22 Municipal Year and becomes Audit and Governance Committee and Standards Committee. The Terms of Reference for both Committees (see Annex B and Annex C at the end of this report) is approved.

- 2.7 That the number of seats on the Audit and Governance Committee is 11 from the start of the 2021/2022 Municipal Year
- 2.8 That the number of seats on the Standards Committee is 9 from the start of the 2021/2022 Municipal Year
- 2.9 The role of Shadow Portfolio Holders is included within the Constitution as per the wording in Annex D to this report
- 2.10 Officers and Portfolio Holders are reminded of requirements to provide information and notifications to Ward Councillors as per the Member Officer Protocol
- 2.11 The Corporate Scrutiny Committee are asked to work with officers to consider a system for communicating reports to Members from representatives from outside bodies

*Report Number: SWT 40/21*

## **Somerset West and Taunton Council**

### **Special Full Council – 29 April 2021**

#### **Constitution Update Report**

**This matter is the responsibility of the Leader of the Council, Cllr Federica Smith-Roberts**

**Report Author: Amy Tregellas, Governance Manager**

#### **1 Executive Summary / Purpose of the Report**

- 1.1 To present the Committee with a number of proposed changes to the Constitution.

#### **2 Recommendations**

That the Council resolves that:

- 2.1 The number of Members on the Planning Committee is reduced from 15 to 11 from the start of the 2021/22 Municipal Year
- 2.2 A minimum of Five Councillors are trained to be able to substitute for members of their own political group in the absence of a Planning Committee member of their political group.
- 2.3 The number of public speakers for each application going before the Planning Committee is set out as follows:
- Up to 5 supporters (including the applicant/agent)
  - Up to 5 objectors
  - Town/Parish Council representative
  - County Councillor
  - Ward Member(s)
- 2.4 The Planning Committee Procedure (attached as Appendix A) is adopted and added to the Constitution, as well as being published on the SWT website
- 2.5 Planning Committee meetings should be 4 hours maximum (with the Chair having discretion to conclude an agenda item if part way through), and the procedure rules within the Constitution amended to only allow 2 x 30 minute extensions beyond the original 3 hour meeting.
- 2.6 Regular breaks are introduced for 15 minutes every two hours (to be taken off the duration of the meeting)
- 2.7 Where there is a controversial planning application going before the Planning

Committee, that a single item agenda meeting is held.

- 2.8 Site visits for the Planning Committee are introduced for specific reasons only, and follow the guidance set out on the revised Planning Committee Member's Code of Good Practice (Appendix B)
- 2.9 The number of Members on the Licensing Committee is reduced from 15 to 11 from the start of the 2021/22 Municipal Year
- 2.10 That the amended Financial Procedure Rules (Appendix C) are approved

### **3. Risk Assessment**

- 3.1 Failure to have robust governance arrangements in place could impact on the Council's control environment and ability to operate in an economic, efficient and effective manner. This could lead to recommendations being made by Internal and External Audit.

### **4. Background and Full details of the Report**

- 4.1 The purpose of this report is to make some recommendations for change to the Constitution to improve the democratic process.

#### Planning Committee

- 4.2 The first set of proposed improvements relates to the operation of the Planning Committee. These changes have been discussed with the Planning Advisory Service (PAS) during their recent review.
- 4.3 The Planning Committee can often be the most visible part of the way that decisions within the Council are made, and can impact on public perception. It is therefore important that the Committee operates well.
- 4.4 The Council has had a number of lengthy Planning Committee meetings over the last two years, which has generated negative feedback from Members, officers and the public. Therefore, a number of changes are proposed which, it is anticipated will improve the democratic process and the way that the Committee operates. This in turn will improve public perception of the Planning Committee.

#### Number of Members on the Committee

- 4.5 Currently there are 15 Members on the Planning Committee. Discussions with PAS endorsed reducing the number of Members on the Planning Committee from 15 to 11.
- 4.6 It is suggested that a reduction in the number of Members would allow for more focused debate, improved accountability and consistency of decision-making, and would give the ability to conduct business with greater efficiency and effectiveness.

4.7 Section 101 of the Local Government Act 1972 provides for a local authority to arrange for the discharge of its functions by a committee. The SWT Constitution delegates the powers relating to town and country planning and development control to the Planning Committee. The Committee has made delegations to Officers, which are included within the Planning Committee terms of reference and the scheme of delegation.

4.8 It is local choice as to the size of the Planning Committee. The Association of Democratic Services Officers (ADSO) suggest that ‘the size of a Committee can range from very small, say 7 members up to 20 plus members. Best practice would generally err on the side of smaller rather than larger.’ Discussions with PAS concluded that 11 is the optimum number for SWT, with a pool of appropriately trained substitute Members.

4.9 **Recommendations:**

- ***The number of Members on the Planning Committee is reduced from 15 to 11 from the start of the 2021/22 Municipal Year***
- ***That a minimum of Five Councillors are trained to be able to substitute for members of their own political group in the absence of a Planning Committee member of their political group.***

Public speakers & length of speeches

4.10 Currently there are no restrictions on the number of members of the public that are able to speak on planning applications. This can mean that, when an application is contentious there can be a significant number of public speakers, which can up a significant amount of time.

4.11 Some examples of meetings where there has been 10 or more public speakers, in the last 12 months are as follows:

<b>Date of meeting</b>	<b>Application details</b>	<b>Public Speakers</b>	<b>Length of meeting</b>
25 February 2021 (virtual meeting)  3 applications	42/20/0042 – Erection of a foul pumping station at Comeytrove/Trull	Objectors = 28 Supporters = 1 Parish Council= 1 Ward Members = 6 <b>Total = 36</b>	Started at 1pm, finished at 8.20pm Duration – 7 hours & 20 minutes
19 November 2020 (virtual meeting)  9 applications	36/19/0032, 36/19/0033, 36/19/0034 & 36/19/0035 – agricultural building Lower Huntham Farm, Stoke St Gregory	Objectors = 5 Supporters = 4 Parish Council= 1 Ward Members = 0 <b>Total = 10</b>	Started at 1.15pm, finished at 7.25pm Duration – 6 hours & 10 minutes

<b>Date of meeting</b>	<b>Application details</b>	<b>Public Speakers</b>	<b>Length of meeting</b>
16 July 2020 (virtual meeting)  3 applications	3/37/18/015 – 136 dwellings at Cleeve Hill	Objectors = 20 Supporters = 1 Parish Council= 0 Ward Members = 2 <b>Total = 23</b>	Started at 1pm, finished at 6.35pm Duration – 5 hours & 35 minutes

In respect of all other applications considered in the last 12 months, the number of public speakers has been below 10.

- 4.12 The December 2019 Local Government Association (LGA) and PAS guidance '*Probity in Planning: Advice for councillors and officers making planning decisions*' covers the area of public speaking at Planning Committees and states:

'Whether to allow public speaking at a planning committee or not is up to each local authority. Most local planning authorities do allow it and some authorities film and broadcast committee meetings. As a result, public confidence is generally enhanced and direct lobbying may be reduced. The disadvantage is that it can make the meetings longer and sometimes harder to manage. Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors. In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the local planning authority in writing.'

- 4.13 Benchmarking of other District Councils in Somerset and Devon found the following, in terms of the number of speakers:

<b>Council</b>	<b>Number of Public Speakers</b>
Somerset West and Taunton Council	No limit
Sedgemoor District Council	7 speakers – one supporter, one objector, Parish Council, Ward Councillor(s), County Councillor, Portfolio Holder and Applicant/Agent
Mendip District Council	Three speakers – one supporter, one objector and Parish/Town Council
South Somerset District Council	Town/Parish Council, Objectors, Supporters, Applicant/Agent and District Ward Member. No clear limit on number of speakers but

<b>Council</b>	<b>Number of Public Speakers</b>
	it does say that where there are a number of people wishing to speak they are encouraged to choose one spokesperson
Mid Devon District Council	One Objector, one from applicant/ agent/ supporter, Parish Council, Ward Member(s)
East Devon District Council	Major applications – 5 supporters, 5 objectors, the agent/applicant and Parish/Town Council Minor/Other applications – 2 supporters, 2 objectors, the agent/applicant and Parish/Town Council The agenda lists whether the application is Major or minor/other
Exeter City Council	One objector, one supporter, agent/applicant
North Devon District Council	Up to six supporters, up to six objectors, Parish/Town Council, Applicant/Agent
Torrige District Council	Two objectors, Two supporters (including the agent/applicant) and Town/Parish Council
Teignbridge District Council	Major applications – two objectors and two supporters Other applications – one objector and one supporter
South Hams District Council	One objector, one supporter & Town/Parish Council If there is more than one supporter or objector then only one person can be chosen as the spokesperson
West Devon District Council	One supporter and one objector

For all other District Councils in Somerset and Devon, they have a limit on the number of public speakers.

- 4.14 It is suggested that limiting the number of public speakers for each application going before the Planning Committee would give the ability to conduct business with greater efficiency and effectiveness and reduce the length of meetings, which is beneficial for Members, officers and members of the public. It is not proposed to change the length of time for each speaker and that will remain as 3 minutes.

#### 4.15 **Recommendations:**

- **The number of public speakers for each application going before the Planning Committee is set out as follows:**
  - **Up to 5 supporters (including the applicant/agent)**
  - **Up to 5 objectors**
  - **Town/Parish Council representative**
  - **County Councillor**
  - **Ward Member(s)**
- **The Planning Committee Procedure (attached as Appendix A) is adopted and added to the Constitution, as well as being published on the SWT website**

#### Length of meetings

- 4.16 As alluded to in earlier sections of this report, the length of the Planning Committee can often exceed 4 hours. Analysis of the 32 Planning Committee meetings that have taken place since SWT came into being on 1 April 2019, showed that 15 exceeded 4 hours, as follows:

<b>Date</b>	<b>Start/Finish times</b>	<b>Duration</b>
25 February 2021	1pm to 8.20pm	7 hours & 20 mins
19 November 2020	1.15pm to 7.25pm	6 hours & 10 mins
20 August 2020	1pm to 6.58pm	5 hours & 58 mins
6 August 2020	1pm to 5.39pm	4 hours & 39 mins
23 July 2020	1pm to 5.15pm	4 hours & 15 mins
16 July 2020	1pm to 6.35pm	5 hours & 35 mins
9 July 2020	1pm to 5.45pm	4 hours & 45 mins
12 March 2020	1pm to 5.24pm	4 hours & 24 mins
30 January 2020	1pm to 8.55pm	7 hours & 55 mins
5 December 2019	1pm to 5.45pm	4 hours & 45 mins
24 October 2019	1.15pm to 5.30pm	4 hours & 15 mins
3 October 2019	1pm to 5.44pm	4 hours & 44 mins
1 August 2019	1pm to 5.45pm	4 hours & 45 mins
11 July 2019	1pm to 5.10pm	4 hours & 10 mins
30 May 2019	1.10pm to 7.30pm	6 hours & 20 mins

In 15 out of 32 (47%) cases, the Planning Committee meetings have exceeded 4 hours. In 6 out of 32 (19%) cases, the Planning Committee exceeded 5 hours.

