

Shadow Council

Tuesday, 26th March, 2019, 5.00 pm

John Meikle Room (JMR), Deane House,
Taunton, TA1 1HE

Somerset West
and Taunton

Taunton Deane and West Somerset Councils
working together

Members: J Adkins, M Adkins, T Aldridge, T Beale, P Berry, J Blatchford, C Booth, R Bowrah, W Brown, N Cavill, S Coles, W Coombes, D Cossey, T Davies, D Durdan, K Durdan, M Edwards, H Farbahi, M Floyd, J Gage, E Gaines, A Govier, A Gunner, R Habgood, T Hall, R Henley, C Herbert, C Hill, M Hill, J Horsley, J Hunt, G James, R Lees, S Lees, L Lisgo, D Mansell, S Martin-Scott, I Morrell, S Nicholls, R Parrish, H Prior-Sanke, J Reed, R Ryan, F Smith, F Smith-Roberts, V Stock-Williams, P Stone, A Sully, N Townsend, C Tucker, J Warmington, P Watson, D Webber, D Wedderkopp, J Williams, G Wren, I Aldridge, B Allen, M Chilcott, R Clifford, H Davies, M Dewdney, S Dowding, S Goss, A Hadley, N Hawkins, B Heywood, I Jones, A Kingston-James, R Lillis, B Maitland-Walker, K Mills, C Morgan, P Murphy, N Thwaites, J Parbrook, P Pilkington, S Pugsley, R Thomas, A Trollope-Bellew, K Turner, T Venner, D Westcott and R Woods

Agenda

1. **Apologies.**
2. **Minutes of the previous meetings of the Shadow Council held on 17th December 2018 and 21st February 2019** (Pages 3 - 62)
3. **Declarations of Interest.**

To receive and record any declarations of disclosable pecuniary interests or personal or prejudicial 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.)
4. **Public Participation.**

The Chairman 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.

5. Final Report of the Joint Independent Remuneration Panel on Preparation of a Draft Members' Allowances Scheme for Somerset West and Taunton Council - Report of the Interim Monitoring Officer (attached)	(Pages 63 - 122)
6. Approval of the Constitution - Report of the Interim Monitoring Officer (attached).	(Pages 123 - 394)
7. Transitional Decision-Making Arrangements Between 1 April 2019 and Annual Council in May 2019 - Report of the Interim Monitoring Officer (attached).	(Pages 395 - 400)
8. Transfer of Contracts, Property and other Liabilities - Report of the Interim Monitoring Officer	(Pages 401 - 406)
9. Transfer of Policies - Report of the Senior Transformation Project Lead - New Council	(Pages 407 - 412)
10. Assets of Community Value Process - Report of the Project Manager Commercial Investment and Change (attached).	(Pages 413 - 438)
11. Pay Policy Statement - Report of the Human Resources and Organisational Development Manager (attached)	(Pages 439 - 466)

Somerset West and Taunton Shadow Council

At a meeting of Somerset West and Taunton Shadow Council held at Shire Hall, Shuttern, Taunton on 17 December 2018 at 6 p.m.

Present: Councillor J Parbrook (Chair)
Councillors I Aldridge, P Berry, J Blatchford, C Booth, R Bowrah, N Cavill, M Chilcott, M Dewdney, S Dowding, E Gaines, A Gunner, R Habgood, A Hadley, M Hill, J Hunt, G James, L Lisgo, S Martin-Scott, P Murphy, R Parrish, P Pilkington, R Ryan, F Smith, F Smith-Roberts, A Sully, N Townsend, J Warmington, P Watson, D Wedderkopp, D Westcott, J Williams and G Wren.

Officers: Bruce Lang (Assistant Chief Executive and Monitoring Officer), Christine Fraser (Head of Function – Performance and Governance), Lesley Dolan (Business Services Manager, SHAPE Legal Partnership), Paul Fitzgerald (Strategic Finance Advisor and Section 151 Officer), Andrew Stark (Interim Finance Manager), Chris Hall (Localities Manager), Dean Emery (Principal Revenues and Debt Recovery Officer), Steve Perkins (Senior Debt and Recovery Officer), Mark Antonelli (Principal Benefits Officer), Jenny Collins (Senior Revenues Officer), Marcus Prouse (Specialist – Governance and Democratic) and Andrew Randell (Democracy and Governance Case Manager)

Anne Elder – Chairman of Taunton Deane Borough Council's Standards Advisory Committee

Ian Partington – Chairman of the Joint Independent Remuneration Panel (JIRP)

1. Apologies for Absence

Councillors T Aldridge, B Allen, T Beale, H Davies, T Davies, M Edwards, H Farbahi, A Govier, T Hall, N Hawkins, C Herbert, B Heywood, J Horsley, I Jones, R Lees, S Lees, I Morrell, H Prior-Sankey, S Pugsley, J Reed, V Stock-Williams, R Thomas, N Thwaites, A Trollope-Bellew, C Tucker, K Turner and R Woods.

2. Minutes

The minutes of Shadow Council held on 15 October 2018 and Special Shadow Council held on 19 November 2018, copies having been sent to each Member, were signed by the Chair.

3. Declarations of Interest

Councillor J Hunt declared a personal interest as a Member of Somerset County Council.

Councillors E Gaines, J Hunt, G James, P Murphy, J Parbrook, J Warmington, and D Westcott all declared personal interests as Members of Town or Parish Councils.

All Councillors declared a personal interest in respect of Agenda Item 5 – Interim Report of the Joint Independent Remuneration Panel on Preparation of a Draft Member’s Allowance Scheme for Somerset West and Taunton Council.

Councillors Cavill, Chilcott, Dowding, Gaines, Ryan and Williams declared a prejudicial interest in respect of Agenda Item 6 and left the room for the duration of that Item.

4. Public Participation

No member of the public had requested to speak.

5. Interim Report of the Joint Independent Remuneration Panel on Preparation of a Draft Members’ Allowances Scheme for Somerset West and Taunton Council

Considered report previously circulated, concerning a proposed Members Allowances Scheme for the new Somerset West and Taunton Council (SWTC).

The Joint Independent Remuneration Panel’s (JIRP) Chair, Ian Partington, was in attendance at the meeting to give Members a brief perspective of the Panel’s work to date and to provide further clarification in response to any questions raised.

The endorsement of the recommendations in regard to the Basic Allowance (BA) and the approach for moving forward on the Special Responsibility Allowances (SRA) would ensure that the overall timetable could be kept on course. Clause 10(5) of the Somerset West and Taunton (Local Government Changes) Order 2018 required that the Shadow Authority had to formulate proposals for the scheme of members’ allowances to be adopted by the SWTC.

Under the relevant regulations, a Council had to appoint an independent panel to make recommendations on a scheme of members’ allowances for consideration by the Council. As members were aware, Taunton Deane Borough Council and West Somerset Council used a JIRP (which also served Mendip District Council and Somerset County Council). The JIRP had therefore been requested to commence work to formulate proposals for consideration by the Shadow Council. The Council could accept, reject or amend any of the JIRP’s recommendations. In effect the JIRP’s role was to advise the Council rather than tell it what to do.

The JIRP was aware of the timetable which effectively required the preparation of a draft scheme to be prepared in time for consideration by the Shadow Authority before the end of March 2019. The JIRP had therefore

produced an interim report which contained recommendations regarding the BA as well as a proposed approach to preparation of an SRA scheme. Full recommendations would be forthcoming for the SRA scheme when the Shadow Council had completed more work on its proposals for the decision making structure of the SWTC.

Resolved that:-

- (1) The recommendations of the Joint Independent Remuneration Panel be endorsed with regard to the Basic Allowance (BA) for Councillors of the Somerset West and Taunton Council as follows:-
 - The BA be set at £4,950 pa for 2019-2020;
 - The BA be inflation-indexed annually by using the Consumer Price Index for a four year period;
 - IT financial support should be regarded as an incidental cost and therefore integral to the BA and not recompensed separately; and
 - The BA be reviewed after one year by the Joint Independent Remuneration Panel.

- (2) The approach suggested by the Joint Independent Remuneration Panel in terms of recommending a Special Responsibility Allowance (SRA) Scheme for the new Council be endorsed. This was that :-
 - The recommended SRAs could not yet be determined exactly – this work would be completed later once the relevant posts, chairmanships and roles had been established; and
 - The Joint Independent Remuneration Panel was of the view that the range of values for the main positions attracting a representative SRA could be indicated at this stage. The relevant ranges were contained in Table K within Appendix A of the report. Based on the evidence considered by the Panel, it was confident in its conclusion that the final SRA recommendations would broadly be contained within the specified ranges.

- (3) It be noted that the Panel would bring forward a further report in March 2019 to include a complete Scheme of Members' Allowances proposals, to include recommendations for:-
 - A full SRA Scheme in so far as it was possible to develop based on the information made available to the Panel;
 - Travel and Subsistence Allowances;
 - A Carers' Allowance;
 - A list of 'approved duties' for Members' travel and subsistence claims; and
 - The rules and procedures of the new Scheme.

6. Council Tax Charges – Empty Properties and Second Homes

Considered report previously circulated, concerning Council Tax charges on empty properties and second homes.

From 1 April 2013, billing authorities in England had taken on additional powers over certain Council Tax discounts. 'Unoccupied and substantially unfurnished' properties could receive a discount of between 0% and 100% off their Council Tax. Vacant properties and those undergoing 'major repair work' or 'structural alterations could receive a discount of between 0% and 100%, for a maximum of 12 months.

Local authorities in England could also set an 'empty homes premium' for long-term empty properties. Currently, properties that had been unoccupied and substantially unfurnished for over two years could be charged up to 150% of the normal liability.

New legislation under the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill was progressing through Parliament which would permit English local authorities the discretion to charge a Council Tax premium of up to 100% on 'long-term empty dwellings' for those properties which remained empty between two and five years, between five and ten years 200% from April 2020 and 300% from 2021 to properties empty for more than ten years. This was expected to come into effect from 1 April 2019.

Somerset West and Taunton Council would require a unified approach as to how it applied local discretion on Council Tax liability as there were differences in the approach currently in place between Taunton Deane Borough Council and West Somerset Council.

The proposals outlined below examined differences in the current position and sought to provide a solution acceptable for the new Somerset West and Taunton Council from 1 April 2019.

Unoccupied and Unfurnished properties, empty for less than two years

There were three main reasons why such discounts were awarded:-

- Property was being sold and the owner had moved out;
- Property had been purchased and the new owner had not yet moved in; and
- The property was empty between tenancies.

Taunton Deane had awarded a discount of 100% for three months, followed by full Council Tax becoming payable. West Somerset Council provided the same 100% discount, but for one month only. Before 1 April 2013, the Government had prescribed a six-month exemption.

It was proposed Somerset West and Taunton Council should allow a discount of 100% for three months. This would reduce the exemption previously set by the Government by half thereby providing an incentive for prompt reoccupation, but it still allowed new homeowners or tenants a reasonable time to occupy the property or for landlords to make appropriate repairs and

seek new tenants.

In allowing a three-month discount the Council would provide a consistency in the rules set by Government for business premises, where no charge applied for the first three months a property was empty.

Unoccupied and Unfurnished properties, empty for more than two years

Currently both Taunton Deane and West Somerset Council charged a premium of 50% extra Council Tax on such properties (150% Council Tax payable). From 1 April 2019, the Government was expected to permit local authorities in England the discretion to charge a Council Tax premium of up to 100% on 'long-term empty dwellings'.

It was proposed Somerset West and Taunton Council took advantage of this new flexibility and implemented a premium of 100% (thereby charging Council Tax at 200%) on properties that had been empty and unfurnished for more than two years from April 2019, a premium of 200% from April 2020 for properties kept empty between five and ten years and 300% for more than ten years from 2021.

This would provide additional income to the new Council as well as encouragement to homeowners to bring the property back into use, thereby reducing those properties falling into disrepair and stimulating the housing market.

Resolved that it be agreed that:-

- (1) Class C Discount – with effect from 1 April 2019 unoccupied and unfurnished properties would have a 100% discount for a maximum of three months;
- (2) Long Term Empty Properties - In line with new legislation coming into effect from 1 April 2019, to apply the maximum 100% premium to properties remaining empty for more than two years, a premium of 200% from April 2020 for properties kept empty between five and ten years and 300% for more than ten years from 2021;
- (3) Class D Discount – With effect from 1 April 2019, properties which were unfurnished and undergoing structural alterations or were in need of major repairs be given 100% discount for 12 months or until they became occupied, whichever was soonest; and
- (4) Second Homes – Properties which were treated as a person's second home to pay a full charge.

7. Income and Arrears Management Policy

Considered report previously circulated, concerning a new Income and Arrears Management Policy ("The Policy") for the Somerset West and Taunton Council. This was previously called the Corporate Debt Policy within

the existing two Councils.

It was considered good practice for the Council to have such a Policy that allowed everybody to understand the Council's approach to managing income collection. This promoted efficiency and consistency in the collection for all sources of income. This was of fundamental importance because the collection/maximisation of income was a vital component in how the Council was able to provide the resources needed to deliver its services. Taunton Deane and West Somerset Council's existing Corporate Debt Policies were similar. The proposed Policy for the new Council updated these with a refresh and reflected the new structure and customer ethos.

In 2019/2020 the new Council would raise gross annual bills and invoices in excess of £213 million. It would also look to recover previous year's arrears carried over from the existing Councils (potentially more than £10 million). It was noted the raised figure would increase year on year and rise further as the Council looked to increase and diversify income from our commercial activities.

The Policy was considered key in giving transparency to officers, Members and our customers, an overview of our core values and an insight into our operational activities that covered the administration/collection of all of our five income streams. The Policy, therefore reflected a range of measures that ultimately aimed to balance helping our customers, especially the most vulnerable, to pay sums due whilst having an underlying theme to maximise the overall level of income collected. The Council had a duty to maximise income collection to the best of its ability. If it did not, this could result in higher Council Tax or result in front line services having to be cut or reduced.

The Policy was underpinned by an extensive list of overarching principles which were set out in the report.

Resolved that the new Income and Arrears Management Policy be approved.

8. **Anti-Fraud and Corruption Policy and Strategy**

Considered report previously circulated, concerning the proposed Anti-Fraud and Corruption Policy and Strategy.

Responsibility for benefit fraud had passed to the Department for Work and Pensions through the formation of the Single Fraud Investigation Service, in June 2015. The Anti-Fraud and Corruption Policy and Strategy had been refreshed to recognise Powys Corporate Fraud Team's activities, as well as updating procedural changes.

In addition, the policy now provided guidance on the options available to deal with those committing Council Tax or Council Tax Support fraud or those who made negligently incorrect statements, or failed to notify of a change that affected their entitlement to a Council Tax discount, exemption or reduction.

The Council's revised Anti-Fraud and Corruption Policy and Strategy,

underpinned by supporting policies and procedural guidance, would be key in assisting in the on-going improvement of fraud prevention controls and in detecting and investigating fraud committed against the Council.

The Anti-Fraud and Corruption Policy and Strategy provided a consistent framework for officers and Members to enable effective deterrence, detection and investigation of fraud and corruption and consequently would assist the Council in the achievement of financial sustainability.

Any income collected from penalties raised would be retained solely by the billing authority (Somerset West and Taunton Council), with any additional income raised by reducing a Council Tax discount being shared between the precepting authorities. It was considered difficult to predict the level of revenue that might be raised through the imposition of penalties or the collection rate that would be achieved. The primary objective of using these measures was to either ensure the Council billed the correct person for the correct amount or to aid recovery where the bill payer was in paid employment.

Noted that the cost of prosecutions under the Fraud Act would be borne by Somerset West and Taunton Council and, as such, prosecutions should only be taken where it was financially viable to do so.

Councillors were concerned at the inclusion of the Strategic Forum in the Democratic Path of the report and the lack of consultation with the Shadow Scrutiny Committee. This was noted by Officers who would ensure this would not happen again in future.

Resolved that the revised Anti-Fraud and Corruption Policy and Strategy be adopted.

9. **Council Tax Support Scheme for Somerset West and Taunton Council for 2019/2020**

Considered report previously circulated, concerning the proposed Council Tax Support (CTS) scheme for the new Somerset West and Taunton Council together with comparison to the schemes currently adopted by both Taunton Deane (TDBC) and West Somerset Councils (WSC) and the context for reviewing the scheme for Working Age applicants from 2019/2020.

Reported that on 25 June 2018, the Shadow Scrutiny Committee had agreed a number of options to take to public consultation for the CTS scheme for 2019/2020.

The Council had undertaken a consultation on the agreed options. The outcome of the consultation and the Shadow Executive Councillors' proposals for the Scheme had been shared with the Shadow Scrutiny Committee on 23 October 2018. Shadow Executive Councillors had considered the consultation and the feedback from Shadow Scrutiny, and had now submitted the proposed 2019/2020 Scheme to the Full Shadow Council for its consideration and approval.

Responsibility for Council Tax Support (CTS) had passed to Local Authorities on 1 April 2013. The Government had also passed funding for CTS to Local Government, but had reduced the amount of funding compared to the costs of the previous Council Tax Benefit (CTB) Scheme where responsibility for CTB had been held by central Government and funded through the Department for Work and Pensions (DWP).

Billing Authorities had been tasked with designing a CTS scheme for people of working age, whilst rules for people of pension age were set in regulations prescribed by the Government. This meant people of pension age continued to receive assistance at no less amount than had been available under the CTB scheme.

From 1 April 2014, funding for localised CTS had been incorporated in the annual Settlement Funding Assessment (SFA), (comprising Revenue Support Grant and Business Rates Baseline) and was not separately identified. However, the approach taken by many authorities had been to assume the funding for CTS has been reduced at the same rate as the SFA. For TDBC, the SFA had reduced by 55% in cash terms since 2013/2014, while for WSC, the SFA had reduced by 51%. Therefore, in applying this methodology, the funding available for localised CTS for the combined authorities had reduced by £4,804,583 to £4,136,946.

This report presented Members with options for Somerset West and Taunton Council's CTS scheme for 2019/2020. To comply with the law, the scheme had been subject to a consultation process.

In 2018/2019 both TDBC and WSC had decided to change their schemes for working age people to remove Applicable Amounts in calculating CTS and instead award entitlement based on Income Bands. It had recognised the additional needs of multi-person households and families and the table below showed the income limits for each band in 2018/2019:-

CTS Band		Single people	Couple no Children	Couple with one child	Lone Parent with one child	Couple with two or more children	Lone Parent with two or more children
85%	1	£75	£115	£165	£125	£215	£175
75%	2	£125	£165	£215	£175	£265	£225
60%	3	£175	£215	£265	£225	£315	£275
45%	4	£225	£265	£315	£275	£365	£325
30%	5	£275	£315	£365	£325	£415	£375
15%	6	£325	£365	£415	£375	£465	£425

In addition to these changes, TDBC and WSC had also decided to:-

- a) Apply a flat rate deduction of £5 a week for each non-dependant;
- b) Disregard carers' allowance from the income used to work out CTS; and
- c) Provide extra assistance for young people who had left local authority care by increasing maximum support to 100% of the Council Tax liability for single applicants up to the age of 25 where their weekly income fell within Band 1.

Council Tax Support Scheme 2019/2020

The Local Government Finance Act 2012 stated that before making a scheme the Council had to consult with any major precepting authorities, publish a draft scheme and then consult with other such persons who were likely to have an interest in the operation of such a scheme. The Council was required to set a realistic timeframe for consultation to ensure it could seek feedback from all appropriate individuals and groups in the community.

