

# Constitution and Standards Committee

Friday 9 February 2018

10.00 am Luttrell Room - County Hall,  
Taunton



To: The Members of the Constitution and Standards Committee

Cllr N Taylor (Chairman), Cllr S Coles, Cllr H Davies, Cllr M Dimery, Cllr D Loveridge,  
Vicky Chapman, Robin Horton, Janice Middleton, Tim Ward and Wesley Wooding

Issued By Julian Gale, Strategic Manager - Governance and Risk - 1 February 2018

For further information about the meeting, please contact Neil Milne or Julian Gale or 01823  
357628 or [ndmilne@somerset.gov.uk](mailto:ndmilne@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution  
under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to  
the meeting in large print, Braille, audio tape & disc and can be translated into different  
languages. They can also be accessed via the council's website on  
[www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



**RNID typetalk**

# AGENDA

Item Constitution and Standards Committee - 10.00 am Friday 9 February 2018

**\* Public Guidance notes contained in agenda annexe \***

**1 Apologies for absence**

**2 Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

**3 Minutes from the previous meetings (Pages 5 - 12)**

The Committee is asked to confirm the minutes from its 6 October and 17 November 2017 meetings are accurate.

**4 Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about any matter on the agenda for this meeting will be taken at the time when each matter is considered.

**5 Access to Information Provisions (Pages 13 - 28)**

To consider this report from the Monitoring Officer.

**6 Electoral Divisions name changes (Pages 29 - 34)**

To consider this report from the Monitoring Officer.

**7 Any other urgent items of business**

The Chairman may raise any items of urgent business.

## THE MEETING – GUIDANCE NOTES

### IMPORTANT NOTE FOR MEMBERS OF THE PUBLIC

The Council in support of the principles of openness and transparency allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishes to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to this Committee's Clerk, Mr Neil D Milne, Senior Democratic Services Officer, County Hall, Taunton, Somerset, TA1 4DY 01823 359045 or email [ndmilne@somerset.gov.uk](mailto:ndmilne@somerset.gov.uk) so that the Chairman of the meeting can inform those present.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Clerk for the meeting in advance

#### **1. Inspection of Papers**

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact the Clerk (contact details above).

#### **2. Notes of the Meeting**

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from the Clerk (contact details as above)

### 3. **Public Question Time**

At the Chairman's invitation you may ask questions and/or make statements or comments, or send in a written question about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed.

Any person wishing to raise a matter under public question time must inform the Clerk (contact details as above) by 12 noon **the (working) day before** the meeting.

### 4. **Emergency Evacuation Procedure**

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

### 5. **Members' Code of Conduct Requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

## **CONSTITUTION & STANDARDS COMMITTEE**

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 6 October 2017 at 10.00am.

### **Present**

**Councillors:** Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies and Cllr D Loveridge.

**Co-opted Members:** Mrs V Chapman, Mrs J Middleton, Dr T Ward and Mr W Wooding.

### **8 APOLOGIES FOR ABSENCE - agenda item 1**

Cllr M Dimery and Mr R Horton.

### **9 DECLARATIONS OF INTEREST – agenda items 2**

Cllr S Coles, Cllr H Davies, Cllr D Loveridge and Cllr N Taylor all declared a personal interest as a District and/or City/Town, Parish Councillor.

Cllr S Coles declared a personal interest as a member of the Council's Pensions Committee in respect of agenda item 5.

### **10 MINUTES FROM THE PREVIOUS MEETING – agenda item 3**

The minutes of the meeting of the Committee held on 7 July 2017 were approved as correct record and the Chairman signed them. There was a brief discussion about how voting would be recorded and it was noted that Members could request their voting be recorded in the minutes if they so wished.

### **11 PUBLIC QUESTION TIME - agenda item 4**

11.0 The Committee heard from Mr Nigel Behan, of the UNITE trade union, who asked a number of questions about agenda item 5. The Strategic Manager (People and Place) in Commercial and Procurement responded and undertook to provide a written answer that would be circulated to the Committee.

### **12 CHANGES TO THE CONTRACT PROCEDURE RULES AND STANDING ORDERS – agenda item 5**

12.0 The Committee considered a report introduced by the Strategic Manager (People and Place) in Commercial and Procurement that set out a proposed change to section 28 of the Contract Procedure Rules and Standing Orders to ensure the Council obtained better value for money.

12.1 It was reported that all Officers involved in procurement were committed to focusing on achieving good value for money however the current

constraints on resources were focusing attention on reducing the budget gaps and the proposed change was driven by the Council's financial position. In response to a question it was noted that there was no known precedent for a Council to include such a provision within its rules to draw comparison with for the purposes of judging against best practice.

- 12.2 There was a discussion of the first proposed change relating to the tender evaluation criteria ratio transitioning from 60:40 to 70:30 weighted in favour of price over quality considerations. During the discussion Members expressed concerns about the long terms effects of awarding contracts to the cheapest bidder for a short term gain of saving money. In response the Officer explained that a range of factors would be taken in to account when deciding the successful tender including understanding the need and consulting properly on the appropriate service delivery model.
- 12.3 The Committee considered the second proposed change and it was noted that this was to reinstate a previous provision that afforded the Pensions Committee the opportunity of exempting its activities from the Rules to take account of the different constitutional set up and operating structure of the Pensions Fund. In response to a question it was noted that this had previously been the case but had inadvertently been omitted when the Rules were last changed.
- 12.4 The Committee RESOLVED by majority; :
- To endorse the proposed changes; the first of which has been set out with the purpose of ensuring better value for money through commissioning and procurement activities; and the second of which provided an additional exemption from the scope of the Rules for Contracts relating to the Pension Fund;
  - That those amended Rules be formally adopted in to the Council's Constitution.

Cllr Davies wished it to be recorded that he voted against both the proposed changes.

**13 NEW RULES TO STRENGTHEN STANDARDS FOR COUNCILLORS – agenda item 6**

- 13.0 The Committee considered this report by the Monitoring Officer that highlighted plans announced by the Government to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils. The drive to strengthen the rules was welcome, as they were fairly minimal currently, and it would help to ensure high standards for those in elected office and public life.
- 13.1 It was explained that the Government had produced a consultation document and had invited comments by 8 December. It was explained that the changes were proposed to reflect modern day sentencing. There was a brief discussion of the report and some of the terminology mentioned and the definition of some sections.