- 4.17 Long meetings run the risk of the focus and attention span of the participants being effected, and this risk increases the longer the meeting goes on for.
- 4.18 Council Procedure Rule 28, within the Constitution, states 'A meeting of Full Council or other committees including the Scrutiny Committee shall not exceed 3 hours in duration' (this excludes any time for comfort breaks). However, Procedure Rule 29 does allow the meeting to be extended for 30 minutes, once during the meeting. Procedure Rule 29.3 states 'However, the Chair of the Council, Chair of Planning Committee or Chair of the Licensing Committee may

decide otherwise in respect of the meeting they are chairing. This will generally only occur in exceptional circumstances.'

4.19 It is suggested that limiting the length of the Planning Committee meetings would focus the debate and give the ability to conduct business with greater efficiency and effectiveness, which is beneficial for Members, officers and members of the public. It is also suggested that for applications that are controversial in nature, and likely to attract a lot of public interest, that single agenda item meetings are held rather than other items being added to the agenda.

4.20 **Recommendations:**

- ***Planning Committee meetings should be 4 hours maximum (with the Chair having discretion to conclude an agenda item if part way through), and the procedure rules within the Constitution amended to only allow 2 x 30 minute extensions.***
- ***Regular breaks are introduced for 15 minutes every two hours (to be taken off the duration of the meeting)***
- ***Where there is a controversial planning application going before the Planning Committee, that a single agenda item meeting is held.***

#### Site Visits

4.21 The Planning Committee Member's Code of Good Practice within the Constitution, states that 'Whilst it is not the practice for the Planning Committee to make site visits as a Committee, **do** make a personal visit to an application site if you do not feel you will be able to come to a fair decision without seeing the site. Always try to view the land or building concerned from a public vantage point, for example an adjoining road or a public footpath.'

4.22 This approach often raises challenge from members of the public, so it is suggested that site visits are introduced following the PAS guidance, which states 'Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.'

4.23 **Recommendations:**

- ***Site visits for the Planning Committee are introduced for specific reasons only and follow the guidance set out on the revised Planning Committee Member's Code of Good Practice (Appendix B)***

#### Licensing Committee

4.24 The second Committee to consider in terms of a proposed improvement relates to the operation of the Licensing Committee. As with Planning Committee, the Licensing Committee is classed as a Regulatory Committee. Therefore, it makes sense to mirror the number of Members on the Committee to match the proposed change to the Planning Committee, i.e. reduce the number from 15

to 11.

- 4.25 When considering the size of the Licensing Committee, benchmarking against a number of other District Councils in Somerset and Devon, the numbers vary between 10 and 15 Members, with the average number being 12 Members:
- Sedgemoor District Council – 15 Members
  - Mendip District Council – 14 Members
  - South Somerset District Council – 15 Members
  - Torridge District Council – 10 Members
  - Teignbridge District Council – 11 Members
  - South Hams District Council – 12 Members
  - West Devon District Council – 10 Members
  - Mid Devon District Council – 12 Members
  - Average = 12.3 Members
- 4.26 It is proposed that no change is made to the process and procedure relating to Licensing Sub-Committees and that the number of Members remains at 3
- 4.27 **Recommendation:**
- ***The number of Members on the Licensing Committee is reduced from 15 to 11 from the start of the 2021/22 Municipal Year***

#### Audit, Governance and Standards Committee

- 4.28 The Council Governance Arrangements Working Group (CGAWG) Report is recommending that the Audit, Governance and Standards Committee is split into two separate Committees:
- Audit and Governance Committee
  - Standards Committee
- The recommendations to make this change are included in the CGAWG report.
- 4.29 The CGAWG report is also suggesting that the number of Members on each Committee is 11 for the Audit and Governance Committee and 9 for the Standards Committee. This is in line with the numbers that other local Councils have.
- The recommendations to make this change are included in the CGAWG report.
- 4.30 In terms of frequency of meetings, it is anticipated that the Audit and Governance Committee will follow the current Audit, Governance and Standards Committee timetable. However, it is suggested that the Standards Committee meets as and when needed.

## **5. Links to Corporate Strategy**

- 5.1 Having a robust, effective and efficient governance framework in place is a fundamental element of being a 'well managed' council and avoiding recommendations from Internal and External Auditors.

## **6. Finance / Resource Implications**

6.1 None arising from this report

**7. Legal Implications**

7.1 The changes set out in the report are at the local discretion of the Council and do not breach legislation or have any legal implications

**8. Climate and Sustainability Implications**

8.1 None arising from this report

**9. Safeguarding and/or Community Safety Implications**

9.1 None arising from this report

**10. Equality and Diversity Implications**

10.1 None arising from this report

**11. Social Value Implications**

11.1 None arising from this report

**12. Partnership Implications**

12.1 None arising from this report

**13. Health and Wellbeing Implications**

13.1 None arising from this report

**14. Asset Management Implications**

14.1 None arising from this report

**15. Data Protection Implications**

15.1 None arising from this report

**16. Consultation Implications**

16.1 None arising from this report

**Audit, Governance and Standards Committee Comments / Recommendation(s)**

– the Committee considered this report at their meeting on 12 April 2021. The Committee voted to approve the recommendations with the additional recommendation (2.11) as follows:

2.11 Wherever possible reports taken in the public domain and confidential appendices used where appropriate.

**Democratic Path:**

- **Audit, Governance and Standards Committee – Yes** (12 April)
- **Cabinet/Executive – No**
- **Full Council – Yes** (29 April)

**Reporting Frequency: Annually**

**List of Appendices (delete if not applicable)**

Appendix A	Protocol on Speaking at Planning Committee
Appendix B	Planning Committee Members Code of Good Practice
Appendix C	Updated Financial Procedure Rules

**Contact Officers**

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## Planning Committee Procedure

This document sets out the detailed procedures of the Planning Committee that are in addition to the council's procedure rules within the Constitution, as well as giving answers to some frequently asked questions from the public regarding planning procedure.

The Planning Committee consists of 11 Councillors, drawn from each of the political groups within the Council. Members of the Executive are not eligible to sit on the Planning Committee

### Prior to the Meeting

#### **How do I know the application I am interested in is going to committee?**

If an application is to be submitted to committee for consideration, you will be notified of this about a week before the meeting, if you are an applicant or their agent, or have commented on the application.

Where a proposal meets any of the following criteria, it shall be reserved to the Planning Committee for determination:

- Criterion 1: In the opinion of the Principal Planner or the Chair of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.
- Criterion 2: The application is from an elected Councillor (or partner thereof) or member of Council staff (or partner thereof) and is recommended for approval.
- Criterion 3: The application is accompanied by an Environmental Impact Statement (EIA).
- Criterion 4: The application is a significant departure from the Council's statutory Development Plan and is recommended for approval.
- Criterion 5: Where there are conflicting views (giving clear planning reasons) from a Town/Parish Council or a Parish Meeting or a Ward Member as well as from not less than 4 individuals.

Any application which is not referred to Committee by virtue of the criteria listed above, but where conflicting representations have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made. The Chair or Vice Chair may decide to refer any such application to the Planning Committee.

### Can I see a copy of the committee agenda/officer's report?

Copies of the agendas for Planning Committee are published at least five clear working days before the meeting. Agendas can be accessed via the Council's website via the following link:

<https://democracy.somersetwestandtaunton.gov.uk/ieDocHome.aspx>

### Registering to Speak at Planning Committee

If you would like to speak at a planning meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting.

You can request to speak at a meeting by telephoning [01823 219735](tel:01823219735) or emailing your full name, application number and whether you are in support for or against the application along with your statement to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Thursday, requests need to be received by 4pm on the Monday prior to the meeting.

Please note that only written representations received by this date and time can be published and taken into consideration.

The Governance and Democracy Case Manager will take the details of your statement and will distribute them to the Committee prior to the meeting.

### What can I include in my public statement?

Speakers should restrict their comments to material planning considerations only, examples are listed below:

- Government guidance and Local Plan Policies
- The Local Plan
- Highway safety and impact of traffic in the environment
- Design, appearance and layout – visual impact
- Residential amenity – privacy, loss of light, overbearing, noise, smells
- Conservation of buildings, trees and open land
- Need to safeguard the countryside or protected species of plant or animal
- The need for development
- Previous planning history of the site
- Case Law
- Appeal decisions

The following are examples of matters which are not material planning considerations:

- Private property rights such as covenants
- The applicant/developer's identity, morals, motives or past record

- Effect on the value of your property
- The fact that development has commenced without the benefit of planning permission
- Loss of a private view
- Private neighbour disputes.

### **Temporary measures during the Coronavirus Pandemic**

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public who would normally register to speak will be asked to provide a written statement instead, the statement will then be read out by the Governance and Democracy Case Manager after the Planning Officer has presented their report.

The link to each webcast will be available on the [planning meeting](#) page, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

### **The Meeting**

Are members of the public allowed to attend and/or speak at Planning Committee meetings?

All meetings of the Planning Committee are open to the public. At the moment, meetings are held virtually and not in the Council chamber due to the Coronavirus Pandemic.

Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications.

Members of the public, Town/Parish Councils and Ward Members also have a right to speak at meetings of the committee during the consideration of planning applications.

How is each application considered at Committee?

Each application will be considered as follows:

- A report will be included on the agenda for all parties to have read prior to the meeting.
- The Chairman will announce the item to be considered, reading out the application number and description of the application.
- The Planning Officer will make a presentation on each application. This will be a summary of main points only as full details will be incorporated in the written report. A presentation will be used for visual presentations of plans, drawings,

layouts, elevations and other illustrative material which was not included in the report (this could also include any late or updated information).

- The officer recommendation on each application along with any conditions will be stated within the report
- The Chairman will then call on the registered speakers to speak for a maximum of 3 minutes each, in the following order:
  - Objector(s) – up to a maximum of 5 speakers (3 minutes each),
  - Supporter(s) – up to a maximum of 5 speakers, including the Applicant/agent (3 minutes each),
  - Town or Parish Council representative – 1 speaker (3 minutes);
  - Ward Member(s) (3 minutes each).

In the event of more than one objector or supporter wishing to speak, a spokesperson should be agreed between the objectors or applicant/supporters. If the objectors or applicant/supporters cannot reach agreement about who will speak, then the person who registered first will be given the opportunity to speak.