Consultation with precepting authorities (Somerset County Council, Avon and Somerset Police and Devon and Somerset Fire and Rescue Authority had taken place on 26 June 2018. Public consultation started on 16 July 2018 and ended on 10 September 2018. At the closing date, 355 responses had been received, details of which were set out in the report. A summary of the options on which the Council had consulted, as well as the responses received was set out below:-

Banded Income Scheme similar to what was currently in place for TDBC and WSC:

Consultation Response: 193 responders were in favour

This would mean the Council would work out CTS for working age CTS recipients in a similar way as 2018/2019.

Customers with a weekly income in excess of the limits shown for Income Band 6 would not receive any support.

Working age customers with capital of over £6,000 would not be entitled to assistance.

Where a non-dependant deduction applied, the Council would apply a flat rate deduction of £5 for each non-dependant from their CTS entitlement.

Single care leavers within a weekly income falling within Income Band 1 would continue to receive CTS at 100%.

Income from earnings would be after the deduction of tax, national insurance and 50% of any contribution to a pension scheme. To incentivise employment or self-employment, the Council would ignore (disregard) some income. For most customers who were working, we would disregard:-

- £10 a week for single people;
- £20 a week for couples;

- £30 a week for those with qualifying disabilities; and
- £37.50 a week for lone parents.

A Minimum Income for self-employed applicants would be applied.

In common with Universal Credit rules, no blanket protection would be provided for households receiving disability benefits, but income from Disability Living Allowance and Personal Independence Payments would not count as household income. Similarly, we would continue to ignore (disregard) child benefit and maintenance received for children. We would also ignore carers' allowance from income we used to calculate CTS.

The maximum backdating of CTS would be one month and the allowable period of temporary absence outside Great Britain would be four weeks.

Disregard the Housing Element within Universal Credit:

Consultation Response: 222 responders were in favour

This would mean for those applicants receiving Universal Credit (UC), if their UC award included a Housing Element (intended to assist in paying for rent) the Council would disregard it from the income we used to determine the Income Band for CTS purposes.

Disregard £50 a week for third and subsequent children from the income used to calculate CTS:

Consultation Response: 142 responders were in favour

For those working age CTS recipients with **more** than 2 children, the Council would disregard £50 a week from the income we used to work out the Income Band for CTS purposes for the third and subsequent children. For example, we would disregard £50 a week if the customer had three children, £100 a week if the customer had four children, £150 for five children, etc.

Disregard £50 a week from the income used to calculate CTS for households where there would have formerly been entitlement to the disability premium:

Consultation Response: 138 responders were in favour

While the Council already disregarded income for some disability benefits, we would disregard a further £50 a week from the income we used to work out the Income Band for CTS purposes for those customers who would have formerly had entitlement to the disability premium.

Reduce maximum CTS offered to working age recipients from 85% to 80% and adjust the other percentages applied to Income Bands:

Consultation Response: 90 responders were in favour

If the Council reduced the maximum we awarded to 80%, this would decrease

the savings we needed to find in response to cuts in Government funding. Such a reduction would mean CTS awards were based on the amounts shown in the table below:-

CTS Band		Single people	Couple no Children	Couple with one child	Lone Parent with one child	Couple with two or more children	Lone Parent with two or more children
80%	1	£75	£115	£165	£125	£215	£175
70%	2	£125	£165	£215	£175	£265	£225
55%	3	£175	£215	£265	£225	£315	£275
40%	4	£225	£265	£315	£275	£365	£325
25%	5	£275	£315	£365	£325	£415	£375
10%	6	£325	£365	£415	£375	£465	£425

Table 7.7.1.1

Limit the maximum CTS award to the Council Tax payable to either a Band C or Band D property:

Consultation Response:
84 responders were in favour of Band C
64 responders were in favour of Band D

Executive Councillors had requested the recommendation restricted entitlement to Band D liability levels.

Restricting entitlement to Band D instead of Band C liability levels affected 350 households and would increase expenditure by £53,444.

Key considerations

Any of the options to reduce the level of support offered through CTS would have an adverse impact on certain applicants or groups of applicants. If the Council needed to cut the support offered through the CTS scheme, we needed to consider a careful selection of options for our particular demographic unless additional funding could be raised through other Council initiatives or by cuts in services generally. The reality was that any revised scheme that had less funding, needed to establish which applicants were more able to pay an increased level of Council Tax with the reduction in their CTS.

The estimated financial impact of each of the options and the numbers of customers affected had been considered. Although the Council was not legally required to include transitional protection for claimants moving from one CTS scheme to a replacement scheme, the legislation did state that Members must consider if transitional arrangements might be needed and if protection should apply to all groups or just certain groups. Such protection could limit our ability to realise savings.

Should there be any shift in proportions between working age and pension age or an economic downturn that resulted in more people relying on some

form of state financial support, there would be greater pressure on the remaining Council Taxpayers to meet a potentially higher outlay.

During the discussion of this item, moved by Councillor Murphy, seconded by Councillor Lisgo that the recommendations be amended as follows:-

“That the maximum CTS be limited to 85% of a Band D property (with the exception of single care leavers in income Band 1 up to the age of 25 years who would continue to receive CTS at 100% of their Council Tax liability to a maximum of the amount payable for a Band D property”.

The amendment was put to the vote and was lost.

A copy of the full, proposed Council Tax Support Scheme together with a copy of an Equality Impact Assessment was circulated to all Members of the Shadow Council to increase understanding of the issues prior to a decision being taken.

Councillors were concerned at the inclusion of the Strategic Forum in the report. This was noted by Officers who would ensure this would not happen again in future.

Resolved that:-

- (1) The Council, having had regard to the consultation response and the Equality Impact Assessment, agreed to set a Council Tax Support (CTS) scheme to be implemented from 1 April 2019 to:-
 - a) Award entitlement to working age recipients based on the 2018-2019 income banded schemes in place for Taunton Deane Borough Council and West Somerset Council;
 - b) Limit the maximum CTS to 80% of a Band D property (with the exception of single care leavers in income Band 1 up to the age of 25 years who would continue to receive CTS at 100% of their Council Tax liability to a maximum of the amount payable for a Band D property);
 - c) Disregard the Housing Element included in a Universal Credit (UC) award from the income we use to work out CTS, thereby providing parity with the treatment of Housing Benefit as it is intended to help with rent costs;
 - d) Apply a weekly disregard of £50 from the income used to work out CTS for each child where there were more than two children in the household;
 - e) Provide extra assistance for customers who would have formerly met the qualifying conditions for the disability premium by applying a weekly disregard of £50 from the income used to work out CTS.
- (2) The Council noted that on 23 October 2018, the Shadow Scrutiny Committee had recommended that recommendation 2.1 (b) should be

amended to *“Limit the maximum CTS to 85% of a Band D property (with the exception of single care leavers in income band 1 up to the age of 25 years who would continue to receive CTS at 100% of their Council Tax liability to a maximum of the amount payable for a Band D property”*. However, the Shadow Executive Councillors, having considered this proposal from Shadow Scrutiny, were minded to maintain the original recommendation as set out in 2.1b above.

10. **2019/2020 Fees and Charges**

Considered report previously circulated, concerning the proposed fees and charges that were proposed to be applied to services for the first time for the new Council for 2019/2020. Scrutiny and Executive comments were tabled in an update paper prior to the meeting commencing.

In determination of these fees and charges the following principles had been applied:-

- i) Harmonisation of fees when it had been practical to do so;
- ii) Recovery of costs;
- iii) Setting of fees in line with statutory guidance.

In the setting of these fees and charges, a pragmatic approach had been taken for the first year of the new Council. A detailed review would be undertaken once the new operating model was embedded and fully in place.

Like its predecessor Councils, Somerset West and Taunton Council would charge the public for some services that they used. Some of these charges were set by Central Government.

The services that Somerset West and Taunton Council proposed to charge for were in connection with:-

- Bereavement Services;
- Waste Services;
- Land Charges;
- Housing;
- Licensing;
- Planning;
- Environmental Health;
- Promotional Rotunda Units;
- Deane Helpline;
- Freedom of Information Enquiries;
- Court Fees (Council Tax and Business Rates);
- Open Spaces;
- Harbours; and
- Car Parks.

Fees and charges generated in the region of £12,000,000 per annum and provided significant funding support to the provision of those services that

were charged for. Charges were set broadly within the framework of the Medium Term Financial Strategy and in accordance with legislative requirements.

Appended to the report were appendices that contained the detailed proposed charges for each service. These incorporated the same service areas currently charged by Taunton Deane and West Somerset Councils. The appendices included the legislation that allowed Somerset West and Taunton Council to charge for the services in question, confirmed if the charges could only be what it cost to provide the service or could be another charge, or if the charge was set by Central Government. This gave Councillors reassurance that the charges being proposed would be legally set.

Proposed Increases for 2019/20

Those services proposing an increase to charges for 2019/2020 included:-

Cemeteries and Crematorium;
Waste;
Housing Services;
Land Charges;
Pest Control;
Deane Helpline;
Harbours; and
Licensing.

Due to a rebasing of the associated costs, Court Fees were proposed to be reduced for 2019/2020.

In order to set appropriate fees, services would need to analyse trends and understand how fee levels influenced their customers. An understanding of risks associated with the fee levels was paramount in setting appropriate levels which would generate a value which could be confidently relied upon for budget setting purposes. Any unforeseen loss of income would impact on the Council's resources and might lead to overspends and affect service delivery.

The overall budgetary impact of the various proposals was summarised. Only those services that had changed their fees had been included in the report. This showed that the changes to fees and charges should contribute an additional £64,000 to the General Fund and £41,000 to the Housing Revenue Account (HRA), compared to initial single Medium Term Financial Plan estimates for the new Council.

The Shadow Scrutiny Committee had considered this report on 26 November 2018 and recommended to support the proposed fees and charges for 2019/2020, but also provided comments on the proposals for consideration by Shadow Executive Members.

Shadow Executive had considered the matter on 6 December 2018 and had recommended that Shadow Council approved the proposed fees and charges for 2019/2020 subject to the further clarifications and amendments discussed.

The Scrutiny comments were also discussed.

During the discussion of this item, moved by Councillor Dewdney, seconded by Councillor Martin-Scott that:-

“Appendix F – Planning Fees – Reduce the Listed Building Pre-Application Advice – all levels from £290.40 to £105.60” and

“Appendix M – Parking – Remove the £6 Coach Park fee for Tangier Car Park.”

The amendment was put and was carried.

Resolved that the new Council’s proposed Fees and Charges for 2019/2020, as amended, be approved.

11. **Discretionary Reduction in Council Tax Liability Policy and Discretionary Housing Payment Policy**

Considered report previously circulated, concerning the awarding of Discretionary Housing Payments (DHPs) and Discretionary Reductions in Council Tax liability. The report sought support for combining both Taunton Deane’s and West Somerset’s Policies for the New Council from 1 April 2019.

Powers granted under Section 13A of the Local Government Finance Act 1992 (as inserted by Section 76 of the Local Government Act 2003), allowed the billing authority to reduce the Council Tax payable either for specific classes of cases, as determined by the billing authority, or for individual cases. The billing authority had the power to either reduce or cancel the Council Tax payable. The intent behind this legislation was to allow billing authorities to create local discounts or exemptions to cater for local circumstances, for example flooding.

The Councils had had policies for Discretionary Reductions in Council Tax liability for some time. However, a decision by the Valuation Tribunal for England arising from an appeal against East Riding of Yorkshire Council’s decision to refuse a discretionary reduction meant it was prudent to review and revise our policies accordingly. Discretionary Housing Payments offered claimants of Housing Benefit (HB) and Universal Credit (UC) in receipt of the housing element, further financial assistance where the Council considered that help with housing costs was needed.

The Department for Work and Pensions (DWP) provided the Council with a specified Discretionary Housing Payments (DHP) allocation that varied each year as it was partly based on our previous DHP spending. The Councils currently had to return any unspent funding to the DWP.

During the financial year, the Councils could only award DHP up to a cash limit of two and a half times this annual grant. Any spending made above the allocation and up to the legal limit had to be funded from Council budgets.

DHPs were not payments of benefit, and the Councils therefore had discretion in how this funding was managed.

During the discussion of this item, moved by Councillor Ryan, seconded by Councillor R Lees:-

“That the Discretionary Reduction in Council Tax Liability Policy and Discretionary Housing Payment Policy should be withdrawn and taken to the next available Shadow Scrutiny Committee for discussion before returning to the next Shadow Full Council in due course”.

The amendment was withdrawn by the proposer before a vote after further clarification was provided.

Resolved that the revised policy for Discretionary Reduction in Council Tax Liability and Discretionary Housing Payments to be applied from 1 April 2019 be approved.

(The meeting ended at 9.00 p.m.)

Somerset West and Taunton Shadow Council

At a meeting of Somerset West and Taunton Shadow Council held at Shire Hall, Shuttern, Taunton on 21 February 2019 at 6 p.m.

Present: Councillor J Parbrook (Chair)
Councillor C Herbert (Vice-Chair)
Councillors M Adkins, P Berry, J Blatchford, C Booth, N Cavill, M Chilcott, S Coles, M Dewdney, S Dowding, D Durdan, M Edwards, E Gaines, A Govier, A Gunner, R Habgood, A Hadley, T Hall, N Hawkins, B Heywood, M Hill, J Horsley, J Hunt, A Kingston-James, S Lees, L Lisgo, D Mansell, S Martin-Scott, K Mills, P Murphy, R Parrish, P Pilkington, J Reed, R Ryan, F Smith, F Smith-Roberts, V Stock-Williams, P Stone, A Sully, N Thwaites, N Townsend, A Trollope-Bellew, C Tucker, J Warmington, P Watson, D Wedderkopp, D Westcott, J Williams and G Wren.

Officers: James Hassett (Chief Executive), James Barrah (Head of Function – Commercial, Investment and Change), Robert Hillier (Head of Function – Communications and Engagement), Bruce Lang (Assistant Chief Executive and Monitoring Officer), Lesley Dolan (Business Services Manager, SHAPE Legal Partnership), Paul Fitzgerald (Strategic Finance Advisor and Section 151 Officer), Andrew Stark (Interim Finance Manager), Kerry Prisco (Finance and Procurement Project Manager), Dean Emery (Principal Revenues and Debt Recovery Officer), Marcus Prouse (Specialist – Governance and Democratic), Andrew Randell (Democracy and Governance Case Manager) and Richard Bryant (Temporary Democratic Services Specialist)

1. Apologies for Absence

Councillors J Adkins, T Aldridge, B Allen, R Bowrah, Coombes, H Davies, K Durdan, H Farbahi, R Henley, G James, I Jones, R Lees, I Morrell, H Prior-Sankey, S Pugsley, K Turner and T Venner.

2. Minutes

Approval of the minutes of the Shadow Council meeting held on 17 December 2018 was deferred to allow a number of amendments to be made to them.

3. Declarations of Interest

Councillors M Chilcott, S Coles, A Govier and J Hunt declared personal interests as Members of Somerset County Council.

Councillors N Cavill, E Gaines, A Govier, A Hadley, J Hunt, G James, A Kingston-James, P Murphy, J Parbrook, P Pilkington, J Reed, D Mansell, V Stock-Williams, P Stone, N Townsend, A Trollope-Bellew, J Warmington, P Watson and D Westcott all declared personal interests as Members of Town or Parish Councils.

As the owner of a business, Councillor A Hadley declared a prejudicial interest in Agenda Item No.12. He undertook to leave the meeting during the discussion of this item.

Members were reminded by the Chair that they all had Pecuniary Interests as far as the setting of the Council Tax rate was concerned but that a specific exemption existed to enable the item to be considered and voted upon.

4. **Public Participation**

- (i) Dr Ian Gauntlett asked Councillors to support the motion to Council at agenda Item No.5 as Somerset was uniquely vulnerable to climate change.

The new Council had to play its part in supporting the County as a whole to reduce our carbon footprint to zero within the next 12 years.

The importance of this subject was brought into sharp focus by the country-wide 'strike' by school children. In his view the children 'get it' that there is no time to delay; to obfuscate or procrastinate. After all, it is their future.

Councillors did have the power to make a difference. However, they needed to act urgently otherwise the consequences were likely to be disastrous.

People had been singularly failed by national Governments and responsibility to act had devolved to the local level.

Somerset County Council and other Councils had now declared 'Climate Emergencies'. Taking action did not need to be hideously expensive as there were lots of ways Councils could encourage residents to reduce their effects on the climate.

Dr Gauntlett asked whether Councillors could afford not to declare a Climate Emergency?

- (ii) Mark Raby stated that when his young daughter asked what climate change meant, he had had to soften his response to the following:-

- Humans were close to having made irreversible impact on our climate;
- This would lead to uncontrollable changes to global weather, sea levels and temperature; and
- That this would lead to death, famine, extinction and suffering for humans, animals and plants.

So in 2030 when my daughter was in 'her teens' would you be able to tell her what, as a Councillor, you had done to address the situation?

What steps can you take in your public office to ensure we are zero carbon by 2030 and if you do not know the answer now, when will you?

Mr Raby said that the following were some personal ideas:-

- Reduced Community Infrastructure Levy for 'passiv haus' houses;
- A requirement for schemes to have 50% zero energy housing from 2020 similar to affordable housing;
- Reduced Council Tax for offices/houses linked to a green energy provider;
- Tax breaks for low energy retrofit (working with such companies as zeb cat, Regen or energiesprung);
- The introduction of a company energy audit scheme and gold standard - as a badging system;
- Electric only parking in town;
- An electric car scheme for on street parking; and
- A requirement that new offices must have cycle parking and showers.

What was the Council planning on doing?

- (iii) Bill Butcher stated that he was Chairman of the Western Somerset Forum 21 whose volunteers supported projects to mitigate climate change such as energy saving measures or the use of low carbon fuels.

He hoped that the new Council would not think itself too busy to become involved with measures to stop climate change.

The timing had to be now. The motion clearly set out why action was needed for the sake of ourselves, our children and grand-children.

The Council could take action which would be good for Somerset's population, businesses and reputation as a 'green County'.

He was not asking the Council to act alone. It should join with others to work in partnership and seek to draw down funds from central Government to meet the cost of introducing measures to reduce the likely effects of climate change.

This would make the County a healthy, resilient and attractive place to work, visit and live.

- (iv) Alan Wedderkopp said that he supported the motion wholeheartedly. He hoped that recent events had, at last, seen off the 'climate deniers'. The climate was changing and we all had to act.

The new Council had to lead from the front with an intake of new Councillors who had fresh ideas.

He added that new thinking was needed especially in relation to highways, housing and the environment. The 1930's Garden Towns could not simply be allowed to continue to sprawl outwards. Almost one hundred years later the new Garden Towns needed to be planned in an entirely different way to ensure their environmental impact was minimised.

- (v) John Hunt stated that as Councillors, we should be leading from the front to ensure that everyone changed their current behaviours.

Greater use of public transport and cycle routes was necessary, although he acknowledged that bus services needed to be more extensive and reliable and that cycling had to be made safer.

He added that he had avoided flying over the past four years simply because of the impact this mode of travel had on the climate. He hoped all Councillors would support the motion.

In response to the above contributions, Councillor J Williams stated that the message was very clear as to the need to take action. The motion was an excellent way to move the matter forward and he hoped it would enjoy cross party support.