- 13.2 It was suggested and agreed that the County Solicitor would provide a definition of some of the terminology and phrases used in the report. It was also suggested and agreed that the Committee, when in possession of that additional information hold another meeting, before the Government consultation closed, to consider the Council's response to the Government's consultation.
- 13.3 The Monitoring Officer then reflected that a part of the debate on the subject of ensuring appropriate standards for elected members included Disclosure and Barring Services (DBS) checks. The Committee was reminded that this was last considered, by the former Standards Committee in 2015, when it was agreed to recommend that the Council encourage all elected Members to undertake a DBS check on a voluntary basis. The Monitoring Officer thought it an appropriate time to review these arrangements.
- 13.4 It was explained that safeguarding was a key priority issue for the Council and work had been undertaken to assess how the Council's existing policy compared with other County and Unitary Councils. Although the approach varied amongst other Councils it seemed the majority had a blanket approach to requiring elected Members to have a DBS check. In Somerset currently only elected Members directly involved in safeguarding activity were required to have DBS checks.
- 13.5 The Monitoring Officer explained that he would like to include a section on DBS checks for elected Members in a report to the November Council meeting and invited views from the Committee. There was a discussion and every member of the Committee supported the suggestion of a review and that it be a requirement for every elected Member to undertake a DBS check.
- 13.6 The Committee RESOLVED to agree:
- It was an appropriate time for the Monitoring Officer to review the Council's DBS policy for elected Members;
  - To ask the Monitoring Officer to submit a report to the November meeting of Council reviewing the policy in the light of the practice of our peer councils with appropriate recommendations;
  - Unanimously that all elected Members should be required by the Council to undertake a DBS check to be renewed on at least a quadrennial basis be reflected in the report;
  - To ask the Monitoring Officer to include in his report that a change of policy requiring all elected Members to undertake a DBS check, would mean that should a member then refuse to have a DBS check, this would be a potential breach of the Code of Conduct for failure to comply with Council policy and the elected Member could then be subject to sanction under the Council's complaint handling provisions.

**14 ACCESS TO INFORMATION AND THE CONSTITUTIONAL PROVISIONS – agenda item 7**

- 14.0 The Committee considered this update report from the Monitoring Officer about his on-going work to review the contents of the Constitution in relation to Members and the rules around access to information. It was noted that the relevant provisions were currently set out in Part 1: Section 8 of the Council's Constitution and Part 2: Appendix F and the intention was to have one set of rules within Part 1 of the Constitution to give greater clarity to Members, officers and the public.
- 14.1 It was reported that the current arrangements met all the requirements of the legislation and in some respects, regarding Members' access to confidential and exempt information, went beyond the legal requirement. Attention was drawn to paragraphs 3.6.1 to 3.6.5 of the report that highlighted the specific areas being reviewed.
- 14.2 There was a discussion of the specific issues being considered and these included: the need to know principle; use of council information by members; request for information; passing on confidential information; members' access to confidential or exempt papers. There was a question about members passing on confidential information and if this would represent a breach of the code of conduct and it was explained that an investigation would be undertaken, however it was noted that such matters were usually quite complex and difficult to determine.
- 14.3 Members expressed their support for the review and the areas being considered and the Chairman reiterated the Committee's support and noted the revised single set of provisions would be compiled in a report for the February 2018 meeting.

**15 CHANGING THE NAMES OF ELECTORAL DIVISIONS – agenda item 8**

- 15.0 The Committee considered this report that explained the process for the Council to consider changing the names of electoral divisions to better reflect their geographies and communities. It was noted that the Council had a full scale Local Government Boundary Commission review in 2011/2012 resulting in a reduced total of 55 Members representing 54 electoral divisions.
- 15.1 It was reported that such reviews are usually undertaken every 10 years in order to reflect demographic changes over that time. There had been a request about the process for changing the name of an electoral division and advice from the Boundary Commission indicated that such changes could be undertaken by the Council after December 2017, and would not need the Commission's approval or be subject to a Parliamentary process.



15.2 There was a brief discussion and the proposal met with approval of those present and it was suggested that an article be included in a future edition of the Your Somerset newsletter to aid public understanding. The suggested consultation process was noted and the outcomes of the consultation would be reported to a future meeting of the Committee. The Committee would then make a recommendation to Council at a special meeting for any amendments to the names of electoral divisions.

15.3 RESOLVED to agree the proposed process set out in the report leading to the Council's consideration of requests from members for changes to the names of electoral divisions

**16 ANY OTHER URGENT ITEMS OF BUSINESS – agenda item 9**

There were no other urgent items of business and the Chairman thanked all those present for attending and closed the meeting.

**The meeting ended at 11.51**

**Cllr Nigel Taylor  
Chair  
Constitution and Standards Committee**

This page is intentionally left blank

## **CONSTITUTION & STANDARDS COMMITTEE**

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 17 November 2017 at 14.00.

**Present:** Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies, Cllr M Dimery and Cllr D Loveridge.

**Co-opted Members:** Mrs V Chapman, Mr R Horton, Dr T Ward, and Mr W Wooding.

**17 APOLOGIES FOR ABSENCE** - agenda item 1

Mrs J Middleton.

**18 DECLARATIONS OF INTEREST** – agenda items 2

Cllr S Coles, Cllr H Davies, Cllr D Loveridge and Cllr N Taylor all declared a personal interest as a District and/or City/Town, Parish Councillor.

**19 PUBLIC QUESTION TIME** - agenda item 3

None.

**20 NEW RULES TO STRENGTHEN STANDARDS FOR COUNCILLORS** – agenda item 4

20.0 The Committee considered a report that set out plans announced by the Government to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils. The Government had issued a consultation paper and was inviting comments by Friday 8 December 2017. Regarding the request for explanations of some of the terminology used, the County Solicitor had highlighted information contained in the Consultation paper (attached to the covering report) at paragraphs 11 to 15 and 17.