- Through the Chairman, Members of the Planning Committee may ask questions of any person who has spoken. Further, a Ward Member who has spoken may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.
- At the conclusion of the public speakers, the Chairman will invite questions of fact/clarification from members of the committee to officers but no submission of views will be given at this stage. Officers will respond to queries with factual information.
- When all information has been received, the members of the committee will discuss and debate the application.
- The Committee will then take a decision on the application. This will be made by a councillor making a proposal which will need to be seconded before it can be voted on
- Once a proposal has been proposed and seconded the Chairman will make it clear upon which motion/amendment the vote is to be taken and ask for members to vote either in favour or against the application (individual votes will not be recorded unless specifically requested by Members of the committee). The Committee Clerk will count the votes so that everyone is aware of the result.
- The Chairman or Committee Clerk will state the decision of the committee on the application following the vote.

Is the meeting recorded?

All meetings of the committee are webcast meaning that members of the public can watch the meeting live or watch the recording at a time convenient to them, following the meeting.

You can find the link to the webcasting on the Council website and under each Planning Committee agenda. Any problems please contact [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

The recordings will be available on the website for a period of 6 months.

What will be the order of items at the committee meeting?

The applications will normally be considered in agenda order. However, the Chairman may however at his/her discretion alter the running order.



## Planning Committee Members' Code of Good Practice

### 1. Overview

**The aim of this Code of Good Practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest to facilitate place-shaping and community planning as laid out in the Council's Development Plan.

**Your role as a member of the Local Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Councillors at **all times** when involving themselves in the planning process. (This includes decision-making meetings of the Local Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

**Councillors are reminded that this document is only for general guidance, as it cannot cover all eventualities. It is the individual Councillor's responsibility to act correctly under all circumstances. If you have any doubts about the application of this code to your own circumstances you should seek advice early from the Monitoring Officer or one of the Council's Solicitors, and preferably well before any meeting takes place.**

### 2. Background

Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them.

Planning decisions involve balancing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

The planning process is complex and sometimes highly emotive. It is essential that members of the Planning Committee conduct themselves correctly to avoid

complaints which could have personal consequences and may, in some cases, involve the Council in substantial costs.

For many members of the public, the Planning Committee is the most visible operation of the Council, and one that can affect their lives most directly. Some stand to gain substantial financial benefit from the outcome of a Planning Committee decision.

This Code of Good Practice has therefore been prepared to provide members with additional guidance on their role on the Planning Committee.

### **3. Roles of Councillors and Officers**

The planning system works best when the roles and responsibilities of the many participants essential to its effective operation are clearly understood. It is vital that elected Councillors understand their role and the context and constraints in which they operate.

#### **Councillors**

Councillors on the Planning Committee sit as a non-judicial body, but act in a semi-judicial capacity, representative of the whole local community in making decisions on planning applications. They must, therefore:

- a) Act fairly, openly and apolitically;
- b) Approach each planning application with an open mind, avoiding pre-conceived opinions;
- c) Carefully weigh up all relevant issues;
- d) Determine each application on its individual planning merits;
- e) Avoid undue contact with interested parties; and
- f) Ensure that the reasons for their decisions are clearly stated.

The above role applies also to Councillors who are nominated substitutes on the Planning Committee. Where a Councillor, who is neither a member of, nor a substitute on the Planning Committee, attends a meeting of the Committee, he or she is also under a duty to act fairly and openly and avoid any actions which might give rise to an impression of bias or undue influence.

#### **Role of Planning Officers**

Planning Officers advise Councillors on planning policy and planning applications. They will:

- a) Provide professional, objective and comprehensive advice;
- b) Provide a clear and accurate analysis of the issues;
- c) Advise on the Development Plan and other material considerations;
- d) Give a clear recommendation; and

- e) Implement the Committee's/Council's decisions (including those made by Officers under powers delegated to them).

#### 4. Members' Code of Conduct

All Councillors must follow the rules laid out in the Members' Code of Conduct to ensure they are, and are seen to be, fair and impartial in their work as a Councillor.

##### Relationship to the Members' Code of Conduct

**Always** apply the rules in the Members' Code of Conduct first, which must be complied with. The Members' Code of Conduct can be found in your copy of the Council's Constitution.

**Do** then apply the rules in this Planning Code of Good Practice, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control.

If you do not abide by this Code of Good Practice, you may put the Council at risk of proceedings on the legality or maladministration of the related decision, and yourself at risk of being named in a report made to the Audit, Governance and Standards Committee of the Council.

#### 5. Development Proposals and Interests Under the Councillors' Code of Conduct

**Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other members. Disclose your interest prior to the commencement of discussion on the particular matter in which you have an interest.

**Do** then act accordingly.

Where your interest is either a disclosable pecuniary interest or a personal and prejudicial interest.

**Do not** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Local Planning Authority.

**Do** ask another ward member to represent the views of the ward. If this is not possible then it is recommended that you put those views in writing to the Committee.

**Do not** get involved in the processing of the application.

**Do not** seek or accept any preferential treatment or place yourself in a position that could give the public the impression you are receiving preferential treatment. In other words, if you have a personal and prejudicial interest in a planning application, you should not seek to use your position as a Councillor to discuss the matter with Officers and other Councillors when a normal member of the public would not have the same opportunity to do so.

**Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate Officer (either in person or in writing), this Code of Good Practice places greater limitations on you in representing that proposal than would apply to a normal member of the public.

For example, where you have a personal and prejudicial interest in an application to be put before the Planning Committee, you would have to withdraw from the Committee Room whilst the meeting considers it, whereas an ordinary member of the public would be allowed up to the three minutes to address the Committee and to observe the meeting's consideration of the application. You are permitted to make a statement as per a member of the public, should you choose to do so, but then must withdraw from the meeting. If you declare a disclosable pecuniary interest, then you would also forego the right to make a statement as a member of the public and you must take no part in the proceedings whatsoever.

**Do** also be aware that, where:

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal; or
- you have been appointed or nominated to an outside body or organisation by the Council as its representative; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council;

you should always disclose a prejudicial as well as personal interest and withdraw from the meeting of the Planning Committee.

**Do** consider yourself able to take part in the debate on an application when acting as part of a consultee body (where, for example, you are also a member of the town/parish Council or you are both a Somerset West and Taunton Councillor and a Somerset County Councillor), provided:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;

- you make it clear to the consultee body that:
  - your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward, town or parish, as and when it comes before the Planning Committee and you hear **all** of the relevant information; and
  - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee;
- you disclose the personal interest regarding your membership or role when the Planning Committee comes to consider the proposal;
- **Do** notify the Monitoring Officer in writing of your own applications, and those of relatives and close associates, and note that:
  - notification to the Monitoring Officer should be made no later than submission of the application;
  - the proposal will be reported to the Planning Committee where the Officers have recommended the application for approval; and
  - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at the Planning Committee.

## 6. Fettering Discretion in the Planning Process

Before considering this section, it will be helpful to the reader to refer to the broad definition of the term ‘fettering a discretion’ which is set out at Annex A.

**Do not** fetter your discretion and therefore your ability to participate in the decision-making process by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to its formal consideration at the Planning Committee without having heard the full discussion at the meeting.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of:

- a) Finding of maladministration; and
- b) Legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

**Do** be aware that you are likely to be considered to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. Through such significant personal involvement, you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.

**Do not** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.

**Do** explain that you do not intend to speak and vote because you have, or you could reasonably be perceived as having, judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes of the meeting.

**Do** take the opportunity to exercise your separate speaking rights as a ward member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest.

Where you do:

- advise the Chair that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

## 7. Contact with Applicants, Developers and Objectors

**Do** refer those who approach you for planning, procedural or technical advice to Officers.

**Do not** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Principal Planner to organise it. The Officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Local Planning Authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning Committee.

**Always:**

- follow the rules on lobbying (see below);

- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Principal Planner any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants or developers:

**Do not** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

**Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

**Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the Planning Committee.

**Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Councillors might vote.

## 8. Lobbying of Councillors

Discussions between a potential applicant and a Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged. With the recognition of the need to allow and encourage Councillors to be champions of their local communities it is recognised that Councillor engagement in pre-application discussions on major development is necessary to allow Councillors to fulfil this role.

**Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it would prejudice your impartiality, and therefore your ability to participate in the Planning Committee's decision-making, to express an intention to vote one way or another or take such a firm point of view that it amounts to the same thing.

**Do** remember that your overriding duty is to the whole community not just to the people in your ward. You therefore need to make decisions impartially, that should not improperly favour, or appear to improperly favour, any person, company, group or locality.

**Do not** accept gifts or hospitality from any person involved in, or affected by, a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the Council's rules on gifts and hospitality.

**Do** copy or pass on any lobbying correspondence you receive to the Principal Planner at the earliest opportunity.

**Do** promptly refer to the Principal Planner any offers made to you of planning gain or constraint of development, through a proposed S106 Planning Agreement, or otherwise.

**Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will, in turn, advise the appropriate Officers to follow the matter up.

**Do** note that, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

- listening to, or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other members or appropriate Officers, provided they do not consist of, or amount to, pre-judging seeking information through appropriate channels;
- being a vehicle for the expression of opinion or speaking at the meeting as a ward member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard **all** the facts and listened to the debate; or
- being a ward member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard **all** the facts and listened to the debate.

## 9. Lobbying by Councillors

**Do not** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest requiring your withdrawal from any Planning Committee meeting where the application is discussed.

**Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local Civic Society. However, you will need to disclose a personal interest where that organisation has made representations on a particular planning application and make it clear to that organisation (if approached by them) and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

**Do not** lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

**Do not** decide or discuss how to vote on any planning application at any sort of political group meeting or lobby any other Councillor to do so. Political Group Meetings should **never** dictate how Councillors should vote on a planning issue. Any vote taken on political lines will leave the Council open to challenge as set out in section 4 of this code.

## 10. Site Visits

Whilst it is not standard practice for the Planning Committee to make site visits as a Committee, they can be useful in exceptional circumstances. Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.

The Local Government Association (LGA) and Planning Advisory Service (PAS) guidance titled '*Probity in Planning: Advice for Councillors and officers making planning decisions*' suggests that a site visit is only necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
- the comments of the applicant and objectors cannot be expressed adequately in writing
- the proposal is particularly contentious.

The guidance also gives the following helpful points:

- visits should only be used where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and material considerations already

- the purpose, format and conduct should be clear at the outset and adhered to throughout the visit
- where a site visit can be 'triggered' by a request from the ward councillor, the 'substantial benefit' test should still apply
- a record should be kept of the reasons why a site visit is called.

### The need for site visits

It is important for the Planning Committee to have a clear rationale for undertaking organised site visits in connection with planning applications and that any visits are conducted properly and consistently. The purpose of a site visit is for Councillors to gain knowledge of the development proposal, the application site and its surroundings.