(vi) Alan Debenham asked the following questions:-

(a) Regarding the combined result of the merger of the two Councils and the implementation of the Transformation proposals actioned from recommendations from Ignite Consultancy Service:-

- What was the overall establishment reduction in the total number of full time posts?
- How many employees had already lost jobs, or were in the process of losing their jobs and how many of these were, or would be, via compulsory redundancy?
- To what extent was it known, or anticipated, that these reductions in posts and personnel would result in loss of services local residents?
- To what extent had staff and trade unions been consulted over these severe cuts and what had their reaction been in terms of staff resistance and despondency?

(b) As to the deployment of Ignite Consultancy as the vehicle for producing this major Transformation, what had been the total expenditure to date on this contract and what further expenditure was currently planned or anticipated? Also what had been the overall detrimental effect on delivery of needed services? When questioned about this last October, the Leader of the Shadow Council had confirmed that there was definitely no service reduction. However, this did not appear to be the case?

(c) With regard to the so-called pedestrianisation of Taunton Town Centre, the current position remained confusing and, yet again delayed, still not including North Street and Corporation Street. What was the latest position?

Councillor Williams thanked Mr Debenham for his questions. He did not recognise previously saying that there would be no service reductions. He had consistently stated that the Councils were going through a 'root and branch' reorganisation and that services would be upset, on a short term basis.

In terms of the Transformation, since 2013 the One Team had maintained services for the community, including many non-statutory services, saving

£1,800,000 per year. With the Transformation going through its final stages this had added further yearly savings of £3,500,000 whilst still protecting services. He added that the new Council had forecast a generally balanced budget for the next five years, although this situation could always change especially with Government involvement.

Councillor Williams undertook to provide Mr Debenham with a full written response before asking Councillor R Parrish to respond to Mr Debenham's third question.

Councillor Parrish acknowledged that there had been a delay to the proposed pedestrianisation of St James Street, Hammet Street and East Street in Taunton due to the receipt of a number of objections. Further conversations had been held with the main stakeholders and it was likely that the works to St James Street would commence during May/June with the other two street following a short time thereafter.

(vii) Tony Bullen referred to the draft General Fund Budget proposals and, in particular, to the Special Expenses/Unparished Area Budget.

The Shadow Executive had recommended that the cost of some services solely provided in Taunton should not be charged out as special expenses.

The services he was referring to were those which could be provided by a Parish/Town Council such as allotments, cemeteries, playing fields, dog bins, leisure services and tourism. Local residents knew how much was spent in their parishes with the cost usually charged to the taxpayers as a precept.

However, how much was spent in the Unparished Area of Taunton for providing a similar range of services? In his view, many of the Council Taxpayers in the new Council area would be subject to 'Double Taxation'. Mr Bullen considered this to be grossly unfair.

The Taunton Unparished services could be at least £1 million per annum. However, the Section 151 Officer was unable to confirm this, presumably because Taunton Deane Councillors had always considered it reasonable to charge the costs as general expenses.

Accordingly, special expenses ought to be levied so that a level playing field existed between all taxpayers. If this was applied, the cost to a Band D Council Tax Charge in Taunton would rise to almost £100. Wellington Town Council's precept also appeared to be lower than it ought to be. Should special expenses also be levied in this instance?

If such action was taken, Council Tax for a Band D property, could be reduced from £157.88 to £130.88 - a reduction of £27 over the recommended Council Tax rate of £159.63.

He therefore suggested to Councillors that they should not approve the

recommendations in respect of agenda item Nos. 7 and 11 but resolve to increase special expenses in both Taunton and Wellington with the consequential recalculation of the Council Tax Setting for 2019/2020.

In response, Councillor Williams stated that Council Tax setting was an extremely complicated business. He did not intend to enter into the detail as he was aware that Mr Bullen had been in contact with the officers seeking answers to his questions. As far as the Unparished Area was concerned, the Council was currently able to set a rate but this was controlled by the capping limit of the main Council. The special expenses precept was ring-fenced and was spent only in relation to issues in the Unparished Area.

He added that there were moves to form Charter Trustees for the Unparished Area who would be able in future years to raise its own precept like a Parish/Town Council independent of the capping limit. He encouraged Mr Bullen to continue his dialogue with the officers.

5. Motion to Council – Declaring a Climate Emergency

Moved by Councillor D Mansell, seconded by Councillor F Smith-Roberts.

“The Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5°C, published in October 2018, had provided a stark warning to the World. Increasing carbon emissions from human activities had already caused about 1°C of global warming above pre-industrial levels. If current trends continued the United Nations target (agreed in Paris in 2015) to endeavour to limit the average increase to 1.5°C might be reached by 2030. Current national commitments throughout the world were expected to still result in global warming of 3°C by 2100, with further warming continuing afterwards.

Increases in carbon levels and temperatures were already having serious environmental, economic and social impacts, including increases in extreme weather, sea levels, flooding, drought, heat waves, forest fires, ill-health and the spread of diseases, greater loss of species and habitats, changing ecosystems, ocean acidification, higher ocean temperatures and lower oxygen levels and reduced yields from agriculture and fisheries. The IPCC report showed these impacts would be worse with global warming of 2°C compared to 1.5°C.

With increasing temperatures, the impacts would escalate, with some passing tipping points and becoming irreversible. Natural feedback systems, such as loss of albedo (surface reflectivity) due to melting sea-ice, would result in further global warming and greater climate changes. An international team of climate scientists had warned of a Hothouse Earth scenario with naturally stored carbon being released from permafrost, forests and seas, which would lead to sea levels rising by 10-60 metres and parts of the Earth becoming uninhabitable.

Mark Carney, the Governor of the Bank of England, was among many who had warned that the global financial system could be at risk from both physical

climate impacts and a 'carbon bubble' where efforts to decarbonise left carbon intensive assets stranded. This applied to most fossil fuels reserves, which needed to be left in the ground and not burned, as well as fossil fuel power plants.

Options and choices existed to reduce carbon emissions from human activities, including our energy generation and use, transport, business and industry, waste generation, food consumption and land use; but these options were not being adopted and introduced quickly enough.

To avoid the worst impacts of global warming and climate change, carbon emissions needed to be reduced as rapidly and quickly as possible. Individuals could not be expected to make the reductions necessary on their own. Society needed to change its infrastructure, incentives, regulations and taxation to make low carbon living easier and a common social norm.

Climate action could deliver wider economic and social benefits in terms of improved health and well-being, new jobs, savings and market opportunities.

There was a need to build on strategies and plans previously adopted by Taunton Deane Borough Council and West Somerset Council and to take these further.

The Council was therefore **recommended**:-

- (1) To declare a climate emergency;
- (2) With partners across the district and region, to start working towards making Somerset West and Taunton carbon neutral by 2030, taking into account emissions from both production and consumption;
- (3) To call on the Government to provide guidance and the powers and resources to make carbon neutrality possible by writing to local Members of Parliament, the Secretaries of State for Business Energy and Industrial Strategy, Transport, Environment, Food and Rural Affairs and Housing, Communities and Local Government;
- (4) To develop a Carbon Neutrality and Climate Resilience Plan, starting from July 2019, with a cross party working group and the necessary officer support to assist with investigative work, drafting the plan and the delivery of early projects;
- (5) To report to Full Council before the end of 2019 with costed proposals for projects for the Council to effectively start addressing the climate emergency, which could include:-
 - Enabling more cycling, walking and use of shared and public transport;
 - Providing electric car charging points in car parks and other suitable locations, including for use by Council tenants and Council vehicles;
 - Adopting high energy efficiency standards and providing for the effective use of recycling services in new buildings through the planning system;

- Demonstrating and developing a programme for retrofitting high standards of energy saving and insulation in existing Council buildings, including housing, and assets; initially focusing on where the greatest benefits could be gained;
 - Promoting waste reduction, reuse and recycling on the go, and supporting community projects;
 - Sourcing electricity used by the Council from renewable energy suppliers and providing support for smart energy infrastructure, including demand management and storage;
 - Supporting green businesses and social enterprises;
 - Reviewing planning policies and investment opportunities for local renewable energy and infrastructure and environmental markets, as well as divestment from fossil fuels;
 - Adaptation for flooding, coastal erosion and other impacts of climate Change; and
 - The appointment of a specialist officer to develop and champion the delivery of the Carbon Neutrality and Climate Resilience Plan.
- (6) To provide an annual review and update of the plan thereafter; and
- (7) To allocate a provisional budget of £25,000 to allow this work, including early projects agreed by the working group, to be undertaken either through resources already available or through commissioning. This sum to include £15,000 as a supplementary budget allocation from the General Fund in 2019/2020, to be taken from general reserves and returned if able to be undertaken from already available resources, and £10,000 to be prioritised from the proposed Housing Revenue Account Maintenance Budget in 2019/2020.

The Motion was put and was carried unanimously.

(During the discussion of the motion, Councillor N Thwaites declared a personal interest as he was involved in a project to install charging points for vehicles in West Somerset.)

6. **Housing Revenue Account Budget Estimates 2019/2020**

Considered report previously circulated, concerning the proposed Housing Revenue Account (HRA) Revenue Budget and Capital Programme for the 2019/2020 Financial Year.

2019/2020 HRA Budget

In 2012 Taunton Deane had moved away from a national subsidy system to become 'self-financing'. As part of the self-financing agreement, a one-off payment of £85,120,000 was made to the Government, in return for being able to retain all income locally to manage and maintain the housing stock. The total debt in the HRA at the start of self-financing was £99,700,000.

In order to manage the freedoms gained by the HRA through self-financing, a new 30 year Business Plan (2012-2042) was introduced. This set out the

Council's overall aims and objectives for Housing Services, as well as laying out plans to manage the increased risks and opportunities.

The Business Plan had been reviewed and updated annually since 2012, but due to a number of changes in national policies and local aspiration a full review of the Business Plan had been undertaken in 2016. The draft estimates for 2018/2019 therefore reflected the amendments approved in the Business Plan.

There was an anticipation that further regulatory changes were likely following the recent publication of the 'Social Housing Green Paper' and the independent review of Building Regulations and Fire Safety. In addition to this, the Council had its own internal developing housing aspirations to consider. This suggested that another full review of the Business Plan should be undertaken to maintain the affordability and viability of these schemes and the financial impact of any regulatory changes within the overall Business Case.

As part of the self-financing agreement, an individual housing revenue debt cap of £115,000,000 had been implemented by the Government for Taunton Deane. Noted though that in October 2018 this debt cap had been removed.

The expectation of the Government was that the removal of the debt cap, along with other proposals such as allowing Councils more flexibility on Right to Buy (RTB) receipts and the introduction of a new rent policy from 2010, would enable authorities to plan for the development of new homes with more certainty.

Summary of Movements in HRA Estimates

The following table provided a summary of the main proposed changes to the budget estimates from 2018/2019 to 2019/2020 for the HRA Revenue Budget.

HRA Budget Setting 2019/2020 Changes

	£k
Original Budget 2018/2019 – balanced budget	0.0
<u>Income</u>	168.8
<u>Expenditure</u>	
Inflation (excluding salaries)	73.0
Housing Partnership	(21.6)
Pension Deficit	15.4
Provision for Bad Debt	(441.5)
Grounds Maintenance	298.5
Transformation savings	(929.0)
Other Savings	(9.3)

<u>Other Expenditure</u>	
Provision for Depreciation	(258.9)
Revenue Contribution to Capital Outlay	250.4
Interest Payable	(123.4)
Interest Receivable	62.0
Movement in earmarked reserves	914.7
Increase/Decrease in Provision for Repayment of Debt	0
Increase/Decrease in Social Housing Development Fund	0
Proposed Original Budget for 2019/2020 i.e. net transfer to reserves	0.9

Dwelling Rental Income for 2019/2020

The Welfare Reform and Work Act 2016 had set out a 1% reduction in social housing rents from 1 April 2016 for four years up to and including 2019/2020.

The proposed Housing Rent for 2019/2020 reflected national policy that required a reduction of (at least) 1%. For Somerset West and Taunton tenants this would see a reduction to the average weekly rent, from £81.69 per week to £80.87 per week.

These changes had caused the dwelling rents annual income forecast to decrease by £129,100 over the current Business Plan to £24,013,000 from £24,142,000 for the HRA from approximately 5,700 properties.

On 4 October 2017 the Department for Communities and Local Government announced that “increases to social housing rents would be limited to the Consumer Price Index (CPI) plus 1% for 5 years from 2020.” This assumption had been included in the medium term forecast within the HRA financial plan.

Rent lost through void periods continued to be lower than the 2% allowed in the original Business Plan. Therefore it was proposed to reduce the expected void rate to 1% for a two year period and to also consider voids as a result of regeneration needs

Other Income for 2019/2020

About 9.3% of HRA income, amounting to £2,400,000 in total, came from non-dwelling rent (mainly garages, but also shops and land), charges for services and facilities, and contributions to HRA costs from leaseholders and others. The proposed changes to specific budget lines reflected changes agreed by Shadow Full Council in the Fees and Charges report in December 2018.

Expenditure 2019/2020

The main areas of spending planned for the 2019/2020 financial year included:-

- General Inflation;
- Housing Partnership;
- Pension Deficit;
- Provision for Bad Debts;
- Grounds Maintenance Service Charges;
- Transformation Savings;
- Provision for Depreciation and Revenue Contribution to Capital Outlay (RCCO);
- Interest Payable
- Interest receivable;
- Transfers from Earmarked Reserves;
- Repayment of Borrowing; and
- Social Housing Development Fund.

Full details of the planned spending were set out in the report.

Housing Revenue Account Capital Programme for 2019/2020

The proposed HRA Capital Programme for 2019/2020 totalled £9,590,000. This was provided to deliver the prioritised capital investment requirements included in the current Business Plan for the next budget year as follows:-

Draft HRA Capital Programme 2019/2020

Project	Total Cost £000
Major Works	6,197
Improvements	321
Exceptional Extensive Works	502
Disabled Facilities Grants and Aids and Adaptations	376
Building Services Vehicles	121
Social Housing Development Fund	2,069
Total Proposed HRA Capital Programme 2019/20	9,586

It was proposed that the HRA Capital Programme should be funded from the Major Repairs Reserve (from depreciation), RCCO from the Social Housing Development Fund, and capital receipts (Right to Buy) as follows:-

Funding Estimates

	2019/2020 £k
General Fund	
Major Repairs Reserve	7,517
Social Housing Development Fund (RCCO)	1,170
Capital Receipts	899
TOTAL Funding	9,586

This line in the capital programme covered a number of areas of spend. The Council was required to maintain decent homes standards ensuring items were replaced as and when needed.

The detail used to make up the Major Works budget was shown in the table below and this was what the budget line was expected to be spent upon. This was subject to change depending on factors such as contractor availability.

Major Works

Project	Total Cost £000
Bathrooms	1,400
Heating Systems	1,625
Fire Safety Work	1,172
Fascias and Soffits	1,200
Insulation	800
Total	6,197

Details of the proposed budgets for Improvements, Exceptional/Extensive Works, Disabled Facilities Grants and Aids and Adaptations, Building Services Vehicles and the Social Housing Development Fund were submitted.

The current 5-Year HRA Capital Programme was shown below, which included forecast capital expenditure requirements for the period 2019/2020 to 2023/2024, as identified in the Business Plan:-

Draft HRA 5-Year Capital Programme

	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	2023/24 £m	5-Year Total £m
Capital Programme	9.586	9.699	7.632	7.770	7.910	42.597

HRA General Reserves

As set out in the HRA Business Plan the recommended minimum un-earmarked reserve balance for the HRA was £1,800,000 (approximately £300 per property). The reserve balance as at 1 April 2018 was £2,778,000. There had not been any approved changes during the year from un-earmarked reserves.

If the draft budget was approved, the balance would increase to £2,779,000 which was £979,000 over the minimum reserve balance. This reserve would be held at the minimum recommended balance of £1,800,000 when considering any further demands on this reserve.

Further reported that although some previous risks had now been removed (for example Higher Value Asset Sales), the HRA still faced a number of medium to long-term risks and uncertainties, both internal and external to the Council. These included:-

Universal Credit – It was not known what impact the full roll out of Universal Credit would have on the HRA although steps had already been taken to try and prevent loss of income where possible. These were set out in the report.

Social Housing Green Paper: The Government had published its Social Housing Green Paper in response to the tragedy at Grenfell Tower. Whilst the initial consultation had now closed, the outcome was awaited together with any regulatory changes that this might bring.

Independent Review of Building Regulations and Fire Safety: The final report set out over 50 recommendations for the Government as to how to deliver a more robust regulatory system to ensure that residential buildings were safe to live in. The final regulatory changes were awaited to enable the full budgetary impact this might have on the HRA to be understood.

Transformation: Savings from Transformation had been included within the Business Plan. If these savings were not achieved the financial position of the Business Plan would be affected.

Asbestos: Significant progress had been made in implementing processes and procedures to ensure the Council met its duties under the Control of Asbestos Regulations 2012. Detailed analysis would identify the Council's short, medium and long-term financial liabilities for asbestos. The outcome would be compared with the budgetary provision so as to schedule an affordable Asbestos Management Plan.

HRA Borrowing

In 2012 Taunton Deane took out additional borrowing of £85,200,000 as part of the self-financing settlement with the Government. This brought the total borrowing in the HRA up to £99,600,000 at the start of self-financing, including £5,500,000 internal borrowing from the General Fund.

The current borrowing requirement for 2018/2019 totalled £104,800,000 with an additional £12,800,000 of internal borrowing within the HRA (for approved capital schemes such as Creechbarrow Road, Taunton). This internal borrowing was currently funded from reserves held by the HRA, but external borrowing might be required in the future. A loan repayment of £3,500,000 would be made during 2019/2020.

An annual provision of £1,800,000 for repayment of debt was included in the Business Plan, and ongoing repayments of borrowing would be made.

In October 2018 the Government had officially removed the debt cap that had been set at the inception of self-financing. This meant that the HRA now came under the same prudential borrowing rules as the General Fund and was therefore able to borrow providing that it was affordable and viable as part of the overall Business Case and ensuring that this could be repaid over the 60 years.

Right to Buy (RTB) Receipts

In 2012 the maximum discounts offered to tenants who exercised their Right to Buy had increased significantly to £77,000. Taunton Deane had signed up to retain the additional receipts, and agreed that these receipts would be used

to fund new affordable housing. The additional RTB receipts could only account for 30% of spend on new housing, with the remaining 70% coming from other funds such as revenue funding or borrowing. The RTB receipts could not be used in the same scheme as other Government funding such as Homes and Communities Agency funding.

The full spend on new housing had to be spent within three years of the capital receipt, or the RTB receipt had to be returned to the Government with interest at 4% over base rate from the date of the receipt.

The latest forecast showed that spend would be enough to meet the match funding requirements to quarter 2 of 2019/2020.

Noted that new housing did not need to be provided by the Council. The 30% RTB funding could also be used by Housing Associations in the area, provided they met the same match funding requirements.

Further options for the 70% match funding of RTB receipts in excess of planned development expenditure included:-

- Increasing spend through borrowing;
- Increasing spend from revenue – which would lead to reduced service provision as revenue was allocated within the Business Plan;
- The use of other Council funding; or
- Return funding to Government.

The requirement for the funding to be spent within three years did mean that there was flexibility to allocate funding after the capital receipts were retained. However as development schemes usually had large lead in times receipts therefore needed to be allocated as soon as possible to reduce the risk of having to repay the capital receipt to the Government with interest payments.

The HRA Budget and Capital Programme had been considered by the Shadow Scrutiny Committee on 5 February 2019. The views expressed by Members at this meeting were reported.