20.1 The County Solicitor referred to a statement received from Mrs Middleton who could not attend the meeting which outlined her views on the consultation document and the questions that the Council had been asked to respond to.

20.2 The Chair suggested and it was agreed to consider each of the 6 questions in turn and the Committee considered and discussed each thoroughly. It was further agreed that the Council's response would take the form of a number of statements confirming the Council's views on each of the questions asked in the consultation. The Council's responses, it should be noted, related specifically to candidates for County Council elections.

20.3 In response to Q1 it was agreed that the Council's view is that an individual who is subject to the notification requirements set out in the Sexual

Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a county council.

- 20.4 In response to Q2 it was agreed that an individual who is subject to a Sexual Risk Order should be prohibited from standing for election, or holding office, as a member of a county council.
- 20.5 In response to Q3 it was agreed that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a county council until such time as they are no longer subject to the Injunction or Order.
- 20.6 In response to Q4 it was agreed that any individual who is subject to an Anti-social Behavioural related Criminal Order should be prohibited from standing for election, or holding office, as a member of a county council until such time as they are no longer subject to the Order.
- 20.7 In response to Q5 it was agreed that the Council considers that it is for the Government to judge any effect that these proposals will have on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010. However, the Council wishes to make a general point that it supports the intention behind the proposals to ensure that the highest standards of conduct in public life are upheld and can be seen to be upheld.
- 20.8 In response to Q6 that asked for any further views about the proposals set out in this consultation paper, it was agreed to further submit that the Council considers that the requirements set out above should also apply to anyone convicted of a relevant offence outside of the UK.
- 21 ANY OTHER BUSINESS OF URGENCY – agenda item 5**
- 21.0 The Chairman ascertained there were no other urgent items of business, he thanked all those present for attending the meeting and reminded everyone that the next meeting would be on 9 February 2017.

**The meeting ended at 15.45**

**Cllr Nigel Taylor  
Chair  
Constitution and Standards Committee**

## **Access to Information and the Constitutional Provisions**

Lead Officer & Author: Julian Gale, Strategic Manager - Governance & Risk & Monitoring Officer

Contact Details: 01823 359047

### **1. Summary**

- 1.1. This report sets out revised Access to Information rules for the Constitution. It follows the report considered by the Committee in October 2017 which introduced the intention to review and revise the rules.
- 1.2. The recommendations if agreed will result in revised content for the Constitution but the changes also impact on the Council's 'executive arrangements' which come under the authority of the Leader to approve. The final decisions from today are subject to the Leader's approval of the changes which impact on the Council's 'executive arrangements'.

### **2. Recommendations**

- 2.1. **The Committee is recommended to agree the revised Access to Information rules attached as the Appendix to this report for inclusion in the Constitution and to replace the existing contents of Part 1 – Section 8 (relevant paragraphs) and Part 2 - Appendix F – Protocol on Members' Access to Information and other Confidential Issues.**

### **3. Background**

- 3.1 The October report outlined the background to rights of access for members to information held by the Council which comprise a complex interaction of various pieces of legislation, regulations and the common law. All Members have the normal rights of access to information held by the Council under the Freedom of Information Act, the Data Protection Act, the Environmental Information Regulations and the Local Government Act 1972. Section 100F of the Local Government Act 1972 provides that any document which contains material relating to the business to be transacted at a meeting should be open to inspection by elected members (unless it contains confidential or exempt information. Additionally, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provided additional rights to access information for 'executive' (Cabinet) business with the focus on the decision making arrangements for both members and the public.
- 3.2 Detailed provisions and guidance on access to information are set out in the Constitution for reasons of transparency and understanding and are important for the day to day process of decision making and running of the Council. Currently the relevant content is in two places in the Constitution:

Part 1: Section 8 – Decision Making: This is summary content setting out the main requirements and processes behind the formal decision making process.

This document can be accessed via the link below and the relevant pages are 74 to 82.

<http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

and

Part 2: Appendix F – Protocol on Members’ Access to Information and other Confidential Issues. This includes more detail than Part 1 Section 8 in respect of member entitlements to information as part of the decision making process as well as more general provisions in relation to members and access to information. This document can also be accessed via the link set out above.

**3.3** As stated in the October report an assessment of the current contents of each has revealed:

- Some duplication of content
- Some inconsistencies between the content.
- The content doesn’t necessarily reflect our current practice (eg access provided to members to confidential and exempt information)
- That the contents comply with the requirements of the legislation and in some respect go beyond the legal minimum as a matter of local choice.

**3.4** The intention in October was to produce a single set of rules within Part 1 of the Constitution giving greater clarity to members, officers and the public alike. The Committee supported this intention.

**3.5** The October report raised some specific issues which it was intended to address and this intention was supported by the Committee. These issues are summarised in the following paragraph. In addition to this the content has been rewritten in places and rationalised in terms of the order of the content. New or heavily revised content is shown in bold italic print.

**3.6** The need to know principle. The content would benefit from a more detailed explanation of the ‘need to know’ principle which is the common law right of members to inspect council documents and is often quoted by members seeking access to confidential information.

Use of Council information by members: Making it explicit that Council information can only be used by the member in connection with the proper performance of Council duties.

Requests for information: Clarifying the process for members to request information from services.

Passing on confidential information: To include some additional content about clarifying the status of information where it is unclear if it is confidential or not.

Members’ access to confidential or exempt information: As stated in the previous report the Council’s current policy of providing access to confidential

and exempt information to members goes beyond what is required by statute. The content therefore needs to outline the statutory position as well as our current practice.

#### **4. Implications**

- 4.1. Legal & Risk: It is important that the Constitution is up to date, meets legal requirements and reflects the practice of the Council. This revision and updating process will assist in meeting these requirements.
- 4.2. Impact Assessment: No implications.
- 4.3. Financial: None
- 4.4. HR: Not applicable.

#### **5. Background papers**

- 5.1. None

**Note:** For sight of individual background papers please contact the report author.

This page is intentionally left blank



## APPENDIX

### EXTRACT FROM SECTION 8 – PART 1 OF THE CONSTITUTION

#### 8.6 ACCESS TO INFORMATION PROCEDURE RULES

##### GENERAL

8.6.1 Part 1 of these rules set out the rights of the public and Members to access information under the decision making process.