A decision by a Planning Committee to carry out a site inspection should normally only be taken where the impact of the proposed development is difficult to assess from the plans and any supporting information submitted by the applicant, or additional material provided by officers. Site visits cause delay and additional costs, and should only be carried out where Councillors believe a site visit is necessary to make such an assessment. Reasons should be given for the decision to make a site visit.

### Who visits?

The Committee as a whole may undertake a site visit which if possible should be scheduled to take place in advance of the Planning Committee meeting at which the application will be discussed.

If the site visit is open to all members of the committee then those members who are not able to attend should carefully consider whether they will be in receipt of all relevant facts when the matter comes back before Committee for determination. Technical/professional consultees may exceptionally be asked to attend a site visit where it is anticipated that their presence on site will assist the Working Group or Committee gain knowledge of the proposal. If technical/professional consultees are requested to attend then reasons for that decision should be recorded. Procedure on Site

A detailed explanation of the proposals, and a summary of the officers' report and recommendations, will be made by the planning officer. Councillors will then be given the opportunity to ask questions and to view the site and surroundings from all relevant vantage points.

Site visits will normally involve Planning Committee members and officers, except for any consultee whose attendance has been specifically requested by the Planning Committee (e.g. the County Highway Authority or an Environmental Health Officer) to assist their understanding of the proposals.

Councillors should keep together during site visits and not allow themselves to be addressed separately. No decisions are made at site visits although observations may be made to the Committee. An officer will be present to take a written note of the key planning issues and information obtained from the site visit, to be reported to the subsequent meeting of the Planning Committee.

The Planning Officer and the Monitoring Officer will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site inspection together with the format and conduct of the inspection, so that applicants/agents and interested parties are aware of it.

### Informal Site Visits

Where a site visit by the Planning Committee is not appropriate, there are advantages in Councillors making their own individual site visits to gain knowledge of the development proposal, the application site and its surroundings.

**Do** make a personal visit to an application site if you do not feel you will be able to come to a fair decision without seeing the site. Always try to view the land or building concerned from a public vantage point, for example an adjoining road or a public footpath.

**Do** ensure that any particular observations you make during the site visit, which are not referred to either in the Principal Planner report or the visual presentation, are reported back to the Planning Committee, so that all Councillors have the same information.

**Do** ensure that you treat the site visit only as an opportunity to observe the site to clarify particular issues. Wherever possible, make the visit unaccompanied.

**Do not** hear representations from any other party during the visit. Where you are approached by the applicant, agent or a third party, advise them that they should make representations in writing to the Local Planning Authority and direct them to the Principal Planner.

**Do not** express opinions or views to anyone.

If you need to enter the site the subject of a planning proposal, **do not** do so without the consent of the owner or occupier and **do not** do so in circumstances where you believe you will not be able to abide by the Good Practice Rules as this can lead to the perception that the councillor is no longer impartial.

**Do not** accept an invitation to be shown around by either the applicant, agent or a third party unless you are accompanied by one of the Council's Planning Officers.

## 11. Public Speaking at Meetings

**Do not** allow members of the public to communicate with you during the Planning Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

**Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 12. Officers

**Do not** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Principal Planner which may be incorporated into any Planning Committee report).

If you wish to discuss a particular planning proposal outside of any arranged meeting, **do** try to contact the relevant Case Officer or, in his/her absence, another Planning Officer or the Principal Planner.

**Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance not only with the Council's Code of Conduct for Employees but also their professional codes of conduct (primarily the Royal Town Planning Institute's Code of Professional Conduct). As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 13. Decision-Making

**Do** come to meetings with an open mind and demonstrate that you are open-minded.

**Do** comply with the requirements of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

**Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or, that there is simply insufficient information before

you, request that further information. If necessary, defer a decision on an application for planning permission or refuse it.

**Do not** vote or take part in the meeting's discussion on an application unless you have been present to hear the entire debate, including the Officers' introduction to, or visual presentation in respect of, the matter.

**Do** have recorded the reasons for the Planning Committee's decision to defer any proposal.

**Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 14. Training

**Do not** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

**Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

## Annex A

### A Broad Definition of the Term 'Fettering a Discretion'

**Fettering a Discretion** is one of those unfriendly and legalistic phrases which derive from the statutory basis which underlies all local government decision-making. Unfortunately, it is quite difficult to replace, or to translate into normal English. So, here's a broad definition instead:

It means that where a decision-making body (like a Council, or a Committee or an Executive Councillor) is obliged to exercise some discretionary power under statute, then it must **exercise** that discretion fairly, at the right time and only after taking all proper factors into account. (Deciding upon the fate of a planning application is a good example of such a discretion.)

If, instead of keeping that essential open mind, it can be seen that it (or its members) have already **committed** themselves, in one direction or another, **before the moment when that discretion must be exercised** (i.e. **after** all material factors have been considered) then they are said to have 'fettered their discretion'.

The consequence of such pre-judging can be dire. In a bad case, the validity of the decision could be challenged in a number of ways, including through the courts, with painful and expensive consequences for all concerned, including the Council itself, and for individual Councillors who have left themselves open to this criticism

# Financial Procedure Rules

## 1.0 Introduction

- 1.0 The Financial Procedure Rules provide the framework for managing the financial affairs of the Council. They apply to every Councillor and Officer of the Council and anyone acting on its behalf.
- 1.1 The Financial Procedure Rules govern the way the Council undertakes financial planning, budget setting, budget monitoring and closing of the accounts. They should also clearly identify the way day to day financial administration is conducted and financial controls are exercised.
- 1.2 The Financial Procedure Rules are part of a wider set of operational and managerial arrangements. They help protect the Council and the public from poor decision making, theft, fraud and material error. They also offer significant protection to Officers and Councillors from undue criticism and accusations of impropriety.
- 1.3 All Councillors and staff have a general responsibility for taking reasonable action to provide for the security of assets, funds and resources under their control, and for ensuring that the use of these resources are legal, properly authorised and provides value for money.
- 1.4 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Councillors, Officers, and others acting on behalf of the Council are required to follow.
- 1.5 The Financial Procedure Rules will be reviewed regularly by the Section 151 Officer, at least every two years, and approved by Full Council.
- 1.6 The Section 151 Officer may choose to delegate responsibility to a nominated officer of the Council where appropriate.

## 2.0 Financial Governance

- 2.1 The Councillors (individually, and contained within Full Council, Executive and Committees) and Statutory Officers (Head of Paid Service, Monitoring Officer and Section 151 Officer) have key roles and responsibilities in relation to the financial administration and stewardship of the Council, as referenced in the Constitution.

## **3.0 Financial Planning and Management**

### **3.1 Financial Strategy and Medium-Term Financial Plan**

- 3.1.1 The Section 151 Officer, in consultation with the Senior Management Team and Executive Councillors, will maintain a Financial Strategy and Medium Term Financial Plan (MTFP) that covers a period of at least three years, including the current financial year.
- 3.1.2 The Council's Financial Strategy will purposely look strategically beyond the current financial period to consider the funding options available for the proposed delivery of future corporate priorities, as well as the continuity of service delivery, to ensure these are affordable and result in a balanced budget, and support the organisation's resilience and long-term financial sustainability.
- 3.1.3 The Medium Term Financial Plan will provide a high level strategic allocation of capital and revenue financial resources (for both the General Fund and the Housing Revenue Account) that align with the corporate priorities and plans contained within the Financial Strategy, including the forecasting of costs and future funding requirements and availability.
- 3.1.4 The Financial Strategy and Medium Term Financial Plan will be produced as part of the overall budget process each year and reported to Executive for approval during the autumn committee cycle. This will then be reported, in conjunction with the annual budget, council tax and rent proposals, to Full Council before 11 March of the proceeding financial year.

#### **Budget Strategy**

- 3.1.5 The Section 151 Officer, in consultation with the Senior Management Team and Executive Councillors, will provide a Budget Strategy for the proceeding financial year, which will form the foundations for the Annual Budget Setting process.
- 3.1.6 The Budget Strategy will provide a more detailed requirement of the strategic allocation of financial resources (both capital and revenue) that align with corporate priorities and plans for the proceeding financial year, including the level of council tax, balances and reserves, and the management of financial risks.
- 3.1.7 This will normally be reported alongside the Financial Strategy and Medium Term Financial Plan presented to Executive before seeking approval of Full Council before 11 March of the proceeding financial year.

#### **Capital, Investment and Treasury Strategy**

- 3.1.8 The Section 151 Officer, in consultation with the Senior Management Team and Executive Councillors, will each year prepare a Capital, Investment and

Treasury Strategy for the proceeding financial year, as required by the Prudential Code.

3.1.9 The Capital, Investment and Treasury Strategy is intended to give a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.

3.1.10 The Capital, Investment and Treasury Strategy will be produced and reported in accordance with the annual budget setting timetable and presented to the Executive before seeking the approval of Full Council before the 31 March of the proceeding financial year.

**Commercial Property Investment Strategy**

3.1.11 The Director of Development and Place, in conjunction with the Section 151 Officer, is responsible for the preparation and review of a Commercial Property Investment Strategy (CPIS).

3.1.12 The CPIS will set out the governance arrangements and framework for Commercial Property Investments ensuring a consistent appraisal method, clarity on corporate risk and management, and provide the Council with an agile response to investment opportunities.

3.1.13 Full Council will be responsible for approving the CPIS. The Strategy will be reviewed and updated on an annual basis. Investment decisions are delegated to the Commercial Property Investment Board (CPIB) up to agreed thresholds, with individual items above this amount subject to Full Council approval. The thresholds are:

Decision Body	Acquisitions	Disposals
Full Council	£25,000,001 and above	£30,000,001 and above
Commercial Property Investment Board	Up to £25,000,000	Up to £30,000,000

**Budget Setting**

3.1.14 The Council has a statutory duty to set a balanced budget.

3.1.15 The Section 151 Officer is responsible for making the arrangements and issuing the guidelines for producing the Council’s Revenue Budget and Capital Programme.

3.1.16 Senior Officers are responsible for ensuring that staff adhere to the timetable and requirements set out by the Section 151 Officer for the Budget Setting process, and provide any information and evidence required in relation to this.

3.1.17 In accordance with the agreed budget timetable, the detailed Budget Setting report, setting out the proposed revenue and capital spending proposals, will be presented to the Executive before seeking the approval of Full Council for the proceeding financial year.

3.1.18 In accordance with Section 25 of the Local Government Act 2003 a statement from the Section 151 Officer is required to confirm the robustness of the budget process and the adequacy of reserves.

Unless in exceptional circumstances or through further approval, expenditure shall not be incurred on behalf of the Council unless it is approved in the Capital or Revenue budget estimates.