In accordance with Standing Order 16(2)(i), the Chair called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendations, which are detailed below, were put and were carried with forty seven Councillors in favour and one abstaining:-

Resolved that that the Housing Revenue Account Budget and Capital Programme for 2019/2020 be agreed and that:-

- (a) The proposed rent decrease of 1%, with proposed average rents of £80.67 per week in 2019/2020 be approved;
- (b) The Housing Revenue Account Budget for 2019/2020 be approved; and
- (c) The new capital schemes of the Housing Revenue Account Capital

Programme of £9,586,000 for 2019/2020 be also approved.

Yes	Yes	Abstain
Councillor M Adkins	Councillor D Mansell	Councillor I Aldridge
Councillor P Berry	Councillor S Martin-Scott	
Councillor J Blatchford	Councillor K Mills	
Councillor C Booth	Councillor P Murphy	
Councillor N Cavill	Councillor J Parbrook	
Councillor M Chilcott	Councillor R Parrish	
Councillor S Coles	Councillor P Pilkington	
Councillor M Dewdney	Councillor J Reed	
Councillor S Dowding	Councillor R Ryan	
Councillor D Durdan	Councillor F Smith	
Councillor M Edwards	Councillor F Smith-Roberts	
Councillor E Gaines	Councillor V Stock-Williams	
Councillor A Gunner	Councillor P Stone	
Councillor R Habgood	Councillor A Sully	
Councillor A Hadley	Councillor N Thwaites	
Councillor T Hall	Councillor N Townsend	
Councillor N Hawkins	Councillor A Trollope-Bellew	
Councillor C Herbert	Councillor C Tucker	
Councillor M Hill	Councillor J Warmington	
Councillor J Hunt	Councillor P Watson	
Councillor A Kingston - James	Councillor D Wedderkopp	
Councillor S Lees	Councillor D Westcott	
Councillor L Lisgo	Councillor J Williams	
Councillor S Lees		

7. **General Fund Revenue Budget and Capital Estimates 2019/2020**

Considered report previously circulated, which set out the General Fund Revenue budget proposals and the Shadow Council's Capital Programme for 2019/2020.

General Fund Revenue Budget

This was the first budget for the newly formed Somerset West and Taunton Council (SWT). The General Fund Revenue Account was the Council's main fund and showed the income and expenditure relating to the provision of services which residents, visitors and businesses all had access to including

planning, environmental services, car parks, certain housing functions, community services and corporate services.

The Council directly charged individual consumers for some of its services through fees and charges. The expenditure that remained was mainly funded through a combination of local taxation and through grant funding from Central Government.

Each year the Council had to set an annual budget which detailed the resources needed to meet operational requirements. The annual budget had to be prepared within the context of priorities identified by Members which were embedded in the Council's current Corporate Plan.

The budget reflected transformation savings and showed a broadly balanced position for the medium term. However there was significant uncertainty from 2020/2021 onwards with the implementation of the Fair Funding Review and resetting of Business Rates baselines.

The Shadow Scrutiny Committee had considered the draft budget proposals at its meeting on 5 February 2019. The views expressed by Members at this meeting were reported. It was noted that the introduction of fees and charges in the Minehead Parks had been withdrawn following the receipt of the Scrutiny Committee's comments and because there had been a lack of consultation with regard to these charging proposals.

Reported that the Final Finance Settlement was received on 29 January 2019. This reconfirmed the funding indicated by the provisional settlement with the announcement of additional funding towards Brexit preparations – each District Council to receive £35,000 over two years.

Alongside the Local Government Finance Settlement, the Government had confirmed that it was looking to implement the Fair Funding Review in April 2020 and had published a further consultation on its progress.

General Grant Funding

The grant funding from Government was in line with the confirmed multi-year settlement (2016/2017 to 2019/2020), with the expected reduction in 2019/2020 of Revenue Support Grant but with the unexpected maintenance of Rural Services Delivery Grant at the 2018/2019 settlement level. There was confirmation that Negative Revenue Support Grant would be offset in 2019/2020. This was worth £128,000 for SWT and it had been assumed that this would happen. Overall there had been a 64% reduction in General Revenue Grant funding, as follows:-

General Government Grant

	TDBC/WSC 2018/19 £	SWT 2019/20 £	Change £	
Revenue Support Grant	449,841	6,340	-443,641	-99%
Rural Services Delivery Grant	241,506	241,506	-	-

Total General Revenue Grant Funding	691,487	247,846	-443,641	-64%
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Business Rates Retention and 75% Business Rates Pilot Bid

Local authorities received a significant proportion of their funding through the Business Rates Retention (BRR) system. SWT would operate within the Somerset Business Rates Pool in 2019/2020. In addition, the Pool had applied successfully to be a Pilot area for 75% BRR.

From initial estimates the one-off gain through the Pilot would be £6,000,000 – 7,000,000 in addition to a similar amount through pooling, of which SWT’s share of the gain would be between £1,200,000 and £1,400,000. At this stage it had been prudently assumed that an amount of £1,200,000 arising from the potential gain would be set aside within a special Economic Growth and Prosperity Fund.

Noted that the overall BRR position had improved not only through the Pilot scheme, but also through closer alignment in key assumptions between the Pool authorities regarding appeals and refunds. It was evident that the new “Check, Challenge, Appeal” arrangements introduced by the Valuation Office in 2017 had significantly reduced appeal volumes and the consequential need to make financial provision for such appeals.

New Homes Bonus

The New Homes Bonus (NHB) Grant system had been in place since 2011/2012. It was funding allocated by the Government which incentivised and rewarded housing growth. The NHB grant was non-ring-fenced which meant the Council was free to decide how to use it. The Council had only used part of its NHB allocation each year towards the revenue budget for services. The remaining grant had been allocated to the Growth Earmarked Reserve.

The confirmed NHB Grant for 2019/2020 was £3,809,209, which was £151,768 or 4% less than the comparable amount for 2018/2019.

The Government had not revised the changes to the NHB methodology that had been announced in 2017/2018. The growth baseline remained at 0.4%, which saw a “top-slice” for growth which did not attract any NHB grant. In addition to the top-slice, the Government had reaffirmed that the legacy amounts included in the annual grant allocation would be reduced to four years from 2018/2019.

The impact of this growth baseline was significant. Housing growth (net of new housing, demolitions and increase/decrease in empty homes) of 268.6 Band D equivalents had not been rewarded in 2019/2020. This had resulted in a loss of funding of approximately £359,161 due to the top-slice for 0.4% growth.

Council Tax

Further reported that the new Council was required to address the issue of the different amounts of Council Tax that had been previously set by the former Councils of Taunton Deane (TDBC) and West Somerset (WSC). The new Council was required to set a 'harmonised' Council Tax rate such that all residents within the new Council area paid the same amount of district level Council Tax relative to the banding of their property.

The current basic Band D Council Tax amounts were £152.88 for TDBC and £155.56 for WSC respectively. For initial financial planning purposes it was assumed that the initial 'harmonised' rate for 2019/2020 would be £157.88. Thereafter, the Medium Term Financial Plan (MTFP) reflected a financial planning assumption that Council Tax charges would increase by 2.99% each year from 2020/2021.

The Shadow Executive had therefore recommended the option to increase Band D Council Tax to £157.88 which equated to a £5 annual increase on the current TDBC rate of £152.88 and an increase of £2.32 on the current WSC Band D, and this was reflected in the proposed budget for 2019/2020. The Band D tax rate including £1.75 for the Somerset Rivers Authority would be £159.63 per year or £3.05 per week.

The approved Tax Base for 2019/2020 was 56,622.8 Band D Equivalentents, an increase of 1,048.6 (1.9%) compared to the 2018/2019 tax base of TDBC and WSC. The budget estimates for Council Tax income for SWT was therefore $56,622.8 \times £157.88 = £8,939,605$. This represented a total increase of £405,662 compared to the previous year.

Special Expenses/Unparished Area Budget

The Shadow Executive was minded to keep the Special Expenses (Unparished Area of Taunton) precept at £3.02 on a Band D property. Due to an increase in tax base this would raise an additional £866 per year in tax income.

The proposed budget for 2019/2020 was therefore £46,399, entirely funded through Special Expenses levied within the Unparished Area.

Somerset Rivers Authority

The Somerset Rivers Authority (SRA) remained unable to raise its own precept and it was therefore proposed to follow the same arrangements as before for TDBC and WSC. For 2019/2020 it was proposed that the Band D amount would be £1.75 and this would raise £99,090 in funding for the SRA.

Draft Budget Summary 2019/2020

The following table provided a summary of the Budget position for 2019/2020:-

	TDBC/WSC Budget 2018/19 £	SWT Budget 2019/20 £
Total Spending on Services	14,842,723	14,752,279
Somerset Rivers Authority Contribution	96,981	99,090
Revenue Contribution to Capital	440,500	375,000
Capital Debt Repayment Provision (MRP)	543,110	455,010
Interest Costs	175,420	168,530
Interest Income	-642,000	-642,000
Parish Precepts	1,828,378	1,828,378
Special Expenses	45,534	46,983
Transfers to Earmarked Reserves	2,957,089	5,923,840
Transfer to Economic Growth and Prosperity Fund	0	1,200,000
AUTHORITY EXPENDITURE	20,287,735	24,207,110
Retained Business Rates (including pool and pilot 2019/20)	-5,556,147	-6,528,746
Somerset BRR Pilot		-1,200,000
Share of Levy Surplus		-59,037
Revenue Support Grant	-449,981	-6,340
Rural Services Delivery Grant	-241,506	-241,506
New Homes Bonus	-3,960,977	-3,809,209
Surplus(-)/Deficit on Collection Fund – Council Tax	-115,977	-116,311
Surplus(-)/Deficit on Collection Fund – Business Rates	541,689	-1,331,905
Demand on Collection Fund – Parishes and SER	-1,873,912	-1,875,361
Total Council Tax Raised by Council	8,630,924	9,038,695
Divided by Council Tax Base	55,574.2	56,622.8
Council Tax Band D – SWT Services	153.56	157.88
Council Tax Band D – Somerset Rivers Authority	1.74	1.75
Council Tax Band D – SWT including SRA	155.30	159.63
Cost per week per Band D equivalent	2.98	3.05

The table below showed the movement in spending and funding between 2018/2019 and 2019/2020:-

	£k	£k
Net Expenditure Base Budget 2018/19		20,288
Inflation costs	503	
Annual pension deficit payment increase	41	
Somerset Waste Partnership	77	
Contribution to Citizens Advice Bureau	45	
Leisure Contract	399	
Other Service Changes	42	
Transformation savings	-1,638	
Service Resilience	266	
Transition Costs	338	
New Council – Savings per business case	-360	
Increase fees and charges	-64	
Deane House project and maintenance costs	137	
Increased IT Costs	126	

Financing Costs (net interest income and repayment of borrowing)	-160	
Subtotal costs		-248
Contribution to Economic Growth and Prosperity Fund	1,200	
Business Rates Smoothing Reserve	3,463	
Reduction in NHB contribution to reserves	-84	
Remove previous year transfers to reserves	-210	
Use of Leisure Reserve	-62	
Other Reserve Adjustments	-140	
Subtotal Reserve movement		4,167
Net Expenditure Base Budget 2019/20		24,207

	£k	£k
Total Funding 2018/19		-20,288
Reduction in RSG	444	
Increased Retained Business Rates	-973	
Somerset Rates Pool	-1,200	
Share of Levy Surplus	-59	
Reduction in NHB	152	
Increased funding from Council Tax	-409	
Collection Fund Surplus	-1,874	
Subtotal - change in funding		-3,919
Total Funding 2019/20		-24,207

Medium Term Financial Plan Summary

The current MTFP forecast was summarised below, reflecting the proposed budget for 2019/2020 and the updates described in the report.

MTFP Summary 2019/2019 to 2023/2024

	2018/19 £	2019/20 £	2020/21 £	2021/22 £	2022/23 £	2023/24 £
Services Costs	14,842,723	14,752,279	14,229,828	14,449,146	15,154,436	15,740,866
Net Financing Costs	517,030	356,540	485,900	470,260	633,370	416,480
SRA Contribution	96,981	99,090	100,675	102,286	103,923	105,586
Special Expenses	45,534	46,399	47,049	47,708	48,375	49,053
Earmarked Reserves-Growth	3,172,576	3,089,209	3,223,112	2,840,198	2,758,964	2,634,196
Earmarked Reserves-Other	-215,487	2,834,631	232,194	250,194	194	194
Economic Growth and Prosperity	0	1,200,000	0	0	0	0
Net Expenditure	18,459,357	22,378,478	18,318,758	18,159,792	18,699,262	18,946,375
Retained	-5,556,147	-6,528,746	-4,797,881	-4,871,689	-4,945,497	-5,019,305

Business Rates						
Business Rates prior year surplus/deficit	541,689	-1,331,905	0	0	0	0
Somerset BRR Pilot		-1,200,000				
Share of National Levy Account Surplus		-59,037				
Revenue Support Grant	-449,981	-6,340	0	0	0	0
Rural Services Delivery Grant	-241,506	-241,506	-241,506	-241,506	-241,506	-241,506
New Homes Bonus	-3,960,977	-3,809,209	-3,823,112	-3,390,198	-3,258,964	-3,134,196
Council Tax	-8,533,943	-8,939,605	-9,354,180	-9,787,916	10,241,447	10,716,043
Council Tax–SRA	-96,981	-99,090	-100,675	-102,286	-103,923	-105,586
Council Tax–Special Expenses	-45,534	-46,399	-47,049	-47,708	-48,375	-49,053
Council Tax prior year surplus/deficit	-115,977	-116,311	0	0	0	0
Net Funding	18,459,357	22,378,478	18,364,403	18,441,303	18,839,712	19,265,689
Budget Gap	0	0	-45,645	-281,511	-140,450	-319,314
Gap – Change on Previous Year	0	0	-160,645	-235,866	141,061	-178,864

Transformation of Services

The MTFP position above already included the projected savings arising through the implementation of the Transformation Business Case and formation of the new Council, as summarised below. Without these savings the forecast budget gap would be a deficit of £2,057,000 per year by 2023/2024. The savings from transformation included in the MTFP above were:-

Transformation Savings

	2018/19	2019/20	2020/21	2021/22	2022/23
	£k	£k	£k	£k	£k
Transformation Savings	197	1,835	1,853	1,871	1,871
New Council Savings		360	420	505	505
Total Annual Savings	197	2,195	2,273	2,376	2,376

Noted that 2019/2020 was a critical period with the new Council launch and significant change in staffing levels, business processes and ways of delivering services to our customers. This carried a degree of financial risk.

Contract Procurement Savings

It was anticipated that there would be significant revenue savings arising from a contract procurement exercise. Although there would be some additional costs during the first year of the new contract (2019/2020), savings thereafter were significant. The impact of this procurement had been included in the MTFP projections, subject to imminent contract completion.

General Reserves

The current reserves position was shown below. The forecast Outturn for the 2018/2019 budget was currently being reviewed for TDBC and WSC but recent projections predicted a combined underspend of £163,000. In addition it had been approved that £24,000 of the predicted underspend and £509,000 from General Reserves should be used to fund the Transformation Programme during 2018/2019. The table below therefore gave a provisional forecast of the reserves position at the start of the next financial year.

General Reserves Balance

	£k
Balance Brought Forward 1 April 2018	3,198
2018/19 Projected Outturn Underspend	163
Use of underspend for Transformation	-24
Use of General Reserve for Transformation	-509
Projected Balance 31 March 2019	2,828
Recommended Minimum Balance	2,400
Projected Balance above recommended minimum	428

A review of the level of General Reserves had recently been undertaken for the new Council. Following this review it was recommended that the minimum balance of General Reserves should be set at £2,400,000. Given the future funding risks it was strongly advised to maintain reserves above this minimum level.

2019/2020 General Fund Capital Programme

The current Capital Strategy included the following basis for prioritising schemes:-

- 1) Business Continuity (corporate/organisational/health and safety);
- 2) Statutory Service Investment;
- 3) Growth / Transformation;
- 4) Invest to Save; and
- 5) Other.

The recommended General Fund Capital Programme for 2019/2020 totalled

£17,774,000 which included part of the overall allocations for NHB Growth Schemes and Community Infrastructure Levy. A full explanation of the proposed capital schemes were set out in the report.

The current General Fund Capital Programme in 2018/2019 included approved projects totalling £60,502,000 full details of which were submitted for the information of Councillors.

Reported that funding for capital investment by the Council could come from a variety of sources including:-

- Capital Receipts;
- Grant Funding;
- Capital Contributions (for example from another Local Authority or Section 106 Agreement funding);
- Revenue budgets/reserves (often referred as RCCO – Revenue Contributions to Capital Outlay); and
- Borrowing.

All of the schemes in the Capital Programme could be fully funded through a combination of revenue contributions, capital grants, Section 106 Agreement contributions, the NHB growth reserve and capital receipts.

Capital Programme for Growth and Regeneration 2019/2020

Reported that TDBC had previously approved the allocation £16,600,000 of NHB funding over the five year period 2016/2017 to 2020/2021, to support its priorities relating to growth and regeneration. A number of spend categories had been approved, as follows:-

- Taunton Strategic Flood Alleviation;
- Major Transport Schemes;
- Town Centre Regeneration;
- Employment site enabling and promoting enterprise and innovation;
- Marketing, promotion and inward investment;
- Supporting urban extension delivery; and
- Preparation of Local Development Orders.

Reported that the profile of spending over the five year period was indicative and needed to be refreshed annually, to ensure that spending plans remained aligned with an evolving picture of external funding secured, opportunities for new funding and new growth priorities.

The Growth and Regeneration Capital Budget approved to date totalled £6,370,000. If approved, a further £2,027,000 would bring the total budget to £8,397,000.

Having now carried out the above mentioned annual review, a refreshed annual profile of spending on growth was proposed. Although the spending categories and the overall allocation of £16,600,000 remained the same, a

number of changes to the original profile were proposed in some categories, as follows:-

- **Major Transport Schemes** – The overall allocation had increased slightly to £4,100,000 due to the re-profiling of costs with the delivery of the Variable Messaging and Pay on Foot systems in progress. The contribution to the Junction 25 improvement scheme had been re-profiled to 2020/2021 in line with the anticipated delivery of this project;
- **Taunton Town Centre Regeneration** – Overall the allocation had decreased slightly to £2,800,000 due to re-profiling of costs, while retaining the aim of enabling the delivery of major Town Centre schemes, such as Firepool and Coal Orchard.
- **Employment sites, enterprise and innovation** – An increase to the overall allocation to £3,700,000 due to a reallocation from Marketing Promotion to provide for the Innovation Centres; and
- **Taunton Strategic Flood Alleviation** - The allocation towards the Flood Alleviation project had been increased by a reallocation from New Garden Communities in line with the Council's commitment to flood relief.

Noted that subject to a Business Case, the Council could also consider the use of prudential borrowing to provide additional resources.

Community Infrastructure Levy

Reported that TDBC had introduced a Community Infrastructure Levy (CIL) on 1 April 2014. The CIL was a tariff charged on residential development (excluding Taunton Town Centre and Wellington) and retail development outside Taunton and Wellington Town Centres. The principle behind CIL was that most development had some impact on infrastructure and the developer should contribute to the cost of providing or improving it.

Noted that a separate report regarding CIL and future allocations for 2019/2020 to 2022/2023 had previously been considered by the TDBC Scrutiny Committee and the Shadow Executive. The projected balance of CIL receipts as at 31 March 2019 was anticipated to be £4,000,000.