8.6.2 Part 2 details Members' wider access rights to access information held by the Council. These rights are complex and are set out in legislation, regulations and the common law. Members' rights go beyond those of the public.

8.6.3 ***“Need to know”***: *The common law right of members to have access to Council information on a “need to know” basis is a broad provision based on the principle that a member has a prima facie right to have such access so far as is reasonably necessary to enable him/her to perform their duties as a member of the Council. To exercise this right the member must be able to demonstrate a genuine “need to know” rather than just undertake a general ‘fishing expedition’. Members do not have a general right to access all documents held by the Council. In most cases access will be provided as a matter of course but in some circumstances (e.g. a member wishing to access Council documents which contain personal information about third parties) justification will be required. In some cases members may be required to sign a non- disclosure agreement in order to have access to exempt information but even then full access may still not be allowed. If access is disputed the Monitoring Officer will give a final ruling.*

8.6.4 ***A Member may request information and advice from a council service in connection with their role as a member. Such approaches should however normally be directed to the relevant Director or Strategic Manager. Members must not put undue pressure on officers to release information and documents to which they are not entitled to have access.***

8.6.5 ***A member must only use Council information provided for his/ her duties member of the Council.***

8.6.6 The rules set out in Part 1 apply in full or in part to the Council's Cabinet (executive) decision-making arrangements as indicated. The following rules in Part 1 apply as specified to meetings of Full Council and the Council's Committees, 8.6.7-9, 20-22, 27-29, 31-37, 44 and 47-51. The rules

comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

## **PART 1 – ACCESS TO INFORMATION RULES – DECISION MAKING**

### 8.6.7 Definitions:

- (a) '5 clear days' – references to the term 'clear' in this context excludes Saturdays, Sundays, Bank and Public Holidays, the day that the agenda is sent to Members and the day of the meeting.
- (b) '28 clear days' - references to the term 'clear' in this context includes weekends and public holidays.
- (c) 'Executive decisions' – are Key or Non-Key decisions taken under the authority of the Leader and by the Leader or delegated to the Cabinet, a committee of the Cabinet, a Cabinet Member or an Officer.
- (d) 'Information' - means information, including any document, report or background paper other than in draft form.
- (e) 'Publication', or derivatives of - means: publication on the Council's website unless otherwise stated. Hard copies of papers are available for inspection or can be provided free of charge on request. If large volumes are requested a charge may be made.

## **MEMBERS OF COMMITTEES – RECEIPT OF PAPERS**

8.6.8 Committee Members receive a printed copy of agendas and papers for meetings of that body unless they have exercised the option to receive the papers electronically via a link to the website. Either method complies with the legal requirement to give notice by the Council under the Local Government (Electronic Communications) (England) Order 2015. A member may revoke this request at any time.

### **NOTICE OF MEETINGS:**

8.6.9 '5 clear days' notice of formal public meetings will be published (including on the public notice board at County Hall, Taunton and at the venue for the meeting if held elsewhere) or at the time the meeting is convened if the notice period is shorter than 5 days.

## **CABINET FORWARD PLAN OF KEY DECISIONS**

8.6.10 The Cabinet Forward Plan of proposed Key Decisions is published weekly. The Council also publishes the Somerset Waste Board Forward Plan of proposed Key Decisions. Normally at least 28 clear days' notice of key decisions is given in the plans. Meeting notices list the key decisions to be taken.

## **KEY DECISION PROCEDURE**

8.6.11 Unless the General Exception Rule (8.6.13) or Special Urgency Rule (8.6.14) is used, a Key Decision can only be taken:

- (a) If published in the relevant Forward Plan;
- (b) At a formally convened meeting;
- (c) By an individual Cabinet Member or Officer, where a notification report has been published at least 5 clear days before the decision is due to be taken or when published if less than 5 clear days can be given.

Key decision details published must include the:

- (a) The key decision title and description
- (b) Name or title of the decision-making body or person
- (c) Date of the decision or the period within which it will be made
- (d) List of documents submitted to the decision maker for consideration
- (e) Details of copies of the documents can be obtained or accessed
- (f) Opportunity for other documents to be submitted to the decision-maker and details of how copies may be obtained.

8.6.12 A Cabinet Member must consider officer advice before committing the Council via a formal decision in any dealings with third parties in relation to the acquisition or disposal of land, property or contractual issues.

## **KEY DECISIONS – GENERAL EXCEPTION AND SPECIAL URGENCY RULES:**

8.6.13 General Exception Rule: If 28 clear days' notice cannot be given, then subject to Rule 8.6.14 (Special Urgency), a Key Decision can only be taken if the Monitoring Officer has published a notice giving 5 clear days' notice of the decision and has informed the Chair of the relevant Scrutiny Committee, or, in their absence, each member of that Committee by email, of the matter for decision.

8.6.14 Special Urgency Procedure Rule: If the 28 day rule and the General Exception Procedure cannot be complied with, then a Key Decision can only be taken with the agreement of the Chair of the relevant Scrutiny Committee (or if unavailable, the Chair of Council or in his/her absence the Vice-Chair of Council), by email that the decision is urgent and cannot be deferred.

8.6.15 If urgency is agreed, the Monitoring Officer will publish a notice (including on the notice board at County Hall, Taunton) stating the reasons for urgency and why the 28 days' notice and general exception procedures cannot be complied with.

## **CABINET MEMBER AND OFFICER KEY AND CABINET MEMBER NON-KEY DECISIONS – CONSULTATION REQUIREMENTS**

8.6.16 Before a Key Decision can be taken, the following must be consulted:

- (a) The relevant Cabinet Member(s), Junior Cabinet Member (where appropriate) and Senior Leadership Team Officer(s).
- (b) Any local Member whose electoral division is significantly affected. They must also be informed of any subsequent action / outcome.
- (c) The Chief Finance Officer, the Monitoring Officer and the County Solicitor and due regard given to their advice where there are likely to be financial, legal or standards implications.
- (d) The relevant Opposition Spokesperson / Leader
- (e) The Chair of the relevant Scrutiny Committee.