### **Council Tax Setting**

3.1.19 Full Council is responsible for setting the Council Tax Base. This responsibility shall be delegated to the Section 151 Officer, who will set the Council Tax Base for tax-setting purposes by 31 January for the proceeding financial year, and notify precepting and levying bodies of this figure by this date. The Section 151 Officer will notify all Councillors as part of the Budget Setting report presented to Full Council at the Council Tax Setting meeting.

3.1.20 Full Council shall set the level of Council Tax by 11 March for the proceeding financial year - as required by the Local Government Finance Act 1992.

3.1.21 In the event of any late changes such as budget amendments or preceptor demand notifications, Full Council have the provision to be able to delegate the final approval of the Council Tax Setting report including the tax determination to the Leader, which must incorporate the tax rate set by Full Council. Any decision taken by the Leader will be published to ensure transparency of governance.

### **Housing Revenue Account (HRA)**

3.1.22 The Section 151 Officer is responsible for providing the HRA Revenue Budget and Capital Programme report, to include the Housing Rent proposals, for the proceeding financial year in line with the timetable and requirements out by the Section 151 Officer for the Budget Setting process.

3.1.23 The Housing Revenue Account Budget report and Housing Rent proposals will be shared with Tenants Strategic Group for consultation.

3.1.24 An updated overview of the HRA 30-Year Business Plan will be provided to the Executive prior to or with the Draft Budget for the proceeding financial year.

### **Fees and Charges**

- 3.1.25 The Fees and Charges Strategy shall be agreed as part of the Financial Strategy during the autumn committee cycle.
- 3.1.26 Full Council shall give delegated authority to the Section 151 Officer to approve, and agree any amendments to, the fees and charges for the Council in line with the approved Fees and Charges Strategy, with the exception of:
- (a) Car Parking Charges
  - (b) Any others as determined by Council
- 3.1.27 All fees and charges shall be reviewed annually by Section 151 Officer in consultation with Directors and Assistant Directors as per the budget setting timetable.
- 3.1.28 As part of the overall budget process, the revenue budget will include the latest projection of income from fees and charges.
- 3.1.29 The Section 151 Officer will be responsible for publishing a Fees and Charges Register on the Council's website.

#### **Earmarked Reserves Review**

- 3.1.30 The Section 151 Officer shall determine adequate earmarked reserves to provide for future financial commitment and mitigate financial risks. Earmarked Reserves shall be set aside for specific purposes, and may include general contingencies.
- 3.1.31 The Section 151 Officer is responsible for undertaking an annual review of all Earmarked Reserves. Recommendations arising from the review will be presented to the Executive for approval alongside or in advance of the final budget and financial plan. The report will provide information on the review and highlight any proposals to return any funds to general balances.

#### **Capital Programme**

- 3.1.32 A five-year rolling Capital Programme will be prepared and reviewed annually to confirm the capital expenditure and financing requirement estimates for each financial year, based on the following principles:
- To maintain an affordable five-year rolling capital programme.
  - To ensure capital resources are strategically aligned with the Council's corporate priorities and statutory responsibilities.
  - To undertake prudential borrowing only where there are sufficient monies to meet, in full, the implications of capital expenditure, borrowing and running costs.

- To maximise available resources by actively seeking appropriate external funding and disposal of surplus assets.

3.1.33 The Section 151 Officer will be responsible for compiling the five-year Capital Programme including the associated capital financing, in consultation with Senior Officers, for consideration by the Executive before seeking the approval of Full Council. The programme will include:

- committed schemes that are in the process of completion;
- schemes for replacement / maintenance of existing assets;
- new starts for the following years;
- planned financing arrangements including through receipts from expected sales of assets and external grants and contributions expected.

3.1.34 The Capital Programme will be approved through the Budget Setting report.

3.1.35 Approval by the Council of the Capital Programme shall not automatically authorise expenditure but will:

- indicate that the necessary funds for the ensuing financial years shall be available for the scheme; and
- that the scheme can be prepared in detail.

## **3.2 Alternative Budget Motions**

3.2.1 Any Councillor proposing to put forward to Council any amendment to the draft Budget or any alternative Budget should provide a copy thereof to the Section 151 Officer as soon as possible and at least 5 working days before the Council meeting so that they may advise Council whether the resulting amended or alternative budget would provide robust estimates and adequate reserves for the purpose of section 25 of the Local Government Act 2003.

## **3.3 Budget Management and Monitoring**

3.3.1 The system of budget management and monitoring is used to ensure that all budgets and financial resources for which the Council is accountable, are allocated correctly and managed effectively.

3.3.2 The Section 151 Officer shall ensure that the Budget Holder has access to financial information to enable them to control expenditure and income for which they are responsible.

3.3.3 The Director will be the accountable officer for all budgets within their directorates. They will be responsible for establishing and maintaining a scheme of delegations for budgets to Budget Holders, which must be provided to the Section 151 Officer.

3.3.4 The Budget Holder will be responsible for managing budgets and other financial resources effectively and within approved limits.

3.3.5 The Section 151 Officer is responsible for providing further procedural advice on budget management and monitoring.

### 3.4 Making Changes to the Approved Budget

3.4.1 A virement is the transfer of budget from one specific area to another. This can either be a transfer within revenue budgets or capital budgets, but not between revenue and capital.

3.4.2 The Virement Scheme is intended to enable the Budget Holder to manage budgets with a degree of flexibility within the overall framework determined by the Council, and therefore optimise the use of resources.

3.4.3 **Revenue Virements:** Amendments to the revenue budget can only be made with approval as long as funds are available and as per the Virement Scheme table below:

Threshold	Decision
Over £150,000	Executive Decision (in consultation with the Section 151 Officer)
Above £50,000 and below £150,000	Director / CEO and Section 151 (in consultation with Executive Councillors / Portfolio Holders)
Up to £50,000	Assistant Director / Director / CEO (in consultation with the Finance Business Partner)
Any value related to revised budget coding, technical accounting and structural presentational changes not fundamentally changing the use of funds	S151 Officer

3.4.4 The Section 151 Officer shall ensure that where any revenue Virements have been approved, these will be included within the performance report presented to the Executive.

3.4.5 **Supplementary Budgets:** Authority to approve Supplementary Budgets shall be delegated as per the table below, provided that in each case general reserves remain at least 10% above the recommended minimum level.

Supplementary Revenue Budget Scheme Table

<b>Threshold</b>	<b>Decision</b>
£250,001 and above	Full Council
£150,001 to £250,000	Executive
Up to £150,000	Director / CEO and Section 151 Officer

3.4.6 The Section 151 Officer shall ensure that where any supplementary budgets have been approved, these will be included within the performance report presented to the Executive.

3.4.7 No revenue virement shall be allowed between the following budgets without approval of the Section 151 Officer;

- Financing charges e.g. capital
- Rates and other taxes
- Support Service Recharges
- Insurances

3.4.8 No revenue virement shall be allowed to or from the 'salaries' budget unless approved by the Director(s) in consultation with a Finance Specialist.

3.4.9 Where there is a corresponding and matching increase in income and expenditure, the following approval limits will apply:

<b>Threshold</b>	<b>Decision</b>
£50,001 and above	Executive Councillor and Section 151 Officer
£20,001 to £50,000	Assistance Director / Director / CEO and Section 151 Officer
Up to £20,000	Budget Holder

3.4.10 The Directors shall manage staff resources within the agreed budgeted establishment. Any changes to the permanent establishment must be within the approved budget and agreed by the Senior Management Team.

3.4.11 Any increase over and above the agreed budgeted establishment (in costs and full time equivalents) must be supported with proposals to cover the additional costs and submitted to the Senior Management Team for consideration and approval. Any changes must be notified to the Section 151 Officer.

- 3.4.12 **Capital Virements:** Amendments to the capital budget can only be made with approval as long as funds are available and as per the Virement Scheme table below:

Capital Virement Scheme Table

Threshold	Decision
£150,001 and above	Executive Decision (in consultation with the Section 151 Officer)
£50,001 to £150,000	Assistant Director / Director / CEO and Section 151 (in consultation with Executive Councillors / Portfolio Holders)
Up to £50,000	Head of Function (in consultation with the Finance Business Partner)

- 3.4.13 **Capital Additions:** Authority to approve Supplementary Capital Budgets shall be delegated as per the table below, provided that in each case the Section 151 Officer agrees the source of the additional funding, and any revenue implications are affordable within approved budget limits.

Supplementary Capital Budget Scheme Table

Threshold	Decision
£250,001 and above	Full Council
£150,001 to £250,000	Executive
Up to £150,000	Director / CEO and Section 151 Officer

- 3.4.14 The Section 151 Officer shall ensure that where any capital additions have been approved, these will be included within the performance report presented to the Executive.

- 3.4.15 **Funding Substitutions:** The Section 151 Officer is responsible for approving funding changes.

- 3.4.16 **Growth Programme and Community Infrastructure Levy (CIL):** Full Council is responsible for approving any total budget allocations to the Growth and CIL Programmes. The Executive is responsible for delivering the programmes within the total approved budgets. Allocations to individual projects may be approved in line with the following table.

Threshold	Decision
£250,001 and above	Portfolio Holder

Up to £250,000	Director of Place and Development
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### **3.5 Budget Monitoring**

- 3.5.1 Directors and Assistant Directors have no authority to overspend revenue or capital budgets, or under-recover income budgets under their control, and are responsible for monitoring their budgets to ensure this situation does not arise.
- 3.5.2 In preparing any estimates of expenditure and income, Directors and Assistant Directors must give proper consideration to the implications in current and future years.
- 3.5.3 Directors and Assistant Directors shall notify the Section 151 Officer of all significant budget variations including underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets, regardless of whether offsetting savings or additional income have been identified.
- 3.5.4 Directors and Assistant Directors shall ensure that their managers do not enter into commitments / contracts before satisfying themselves there is sufficient approved budget provision.
- 3.5.5 All unauthorised expenditure shall be reported immediately by the Director or Assistant Director to the Section 151 Officer who will advise on the appropriate action.

### **3.6 Carry Forwards**

- 3.6.1 The Section 151 Officer is responsible for approving the carry forward of all budgets and spending plans that span financial years i.e. timing difference and profiling.
- 3.6.2 The Section 151 Officer shall approve other individual carry forwards up to £150,000, with any above this amount being approved by the Executive.

### **3.7 Budget Monitoring – Capital**

- 3.7.1 Once the Capital Scheme has been prepared in detail and the tenders have been obtained, the Director or Assistant Director shall compare the allocation of funds approved within the Capital Programme to the tendered bids and determine if further approval is required.
- 3.7.2 Further approval will be required in line with supplementary budget approval thresholds, subject to affordability being confirmed by the Section 151 Officer.