The report had detailed proposed CIL allocations of £15,500,000 for the period 2019/2020-2022/2023 for infrastructure categories associated with the delivery of projects for the Taunton Garden Town and were in addition to the £16,600,000 NHB already committed to delivering the Council's growth agenda. The report to Shadow Executive had included a recommendation that the proposed investment of CIL allocations be included within the recommended Capital Programme for 2019/2020.

The Council's Section 151 Officer had a duty to comment, as part of the budget setting process on the robustness of the budget and the adequacy of reserves. In his response, Paul Fitzgerald had stated that he believed the

Council's reserves to be adequate and the budget estimates used in preparing the 2018/2019 budget to be robust.

In accordance with Standing Order 16(2)(i), the Chair called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendations, which are detailed below, were put and were carried with thirty seven Councillors in favour, two Councillors voting against and six abstaining:-

Resolved that the General Fund Revenue Budget and Capital Programme for 2019/2020 be agreed and that:-

- (a) The forecast Medium Term Financial Plan and Reserves position and the Section 151 Officer's Robustness Statement both be noted;
- (b) The General Fund Net Revenue Budget 2019/2020 be approved with the following allocations being set aside from the Contingency Reserve:-
 - (i) £20,000 as a maximum contribution towards community defibrillators;
 - (ii) £20,000 as a maximum contribution towards community electrical charging points;
 - (iii) £50,000 towards pump prime business start-up grants;
 - (iv) £20,000 for extra town centre cover to assist with Rough Sleepers; and
 - (v) £15,000 towards the development of a Carbon Neutrality and Climate Resilience Plan (Minute No. 5 refers);
- (c) The setting of a basic Band D Council Tax of £159.63 be approved, comprising £157.88 for services and £1.75 on behalf of the Somerset Rivers Authority;
- (d) The Special Expenses Precept of £3.02 for a basic Band D Council Tax in respect of the Unparished Area of Taunton be approved;
- (e) The minimum General Reserves level be set at £2,400,000;
- (f) The additions to the General Fund Capital Programme Budget of £17,774,000 for 2019/2020, including the overall allocation of £13,864,000 in respect of the New Homes Bonus Growth Programme and the £15,500,000 allocation for Community Infrastructure Projects as amended with £1,000,000 moved from public transport to education provision be also approved.

Yes	No	Abstain
Councillor M Adkins	Councillor S Coles	Councillor C Booth

Councillor I Aldridge	Councillor F Smith	Councillor M Hill
Councillor P Berry		Councillor S Lees
Councillor J Blatchford		Councillor L Lisgo
Councillor N Cavill		Councillor P Murphy
Councillor M Chilcott		Councillor D Wedderkopp
Councillor M Dewdney		
Councillor S Dowding		
Councillor D Durdan		
Councillor M Edwards		
Councillor E Gaines		
Councillor Mrs Gunner		
Councillor Habgood		
Councillor A Hadley		
Councillor N Hawkins		
Councillor Mrs Herbert		
Councillor B Heywood		
Councillor J Hunt		
Councillor A Kingston-James		
Councillor D Mansell		
Councillor S Martin-Scott		
Councillor K Mills		
Councillor J Parbrook		
Councillor P Pilkington		
Councillor J Reed		
Councillor R Ryan		
Councillor F Smith-Roberts		
Councillor V Stock-Williams		
Councillor A Sully		
Copuncillor N Thwaites		
Councillor N Townsend		
Councillor A Trollope-Bellew		
Councillor C Tucker		
Councillor J Warmington		
Councillor P Watson		
Councillor D Westcott		
Councillor J Williams		

(During the discussion of the above item, Councillor P Pilkington declared a personal interest as he was involved in a project to install charging points for vehicles in West Somerset. Councillor P Murphy also declared a personal interest as the Chair of the Watchet Coastal Communities Team.)

8. Capital Strategy 2019/2020

Considered report previously circulated, which set out the proposed Capital Strategy of the new Council for 2019/2020.

Capital expenditure was where the Council spent money on assets, such as property or vehicles, which would be used for more than one year. In 2019/2020, the Council was planning capital expenditure of £20,309,000 as.

The main General Fund capital projects also included £16,600,000 for growth projects.

Reported that the Housing Revenue Account (HRA) was a ring-fenced account which ensured that Council housing did not subsidise, or was itself subsidised, by other local services. HRA capital expenditure was, therefore, recorded separately.

All capital expenditure had to be financed, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts) or debt (borrowing, leasing and Private Financing Initiative).

Debt was only a temporary source of finance, since loans and leases had to be repaid and this was, therefore, replaced over time by other financing, usually from revenue which was known as Minimum Revenue Provision (MRP). Alternatively, proceeds from selling capital assets (known as capital receipts) could also be used to replace debt finance.

The Council's MRP Policy was submitted for the information of Members.

The Council's cumulative amount of debt finance was measured by the Capital Financing Requirement (CFR). This increased with new debt-financed capital expenditure and reduced with MRP repayments and capital receipts used to replace debt.

The Strategy comprised the following elements:-

Asset Management

To ensure that capital assets continued to be of long-term use, both Taunton Deane and West Somerset Councils currently had an Asset Management Strategy in place which drove forward new ways of managing the asset portfolio by proactive asset management.

Asset Disposals

When a capital asset was no longer needed it could be sold so that the proceeds, known as capital receipts, could be spent on new assets or used to repay debt. The Council was currently also permitted to spend capital receipts on Transformation Projects until 2021/2022. Repayments of capital grants, loans and investments also generated capital receipts. The Council planned to receive £6,420,000 of capital receipts in the coming financial year.

Treasury Management

Treasury management was concerned with keeping sufficient but not excessive cash available to meet the Council's spending needs while managing the risks involved. Surplus cash was invested until required, whilst any shortage of cash was met by borrowing.

Due to decisions taken in the past, the Council currently had £85,500,000 of borrowing and treasury investments of £56,300,000.

Borrowing Strategy

The Council's main objectives when borrowing were to achieve a low but certain cost of finance whilst retaining flexibility should plans change in the future. These objectives were often conflicting and the Council, therefore, sought to strike a balance between cheap short-term loans and long term fixed rate loans where the future cost is known but higher.

Statutory guidance was that debt should remain below the CFR, except in the short-term. The Council expected to comply with this requirement in the medium term.

Affordable Borrowing Limit

The Council was legally obliged to set an affordable borrowing limit each year and to keep it under review. In line with statutory guidance, a lower "operational boundary" was also set as a warning level should debt approach this limit.

Investment Strategy

Treasury investments arose from receiving cash before it was paid out again. Investments made for service reasons or for pure financial gain were not generally considered to be part of treasury management.

The Council's policy on treasury investments was to prioritise security and liquidity over yield, therefore to focus on minimising risk rather than maximising returns.

Investments for Service Purposes

The Council made investments to assist local public services, including making loans to local small businesses to promote economic growth. In light of the public service objective, the Council was willing to take more risk than with treasury investments, however, it still planned for such investments to generate a profit after all costs.

Commercial Activities

With Government financial support for local public services declining the Council intended to diversify into investments in commercial property mainly for financial gain.

With financial return being the main objective, the Council would be prepared to accept higher risk on commercial investments than with treasury investments. As the Council developed its commercial agenda a new strategy would be put before Members for approval. Noted that property and most other commercial investments were also capital expenditure and purchases would, therefore, be approved as part of the capital programme in future.

Liabilities

In addition to debt of £85,500,000, the Council was committed to making future payments to cover its pension deficit valued at £111,020,000. It had also set aside £2,403,000 to cover provisions. The Council was also at risk of having to pay for contingent liabilities.

Revenue Budget Implications

Although capital expenditure was not charged directly to the revenue budget, interest payable on loans and MRP was charged to revenue, offset by any investment income receivable.

Knowledge and Skills

The Council employed professionally qualified and experienced staff in senior positions with responsibility for making capital expenditure, borrowing and investment decisions.

However, where Council staff did not have the knowledge and skills required, use was made of external advisers and consultants who were specialists in their field. The Council currently employed Arlingclose Limited as treasury management advisers and various property consultants as required.

Reported that the Policy had been considered by the Shadow Scrutiny Committee at its meeting on 5 February 2019 and its comments were submitted.

Resolved that:-

- (1) The 2019/2020 Capital Strategy be approved; and
- (2) The Council's Minimum Revenue Provision policy, as included within the report, be also approved.

9. Treasury Management Strategy Statement 2019/2020

Considered report previously circulated, concerning the Council's Treasury Management Strategy Statement for 2019/2020.

Treasury management was the management of the Council's cash flows, borrowing and investments and the associated risks. The Council had invested substantial sums of money and was, therefore, exposed to financial risks including the loss of invested funds and the revenue effect of changing

interest rates. The successful identification, monitoring and control of financial risk were, therefore, central to the Council's prudent financial management.

Treasury risk management was conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code) which required the Council to approve a Treasury Management Strategy before the start of each financial year.

On 31 December 2018, Taunton Deane Borough Council held £85,500,000 of borrowing and £37,228,000 of investments. West Somerset Council held £19,105,000 of investments.

The underlying need to borrow for capital purposes was measured by the Capital Financing Requirement (CFR), while usable reserves and working capital were the underlying resources available for investments. The Council's current strategy was to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing.

CIPFA's prudential Code for Capital Finance in Local Authorities recommended that the Council's total debt should be lower than its highest forecast CFR over the next three years. The Council expected to comply with this recommendation during 2019/2020.

The report went on to explain the Council's Borrowing Strategy and detailed the sources of borrowing available to it which included the Public Works Loan Board, any institution approved for investment, any other bank or building society authorised to operate in the United Kingdom and public and private pension funds.

As far as the Investment Strategy was concerned, the Council held significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past twelve months the Council's investment balance had ranged between £51,000,000 and £83,000,000 and similar levels were expected to be maintained in the forthcoming year.

The CIPFA Code required the Council to invest its funds prudently and to have regard to the security and liquidity of its investments before seeking the highest rate of return or yield.

Further reported that the Council could invest its surplus funds with any of the counterparty types which were detailed in the report subject to the cash limits (per counterparty) and the time limits shown.

Explanations were provided in relation to the following topics:-

- (a) Credit rating;
- (b) Banks unsecured;
- (c) Banks secured;
- (d) Government;
- (e) Corporates;

- (f) Registered providers;
- (g) Pooled funds;
- (h) Real estate investment trusts;
- (i) Operational bank accounts;
- (j) Risk assessment and credit ratings.

Noted that Taunton Deane and West Somerset Council's revenue reserves available to cover investment losses were forecast to be £64,000,000 on 31 March 2019. In order that no more than 14% of available reserves would be put at risk in the case of a single default, the maximum that would be lent to any one organisation (other than the UK Government) would be £9,000,000.

The Council measured and managed its exposures to treasury management risks using the indicators of Security, Liquidity, Interest rate exposures, Maturity structure of borrowing and Principal sums invested for periods longer than a year.

Further reported that the Strategy had been prepared taking into account professional advice and information from the Council's Treasury Management advisor Arlingclose.

The Strategy had been considered by the Shadow Scrutiny Committee at its meeting on 5 February 2019. The views expressed by Members at this meeting were verbally reported.

Resolved that the Treasury Management Strategy Statement for 2019/2020 be approved.

10. Investment Strategy 2019/2020

Considered report previously circulated, concerning the Council's Investment Strategy for 2019/2020. This was a new requirement which met statutory guidance issued by the Government in January 2018.

The Council invested its money for three broad purposes:-

- (i) Because it had surplus cash as a result of its day-to-day activities, for example when income was received in advance of expenditure (known as treasury management investments);
- (ii) To support local public services by lending to other organisations (service investments); and
- (iii) To earn investment income (known as commercial investments where this was the main purpose).

This Strategy focussed on the second and third of these categories.

Treasury Management Investments - The Council typically received its income in cash before it paid for its expenditure in cash. It also held reserves for future expenditure and collected local taxes on behalf of other local authorities and the Government. These activities often led to a cash surplus which was invested in accordance with guidance from the Chartered Institute

of Public Finance and Accountancy (CIPFA). The balance of treasury management investments was expected to fluctuate between £50,000,000 and £90,000,000 during the 2019/2020 financial year.

Service Investments: Loans - The Council lent money to local businesses, local charities and employees to support local public services and stimulate local economic growth.

The main risk when making service loans was that the borrower might be unable to repay the principal lent and/or the interest due. In order to minimise this risk and ensure that total exposure to service loans remained proportionate to the size of the Council, upper limits on the outstanding loans to each category of borrower had been set, details of which were reported.

Commercial Investments: Property - The Council did not currently hold any commercial property investments, although this was an area that the Council was currently exploring. If, and when, such investments were deemed appropriate, a policy would be developed which covered security, risk and liquidity as well as explaining the contribution these investments would make to Council objectives.

Further reported that although not strictly counted as investments, since no money has exchanged hands yet, financial guarantees carried similar risks to the Council. Taunton Deane had guaranteed the following items which were included in the 2017/2018 Statement of Accounts:-

- Greenwich Leisure Limited Pension Liability - £4,900,000; and
- South West Audit Partnership Limited Pension Liability - £268,000.

Officers involved in the investment making decision process were governed by internal procedures and processes and external statutory guidance.

Commercial deals were a relatively new area for the Council, however, the commercialism agenda was very much at the centre of the organisational structure of Somerset West and Taunton Council. The new Commercial Investment and Change function would lead on this area once appropriately qualified staff had been recruited and trained.

Corporate governance arrangements had been put in place to ensure accountability, responsibility and authority for decision making on investment activities.

The Council had set the following quantitative indicators to allow Councillors and the public to assess the Councils total risk exposure as a result of its investment decisions:-

Total Investment Exposure

	31.03.18 Actual £m	31.03.19 Forecast £m	31.03.20 Forecast £m
Treasury Management Investments	56.333	56.333	56.333

Service Investments: Loans	2.946	2.674	2.271
Commercial Investments: Property	0	0	2.000
Total Investments	59.279	59.007	60.604
Commitments to Lend	0	0	14.500
Guarantees Issued on Pension Liabilities	5.168	5.168	5.168
Total Exposure	64.447	64.175	80.272

The Strategy had been considered by the Shadow Scrutiny Committee at its meeting on 5 February 2019. The views expressed by Members at this meeting were verbally reported for the information.

Resolved that the Investment Strategy for 2019/2020 be approved.

11. **Council Tax Setting 2019/2020**

Considered report previously circulated, which made recommendations on the level of Council Tax for 2019/2020.

The Localism Act 2011 had made significant changes to the Local Government Finance Act 1992, and now required the billing authority to calculate a Council Tax requirement for the year.

Submitted details of the Town and Parish Council Precepts that had been received for 2019/2020 which totalled £2,118,681.

The increase in the average Band D Council Tax for Town and Parish Councils was 13.73% which resulted in an average Band D Council Tax figure of £37.42 (£32.90 for 2018/2019).

Reported that the Precept for the Police and Crime Commissioner (PCC) had approved its tax requirement on 6 February 2019. The precept would be £12,333,008 which would result in a Band D Council Tax of £217.81, an increase of 12.38%. The Precept would be adjusted by a Collection Fund surplus of £121,290.

The County Council had approved its Council Tax requirement on 20 February 2019 and had set its precept at £70,196,974.55, adjusted by a Collection Fund surplus of £746,092. This was calculated as an increase on base of 3.23% for the general precept and 15.65% for Adult Social Care and had resulted in a total Band D Council Tax of £1,239.73. This figure included a precept of £12.84 in respect of the Somerset Rivers Authority which was unchanged from the 2018/2019 precept.

Noted that the Devon and Somerset Fire and Rescue Authority had approved its Council Tax requirement on 19 February 2019. The precept would be £4,899,003, an increase of 2.99%, which resulted in a Band D Council Tax of £86.52. The Precept would be adjusted by a Collection Fund surplus of £52,576.

As far as Somerset West and Taunton Council was concerned, Members were being asked to approve a total Council Tax requirement of £9,038,695 for 2019/2020. This equated to a Band D equivalent of £159.63; a total increase of £5.00 (3.27%) for 2019/2020 for a Taunton Deane Borough Council resident and an increase of £2.31 (1.49%) in respect of a West Somerset Council resident. This included £1.75 in respect of the Somerset Rivers Authority.

The estimated balance on the Council Tax Collection Fund was forecast on 15 January each year. Any surplus or deficit was shared between the County Council, the Police and Crime Commissioner, the Fire Authority and the Council, in shares relative to the precept levels.

The estimated balance on the Council Tax Collection Fund was a surplus of £1,036,269. Somerset West and Taunton Council's share of this amounted to £116,311, and this had been reflected in the General Fund Revenue Estimates.

In accordance with Standing Order 16(2)(i), the Mayor called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendations which are detailed below, were put and were carried with thirty-three Councillors in favour, three Councillors voting against and three abstaining:-

Resolved that:-

- (1) The formal Council Tax Resolution set out in Appendix A to these Minutes be approved; and
- (2) The total Band D Council Tax would be:-

	2018/19	2018/19	2019/20	Increase	Increase
	TDBC	WSC	SWT	TDBC	WSC
	£	£	£	%	%
Borough / District Council	152.88	155.56	157.88	3.27	1.49
Borough / District Council - SRA	1.74	1.76	1.75	0.57	(0.57)
Somerset County Council	1,103.15	1,103.15	1,138.80	3.23	3.23
Somerset County Council – Social Care	76.17	76.17	88.09	15.65	15.65
Somerset County Council – SRA	12.84	12.84	12.84	0.00	0.00
Police and Crime ton Commissioner	193.81	193.81	217.81	12.38	12.38
Devon and Somerset Fire Authority	84.01	84.01	86.52	2.99	2.99
Sub-Total	1,624.60	1,627.30	1,703.69	4.87%	4.69%
Town and Parish Council (average)	19.74	71.65	37.42		

Total	1,644.34	1,698.95	1,741.11		
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Yes	No	Abstain
Councillor I Aldridge	Councillor S Coles	Councillor C Booth
Councillor P Berry	Councillor M Hill	Councillor L Lisgo
Councillor J Blatchford	Councillor F Smith	Councillor P Murphy
Councillor N Cavill		
Councillor M Chilcott		
Councillor M Dewdney		
Councillor M Edwards		
Councillor E Gaines		
Councillor A Gunner		
Councillor R Habgood		
Councillor A Hadley		
Councillor C Herbert		
Councillor B Heywood		
Councillor J Hunt		
Councillor S Lees		
Councillor D Mansell		
Councillor S Martin-Scott		
Councillor K Mills		
Councillor J Parbrook		
Councillor P Pilkington		
Councillor J Reed		
Councillor R Ryan		
Councillor F Smith-Roberts		
Councillor V Stock-Williams		
Councillor A Sully		
Councillor N Thwaites		
Councillor N Townsend		
Councillor A Trollope-Bellew		
Councillor C Tucker		
Councillor J Warmington		
Councillor P Watson		
Councillor D Westcott		
Councillor J Williams		

12. **Business Rates Discretionary Relief Policy**

Considered report previously circulated, relating to the Business Rates Discretionary Relief Policy.

The Discretionary Rates Relief Policy, a copy of which had been circulated to all Members, contained some minor changes and a new relief brought in by the Government in the Autumn Statement 2018 called 'Retail Discount'.