8.6.17 Before a Cabinet Member Non-Key decision is taken, the consultation requirements at (a), (b) and (c) of 8.6.16 above must be met.

In addition, the relevant Opposition Spokesperson / Leader and the Chair of the relevant Scrutiny Committee must be informed of the decision.

## **QUARTERLY REPORTS ON SPECIAL URGENCY DECISIONS**

8.6.18 The Leader reports Special Urgency Key Decisions taken in the preceding three months within the quarterly reports of the Cabinet to the Full Council.

## **SCRUTINY – RIGHT TO REQUIRE CABINET TO REPORT TO COUNCIL**

8.6.19 Where a Scrutiny Committee considers that a non key decision should have been taken as a key decision, the Committee can require the Cabinet to submit a report to the County Council at the earliest opportunity. The report must set out the decision, the reasons for it, the name of the decision maker and, following review, the reasons why it was not treated as a key decision.

## **PUBLIC ACCESS TO REPORTS AND OTHER DOCUMENTS:**

### General

8.6.20 Documents for key and member non-key decisions and for formal meetings are published except those containing confidential or exempt information. Meeting papers are published at least 5 clear days before the meeting or when the meeting is convened if at shorter notice. If a late item is added to an agenda, a revised agenda and any additional report (s) will be published at the same time as being sent to members.

### Background papers

8.6.21 Each decision report includes a list of documents (called background papers) used to prepare the report and which are not already referred to.

The list will not include published works or those which disclose exempt or confidential information.

8.6.22 Background papers for all Member decisions, key decisions taken by officers and decisions taken by an officer under delegated authority from the Cabinet or a Cabinet member are published.

#### Decision notices

8.6.23 Immediately a decision being taken at a Cabinet meeting or by a Cabinet Member, the Monitoring Officer produces a decision notice to include:

- (a) A record of the decision including the date
- (b) The reasons for the decision
- (c) Details of any alternative options considered and rejected
- (d) A record of conflicts of interests declared by members of the Cabinet and any dispensations agreed by the Chief Executive.
- (e) Details of whether urgent implementation has been agreed, along with reasons.

There are similar requirements for recording executive decisions taken by officers.

#### Inspection of documents following a key or non-key decision

8.6.25 Decision notices prepared under 8.6.23 above and supporting papers are published for Member / Officer Key Decisions, Member Non-Key Decisions and Officer Non-Key decisions taken under a direct delegation from the Cabinet or a Cabinet Member.

8.6.26 Hard copies of published decision notices and supporting papers are available on request. Where a number of copies are requested a reasonable charge may be made to cover printing and postage costs.

#### Access to decision records/reports/minutes/background papers etc after decisions are taken

8.6.27 The Council makes available for inspection via its website the following for a minimum of 6 years from the date of the decision:

- (a) Minutes of Council, Committee or Cabinet meetings
- (b) Records of Cabinet, joint and individual Cabinet Member decisions
- (c) Officers decisions (for Key Decisions / and decisions delegated by Cabinet or an individual Cabinet member only);
- (d) A non-confidential summary of any Minute(s) / decision record (s) containing exempt or confidential information;
- (e) Agendas; and
- (f) Any relevant reports.

8.6.28 Background papers supporting decisions made at formal meetings are also made available for inspection for a minimum of 4 years from the date of the decision. In addition, in the case of a decision taken by the Cabinet, a Cabinet member or an Officer under delegated authority from the Cabinet or a Cabinet member, the background papers are published and available for a minimum of 4 years from the date of the decision.

## **RIGHTS OF THE PUBLIC TO ATTEND MEETINGS:**

8.6.29 Members of the public may attend all formal members' meetings except where confidential or exempt information is to be considered.

8.6.30 There are separate rules for the consideration of confidential and exempt Cabinet and Somerset Waste Board business from those that apply to Full Council and Committees. Where a Cabinet or Somerset Waste Board meeting is due to consider confidential or exempt information, advance notice will be published in the relevant Forward Plan together with details of how representations can be made for the business to be considered in public session. A further notice will then be published 5 days before the decision meeting setting out details of any representations received and the Council's response.

8.6.31 If advance notice of confidential or exempt business required under 8.6.30 cannot be given then the approval of the Chair of the relevant Scrutiny Committee (or where unavailable the Chair or Vice-Chair of the Council) must be given and a notice published as soon as the item is known about.

8.6.32 'Confidential' information is information given to the Council by a Government Department on terms forbidding its public disclosure or information which is prevented from being publicly disclosed by Court Order. Where confidential information is to be considered it is a requirement to exclude the press and public from accessing papers and discussions on such matters and members access is limited by statute. Accordingly, the press and public will be excluded from the meeting by resolution where confidential information is to be considered.

8.6.33 Exempt information is as follows,

<b>Category</b>	<b>Qualifications</b>
<b>1. Information relating to any individual.</b>	<b>1. Information is not exempt information if it is required to be registered under the Companies Act, Charities Act etc.</b>
<b>2. Information which is likely to reveal the identity of an individual</b>	<b>2. Information is not exempt information if it relates to proposed development for which the Council may grant itself planning permission.</b>
<b>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>	<b>3. Subject to paragraphs 1 and 2 above, information which falls within paragraphs 1 to 7</b>
<b>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.</b>	
<b>5. Information in respect of which at claim to legal professional privilege could be maintained in legal</b>	

<p>proceedings.</p> <p><b>6. Information which reveals that the Authority proposes –</b></p> <p>(a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make order or direction under any enactment.</p> <p><b>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</b></p>	<p><b>opposite is exempt information if and so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</b></p>
---	--

8.6.34 The press and public may be excluded from a meeting where exempt information is to be considered and any supporting information withheld from publication or the meeting may decide to consider the item of business and any reports with the public present and publish the report after the meeting.

8.6.35 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

**RIGHTS OF THE PUBLIC TO SPEAK AT FORMAL MEETINGS OF THE CABINET AND COMMITTEES OF THE COUNCIL – PUBLIC QUESTION TIME (PQT):**

Note: Different requirements apply to Public Question Time at Full Council meetings and these are set out in Section 4, paragraphs 4.10 and 4.11.