3.7.3 Approval to award a Capital Scheme contract will be as per Contract Procedure Rules.

3.7.4 A Capital Scheme must not commence until the relevant funding is in place to meet the approved budget for the Scheme. For example, capital receipts and / or capital grants have been received.

### **3.8 Leases**

3.8.1 Directors and Assistant Directors shall ensure that credit arrangements, such as leasing arrangements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.

3.8.2 The Section 151 Officer shall ensure that there is sufficient budget and calculate whether a lease or alternative financing arrangement provides best value and best fit with Capital and Treasury strategies.

### **3.9 Balances and Reserves**

3.9.1 The Section 151 Officer shall advise the Executive and Full Council on prudent levels of general balances, revenue reserves and contingencies for the Council.

3.9.2 Applying transfers to and from the general balances and earmarked reserves will be the responsibility of the Section 151 Officer in line with the approved budget and any approved changes during the year.

### **3.10 Budget Monitoring – Reporting**

3.10.1 The Section 151 Officer will report to the Executive, at agreed intervals, on the revenue and capital budgets and wider financial standing and will make recommendations for varying the approved budget where necessary.

3.10.2 Where overspending occurs on delegated budgets that cannot be covered by income savings or underspending elsewhere they shall be reported to the Executive and underwritten by balances for financial planning purposes. The Senior Management Team shall determine and report mitigating actions and any related recommendations to the Executive.

3.10.3 All service underspend and overspend over £20,000 shall be fully explained by the Budget Holder within the budget monitoring process to the Section 151 Officer with a mitigation plan where appropriate. All those over £50,000 will be reported to the Executive.

3.10.4 As soon as practicable after the end of the financial year the Section 151 Officer shall submit the financial outturn position to the Executive. This will include a comparison of budget against actual spending and an analysis of major variances.

### **3.11 Finance Comments in Reports**

- 3.11.1 The responsible Councillor and/or Officer report authors must ensure relevant financial implications are included in any key decision reports, in consultation with the Section 151 Officer, Finance Business Partner or Finance Specialist.
- 3.11.2 Authors should provide draft reports to the Section 151 Officer, Finance Business Partner or Finance Specialist prior to any submission of reports so that they may produce any financial reports and / or comments on the financial or budgetary implications of this action. For draft reports this will be 5 working days before any interim review and for final reports this will be 5 working days prior to agendas being published.
- 3.11.3 Budget Holders shall consult with the Section 151 Officer on any unplanned policy matters or other matters affecting the finances of the Council.

### **3.12 Closing of Accounts and Statement of Accounts**

- 3.12.1 The Council has a statutory responsibility to produce a Draft Statement of Accounts, and for these to be audited, approved and published online by the deadlines set within Accounts and Audit Regulations (currently 31 May for Draft Accounts and 31 July for Audited Accounts).
- 3.12.2 The Section 151 Officer is responsible for selecting and consistently applying suitable accounting policies, determining accounting procedures and records, and ensuring compliance with relevant Accounting Codes of Practice.
- 3.12.3 The Section 151 Officer is responsible for making the arrangements for closing the Council's accounts, for ensuring that the Annual Statement of Accounts is prepared in accordance with the relevant Code's, as well as all matters relating for their audit and public inspection.
- 3.12.4 Senior Officers are responsible for ensuring that staff adhere to the timetable and requirements set out by the Section 151 Officer for the closing of the accounts, and provide any information and evidence required in relation to this.
- 3.12.5 The Section 151 Officer shall sign and date the Statements of Accounts, stating his or her opinion in respect of the accounts presenting a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March 2xxx.
- 3.12.6 The Audit, Governance and Standards Committee is responsible for approving the audited Statement of Accounts.

### **3.13 Treasury Management Framework**

- 3.13.1 The Section 151 Officer is responsible for preparing a Capital Strategy, an Investment Strategy, a Treasury Management Strategy and a Minimum Revenue Provision (MRP) Policy in line with the relevant CIPFA codes and statutory guidance, to be presented to Full Council for approval by 31 March of the preceding financial year.
- 3.13.2 The purpose of these reports is to inform Councillors of the recommended strategy for effectively managing the Council's cash resources in accordance with the legislative and regulative frameworks, including the approach to borrowing and investments taking into account prudential borrowing limits and performance indicators.
- 3.13.3 These reports also set out the approach and operating limits that must be applied in treasury management activity.
- 3.13.4 The monitoring of treasury performance is the responsibility of the Audit, Governance and Standards Committee, who will receive mid-year and end of year treasury performance reports.
- 3.13.5 All executive decisions on borrowing, investment or financing, and administration shall be delegated to the Section 151 Officer, who is responsible for establishing and monitoring Treasury Management Practices.
- 3.13.6 All treasury management activity shall be undertaken by trained staff only and in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities, the Prudential Code, and the Council's Treasury Management Strategy, and comply with the Treasury Management Practices.

## **4.0 Financial Administration, Systems and Procedures**

### **4.1 Introduction**

- 4.1.1 The Section 151 Officer is responsible for determining the accounting procedures and records for the Council.
- 4.1.2 All officers working for or on behalf of the Council must follow the financial administration, systems and procedures set out below. These rules and regulations are essential to an effective framework of efficiency, accountability and control.
- 4.1.3 All accounting systems, procedures and records shall be subject to the approval of the Section 151 Officer. Any changes to existing systems and the introduction of new systems shall also be approved by the Section 151 Officer.

4.1.4 All Head of Functions will embed a culture of financial awareness and ensure that their officers and key partners are made aware of how their activities have a financial impact on the Council, either directly or indirectly.

4.1.5 All Officers will ensure that all financial transactions will be made through the Council's Accounting System.

## **4.2 Accounting**

4.2.1 All accounting arrangements across the Council shall be in a manner approved by the Section 151 Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and the Government.

4.2.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.

4.2.3 All expenditure, income, assets and liabilities shall be completely and accurately accounted for within the Council's main Accounting System and any exceptions must be specifically authorised by the Section 151 Officer.

## **4.3 Income**

4.3.1 The Section 151 Officer is responsible for drafting the Council's Income and Arrears Management Policy. Approval of the Policy shall be delegated to the Executive. This will be reviewed and approved by the Executive at least every three years, with any minor changes delegated to the Section 151 Officer in consultation with the Portfolio Holder.

4.3.2 The Income and Arrears Management Policy sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all functions within the Council.

4.3.3 The policy focusses on key aims and principles, priority of debt, vulnerability, methods of payment, payment arrangements, offsets, performance monitoring, data protection, segregation of duties and review.

4.3.4 The Section 151 Officer is accountable for the following, with Directors and Assistant Directors responsible for ensuring compliance within their services for :

- Administering all invoicing, credit notes, income and arrears collection
- Providing the systems and documentation required for collection and associated debt recovery

- Ensuring that claims for Government grants and other monies are made properly and promptly
- Ensuring that all monies received are properly receipted, recorded and banked promptly
- Administering the process for writing off irrecoverable debts and the monitoring and reporting of write off levels
- Ensuring that a proper scheme of delegation has been established and it operates effectively
- Notification of all monies due to the Council under contracts, leases or other agreements and the termination of use or change of user affecting this income
- Reporting income management performance information to the Executive

4.3.5 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Income and Arrears Management Policy and minimise the amount of credit given to customers.

4.3.6 The Section 151 Officer may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Income and Arrears Management Policy, unless otherwise prescribed in relevant legislation, such as council tax and business rates.

4.3.7 Directors and Assistant Directors must notify the Section 151 Officer of all monies due to the Council under contracts, leases or other agreements and the termination of use or change of user affecting this income.

4.3.8 Any sales made via electronic commerce accounts, for example eBay and Amazon, must have the individual account pre-approved by the Section 151 Officer, and held in the name of the Council and using the Councils banking details. Directors and Assistant Directors are responsible for ensuring that any staff in their areas use these accounts appropriately and in line with financial procedure rules.

### **Raising of Invoices**

4.3.9 Officers responsible for raising invoices must ensure that VAT has been properly accounted for and the correct fee has been charged as per the approved fees and charges report, or any subsequent amendments.

4.3.10 The Directors are responsible for developing a scheme of discretionary discounts, in consultation with the Section 151 Officer.

### **Credit Notes**

- 4.3.11 Any invoice of £1,000 and over, that requires cancellation via a Credit Note, will require Budget Holder approval. Any invoice below £1,000 will require approval from an Income Specialist.
- 4.3.12 A clear reason for the Credit Note must be provided, and all evidence must be held on the Council's document management system. This information will be reviewed periodically and action taken to reduce the number of occurrences.
- 4.3.13 Any Credit Note must not be authorised or processed by the same person who raised the original invoice.

#### **Unallocated Income**

- 4.3.14 All unallocated income shall be dealt with on a daily basis by either allocation to the correct account/invoice, transferred or refunded.

#### **Aged Debt**

- 4.3.15 The Budget Holder will periodically review the outstanding debts pertaining to their functional area, and take reasonable action to aid the collection of those debts and / or consider suspending the provision of goods / services to the customer until all payments due have been made.
- 4.3.16 For any irrecoverable debts, the Budget Holder will put forward a request to write off the debt.

#### **Writing Off Bad Debts**

- 4.3.17 The Section 151 Officer is responsible for the arrangements dealing with write off of irrecoverable debts.
- 4.3.18 Any write off per debtor greater than £25,000 in any year will be reported to the Executive for information.
- 4.3.19 Where a debt becomes uncollectable, any debts written off shall be in accordance with the following table:

<b>Threshold</b>	<b>Council Tax &amp; Business Rates, Sundry Income, Housing Benefit Overpayments &amp; Housing Rents</b>
£0 to £25	Customer Champion
£25-£100	Case Manager
£100-£1,000	Specialist / Senior Case Manager responsible for income activity
£1,000-£5,000	Director or Assistant Director
£5,000 +	Section 151 Officer

4.3.20 All write offs will be reported to the Section 151 Officer on a regular basis

#### **4.4 Ordering of Supplies, Works and Services**

4.4.1 All contracts and purchase orders are subject to the Contract Procedure Rules.

4.4.2 Directors must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.

4.4.3 Once the purchase has been agreed, the creation of an official purchase order using the Council's Accounting System will be required for all orders unless agreed by the lead Procurement Officer.

#### **Authorisation of Purchase Orders**

4.4.4 A register of approved authorisers will identify staff authorised to act on the Directors, Assistant Directors or Senior Officers behalf in respect of placing purchase orders and making payment, together with the limits of their authority.

4.4.5 A register of approved authorisers and authorised purchasers will be maintained within the Council's Accounting System.

#### **Receipt of Supply**

4.4.6 The receipt of supplies, works and services will be undertaken within the Council's Accounting System. The receipt will confirm that the supply is as requested and authorises the release of payment.