A range of Mandatory and Discretionary Rate Reliefs reduced (in some cases to nil) the amount of Non-Domestic Rates (commonly known as Business Rates) a business or organisation had to pay. The qualifying rules and levels of relief for Mandatory Reliefs had been set by the Government and were the same throughout the country. The rules and levels of award for Discretionary Rate reliefs were set by each Council and, as such, might vary from Council to Council.

As part of the policy refresh process a number of 'drop in' sessions had been held where Business Rates and the Reliefs were discussed.

Reported that the Policy had been considered by the Shadow Scrutiny Committee at its meeting on 5 February 2019 and its comments were submitted.

Resolved that the following be approved:-

- (a) Charity 'Top Up' relief be capped at 10%;
- (b) Local Newspaper Relief be continued into 2019/2020 (fully funded);
- (c) Retail Discount from 2019/2020 be introduced for two years (fully funded);
- (d) Local Discretionary Relief for Young/New Businesses/Innovation Centres be introduced;
- (e) Libraries, depending on the legal set-up to receive either 100% Discretionary Relief, or if 80% Mandatory Relief was paid, then a 20% 'top up' relief would be awarded; and
- (f) The Ratable Value Restriction of £200,000 would apply.

(During the discussion of the above item, Councillors L Lisgo, D Mansell and P Murphy all declared personal interests as they were all involved in Community Library Projects. Councillor R Habgood declared a personal interest as he was a trustee of a local charity. project to install charging points for vehicles in West Somerset.)

13. **North Taunton Woolaway Project**

Considered report previously circulated, concerning the North Taunton Woolaway Project.

Taunton Deane Borough Council (TDBC) owned a variety of non-traditional construction housing property types across the area. A 2013 Structural Engineering report had highlighted that the Woolaway units were showing signs of deterioration.

In response to the report findings, the Council had undertaken a regeneration scheme in Rockwell Green, Wellington. This scheme involved land assembly

through the acquisition of a public house and a redundant toilet block in addition to the demolition of 10 Woolaway homes. The scheme was nearing completion and would deliver 26 new affordable homes.

Noted that a further assessment undertaken during the demolition of these Woolaway units had confirmed that the units were in a worse condition than identified in the 2013 report. These findings had therefore accelerated activity in seeking solutions to address the quality of Woolaway housing elsewhere in the Council's stock.

There were approximately 240 Woolaway properties across Taunton Deane with the main concentration being in Pyrland and Rowbarton Ward.

In February 2017, a successful bid for funding from the Ministry of Housing, Communities and Local Government (MHCLG) designed to accelerate Estate Regeneration planning was made leading to the establishment of a Master Planning Team to progress the North Taunton Woolaway Project.

The aims of the project were to engage with the community living in the Woolaway properties in the North Taunton area and to work with the community to bring forward a phased regeneration scheme.

A community hub in a vacant property within the heart of the affected area was therefore established and officers worked with residents through individual appointments in their homes to obtain views and comments from those affected by the project. This was in addition to hosting four public consultations during the past year.

Reported that a Residents Design Group was established to help the Master Planning Team capture the local knowledge and develop a scheme which addressed the wider issues affecting the estate and residents. The Group had provided invaluable community representation for the Master Planning Team to work with.

The Pyrland and Rowbarton Ward Councillors, the Tenant Services Management Board and the Tenants Forum had all received briefings and updates during the resident consultation phase. The project principles were presented to Members through a Members Briefing in June 2018 and at Strategic Forum in September 2018.

Scheme Proposal

The existing site comprised 212 Woolaway homes of which Taunton Deane retained ownership of 167.

Following an extensive 12 month resident consultation and a range of detailed site investigations, an outline planning application and a Phase A detailed planning application were submitted in December 2018.

The scheme Masterplan currently showed five phases, A to E. To continue momentum for this development, the report contained a specific request for funding for Phase A.

The outline planning application indicated a broad scheme to provide 226 new build homes and the refurbishment of 27 existing homes through a phased approach. As a result of the indicative scheme there would be a net increase of 86 new homes with 149 additional bed spaces.

Noted that there were 23 homes in private ownership within the scheme area which were excluded from the planned works. However the Council would be supportive if those private owners wished to undertake their own refurbishment.

Subject to planning approval, a tender process would then begin to select the range of professionals, including a build contractor to progress the scheme development with an anticipation to start physical works during the 2020/2021 financial year.

Owing to the complexities and size of the scheme the build period was likely to be in the region of 10 years. The intention is to undertake the project in phases, to support the decant requirements of existing residents and enable each phase to be assessed against changes in housing need, affordability and mitigate future unknown changes which might affect the scheme proposal and financing.

The indicative mix of homes for the whole scheme was detailed in the report.

Further reported that through the consultation a strong request for a community facility had been identified and incorporated into the scheme design, within Phase A. A detailed business case for the operation and revenue funding for a community centre would therefore be developed working with the community through the scheme implementation project plan.

The homes would be built to Nationally Described Space Standards and Housing Quality Indicator layout standards.

Three design options had been developed which considered different levels of refurbishment and new build.

The scheme had been evaluated by the Design Review Panel prior to submission of the planning application. The Panel had considered the design process and community consultation process undertaken to date as extremely rigorous and it was considered to be outstanding.

The Council continued to work closely with affected residents on a one to one basis. The intention was for the current residents whose homes were subject to demolition to be given the opportunity to return to a new property at a social rent level.

The range of property sizes would help to address existing overcrowding and under occupation which had been identified through the community. In line with the key project principles, residents would be supported to downsize through the design of the proposed scheme but retain the right to return to the equivalent size property within the new scheme.

Residents within the refurbished area would return to their newly refurbished homes unless there were extenuating circumstances.

Reported that the project had been considered by the Shadow Scrutiny Committee at its meeting on 4 February 2019. Although the project had been supported by Members, a range of questions had been raised. Responses to the points raised were set out in the report.

Resolved that:-

- (a) The North Taunton Woolaway Project and the progression of the scheme be approved. It be also agreed that decisions to progress matters for the scheme be delegated to the Head of Commercial, Investment and Change, in consultation with the relevant Portfolio Holder;
- (b) The proposed funding of the scheme utilising a combination of capital receipts, Social Housing Development Fund revenue contribution and capital borrowing be approved. It be also agreed that decisions relating to the final funding arrangements be delegated to the Section 151 Officer in line with the Council's Capital and Treasury Strategies, prioritising affordability for the Housing Revenue Account;
- (c) A supplementary budget of £7,200,000 within the Housing Revenue Account Capital Programme for Phase A of the North Taunton Woolaway Project be approved;
- (d) Approval be granted to serve Initial and Final Demolition Notices, and for the demolition of properties to enable site clearance to facilitate new development for the whole scheme; and
- (e) The principle of utilising Compulsory Purchase Powers using Section 17 of the Housing Act 1985 be approved, should vacant possession not progress to acquire properties under the regeneration initiative detailed in the report, with such decision making being delegated to the Executive.

(The meeting ended at 10.15 p.m.)

APPENDIX A

The Council is recommended to resolve as follows:

1. It be noted that the Council calculated the Council Tax Base 2019/20
 - (a) for the whole Council area as **56,622.78** [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the Act)] (**the tax base for the whole district**); and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix C (**the tax base for each parish or town council area**).

2. Calculate that the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) is £9,038,695.

3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Act:

(a)	£108,004,637	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act; (expenditure, including all precepts issued to it by parish and town councils).
(b)	£96,847,261	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (income, including government grants, benefits subsidy and adjustments for surpluses on the Collection Fund).
(c)	£11,157,376	being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act; as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act); (expenditure less income).
(d)	£197.05	being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year; (this is an overall average amount of Council Tax, per Band D property including Parish precepts).
(e)	£2,118,681	being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix C).
(f)	£159.63	being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates (the District Council element of the tax for Band D dwellings).

4. To note that the County Council, the Police Authority and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2019/20 for each part of its area and for each of the categories of dwellings. The table excludes parish and town precepts and special expenses.

VALUATION BANDS

SOMERSET WEST AND TAUNTON COUNCIL

A	B	C	D	E	F	G	H
£106.42	£124.16	£141.89	£159.63	£195.10	£230.58	£266.05	£319.26

SOMERSET COUNTY COUNCIL

A	B	C	D	E	F	G	H
£826.48	£964.23	£1,101.98	£1,239.73	£1,515.23	£1,790.72	£2,066.22	£2,479.46

POLICE AND CRIME COMMISSIONER FOR AVON AND SOMERSET

A	B	C	D	E	F	G	H
£145.21	£169.41	£193.61	£217.81	£266.21	£314.61	£363.02	£435.62

DEVON AND SOMERSET FIRE AND RESCUE SERVICES

A	B	C	D	E	F	G	H
£57.68	£67.29	£76.91	£86.52	£105.75	£124.97	£144.20	£173.04

AGGREGATE OF COUNCIL TAX REQUIREMENTS

A	B	C	D	E	F	G	H
£1,135.79	£1,325.09	£1,514.39	£1,703.69	£2,082.29	£2,460.88	£2,839.49	£3,407.38

APPENDIX C							
TOWN AND PARISH COUNCIL PRECEPTS							
Parish/Town Council	2018/19			2019/20			Council Tax Increase
	Tax Base	Precept Levied	Council Tax Band D	Tax Base	Precept Levied	Council Tax Band D	
	£	£	£	£	£	£	
Ash Priors	81.39	-	-	81.12	-	-	0.00%
Ashbrittle	92.84	2,080	22.40	96.02	2,080	21.66	-3.31%
Bathealton	87.51	500	5.71	87.10	600	6.89	20.56%
Bicknoller	215.90	3,675	17.02	216.11	3,675	17.01	-0.10%
Bishops Hull	1,167.36	21,900	18.76	1,222.88	22,941	18.76	0.00%
Bishops Lydeard/Cothelstone	1,148.11	49,000	42.68	1,181.84	55,546	47.00	10.12%
Bradford on Tone	306.67	7,000	22.83	310.83	10,000	32.17	40.95%
Brompton Ralph	98.81	4,250	43.01	101.07	4,250	42.05	-2.24%
Brompton Regis	221.34	5,750	25.98	221.34	5,750	25.98	0.00%
Brushford	239.71	14,000	58.40	240.75	21,000	87.23	49.35%
Burrowbridge	200.53	6,000	29.92	205.93	6,000	29.14	-2.62%
Carhampton	371.78	20,125	54.13	369.88	21,785	58.90	8.80%
Cheddon Fitzpaine	648.13	19,401	29.93	766.10	24,851	32.44	8.37%
Chipstable	131.32	3,235	24.63	131.19	3,500	26.68	8.30%
Churchstanton	366.53	9,489	25.89	363.84	9,489	26.08	0.74%
Clatworthy	40.69	1,250	30.72	41.64	2,000	48.03	56.35%
Combe Florey	122.41	4,000	32.68	120.88	4,000	33.09	1.27%
Comeytrove	2,017.29	23,896	11.85	2,039.16	24,144	11.84	-0.05%
Corfe	134.92	3,000	22.24	131.16	4,700	35.83	61.16%
Cotford St Luke	789.35	23,600	29.90	810.51	26,660	32.89	10.02%
Crech St Michael	1,104.06	49,738	45.05	1,143.83	52,807	46.17	2.48%
Crowcombe	238.92	9,750	40.81	236.25	10,000	42.33	3.72%
Cutcombe	184.56	13,944	75.55	185.45	13,944	75.19	-0.48%
Dulverton	638.28	73,330	114.89	631.96	77,000	121.84	6.05%
Dunster	488.52	27,000	55.27	499.46	28,000	56.06	1.43%
Durston	57.17	1,300	22.74	58.00	600	10.34	-54.51%
East Quantoxhead	43.33	-	-	43.18	-	-	0.00%
Elworthy	33.93	-	-	33.19	-	-	0.00%
Exford	196.88	11,100	56.38	194.24	11,600	59.72	5.92%
Exmoor	69.57	2,035	29.25	71.83	2,500	34.80	18.98%
Exton	96.51	3,264	33.82	97.54	4,064	41.66	23.20%
Fitzhead	117.15	4,706	40.17	120.65	3,750	31.08	-22.63%
Halse	139.50	2,600	18.64	139.11	3,150	22.64	21.49%
Hatch Beauchamp	263.63	6,500	24.66	257.30	6,500	25.26	2.46%
Holford	131.23	6,500	49.53	132.19	6,500	49.17	-0.73%
Huish Champflower	119.25	3,500	29.35	121.08	3,500	28.91	-1.51%
Kilve	187.56	5,500	29.32	194.88	5,500	28.22	-3.76%
Kingston St Mary	442.68	10,274	23.21	443.37	12,280	27.70	19.34%
Langford Budville	236.78	6,000	25.34	234.42	7,500	31.99	26.26%
Luccombe	73.49	3,000	40.82	71.25	3,000	42.11	3.14%
Luxborough	97.17	1,977	20.35	97.41	2,180	22.38	10.00%
Lydeard St Lawrence/Tolland	212.72	4,103	19.29	219.66	4,236	19.28	-0.01%
Milverton	579.97	25,000	43.11	580.77	26,000	44.77	3.86%
Minehead	4,295.65	358,208	83.39	4,364.29	507,350	116.25	39.41%
Monksilver	62.40	950	15.22	62.10	950	15.30	0.48%
Neroche	247.79	4,580	18.48	246.95	6,175	25.01	35.28%
Nettlecombe	92.18	2,300	24.95	94.37	2,300	24.37	-2.32%
North Curry	741.42	18,000	24.28	755.36	19,000	25.15	3.61%
Norton Fitzwarren	1,193.69	31,850	26.68	1,218.74	32,500	26.67	-0.06%
Nynehead	173.38	3,400	19.61	172.33	3,400	19.73	0.61%
Oake	321.69	5,600	17.41	329.56	6,000	18.21	4.58%
Oare	38.77	-	-	37.87	-	-	0.00%
Old Cleeve	692.43	21,000	30.33	696.38	31,078	44.63	47.15%
Otterford	190.57	-	-	187.93	-	-	0.00%
Pitminster	489.03	8,500	17.38	484.78	9,075	18.72	7.70%
Porlock	703.88	66,000	93.77	702.64	66,000	93.93	0.18%
Ruishton/Thornfalcon	592.28	21,852	36.89	588.00	22,150	37.67	2.10%
Sampford Arundel	130.43	6,000	46.00	131.59	6,500	49.40	7.38%
Sampford Brett	140.21	2,200	15.69	141.82	2,800	19.74	25.83%
Selworthy & Minehead Without	238.87	12,240	51.24	238.51	13,000	54.51	6.37%
Skilgate	49.53	-	-	51.49	-	-	0.00%
Staplegrove	809.47	9,400	11.61	832.91	8,084	9.71	-16.42%
Stawley	138.08	2,400	17.38	144.24	2,820	19.55	12.48%
Stogumber	325.08	19,000	58.45	327.66	20,000	61.04	4.43%
Stogursey	493.52	23,500	47.62	515.23	25,250	49.01	2.92%
Stoke St Gregory	369.85	15,181	41.05	363.72	14,062	38.66	-5.81%
Stoke St Mary	210.79	3,236	15.35	208.99	3,307	15.82	3.07%
Stringston	45.34	-	-	44.90	-	-	0.00%
Taunton	15,077.37	45,534	3.02	15,363.99	46,399	3.02	0.00%
Timberscombe	162.33	7,710	47.50	161.08	7,710	47.86	0.78%
Treborough	28.73	-	-	28.73	-	-	0.00%
Trull	1,060.12	29,000	27.36	1,073.67	30,000	27.94	2.14%
Upton	83.50	2,046	24.50	82.82	2,043	24.67	0.67%
Watchet	1,201.30	173,684	144.58	1,224.32	177,257	144.78	0.14%
Wellington	5,132.95	213,633	41.62	5,242.40	268,358	51.19	22.99%
Wellington Without	306.12	6,450	21.07	311.45	6,650	21.35	1.34%
West Bagborough	171.75	3,500	20.38	173.03	3,500	20.23	-0.74%
West Buckland	438.05	7,815	17.84	427.06	9,619	22.52	26.25%
West Hatch	133.96	2,563	19.13	134.77	2,640	19.59	2.39%
West Monkton	1,973.12	56,707	28.74	2,077.50	62,069	29.88	3.96%
West Quantoxhead	165.53	2,473	14.94	166.18	2,700	16.25	8.74%
Williton	899.87	91,000	101.13	937.69	92,000	98.11	-2.98%
Winsford	165.90	3,200	19.29	165.43	4,000	24.18	25.36%
Withycombe	123.11	7,545	61.29	124.38	7,852	63.13	3.01%
Withypool & Hawkridge	122.53	2,850	23.26	124.04	3,500	28.22	21.31%
Wiveliscombe	1,136.37	40,500	35.64	1,145.73	48,500	42.33	18.77%
Wootton Courtenay	169.83	3,500	20.61	169.80	4,500	26.50	28.59%
Totals	55,574.23	1,828,378	32.90	56,622.78	2,118,681	37.42	13.73%

Somerset West and Taunton Shadow Council

Full Council – 26th March, 2019

Final Report of the Joint Independent Remuneration Panel on Preparation of a Draft Members' Allowances Scheme for Somerset West and Taunton Council

This matter is the responsibility of the Leader of the Shadow Council, Councillor J. Williams

Report Author: Bruce Lang, Interim Monitoring Officer

1 Executive Summary

- 1.1 To advise the Shadow Council of the Final Report – attached as Appendix A to this report - of the Joint Independent Remuneration Panel (JIRP) in regard to the preparation of a draft Members' Allowances Scheme for the Somerset West and Taunton Council (SWT) and to seek endorsement of the recommendations set out therein.

2 Recommendations

- 2.1 That the Council endorses the recommendations of the JIRP in regard to the Special Responsibility Allowances (SRA) for Councillors of the SWT as follows:
- (1) That an SRA of £15,592 (3.15 x BA) be awarded to the Leader of the Council for 2019/20.
 - (2) That an SRA of £7,375 (1.49 x BA) be awarded to Portfolio Holders for 2019/20.
 - (3) That no enhanced SRA be awarded to the Portfolio Holder acting as Deputy Leader.
 - (4) That in the event of the Leader of the Council becoming incapacitated or dying in office, then the Deputy Leader, after a period of 6 weeks should be entitled to an enhanced SRA equivalent to the difference between that of a Portfolio Holder and that of the Leader.
 - (5) That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Council for 2019/20.
 - (6) That the Council and Charter Trustees develop clear protocols on how the offices of Chair of the Council and Charter Trustee Mayor are to support local community and civic events.
 - (7) That an SRA of £2,302 (0.46 x BA) be awarded to the Vice-Chair of the Council for 2019/20.
 - (8) That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Scrutiny Committee for 2019/20.
 - (9) That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of Planning Committee for 2019/20.
 - (10) That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Licensing Committee for 2019/20.