8.6.36 The relevant Chair has discretion to vary any of the following rules:

- (a) A member of the public may ask a question or make a statement about any item on an agenda for the meeting.
- (b) In addition, a petition may be presented on any matter within the overall remit of the body.
- (c) The agenda will provide for questions/statements/petitions to be taken early in the meeting although the Chair has discretion to take them when the relevant item is reached on an agenda.
- (d) For Committee meetings, a person wishing to speak under public question time should inform the meeting administrator by 12 noon the day before the meeting. For Cabinet meetings the deadline for receipt of representations is 12 noon 3 clear working days before a meeting and they must be in writing.
- (e) The Chair will allow those who have given prior notice to introduce their question / statement / petition - 2 minutes maximum.

- (f) A response will be given once the question/statement/petition has been introduced or when the relevant agenda item is considered. After the response has been given there will be no member debate.
- (g) Normally a maximum of 20 minutes is allowed for public question time.
- (h) Where there are a large number of questioners on the same subject matter, the Chair may ask those concerned to nominate one or more of their number to ask question(s).
- (i) In exceptional circumstances the Chair may adjourn the meeting temporarily to allow views to be expressed more freely.

## **RECORDING AND REPORTING AT PUBLIC MEETINGS:**

8.6.37 Public and press are welcome to record / film / transmit the proceedings of formal meetings in accordance with the Somerset County Council Recording Protocol set out in Part 2 of the Constitution.

***8.3.38 The Council makes audio recordings of its main decision making meetings – Full Council, Cabinet and Regulation Committee – available to access on the website immediately following meetings and until the minutes of the meeting have been signed as a correct record at the next meeting. Audio recordings are also made available on the Members’ Portal for members to access.***

## **MEMBERS ACCESS RIGHTS TO REPORTS FOR FORMAL MEETINGS**

### General

8.6.39 All Members have a statutory right under the Local Government Act 1972 to inspect any Council document for business to be transacted at a Council, Cabinet, or committee meeting. This right extends to any relevant background papers but normally excludes confidential and exempt information.

### Cabinet business

8.6.40 Subject to 8.6.41 below, all Members have a statutory right to inspect any Cabinet document (including background papers) in support of business to be transacted at a meeting and this shall be available five clear days before the meeting or at the time when an item is added to an agenda or a meeting convened at shorter notice. These legal rights are restricted in relation to confidential and exempt information.

8.6.41 The right to inspect in 8.6.39 above extends to any document in support of and a decision made by:

- (a) a Cabinet Member under delegated powers, or
- (b) an Officer as a key decision or under a delegation from the Cabinet or a Cabinet Member.

### Rights of scrutiny committee to access Cabinet documents



8.6.42 Rights to copies / inspect documents: Subject to Rules 8.6.43 to 8.6.44, members of the Scrutiny Committees are entitled to inspect any Cabinet document and which contains material relating to:-

- (a) Business to be transacted at a Cabinet meeting; or
- (b) A Cabinet Member decision
- (c) Any Key Decision taken by an officer and officer Non-Key decisions taken under delegated authority from the Cabinet or a Cabinet member.

8.6.43 A document requested under 8.6.42 will be made available as soon as is practicable after the request and within 10 clear days.

8.6.44 Scrutiny Committee Members are **not** entitled to:

- (a) Draft documents; or
- (b) Any part of a document containing exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

8.6.45 The Cabinet can refuse access to information requested by a scrutiny member but must provide a written statement giving the reasons for refusal.

8.6.46 In the event of any conflict between this Protocol, any other policy, protocol, or guidance of the Council and any law (either common law or statutory), the law shall take precedence.

### **MEMBERS ACCESS TO CONFIDENTIAL / EXEMPT REPORTS FOR FORMAL MEETINGS**

8.6.47 The right of access for non-Cabinet members to confidential or exempt information within the ownership of the Cabinet is limited to certain categories of information – see 8.6.48 below. Access is limited to viewing the document after the meeting or after a decision is made and must be available on request within 24 hours of the decision.

8.6.48 The legal right of access only applies to documents that fall under Part 1 of Schedule 12A of the Local Government Act 1972 in the following categories:

- (a) Paragraph 3, ie, information relating to the financial and business affairs of any particular person [including the authority] except for information relating to terms proposed or to be proposed in negotiations for a contract); and
- (b) Paragraph 6, ie, information which reveals the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or directions under any enactment.

**8.6.49 The Council goes beyond the legal requirements set out above in providing access to confidential and exempt information held by or on behalf of the Cabinet. Cabinet Members taking a Cabinet or a non-Cabinet decision will receive papers containing confidential or exempt information as necessary in order to be able to take the decision. There is then a presumption that, except in the case of reports which contain confidential personal information about employees or other persons, or where the report contains highly confidential commercially sensitive information, reports containing confidential or exempt information will be made available to other individual non-Cabinet members attending the meeting or on request. As stated above this in addition to any other specific rights that members may have as a result of having a specific role on the Council, eg, as a scrutiny member. This presumption of openness also applies to Committee meetings.**

**8.6.50 There may be occasions where the Monitoring Officer advises that a report contains information which is so sensitive (eg, contains highly sensitive commercial information) that it is necessary to limit access to the report to members not involved in the decision making process. This may be achieved in various ways including giving out named copies at the start of a debate and collecting them in at the end of the debate or requiring members with a specific interest or role to sign a non-disclosure agreement.**

8.6.51 Where it is necessary to consider confidential or exempt information, wherever possible it will be provided to members as a confidential annex to a public report. A public summary of the confidential report will be published. The same approach is taken to confidential decision records or the minutes of the meeting.

8.6.52 A Member's entitlement (under common law or under statute) to see a report containing confidential or exempt information, extends to relevant background papers. However, the Member must maintain the confidentiality of the background papers.

8.6.53 A Member who is refused access to information and is dissatisfied with this response, may take the matter up with the appropriate Senior Leadership Team Officer (or Chief Executive for corporate or cross-cutting issues) who, if necessary, will consult with the Leader of the relevant group, the relevant Cabinet Member or opposition group spokesperson and the Monitoring Officer before responding.