#### **Payment of Supplier Invoices**

- 4.4.7 The Section 151 Officer shall make arrangements for the payments of all monies due from the Council in accordance with the relevant legislative and statutory requirements.
- 4.4.8 Payment to a supplier will only be made on receipt of a valid and appropriately addressed tax invoice.
- 4.4.9 All invoices must reference a valid purchase order number, or customer account reference where a purchase order is not required e.g. for utilities contracts.
- 4.4.10 The Council is required to comply with the Late Payment of Commercial Debt Regulations. Any supplier issuing an invoice in error will be required to re-submit a valid invoice with an amended invoice date.

### **Payments in Advance**

- 4.4.11 The Council will ordinarily only pay for goods, services and works upon receipt or completion.
- 4.4.12 Where such goods, services and works are essential and only available if paid in advance (e.g. e-commerce) then Officers, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting.
- 4.4.13 All payments in advance in excess of £5,000 must be agreed with a Finance Specialist or Procurement Specialist and any in excess of £50,000 must be agreed by the Section 151 Officer.

### **Payment Methods**

- 4.4.14 The Section 151 Officer must approve all banking, purchase and credit card arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 4.4.15 The Section 151 Officer will maintain a register of all bank and card acquiring contracts.
- 4.4.16 Cheques above certain financial limits set by the Section 151 Officer shall be manually countersigned by those designated officers authorised to do so by the Section 151 Officer.
- 4.4.17 Directors are responsible for ensuring that any staff in their areas that use the procurement Credit / Debit Cards adhere to the requirements of the Purchasing Card Guide and Terms and Conditions.

- 4.4.18 Any purchases made via the internet must be made in adherence to the Council's procurement procedures
- 4.4.19 Any purchases made via electronic commerce accounts, for example eBay and Amazon, must have the individual account pre-approved by the Section 151 Officer, and held in the name of the Council and using the Council's banking details. Directors are responsible for ensuring that any staff in their areas use these accounts appropriately and in line with financial procedure rules.

**Petty Cash**

- 4.4.20 The Section 151 Officer must approve all banking and Petty Cash acquiring arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 4.4.21 The Section 151 Officer must authorise all Petty Cash accounts and the Petty Cash Account Holder must comply with the rules set within the Petty Cash Guide and Terms and Conditions as prescribed by the Section 151 Officer.

**Taxation**

- 4.4.22 The Section 151 Officer is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council.
- 4.4.23 Directors must notify the Section 151 Officer immediately of all new areas of business and of any change of circumstances to ensure the impact on VAT has been reviewed. For example, buying or selling a property and / or undertaking new investment activity.

**Planning Obligations Board**

- 4.4.24 The Planning Obligations Board shall recommend budget allocations from the Community Impact Mitigation (CIM) Fund and other Hinkley S106 Funds for approval as per the following table.

<b>Threshold</b>	<b>Decision</b>
£250,001 and above	Full Council
Up to £250,000	Executive

**4.5 Investments, Borrowing, Capital Financing and Trust Accounts**

- 4.5.1 The Section 151 Officer shall ensure that the Council's money is properly managed and controlled in a way which balances risk with return but with the overriding consideration being given to the security and liquidity of the Council's investment.

- 4.5.2 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved by the Executive.
- 4.5.3 All securities shall be held securely by the Council's bankers, or custodians approved at the Section 151 Officer.
- 4.5.4 The Section 151 Officer shall ensure that all borrowing is made in the name of the Council.
- 4.5.5 The Section 151 Officer shall ensure that all applicable trust funds are registered in the name of the Council.
- 4.5.6 The Section 151 Officer will provide regular monitoring reports to the Audit, Governance and Standards Committee.
- 4.5.7 The Section 151 Officer will report any breaches or amendments of the Prudential Code to Council.

## **4.6 Asset Management**

### **Asset Register**

- 4.6.1 The Finance Business Partner shall maintain a full and accurate register of all Council fixed assets.

### **Custody of Deeds**

- 4.6.2 The Council's Solicitor shall have custody of the title deeds and other agreements under seal or hand of all land owned by the Council (together with all deeds and documents held as security for any monies owed to the Council) and are responsible for their safe-keeping.

### **Security**

- 4.6.3 Directors shall be responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their services. They shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.

### **Valuations**

- 4.6.4 The Finance Business Partner will be responsible for ensuring that a valuation report is produced on an annual basis and used as part of creating the Statement of Accounts.
- 4.6.5 The Council will carry out a rolling programme of asset valuations to ensure that all Property, Plant and Equipment required to be measured at fair value is revalued at least every five years.

4.6.6 Valuations of land and buildings will be carried out in accordance with the methodologies and bases for estimation set out in the professional standards of the Royal Institution of Chartered Surveyors (RICS).

4.6.7 Valuations of vehicles, plant, furniture and equipment will be based on current prices where there is an active second-hand market or latest prices adjusted for the condition of the asset.

#### **Impairment**

4.6.8 The Finance Business Partner is responsible for ensuring that assets are assessed at each year-end as to whether there is any indication that an asset may be impaired.

4.6.9 Where indications exist and any possible differences are estimated to be material, the recoverable amount of the asset is estimated and, where this is less than the carrying amount of the asset, an impairment loss is recognised for the shortfall.

#### **Condition Surveys**

4.6.10 The Finance Business Partner shall ensure that condition surveys of all buildings and property assets in which the Council has a proprietary interest are carried out at least once every 5 years.

4.6.11 Survey details are to be recorded in appropriate systems and work programmes prepared in accordance with priorities set out in the Asset Management Plan.

#### **Maintenance of Assets**

4.6.12 Directors are responsible for implementing a system for the maintenance of assets, stocks and stores including regular stock checks and write offs when required.

#### **Asset Management Plan**

4.6.13 The Assistant Director – Climate Change and Assets is responsible for producing an Asset Management Plan. The Plan will be approved by Executive, with the monitoring of the delivery of that Plan delegated to Assistant Director – Climate Change and Assets.

4.6.14 The Asset Management Plan looks at how the Council's assets support achievement of the Council's objectives and the services it provides.

4.6.15 The Plan will set out principles, priorities and actions to ensure the assets are used and managed as efficiently and effectively as possible.

4.6.16 The Plan will be reviewed annually to take account of any changes in the Council's objectives or priorities.

## Acquisition and Sale / Disposal of Assets

- 4.6.17 Except for Commercial Investment Properties which will be made in accordance of the Commercial Investment Property Strategy and related authority, all acquisitions and disposals of Council property shall be made in accordance with the approved governance arrangements or otherwise in accordance with the Council's Capital Strategy and its Asset Management Plan.
- 4.6.18 The Section 151 Officer shall be responsible for the appropriate accounting treatment of any acquisition and sale / disposal of assets.
- 4.6.19 All acquisitions and sale / disposal of assets shall be made in line with approved budgets and in consultation with the Section 151 Officer. The authority to approve acquisitions and sale / disposal of assets, except for Commercial Investment Property, shall be delegated as per the table below.

Threshold	Decision
£250,001 and above	Executive
Up to £250,000	Chief Executive or Director

- 4.6.20 In respect of receipts from sale of assets where values are less than £10,000: these net proceeds will be credited to the appropriate revenue budget.
- 4.6.21 In respect of receipts from sale of assets where values are more than £10,000: the net proceeds will be recorded as either capital receipts unless Statutory Guidance permits the use as Flexible Capital Receipts. The net receipts can then be used to fund revenue costs, provided the expenditure meets the requirements for qualifying expenditure under this guidance.

## 4.7 Payroll

- 4.7.1 The Head of Paid Service is responsible for producing a Pay Policy to be approved by the Executive by the 31 March of the proceeding financial year.
- 4.7.2 The Pay Policy sets out the Council's policy and procedures in relation to the payments of salaries and wages to all staff, including payments for other allowances, and for payment of allowances to Councillors, employed by the Council. This is to ensure that the risk associated with the public sector payroll system are managed effectively.

4.7.3 The Section 151 Officer is responsible for all payments of salaries and wages to all staff, including payments for other allowances, and for payment of allowances to Councillors. All payments must be made by BACS once a month through the Council's Payroll System.

4.7.4 Directors and their respective managers must notify central payroll team of all matters relating to the employment (including any changes) of officers so that the appropriate financial entries and payments can be made.

4.7.5 Officers will submit their expenses claims through the Council's Payroll System. The relevant manager will then validate the claim prior to online approval.

#### **4.8 Somerset West Lottery**

4.8.1 The Council will be an enabler for the lottery and use the contracted services of a licenced External Lottery Manager (ELM) to operate the lottery as per the Gambling Act 2005.

4.8.2 The Council will hold the relevant licence(s) obtained from the Gambling Commission as regulated by the Gambling Act 2005.

4.8.3 The Section 151 Officer, Directors and/or Assistant Directors may be registered as the 'responsible officers' with the Gambling Commission.

4.8.4 Any arrangements of administering the lottery will be delegated to the Director of Housing and Communities and Portfolio Holder in consultation with the Section 151 Officer.

#### **4.9 Grants Paid out to VCS**

4.9.1 The authority to award grants will be delegated by the Executive to the Grants Panel, and all decisions will be published.

4.9.2 In order to make the most effective use of the Council's grants schemes (as listed below) the Council needs to ensure applicants maximise match funding from other funders for their projects in the district.

- Somerset West Lottery Local Community Fund (SWL LCF)
- Voluntary and Community Sector (VCS) Partner Grants
- VCS Small Grants Scheme

4.9.3 The Council may choose to outsource this function to an external body to administer on behalf of the Council and present assessed applications to the Council's Grants Panel for consideration and approval.

#### **4.10 Insurance**

- 4.10.1 The Section 151 Officer is responsible for maintaining adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 4.10.2 Directors must notify the Section 151 Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 4.10.3 Any incident which could give rise to an insurance claim must be promptly notified to the Section 151 Officer, by the relevant officer, who shall also inform the Police if appropriate.
- 4.10.4 The Section 151 Officer will handle all insurance claims with the insurance company if proceedings are issued.

#### **4.11 Financial Inducements, Gifts, Hospitality and Promotional Offers**

- 4.11.1 All staff must comply with the Employee Code of Conduct and Gifts and Hospitality Guidance and Procedures. Further advice should be sought from the Monitoring Officer.
- 4.11.2 All Councillors and staff must not accept inducements in the process of administering the financial affairs of the Council.

#### **4.12 Declaration of Interest**

- 4.12.1 All officers shall notify their Director and the Monitoring Officer in writing if they have a financial interest (direct or indirect) in any current or proposed contract of the Council. The Monitoring Officer shall record in a schedule to be kept for the purpose, particulars of any such notice given. Failure to disclose a financial interest in a contract is a criminal offence under section 117 of the Local Government Act 1972.
- 4.12.2 All officers shall advise their Director and the Monitoring Officer, to be incorporated into the schedule mentioned above, of any conflict of interest which has arisen or might arise because they are likely to be required or authorised to do something as a Council Officer, in which they have a personal or private interest.