- (11) That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Governance and Standards Committee for 2019/20.
- (12) That the independent town/parish co-optees on the Governance and Standards Committee be awarded an allowance of £500 for 2019/20.
- (13) That no SRA be awarded to Vice-Chairs of Committees, and that the Panel keeps this under review.
- (14) That an SRA of £3,514 (0.71 x BA) be awarded to the Leader of the largest opposition party for 2019/20.
- (15) That an SRA of £150 per group member be awarded to the Leaders of other minority groups as long as there is a minimum of 5 elected members in the group.
- (16) That the new Council be invited to offer evidence to the Panel in due course if it feels there is merit in identifying, through its Constitution, a clear corporate role for minority group leaders.
- (17) That an SRA of £500 be awarded to the Independent Person appointed to advise the Monitoring Officer and the Council, for 2019/20.
- (18) That in accordance with the special characteristics of each member role the banding structure set out in Table L of the JIRP Final Report should be applied to the roles as indicated on the basis that they are broadly comparable.
- (19) That the provisions for the payment of carer's allowances as set out in section 5 of Appendix 2 of the JIRP Final Report are approved.
- (20) That the provisions for the payment of travel and subsistence allowances as set out in sections 6 and 7 of Appendix 2 of the JIRP Final Report are approved.
- (21) That the list of 'approved duties' is set out in Annex C of Appendix 2 of the JIRP Final Report is approved.
- (22) That the Scheme's rules for claiming allowances as set in section 9 of Appendix 2 of the JIRP Final Report are approved.
- (23) That the Scheme of Members' Allowances attached as Appendix 2 to the JIRP Final Report is approved.

2.2 That the Council requests that the S151 Officer updates the Base Budget estimates for 2020/21 within the Medium Term Financial Plan to reflect the up to date costs of the Allowances Scheme, and takes necessary action to offset any budget shortfall in respect of Members Allowances in 2019/20 through managed one-off savings in year.

2.3 That the Council endorses the recommendations made by the JIRP in terms of recommending the proposed arrangements for Chartered Trustees for the unparished area of Taunton as follows:-

- (1) That an allowance of £2,930 for the Mayor and £1,570 for the Deputy Mayor be awarded for 2019/2020.
- (2) That CPIH be used to inflation-index both Mayoral allowances in future years.
- (3) That after a year's experience of the offices of Mayor and Deputy Mayor, the allowances be reviewed by the Panel.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Any proposals that may emerge from the JIRP may be unaffordable by the SWT	3	4	12
<i>The JIRP are aware of the indicative budget figure estimated for a members' allowance scheme as part of the 2019/20 draft estimates for the SWT. The Shadow Council and SWT has the final say on whether to accept, reject or amend any recommendations from the JIRP.</i>	2	4	8

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

4.1 Clause 10(5) of the Somerset West and Taunton (Local Government Changes) Order 2018 requires that the shadow authority must formulate proposals for the scheme of members' allowances to be adopted by the SWT.

4.2 Under the relevant regulations, a Council has to appoint an independent panel to make

recommendations on a scheme of members' allowances for consideration by the council. As members will be aware, Taunton Deane Borough Council and West Somerset Council use a JIRP (which also serves Mendip District Council and Somerset County Council) and so the JIRP were accordingly requested to commence work to formulate proposals for consideration by the Shadow Council. The Council may accept, reject or amend any of the JIRP's recommendations. In effect the JIRP's role is to advise the Council rather than tell it what to do.

- 4.3 The JIRP are aware of the timetable which effectively requires the preparation of a draft scheme to be prepared in time for consideration by the Shadow Authority before the end of March 2019. The JIRP initially produced an interim report which was considered by the Shadow Council at its December meeting and agreed recommendations regarding the BA as well as a proposed approach to preparing an SRA scheme. The Council is now in receipt of the final report of the JIRP as set out in Appendix to this report
- 4.4 The JIRP Chairman, Ian Partington, together with Julian Gale, the Lead Officer who supports the work of the Panel, will attend the meeting to give a brief perspective of the Panel's work to date and provide clarification in regard to questions either on the day or subsequently in writing.
- 4.5 The report is very well researched and contains detailed justification for its recommendations and I would like to place on record my thanks to the Panel and its lead officer for all their diligent work in this regard. As it may be recalled, it has already been agreed that the Scheme is reviewed by the new Council after twelve months of operation and the offer has been made for the Panel to review any aspects of the Scheme in advance of the this formal review if requested.

5 Links to Corporate Aims / Priorities

- 5.1 The formulation of proposals for a Members' Allowances Scheme for the SWT is a statutory requirement placed on the Shadow Council by the Local Government Changes Order.

6 Finance / Resource Implications

- 6.1 The Joint Independent Remuneration Panel have proposed a draft Scheme of Members' Allowances for Somerset West and Taunton Council from the 1st April 2019. These recommendations, as summarised in the Executive Summary, are shown in the table below. The total cost is estimated at £391,500. Any costs associated with the Chartered Trustee arrangements will be met from the unparished area precept.
- 6.2 The combined budgets from Taunton Deane Borough Council (£325,930) and West Somerset Council (£152,370) for 2018/19 plus annual inflation (£9,570) and new council savings target agreed within the business case (£113,000) for 2019/20, provide a budget of £374,870 for 2019/20.
- 6.3 The draft Scheme of Members' Allowances is over budget by £16,600. This does assume that each Special Allowance is awarded to a different Councillor. If a Councillor takes on more than one role, then they will only be able to claim the highest Special Allowance, and as a consequence this could reduce the total estimated cost (and the estimated overspend) by the amounts not claimed.

- 6.4 If this draft Scheme of Members' Allowances is approved, then any resulting overspends would need to be reported through the agreed performance monitoring reports during 2019/20 and underspends sought elsewhere within the authority to fund this deficit.
- 6.5 A request will also need to be made during the budget setting process for 2020/21 to increase the base budget for future years by £16,600 and to include the proposal to increase the draft Scheme of Members' Allowances annually by using the Consumer Prices Index including Housing (CPIH) rate of inflation.
- 6.6 Alternatively, the Council may choose to make modifications to the recommended scheme to reduce the estimated cost by, for example, applying a universal change to the multiplier. By way of example, the table below illustrates the impact of an adjustment of minus 0.21 to the multiplier to show how the draft Scheme of Members' Allowances could be adjusted to create a total estimated cost that comes within budget.

Table 1: Scheme of Members' Allowances Indicative Scenario using a different multiplier

Role	Original Proposal				Alternative Proposal			
	Multiplier	No. of Cllrs	£ per Councilor	Total (£)	Multiplier (adjusted by -0.21)	No. of Cllrs	£ per Councilor	Total (£)
Basic Allowance		59	4,950	292,050		59	4,950	292,050
Leader of the Council	3.15	1	15,592	15,592	2.94	1	14,553	14,553
Leader of the (largest) Opposition	0.71	1	3,514	3,514	0.5	1	2,475	2,475
Leaders of other minority groups		1	150	150		1	150	150
Portfolio Holders / Executive, Leader as chair	1.49	8	7,375	59,000	1.28	8	6,336	50,688
Chair of the Council	0.92	1	4,578	4,578	0.71	1	3,515	3,515
Vice Chair of the Council	0.46	1	2,302	2,302	0.25	1	1,238	1,238
Chair of the Scrutiny Committee	0.92	1	4,578	4,578	0.71	1	3,515	3,515
Chair of the Planning Committee	0.92	1	4,578	4,578	0.71	1	3,515	3,515
Chair of the Licensing Committee	0.46	1	2,302	2,302	0.25	1	1,238	1,238
Chair of the Audit, Governance & Standards Committee	0.46	1	2,302	2,302	0.25	1	1,238	1,238
Independent Person appointed to advise the Monitoring Officer and Council		1	500	500		1	500	500
Total Estimated Costs				391,446				374,675
Budget for 2019/20				374,870				374,870
Variance - over / (under) budget				16,576				(195)

- 7.1 The legislative requirements/background to the formulation of proposals for a Members' Allowances Scheme for the SWT are set out in section 4 of the report.
- 7.2 There could be a perception that all members have a personal and prejudicial interest in this item through potentially receiving the allowances under discussion should they be elected as one of the 59 new councillors at the 2019 local elections. The Council's Code of Conduct includes a dispensation allowing councillors to attend and vote on Member allowances issues as long as the interest is declared at the relevant meeting. This paragraph has the effect of making these declarations as having been made by all members present. Councillors do not therefore need to make a verbal declaration at the Council meeting.

8 Environmental Impact Implications

- 8.1 None in respect of this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 None in respect of this report.

10 Equality and Diversity Implications

- 10.1 None in respect of this report.

11 Social Value Implications

- 11.1 None in respect of this report.

12 Partnership Implications

- 12.1 None in respect of this report.

13 Health and Wellbeing Implications

- 13.1 None in respect of this report

14 Asset Management Implications

- 14.1 None in respect of this report

15 Data Protection Implications

- 15.1 None in respect of this report

16 Consultation Implications

- 16.1 None in respect of this report

Democratic Path:

- **Full Council – Yes**

Reporting Frequency: Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices

Appendix A	Final Report of JIRP on the preparation of a draft Members' Allowance Scheme for SWT.
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Joint Independent Remuneration Panel

Final report to Somerset West and Taunton Shadow Council - March 2019 on the preparation of a draft Scheme of Members’ Allowances for Somerset West and Taunton Council

Foreword on behalf of the JIRP (“the Panel”)

The Shadow Council requested the Panel to produce a councillors’ remuneration scheme appropriate to the larger, newly-created council. Accordingly, the Panel – submitted an interim *report* to the Shadow Authority in November 2018 which contained recommendations regarding the councillors’ Basic Allowance and indexing of this Allowance, as well an indicative Special Responsibility Allowances (“SRA”) Scheme.

The Shadow Authority agreed the Panel’s recommendations. At that stage the Panel indicated that a full report and Members’ Allowance Scheme would be submitted in the new year and would cover Special Responsibility Allowances, Carers, Travel, and Subsistence Allowances and Scheme rules.

Accordingly, the Basic Allowance, its indexing and recommendations set out in the attached report have already been agreed by the Shadow Authority. The Shadow Authority is now asked to approve recommendations 1 to 22 summarised in the Executive Summary on pages 4 to 5 and which includes the Scheme of Members’ Allowances set out as Appendix 2 to the report.

Ian Partington
Chair of the Joint Independent Remuneration Panel
6/3/2019

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Appendix 1: SRA Roles and Responsibilities
Appendix 2: Scheme of Members' Allowances
Appendix 3: Mayor's and Deputy Mayor's Allowance

REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL

1. Introduction

- 1.1 This report sets out the conclusions and recommendations of the Joint Independent Remuneration Panel (“the Panel”) for a draft Scheme of Members’ Allowances for the Somerset West and Taunton Council (“SWTC”).
- 1.2 This report has been prepared by the Panel in response to a request from the Shadow Authority (“SA”) to recommend a new Members’ Allowances Scheme to apply from May 2019 to SWTC. There will be new councillors after the elections and the Panel has therefore provided an evidenced-based approach to this report and the recommendations. Subsequent Panel reports to the new Council will also follow this approach.
- 1.3 In preparing this report and recommendations, the Panel has been indebted to the advice of the officers supporting both the SA and the JIRP, and in particular:
- (a) Information about the work of the SA in establishing the new Council;
 - (b) The proposed budget for the new Council and more specifically for the Members’ Allowances Scheme.
- 1.4 This report follows the submission of an interim report of the Panel to the SA in November 2018 setting out recommendations for the Basic Allowance (“BA”) and the annual indexing provision to offset the effects of inflation. The SA accepted the Panel’s recommendations in full. For completeness this report repeats the BA and indexing content and recommendations from the interim report as this sets an important context for the Special Responsibility Allowance (“SRA”) Scheme and the complete Scheme of Members’ Allowances attached as Appendix 2 to this report.
- 1.5 The *interim* report was necessary as, at that time, there were insufficient details of the new Council’s constitutional arrangements available for the Panel to be able to develop proposals for SRA payments. Since then as work has progressed on developing the new councils’ arrangements so more constitutional information has been made available to the Panel. The Panel is confident that it is sufficiently well informed to be able to make clear and evidenced recommendations on all aspects of the Scheme of Members’ Allowances based on the information available at this stage. However, the Panel is also aware that some relevant aspects of the new council arrangements will not be known until the new council has been elected and is operational and therefore some assumptions have been made in order to arrive at the recommendations. The SA has already agreed that the Scheme should be reviewed by the Panel within 12 months of coming into operation and this is welcomed by the Panel in these unusual circumstances. There is also the option for the new Council, once elected, to invite the Panel to review aspects of the Scheme at any time.
- 1.6 As stated in the Panel’s earlier report, it has approached the preparation of the Scheme from a ‘fresh start’ perspective recognising that the new Council will be different in scale and make-up to the councils it is replacing.

2. Executive Summary

2.1 This section summarises the Panel's recommendations across all aspects of the Scheme including the recommendations already agreed by the SA. Those recommendations already agreed are clearly indicated in italics in this report. The rest of the report sets out in some detail the work of the Panel leading to the recommendations for a new Scheme including the reasoning and evidence used in reaching conclusions.

2.2 BA recommendations (as agreed by the SA):

- (a) *The BA for SWTC be set at £4,950 pa for 2019-20;*
- (b) *The BA be inflation-indexed annually by using CPIH for a 4 year period (see para 5.8.4 for a definition of CPIH);*
- (c) *IT financial support should be regarded as an incidental cost and therefore integral to the BA and not recompensed separately.*
- (d) *Finally, the Panel recommends that it should have the opportunity to review the operation of the Scheme after 12 months of operational experience.*

SRA recommendations:

- 1: That an SRA of £15,592 (3.15 x BA) be awarded to the Leader of the Council for 2019/20;
- 2: That an SRA of £7,375 (1.49 x BA) be awarded to Portfolio Holders for 2019/20;
- 3: That no enhanced SRA be awarded to the Portfolio Holder acting as Deputy Leader;
- 4: That in the event of the Leader of the Council becoming incapacitated or dying in office, then the Deputy Leader, after a period of 6 weeks should be entitled to an enhanced SRA equivalent to the difference between that of a Portfolio Holder and that of the Leader;
- 5: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Council for 2019/20;
- 6: That the Council and Charter Trustees develop clear protocols on how the offices of Chair of the Council and Charter Trustee Mayor are to support local community and civic events;
- 7: That an SRA of £2,302 (0.46 x BA) be awarded to the Vice-Chair of the Council for 2019/20;
- 8: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Scrutiny Committee for 2019/20;
- 9: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of Planning Committee for 2019/20;
- 10: That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Licensing Committee for 2019/20;
- 11: That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Governance and Standards Committee for 2019/20;
- 12: That the independent town/parish co-optees on the Governance and Standards Committee be awarded an allowance of £500 for 2019/20;
- 13: That no SRA be awarded to Vice-Chairs of Committees, and that the Panel keeps this under review;
- 14: That an SRA of £3,514 (0.71 x BA) be awarded to the Leader of the largest opposition party for 2019/20;
- 15: That an SRA of £150 per group member be awarded to the Leaders of other minority groups as long as there is a minimum of 5 elected members in the group;
- 16: That the new Council be invited to offer evidence to the Panel in due course if it feels there is merit in identifying, through its Constitution, a clear corporate role for minority group leaders;

17: That an SRA of £500 be awarded to the Independent Person appointed to advise the Monitoring Officer and the Council, for 2019/20.

18: That in accordance with the special characteristics of each member role the banding structure set out in Table L below should be applied to the roles as indicated on the basis that they are broadly comparable.

2.3 Other recommendations:

19: That the provisions for the payment of carer's allowances as set out in section 5 of Appendix 2 are approved.

20: That the provisions for the payment of travel and subsistence allowances as set out in sections 6 and 7 of Appendix 2 are approved.

21: That the list of 'approved duties' is set out in Annex C of Appendix 2 is approved.

22: That the Scheme's rules for claiming allowances as set in section 9 of Appendix 2 are approved.

23: That the Scheme of Members' Allowances attached as Appendix 2 to this report is approved.

2.4 Taunton Charter Trustee Mayor and Deputy Mayor recommendations:

In addition, Appendix 3 to this report sets out the background to the following Panel recommendations on the matter of allowances for the Taunton Charter Trustee Mayor and Deputy Mayor post-holders:

RECOMMENDATION 1: That an allowance of £2,930 for the Mayor and £1,570 for the Deputy Mayor be awarded for 2019/2020.

RECOMMENDATION 2: That CPIH be used to inflation-index both Mayoral allowances in future years.

RECOMMENDATION 3: That after a year's experience of the offices of Mayor and Deputy Mayor, the allowances be reviewed by the Panel.

3. Members' Allowances and Remuneration Panels – the legal position

3.1 As a reminder to members the legal provisions in relation to members' allowances are set out in the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) and subsequent amendments to the regulations (SI 2003/1022 and SI 2003/1692) ["the Regulations"].

3.2 Under the Regulations each Council must appoint an Independent Panel to make recommendations on its Scheme of Members' Allowances. The Council must have due regard to the recommendations of the Panel before it makes any decisions in relation to Members' Allowances but it may accept, reject, or amend any of the Panel's recommendations. The Regulations provide for a single panel to advise more than one Council. The request made to the Panel on this occasion was in response to an unusual set of circumstances with the creation of a new Council to replace two councils currently being advised by the Panel. The Panel was thus asked to bring forward recommendations to the SA for a Scheme of Members' Allowances for the new Council. In these circumstances it is for the SA to consider the recommendations of the Panel and recommend a Scheme of Members' Allowances for adoption by the new Council following the May 2019 district council elections.

- 3.3 The Regulations define some basic requirements for allowances schemes but also give considerable scope to allow a council to adopt local provisions according to their circumstances. The only mandatory element provided for in the Regulations is the obligation to make provision for payment of a BA of the same value to all members of a Council. All the other elements that are currently paid under the scheme, ie, Special Responsibility, Travel, Subsistence and Carers' Allowances are discretionary. Councillors can, of course, decline to receive allowances.
- 3.4 Many of the basic principles on which Remuneration Panels work are not set out in statute but are national operational standards. The Panel has had regard to and complied with these in developing proposals for the new Council's Scheme. In summary the 'standards' are:
- (a) The 50% rule whereby no more than 50% of Members of any individual Council should receive a SRA at any one time.
 - (b) Any Member should only receive one SRA at any one time.
 - (c) BA payments should be based on a voluntary time contribution of 30% or 33% to maintain the difference between a salary and an allowance.
 - (d) When considering the payment of SRA, clarity is needed by both Council and the Panel when considering each specific position and whether it qualifies for an SRA. A Panel needs to make clear its criteria (see para 6.1.14), for example:- is the position one which requires judgment and responsibility, or is it much more of a supporting role based solely on additional time and effort.

Panel Membership

- 3.5 West Somerset Council and Taunton Deane Borough Council are represented on the Panel, along with Somerset County Council and Mendip District Council. The present membership comprises 5 independent representatives, 3 of whom are appointed by the County Council and 2 by the District Councils. The current Panel membership is outlined in brief below for the information of the Council:

JIRP Members:

Ian Partington

Economist. Appointed JP in 1982. Previous academic employment: Principal Lecturer in Economics at Oxford Brookes University.

Paul Fellingham

Barrister at law. Previously 43 years in the Magistrates Courts. The last 20 years as the Justices Clerk for Hertfordshire.

Jason Woods

Engineering, Business, and Training professional. Officer in the Royal Navy. Ex Parish Councillor (*Resigned from the JIRP on 12.11.18*)

Graham Russell

Former Head of Democratic Services (Bath & North East Somerset Council). Member of, and adviser to, a number of IRPs across the region and in Cumbria

John Campbell Thomson

From a housing background, initially worked for local authorities and then was Chief Executive of SHAL Housing Association for 20 years and now retired. John represents Taunton Deane and West Somerset on the JIRP.

Lead Officer Adviser to the JIRP:

Julian Gale

SCC - Strategic Manager – Partnerships Governance

As a result of recent Regulations, Somerset West and Taunton Council will have automatic membership of the Panel and John Campbell Thomson will be the new Council’s representative on the Panel as of right.