## **PART 2 – Members’ Access to Information and Confidentiality Issues – General.**

8.6.54 There are two basic requirements for information to be considered confidential.

- (a) It must not already be published and widely available publicly.
- (b) The information must fall under the protection of the confidentiality laws, eg personal data, commercially sensitive data, military secrets and the like. In many areas of law such as Access to Information, Data Protection and Freedom of Information the categories protecting information are clear. The general law is far less clear and there has to be a legitimate expectation of confidentiality. Without justification, writing “confidential” at the top of a document will not provide legal protection, nor is a document “confidential” merely because its contents may be embarrassing or inconvenient.

8.5.55 Confidentiality usually arises because a person or organisation claims confidentiality for information they have, and wish to withhold from publication. In the public sector anyone wishing to claim protection at law for confidential information is increasingly likely to have to justify that claim.

8.5.56 Confidential information can only be released or passed on with legal justification or with proper authority, eg, with the consent of a person properly authorised to give it. To release confidential information without consent:

- (a) Could lead to legal action (against either the individual personally and/or the Authority).
- (b) Is likely to be a breach of the Council’s Standards of Conduct for Officers or the Members’ Code of Conduct.

If you are unsure whether information passed to you is confidential or not please check its status with the sender before you pass it to anyone else.

8.5.57 The Members’ Code of Conduct includes ‘tests’ that members must fulfil if they are considering releasing confidential information, as follows:

- (i) The ‘public interest’ test. In order for disclosure to be in the “public interest”, the information should involve one or more of the following matter(s), or something of comparable seriousness:
  - a) a criminal offence;
  - b) failure to comply with a legal obligation;
  - c) a miscarriage of justice;
  - d) serious health or safety issue
  - e) potential damage to the environment
  - f) deliberate concealment of any of the above matters;
- (ii) The ‘good faith’ test. For a disclosure to be in “good faith”, a Member should not be acting with an ulterior motive, eg to achieve a party

political advantage or to settle a score with a political opponent or some other person.

- (iii) The “reasonable requirements of the Authority” test, which requires the Member to comply with the Council’s policy or protocols on matters such as whistle blowing, confidential information and any other specific requirements which the Council may reasonably make. The Member must first raise his or her concerns through the appropriate channels set out in relevant policies or protocols

8.5.58 Anyone considering releasing confidential information without consent is strongly advised to obtain and consider professional advice before passing the information on. In the case of members you must consult the Monitoring Officer or the County Solicitor before releasing such information without consent.

8.5.59 A person passing on confidential information with legal justification or permission must make it clear to the recipient of the information that the information is confidential and must not be disclosed. If the recipient cannot provide appropriate assurance that the confidentiality of the information will be respected, it must not be passed on.

## **Changing the names of Electoral Divisions**

Lead Officer & Author: Julian Gale, Strategic Manager - Governance & Risk & Monitoring Officer

Contact Details: 01823 359047

### **1. Summary**

- 1.1. This report follows the Committee's decision in October 2017 to agree a process for taking forward requests from members for changes to the names of electoral divisions.
- 1.2. In accordance with the procedure, this report brings forward four proposals for consideration and the approval of the Committee to go out to public consultation.

### **2. Recommendations**

- 2.1. **The Committee is asked to agree the four proposals detailed in the appendix to this report for public consultation.**

### **3. Background**

- 3.1 Following the Committee's approval of the process, all members were given the option of submitting a proposal to change the name of their electoral division. Four members accepted the invitation and with the agreement of their Group Leader submitted these to me to bring to the Committee for consideration.
- 3.2 **Consultation:** The consultation process agreed at the last meeting was as follows:
  - (a) minimum of a 10 week period for consultation
  - (b) key focus on consulting organisations in the locality rather than individuals – but to also give individuals the ability to comment should they wish to do so via the Council's website
  - (c) key audiences proposed: relevant local councils (parish and town) and district councils
  - (d) the political groups with Somerset
  - (e) inclusion within the Your Somerset publication
  - (f) other groups that the local member considers appropriate.

It was agreed that the outcomes of the consultation processes be fed back to this Committee for consideration. The Committee will then make recommendations to Full Council at a special meeting for any amendments to the names of electoral divisions.

- 3.3 The plan is to bring the outcomes from the consultation back to the Committee for consideration prior to consideration by Full Council (as required under the legislation). Because of timings this is likely to require a special meeting of the Committee in early May to allow sufficient time for the consultation if the May Council date is to be achieved for the required special Council meeting on the rise of the annual meeting on 16<sup>th</sup> May. Alternatively, the proposals could be considered at a June meeting of the Committee (date to be confirmed) with the special meeting of Council on the rise of the main Council meeting on 18<sup>th</sup> July 2018.

- 3.4** The four members who submitted the proposals for changes have been invited to attend the Committee's meeting and contribute to the debate.
- 3.5** The four proposals as headlines are:
- (a) 'Quantock Coast' to replace 'Watchet and Stogursey' Election Division – submitted by Cllr Hugh Davies
  - (b) 'Wellington and Rockwell Green' to replace Wellington Election Division – submitted by Cllr Andrew Govier
  - (c) 'Neroche and Wellington East' to replace 'Blackdown and Neroche' Election Division – submitted by Cllr John Thorne
  - (d) 'Cary' to replace 'Castle Cary' Election Division – submitted by Cllr Mike Lewis

The detail of all 4 proposals is attached as the Appendix to this report.

- 3.6** Cllr Lewis refers to an ongoing consultation about South Somerset District Council ward boundaries and the need to avoid a clash of consultations in relation to the change proposed with the title of his electoral division. It is likely that some consultees may receive information about both consultations and it will have to be made clear that they are very different – the key point in relation to the SCC consultation being that any changes will not impact on the electoral division boundaries.

#### **4. Implications**

- 4.1.** Legal & Risk: None.
- 4.2.** Impact Assessment: No implications.
- 4.3.** Financial: It is anticipated that any costs of consultation will be contained within the existing budget. It will involve electronic communication in the main as part of business as usual.
- 4.4.** HR: Not applicable.