### **5.0 Risk Management and Control of Resources**

#### **5.1 Risk Management**

- 5.1.1 The Director of Internal Operations is responsible for preparing a Risk Management Strategy as part of the Governance Framework, and ensuring that Councillors and staff consider risk when dealing with Council business and key activities.
- 5.1.2 The Risk Management Strategy will be approved by the Executive, and reviewed at least every three years.

5.1.3 Risk management and control arrangements are the responsibility of management, and the Director of Internal Operations shall report on risk management arrangements and performance to the Audit, Governance and Standards Committee

## **5.2 Internal Control**

5.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

5.2.2 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

5.2.3 It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

5.2.4 The Section 151 Officer shall undertake an annual review of the effectiveness of the systems of internal control, and key findings and actions reported within the Annual Governance Statement.

## **5.3 Internal Audit**

5.3.1 Directors shall have regard to the principles of risk management, and to the Council's Risk Management Strategy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the Council's arrangements for risk management.

5.3.2 Under the Accounts and Audit Regulations 2015 the Council has a statutory obligation to have an adequate and effective system of internal audit.

5.3.3 The Section 151 Officer has the delegated authority for providing and maintaining this service.

5.3.4 The Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). They are also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council.

5.3.5 Internal Audit is an assurance function that provides an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

5.3.6 Internal Audit has unrestricted access to all information (including records, computer files, databases, systems, property and personnel) across all functions and activities undertaken by the Council, or partners on the behalf of the Council where council information is held in order to review, appraise and report as may be necessary.

5.3.7 The Internal Auditor shall report to the Audit, Governance and Standards Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

#### **5.4 External Audit**

5.4.1 The council is responsible for approving the appointment of an external auditor. This shall be delegated to the Audit, Governance and Standards Committee.

5.4.2 The External Auditor has a responsibility to satisfy themselves that the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This judgement is based on criteria specified by the National Audit Office.

5.4.3 The Section 151 Officer, in conjunction with Directors, must ensure that the Council makes best use of resources, and taxpayers and service users receive value for money.

5.4.4 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

5.4.5 The Section 151 Officer is responsible for presenting the Audit Findings Report and the Annual Audit Letter to the Audit, Governance and Standards Committee.

5.4.6 The Section 151 Officer must advertise the Public Right of Inspection on the Council's website in line with Accounts and Audit regulations.

#### **5.5 Counter-fraud and Anti-bribery**

5.5.1 Section 151 of the Local Government Act 1972 requires every Local Authority to make arrangements for the proper administration of their financial affairs.

5.5.2 The Section 151 Officer is responsible for advising the Council on anti-fraud and anti-corruption strategies and measures. Approval of the policy is delegated by the Council to the Executive.

5.5.3 This policy provides a coherent and consistent framework to enable the organisation's staff and Councillors to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Councillors/ staff and the public/ stakeholders to identify and effectively report a potential breach.

## **5.6 Money Laundering**

5.6.1 The Section 151 Officer is responsible for preparing the Council's Money Laundering Policy (MLP) to be scrutinised by the Audit, Governance and Standards Committee and approved by the Executive.

5.6.2 The Money Laundering Policy (MLP) will be reviewed on a regular basis, at least every three years, and upon issue of new or updated relevant regulations.

5.6.3 This policy will ensure that there are adequate controls in place within the Council to counter money laundering activities and terrorist financing activities, in line with the Money Laundering Regulations 2017.

5.6.4 The Executive will appoint a Money Laundering Reporting Officer (MLRO).

## **5.7 Trading Units**

5.7.1 It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units, and to determine the arrangements under which these are operated.

5.7.2 Directors must observe all statutory requirements in relation to trading accounts, including the maintenance of a separate revenue account to include all relevant income and expenditure, including overhead charged and an annual report in support of the Council's annual financial statements.

5.7.3 Directors must ensure that the same accounting principles are applied in relation to trading accounts as for other service units.

## **6.0 External Arrangements**

### **6.1 Partnerships**

- 6.1.1 Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. Where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project, this is not a partnership.
- 6.1.2 The Executive is responsible for approving the operational framework for the Council's participation in all strategic partnerships or joint working arrangements with other local public, private, voluntary and community sector organisations. This includes the arrangements for delegation to officers and the detailed arrangements for the provision of both financial and physical resources by the Council.
- 6.1.3 The Section 151 Officer and Monitoring Officer are responsible for promoting, maintaining and monitoring the same high standards of conduct with regard to legal and financial administration and accounting arrangements in partnerships that apply throughout the Council. They shall also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They shall ensure that the risks have been fully appraised before agreements are entered into with external bodies. They shall ensure that all partnerships are included within the Partnership Register.
- 6.1.4 The approval of both the Section 151 Officer and the Monitoring Officer must be obtained prior to the Council entering into any formal partnership agreement. The approval of the Section 151 Officer must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership.
- 6.1.5 Directors are responsible for ensuring that appropriate preparation work is undertaken and approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- 6.1.6 A written partnership agreement must be produced that clearly establishes the responsibilities, rights, and obligations of the respective partners for managing the arrangement and the resources made available to the partnership.
- 6.1.7 The agreement must clearly set out the financial arrangements of the partnership including accounting, funding, assets, liabilities, insurances, tax accounting and risk management.
- 6.1.8 The agreement must also set out the arrangements in respect of unspent funding at each year end, unless this is to be returned to the Council as unspent money, and for addressing any overspend.

6.1.9 The agreement must also include HR advice in respect of employment rights and obligations including IR35 and TUPE implications.

## **6.1 External Funding (Including Grants)**

6.1.1 The Section 151 Officer, in consultation with the relevant Director, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

6.1.2 Directors must advise the Section 151 Officer with details of all bids for external funding, as well as all grant and subsidy notifications by external bodies, as soon as they are received.

6.1.3 Directors are responsible for ensuring that the terms and conditions of all grants have been met properly.

6.1.4 Directors must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed.

6.1.5 Directors are responsible for informing the Section 151 Officer promptly about such funding. Where such income is receivable against a grant claim the relevant Director shall provide written confirmation to the Section 151 Officer that all output and other grant requirements have been properly and fully met.

## **6.2 Work for Third Parties**

6.2.1 The Section 151 Officer is responsible for providing specific guidance to Directors in respect of contractual arrangements for the provision of services to third parties or external bodies.

6.2.2 Work can only be undertaken for third parties where the Council has the legal powers to undertake the work.

6.2.3 With regard to the financial aspects of third party contracts, Head of Functions will:

- Comply with any guidance issued by the Section 151 Officer and will ensure that appropriate insurance arrangements are made.
- Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract.
- Ensure that the Council is not unnecessarily exposed to the risk of bad debts.

6.2.4 A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement.

- 6.2.5 Directors will provide information on the contractual arrangements to the Section 151 Officer in order that the appropriate disclosures can be made within the Council's annual statement of accounts.
- 6.2.6 The Director / Section 151 Officer / Solicitor shall be responsible for approving the contractual arrangements for any work for third parties or external bodies.
- 6.2.7 The relevant Senior Officer must ensure that any work carried out for third parties is not outside the Council's powers by formally seeking the opinion of the Council's Monitoring Officer before such an arrangement is entered into.
- 6.2.8 The Section 151 Officer will issue guidance on all financial matters in respect of providing third parties with services.
- 6.2.9 The relevant Senior Officer must ensure that:
- Proposals are costed properly in accordance with the guidance provided by the Section 151 Officer;
  - No contract is subsidised by the Council;
  - Appropriate insurance arrangements are made;
  - Wherever possible, payment is received in advance of the provision of the service;
  - The Section 151 Officer is provided with the appropriate information to enable a note to be entered into the Statement of Accounts; and
  - Information held or assets owned by the Council is/are not used to the detriment of the Council.
  - There is compliance with GDPR.

### 6.3 **Alternative Delivery Models**

- 6.3.1 The Section 151 Officer is responsible for providing specific technical guidance to Head of Functions in respect of financial arrangements for any proposal to deliver services via an alternative delivery vehicle. They shall also ensure that any such activities are properly recorded in the Council's accounts.
- 6.3.2 Legal advice shall be sought for the contractual arrangements for any alternative delivery model.
- 6.3.3 Any proposal to deliver services via an alternative delivery vehicle must be developed through the Council's business case governance framework to ensure that there is a robust planning and decision-making process in place.

- 6.3.4 Head of Functions are responsible for ensuring that necessary approval is obtained before any contract negotiations and/or financial transactions are entered into, and that all agreements and arrangements are properly documented.
- 6.3.5 There are various types of alternative delivery model, including, but not limited to:
- Local Authority Trading Company (LATC)
  - Joint Ventures - set up as separate corporate entities joining two or more parties for the purpose of executing a business undertaking
  - Charitable incorporated organisation - a corporate entity which is regulated by the Charities Commission
  - Social Enterprises - businesses trading for social and environmental purposes
  - Outsourcing – a contractual arrangement between the Council and a private provider for the delivery of an agreed service
  - Social Impact Bonds – contract to achieve agreed social outcomes through a programme of interventions delivered by a number of service providers
  - Joint Committee – joint bodies set up, by agreement, to discharge or carry out activities in conjunction with other local authorities
  - Unincorporated association

## 6.4 Transparency

- 6.4.1 To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending and are available to download via the Council's Open data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <https://www.somersetwestandtaunton.gov.uk/open-data/>

## Appendix A

List of supporting strategies, policies, plans and reports

- Financial Strategy and Medium Term Financial Plan
- Budget Strategy
- Capital Strategy
- Commercial Investment Strategy
- Revenue Budget and Capital Programme Report including ...
  - Council Tax Setting Report
  - HRA Revenue Budget and Capital Programme Report
  - HRA 30-Year Business Plan
  - Fees and Charges Register
  - Earmarked Reserves Review Report

- Capital Programme Report
- Performance Reporting
- Statement of Accounts
- Investment Strategy
- Minimum Revenue Provision Policy
- Treasury Management Strategy Statement
- Treasury Performance Reports
- Income and Arrears Management Policy
- Contract Procedure Rules
- Purchasing Card Guide and Terms and Conditions
- Petty Cash Guide and Terms and Conditions
- Asset Management Plan
- Payroll Policy
- Employee Code of Conduct
- Gifts and Hospitality Guidance and Procedures
- Risk Management Strategy
- Governance Framework
- Anti-Fraud and Anti-Corruption Policy
- Money Laundering Policy
- Partnership Working Operational Framework

**-End of Document-**