#### **5. Background papers**

- 5.1.** None

**Note:** For sight of individual background papers please contact the report author.

## APPENDIX

### PROPOSAL: 'Quantock Coast' to replace 'Watchet and Stogursey' Election Division – submitted by Cllr Hugh Davies

“The suggested name change to "Quantock Coast Electoral Division" reflects a more appropriate title. The area encompasses the settlements from the start; Sampford Brett, Williton, Sea-port Town of Watchet, West and East Quantoxhead, Kilve, Holford, and ending at Stogursey. The two titles "Quantock" and "Coast" cover all Parishes and the only Town in the Division and provides a more generic description of the area. This is preferable to naming specific settlements which is inevitably a more divisive approach unless you name all of them. And in the case of the existing title the current names selected seem to have been chosen more on the basis of marking the western and eastern boundaries of the division rather than necessarily reflecting the size of settlements – given that Williton is excluded.

With reference to receiving representations to support the change I have only spoken to individuals. I have not yet approached Parish/Town or the Political groups.”

### PROPOSAL: 'Wellington and Rockwell Green' in place of 'Wellington' – from Cllr Andrew Govier

“I believe that there is a good case for amending the name of the division that I currently represent to Wellington and Rockwell Green Electoral Division. I think this would better identify the make-up of the division and give the village of Rockwell Green the appropriate status it deserves. I have represented the area for over 20 years now and during this time the village of Rockwell Green has grown significantly in size. A number of new estates have transformed the village in terms of size and socio-economic make up. There are now over 2000 electors in Rockwell Green which is obviously a significant proportion of the overall electorate and I feel that to include the village in the division's name would reflect this. There has always been an anecdotal view that Rockwell Green misses out on things that Wellington gets and I think that by adding the village to the name this would encourage local residents that they are considered in decision-making. There is considerable local pride in the Rockwell Green community and being a 'Greener' is something that many locals would be proud to declare that is what they are. I think this move would increase the visibility of the community and ensure that it is put on an equal footing with the rest of the town.

I have also given some thought to the issue of the fact that although I represent 75% of the town of Wellington, there is a considerable 'chunk' that falls in the division represented by Cllr Thorne. I know that this has caused some confusion in the past but I can't think of a sensible way to describe the division to reflect this. Therefore, on balance, I think that adding Rockwell Green to the current name is as far as we should go. It may well be that there will need to be a revision to the current divisions as the town continues to grow and this may be the time to address this again.

As far as consultation is concerned, I would think that the Town Council would be an obvious place to start as it is made up of representatives from both communities. In addition, I think that Wellington One (a multi-agency team) would be a good cross-section of the community along with Churches Together in the town, which has

representatives from churches in both communities involved. I'm sure that there are other interested parties like local schools etc and I would be happy to work with others to promote this name change."

Cllr Govier has also indicated that he supports Cllr Thorne's proposal outlined below.

PROPOSAL: 'Neroche and Wellington East' to replace 'Blackdown and Neroche' Election Division – submitted by Cllr John Thorne

"Yes, I support the proposed change of division name to 'Neroche and Wellington East'.

Consultation will need to involve the 11 parish and town councils in my division, which are Wellington, West Buckland, Corfe, Pitminster, Churchstanton, Otterford, Neroche, West Hatch, Stoke St Mary, Hatch Beauchamp, and Ruishton and Thornfalcon. Also, Taunton Deane Borough Council, of course, and the political parties.

I cannot think of any other organisations which would be significantly affected by any change of division name.

Regarding the case for change, I have not received any direct representations on this issue. I do not believe there is any particular concern about the name among residents in the rural part of the division because it accurately reflects where they live, but it is something which has been raised with me verbally in the urban Wellington part of the division.

While campaigning for election prior to May 2017, I spoke to many residents in Wellington who were unaware they were in the 'Blackdown and Neroche' division and did not identify with the name at all, expressing some bemusement. I found myself having to explain to them that they lived in the same division as residents in Hatch Beauchamp!

I believe all the major political parties included a reference to Wellington in the titles of their election literature, such as 'Blackdown and Neroche incl Wellington East'. Without the 'Wellington' reference, there is a risk that some of the Wellington electorate are not able to make an informed choice in the polling station because they have dismissed election leaflets which they thought were not relevant to them.

I support a change which includes 'Wellington' in the name because it clearly reflects the inclusion of the division's major centre of population, while the existing name suggests only a sparsely populated rural area stopping short of Wellington."

Cllr Thorne has also indicated that he support Cllr Govier's proposal set out above.

PROPOSAL: 'Cary' to replace 'Castle Cary' Election Division – submitted by Cllr Mike Lewis

"I confirm that I wish to proceed with the outlined consultation procedure for changing the name of my Division to that of "Cary", rather than Castle Cary as at present.

When Somerset County Council agreed to reduce the total number of County Councillors from 58 to 55 in time for the 2013 County Council election this meant



significant communities were added to the Castle Cary Division in the southern part of the Division; namely Mudford, Chilton Cantelo, Ashington, Limington, Yeovilton and Podimore. All these villages and hamlets border, or are closer to Yeovil and indeed are part of the Yeovil Parliamentary Constituency, than Castle Cary which is in the Somerton and Frome Constituency. Mudford is some 10 miles from Castle Cary.

The river Cary runs through Castle Cary, the villages within Carymoor parishes and Babcary, which is close to Podimore .

Certainly when out canvassing in Podimore and Yeovilton one has to take considerable time explaining to the electorate that their polling station is in Ilchester Town Hall ( in the Martock Division ) and not Castle Cary.

My request to change the name to "Cary" is to simplify for those electors, primarily south of the A303, who do not readily identify themselves with Castle Cary.

I am willing to fully support to the consultation process, but I am mindful that the Local Government Boundary Commissioners for England are due to release their proposals for changing the South Somerset District Council ward boundaries on the 9th January 2018 and the consultation period will extend in to March. The proposals may well impact on the villages and hamlets outlined in paragraph two above and one needs to be mindful that the two consultations do not clash."

This page is intentionally left blank