4. **Background**

4.1 **Introduction and context**

4.1.1 The creation of SWTC brings together two former district council areas that are quite different in key characteristics, viz. population, electorate, area, as well as having a different approach to the main elements of their respective Members’ Allowances Schemes. As a single council, SWTC, will have a combined population that places it 135th, and for area, 18th out of 328 comparable councils. Other indicators of relative position are in Table A and the creation of the new council in place of the existing councils places it into a quite different rank category, for comparative purposes. The ‘median data’ is derived from published data for district councils.

Table A

Council characteristics

	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)
	Pop	Pop rank	Area (km2)	Area rank	Pop density	Electorate	Revenue Outturn 2017/18 (£000)	Revenue Outturn rank	Electors per cllr.
WSC	34,403	324	726.8	51	47.33	27,936	5,406	211	998
TDBC	114,021	205	463.3	96	246.1	87,484	12,038	145	1,562
SWT	148,424	135	1190.1	18	124.7	115,420	17,444	55	1,956
median	133,300		211.0		631.7		14,176		1,942

Notes to Table A

The data source is ONS and the Boundary Commission, using comparable data. Data for SWT are simple summations.

4.1.2 As regards the two existing councils’ remuneration Schemes, perhaps the most striking differences were in respect of their valuations of BA and certain SRAs and the relationship between the levels of the two allowances – see Table B below. The West Somerset (“WS”) decision about the BA, in contrast to the recommendations of the Panel, was to establish a BA that was at the lower end of the range when compared with similar councils. The BA of £2,733 pa. placed WS, such that – statistically – only 1% of councils would have had a lower BA. Not only was the relative position of the BA well away from the median value, but since 2008 the effect of inflation, without indexing, had reduced the real value of the BA. The level of BA in 2015 was £2,733 pa and had this sum been adjusted for inflation, the level would have been around £3,457 pa. in 2018.

Table B

TD and WS Basic Allowances

		Basic Allowance	Basic Allowance
a)	Last change to the allowances	April 2014	January 2011
b)	Taunton Deane	4344	
c)	WS		2733
d)	Inflation adj. to 2018	4922	3457
e)	n=45 average*	4985	4985
f)	n=45 lower end	4683	4683
g)	Inflation 'loss'	578	724

* see para 4.2.1 for explanation

4.1.3 On the other hand, the payment of SRAs in WS lay in the opposite direction: the SRAs paid for Leader, Deputy Leader, Portfolio posts, Scrutiny, and Planning were about 30% *higher* than comparable councils whilst the BA was about 34% *lower* than comparable councils. In 2015 when the Panel undertook a fundamental review of the WS Scheme, the Panel recommended a target rise in the BA staged over six years, and a reduction in the level of SRAs. The Council declined the former but made reductions in the SRAs. In contrast, when the Panel carried out a fundamental review of the Scheme in Taunton Deane (“TD”) in 2015 the structure of allowances was such that the BA was fairly close to the median value of comparable councils, but the absence of inflation-indexing meant that by 2015 the value of the BA had fallen by £800 when measured in nominal terms.

4.1.4 Table C illustrates the point further: inflation since 2008 has been ‘modest’ at just over 2% pa but its effect is potent even when nominal earnings are taken into account (col. ii). The real value of hourly pay in the south-west had fallen by 9% between 2008 and 2015 but the figure for the BA had fallen by 25%. The Council had increased the BA in 2013 but the inflation losses were such that the Panel recommended a modest immediate increase in the BA and a higher target BA in real terms achieved over six years. The Panel view of the level of SRAs was that they were not significantly out of alignment with comparable councils and roles, but proposed modest, appropriate increases which would be made effective by the proposed increase in the BA combined with the ‘BA multiplier’ that was used to calculate the SRAs. The Council did not accept the Panel’s recommendations but suggested a later review.

Table C

South-west median gross weekly earning and Taunton Deane Basic Allowance
2008-2018
(index numbers; inflation adjusted)

(i) 2008 = 100	(ii) S-W median gross weekly earnings	(iii) Taunton Deane Basic Allowance
2008	100.00	100.00
2009	100.28	97.74
2010	98.03	94.66
2011	93.90	90.58
2012	90.42	86.05
2013	90.05	83.42
2014	88.36	81.79
2015	87.70	79.89
2016	88.73	79.08
2017	91.27	77.72
2018	90.23	75.00

4.2 The Panel's general approach

- 4.2.1 For the purpose of preparing a Scheme for the new Council, the Panel have made reference to the TD Scheme, especially for BA purposes, because WS was untypical of the comparable councils. The Panel's main source of comparative data is a sample of 45 councils whose revenue position is similar to that of the combined TD and WS councils.¹
- 4.2.2 The Panel's recommendations are evidence-based and not simply impressions or just matters of judgement. A concomitant objective was for the Panel to establish a rationale for both BA and SRAs. Through experience, the Panel has created its own guidelines and criteria, especially in its consideration of SRAs. The Panel is aware that it is not obliged to have regard to the overall budgetary impact of its recommendations when making recommendations to the new council. However, the Panel is conscious of the financial constraints facing local authorities currently and into the future and is aware of the budgetary context for the members' allowances scheme within which the new Council needs to operate.
- 4.2.3 The Panel is aware of the difficulty that councils and councillors can have in voting for increases in allowances for themselves – notwithstanding such supportive commentary as provided, for example, by *Councillors on the front line*². However, the Panel – an independent panel -- would hope that this report provides Councillors with a sound and confident rationale for its recommendations, which the SA and new Council can accept and implement. In the view of the Panel, a level of allowances that is relatively and absolutely low does not serve the public interest.

¹ Testing the sample by using different characteristics (area and population) indicated that the 'revenue outturn' choice as a basis for sampling, together with the sample size (n=45), delivered an acceptable sample of councils.

² Communities and Local Government Select Committee report (Sixth report of session 2012-2013)

4.3 Evidence

- 4.3.1 In preparing this Report, the Panel has used the best available data, but this has not always been immediately up-to-date or consistent for comparison purposes³. Checks on the data, however, allow the Panel to include relevant data in this report with confidence. Also, it would have been beneficial, and right in principle, to have interviewed members of the new council, but whilst clearly not a possibility in the circumstances, it is hoped to interview councillors at a future review opportunity.
- 4.3.2 In considering the rationale and size of the BA, the Panel has made use of several sources of numerical and other data. In particular:
- (a) Office of National Statistics
 - (b) Annual Survey of Hours & Earnings [ASHE]; Nomis; Bank of England;
 - (c) Local Government Association (Members' census)
 - (d) South West Councils data;
 - (e) Chartered Institute of Public Finance and Accountancy (especially the "Nearest Neighbour" tool);
 - (f) Sample of comparable councils (n=45)

5. BA considerations

5.1 Methodology in determining the BA recommendation

5.1.1 The guidelines for the BA are quite limited:

....make a scheme in accordance with these Regulations which shall provide for the payment of an allowance in respect of each year to each member of an authority, and the amount of such an allowance shall be the same for each such member ("basic allowance"); and pay basic allowance and any other allowance permitted by these Regulations only in accordance with such a scheme.

The basic allowance "is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes."

"it is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained".

5.1.2 The difficulty for any IRP in assessing a BA is that plainly it is not intended as a wage or salary (the public service component makes that logically clear) but the emphasis is on the time commitment of, presumably, the average councillor in carrying out their duties – in contrast to the alternatives for a councillor that may well involve financial sacrifice, or, of course, leisure. Data is available that can shed light on these matters.

5.1.3 The Local Government Association census, a very large sample, in 2013 (as well as research by University of Plymouth and other official sources) can provide an IRP with information such as:

- (a) Hours allocated by councillors to their role;
- (b) Employment status of councillors;

³ For example, some councils are less prompt in publishing, readily, on their website clear statements as to current allowances.

- (c) Comparable occupations, given the skills and competences-set required by councillors, and corresponding hourly rates of pay;
- (d) Financial significance of the BA to councillors.

5.1.4 The following data, derived from large samples, illustrates the above references:

Table D
Allocation of time by councillors – LGA data

How time spent per week	England (hpw)	S-West (hpw)
Attendance at council meetings, committees, party meetings, etc.	8	8.7
Engaging with constituents, surgeries, constituent enquires, etc.	6	6.1
Working with community groups	4.5	4.8
Other e.g. external meetings, seminars, training, travel related to council, etc.	4.1	4.5
Base (respondents)	17679	1925
Average no of hours	22.6	24.1

Table E
Weekly earnings – UK data (ONS)

Occupation	Median 2016 (£)	Median 2017 (£)	Estimated hourly rate (£)
Managers, directors and senior officials	800.5	824.1	22.27
Professional	725.9	733.1	19.81
Associate professional and technical	591.2	605.6	16.35
Administrative and secretarial	423.1	431.6	11.64
Skilled trades	496.8	509.8	13.75
Caring, leisure and other service	352.7	361.4	9.76
Sales and customer service	355.2	370.4	10.01
Elementary occupations	356.1	369.6	9.99
Full-time employees; Taunton Deane		513.8	12.94
South-west area		527.0	13.29
National Living Wage			7.83
Taunton Deane current BA		135.8	6.46

Table F
Councillor ability to fulfil role *without* receipt of allowances

	South-west % of sample	Shire district % of sample
Fully/to a great extent	20.8	28.8
To some extent	38.5	38.9
To a small extent	20.9	15.4
Not at all	17.1	12.2
Don't know	2.7	4.7

5.1.5 The LGA census also indicates, quite significantly from the Panel's point of view, that two-thirds of councillors not only undertake their councillor role but choose to sit on other bodies:

particularly school governorships and other statutory bodies (thus not choosing leisure as an alternative activity).

Table G

LGA sample employment data

Employment status; south-west	% of sample
In full-time employment	13.6
In part-time employment	9.2
Self-employed	19.3
Unemployed	0.9
Retired	50.8
Not in paid work for other reasons	6.2

5.2 Calculation of the BA – some options and arguments

5.2.1 The Panel is of the view that its discussion and approach to the BA should be expressed in its report to the SA and new council, and in reasonable detail - set out below. Such an approach, the Panel hopes will provide substance and confidence in its final conclusions and recommendations.

5.2.2 The Panel considered several ways of assessing an appropriate level of BA payment, including a corresponding rationale. For example:

- (a) linkage with the local labour market and the corresponding median wage;
- (b) using the National Living Wage as the starting point;
- (c) linkage with Local Government Officers' pay-scales;
- (d) adopting a comparator figure (the 45-sample) but with 'local' (TD/WS) adjustment or weighting to take account of particular features of the new council – (see point below);
- (e) the known and likely differences, in the role and activities of councillors, between the existing councils and the new council. The Panel has focussed on the demands that would be made of individual councillors in the ward role, with the implications of a reduction in the overall number of councillors from 84 to 59 and the consequential increase in the geographical size and electorate/population of each ward;
- (f) incorporating the effect of inflation.

5.3 BA background data

5.3.1 In reviewing the options and making recommendations, the Panel adopted an exploratory approach to provide a BA recommendation and considered the following in particular:

- (a) three features arising from TD and other available data:
 - (i) the calculation of an inflation-adjusted BA (see Table B above) that yields a figure of £4,922 pa. Further relevance of inflation is displayed by Table C showing the decline in real wage-income in the south-west between 2008 and 2018 compared with the decline in the value of the BA; a decline of 10% and 25% respectively.
 - (ii) the mean level of BA in the 45-sample, ie. £4,985; median £4,885 (Table B and Table H)
 - (iii) the lower end of the 45-sample distribution: £4,683 (the calculation of the 'lower end' figure is important because it draws attention to the fact that less than 1% of sample councils would have a BA that is lower than the present TD BA of £4,344. In other words, £4,344 is at the low, far-end of the range.)

- (b) The use of small, indicative council samples based on similarity of 1) geographical area; 2) population, provided sample BA values that were close to other comparator methods, viz. £4,526 pa and £5,458 pa respectively.
- (c) A narrowly statistical use and assessment of relevant data yields a mixture of results and is tentative. By its nature, the determination of members' allowances devolves to being a local matter with – one would expect - local economic factors, problems, and attitudes having a bearing. In exploring aggregate approaches to explaining the setting of a local BA, one might expect, *prima facie*, that local wage and salary rates register as an explanatory variable. Anecdotally, this opinion seems to have currency. In fact, on the basis of the 45-sample (and other sampling) there seems to be no evidence that local wage rates are at all relevant. The comparative financial position (measured by annual revenue-outturn data) of councils offers no explanation and nor does area of councils. However, councils' populations *per se* offer some explanation, not a substantial one; but population *density* itself, does not. Using the 45-sample, around half the variability of BAs amongst these councils is explained by differences in population: the larger a council's population, the larger the BA⁴.
- (d) Aggregating the two councils and simply using the population and area data to arrive at a composite BA⁵ yields a figure of £7,049 pa., which the Panel regarded as arbitrary, but as a naive exploratory approach quite useful background with other data.

5.4 The 'public service' component

- 5.4.1 The role of councillor does not equate with formal employment; the councillor does not receive a wage but is paid an allowance in "recognition" of the time and activity involved in being a councillor. IRPs are thus required to have in mind a 'public service' component such that part of the time spent as a councillor is regarded, in effect, as a gift. If, for example, a council adopts a 33% voluntary component, then one such formula for calculating a BA might be:

$$\text{Comparator weekly income} - 33\% \times (\text{Councillors' weekly working hours} / 36)$$

Thus, if a weekly comparator income of £250 were selected, and an average councillor worked 22 hours in an average week, then a recommended weekly BA would be:

$$250 - 82.50 \times 22/36 = £102.36 \text{ (£5,322 pa)}$$

- 5.4.2 In the preparation of previous councils' reports, the Panel has, when possible, interviewed and discussed the operation of existing schemes with councillors. In such discussion, the relevance and size of the 'public service' component has featured. Within this frame, councillors have not objected to this deduction, with one or two suggesting that 33% was, perhaps, too high in view of an increasing workload. This would be an argument for an overall adjustment in the BA rather than a reduction in the 'public service' ratio. Most IRPs recommend either 30% or 33%, although a council can decide on whatever percentage it deems appropriate. The view of the Panel is that the nature of the councillor role and public expectation requires the 'public service' element to be higher rather than lower – any perceived inadequacy of the level of BA should not be adjusted by weakening the public service aspect to the role of councillor. (but see para. 5.8.3)

⁴ Research may well reveal, for example, that the tax-base of an authority combined with external/local comparator-influence, might help to explain the various councils' levels of BA.

⁵ As a simple algebraic exercise.

5.5 Local democracy

- 5.5.1 There has been much discussion over many years as to the level of BA that might relate to the level of citizen involvement, in local government and politics, as part of a healthy democratic environment. It is often suggested that the typical ‘councillor profile’ is “white, male, educated, retired”⁶, with minimal involvement in local politics of those in basic/low-skill employment; single parents; self-employed. In other words, councils do not mirror the population of the communities they represent. Most people in wage-employment would be unable to take time off from work and the self-employed cannot afford to leave their business for the heavy time-commitment each week required of the typical councillor. Whilst recognising the relevance of these observations, the Panel would refer to:
- (a) The lack of extensive, systematic research evidence that the size of the BA affects citizen involvement in local government, but much anecdotal and authoritative comment over the years that suggests it does⁷, including Select Committee comment (*Councillors on the Frontline*);
 - (b) The LGA census found that members’ allowances, as an *attraction*, were a factor for only 2.6% of the councillor sample even though *when elected* only 24% of councillors felt they could fully do their job as councillor without allowances.
 - (c) Also, around 65% of councillors were intending to stand for re-election and over 80% would recommend becoming a councillor.
 - (d) It seems reasonable that, as a package, the BA *plus* ease and convenience of working as a councillor does have a bearing on citizens standing for election. The unrepresentative nature of the councillor population itself makes this fairly obvious.
 - (e) The Panel had discussed the considerable variation of ward sizes, following revisions and the creation of the new Council, and recognised that this is very relevant and should be taken into account when assessing the level of the BA.

5.6 External wage references

- 5.6.1 The Panel discussed the relevance and use of a local labour-market rate of pay as a basis for the BA. At face value such an approach has merit, not least for its democratic credentials. However:
- (a) there would need to be a choice between a general, local rate of pay or the *realistic* selection of a comparable form of employment to that of councillor, requiring the competences and skills of an ‘average councillor’: namely,
 - (i) ability to assimilate a range of information
 - (ii) clear thinking and common sense
 - (iii) analytical skills that enable objective and fair decision-taking
 - (iv) ability to benefit from training within the council
 - (v) empathy in dealing with constituents
 - (vi) communication skills to enable the Councillor to articulate the needs of their constituents as well as the policies and aspirations of the Council
 - (vii) negotiation skills and diplomacy to resolve often conflicting points of view and contentious issues
 - (viii) knowledge of budgeting, leading to understanding local government finance
 - (ix) basic IT competence
 - (b) there is a tension within this particular option: to relate the BA to a particular local occupation undermines the ‘democratic argument’ whereas a general local rate of pay would tie the BA to a base figure that had no real connection with the work of a

⁶ According to the LGA census: 96% white; 67% male; 47% retired; 58% holding degrees or degree-equivalent.

⁷ Reference to the importance of the BA in this context is frequently made in many reports by different Independent Remuneration Panels.

councillor, but using a general local rate of pay, however, as an indexing tool for a chosen BA would not have the above deficiency.

- 5.6.2 The National Living Wage as the basis for the BA seems to be essentially arbitrary, having no connection with the purpose of the BA (although currently it is close to the estimated hourly rate of councillors (see Table E).
- 5.6.3 The Panel was impressed by the narrowness of range of the BAs amongst comparable councils, even using different samples;
- 5.6.4 Selecting a local median wage as the basis for calculating a BA for SWTC would produce highly inflated figure that would be very difficult to justify⁸;

A paramount concern of the Panel is that the BAs of both TD and WS had not been actively inflation-indexed with a considerable loss of real value (Table B)

5.7 IT provision

- 5.7.1 The Panel noted that TD councillors have an IT allowable expense (up to £240pa) as compensation for home provision of broadband access. This is in addition to the BA. WS Council, on the other hand, does not provide such an arrangement. The Panel recognised two issues: whether this payment might be defined as an incidental cost, broadly within the BA; or a separate support by the council for its councillors (and not, strictly, within the purview of the Panel). The LGA census shows that in 2013, 62% of councillors used broadband and remote log-in access to their council system – presumably it is a higher % in 2018. One view is that ‘at-home’ financial support for councillors for IT purposes is probably no longer relevant, given the extensive internet access today (90% compared, for example, with 70% in 2010). Other councils that do continue with this kind of financial support only do so if councillors cannot access a council’s database. The Panel’s view, in the light of its BA recommendation, is that the issue of IT support costs falls within the term ‘incidental costs’ of being a councillor and therefore should be incorporated within the BA but not be identified separately.

5.8 BA - Panel conclusions and recommendations

- 5.8.1 The Panel accepted that providing a coherent basis for a BA is difficult but recognised fully the various, defensible approaches to setting a BA for the new council. Pragmatically, the Panel was very influenced by, (i) the fact that if TD had indexed its BA following a rise in 2014, the present level of BA would be around £4,922 pa; (ii) the average for the 45-sample being £4,985 pa (median £4,885 pa.); (iii) the revised assessment in 2014 was in effect a new setting of the BA in real terms (ie. at 2014 price level) that the council *accepted as reasonable*; extending this assessment through further inflation-indexing to 2018/2019 is an attractive option for the Panel because a) it has a rationale, b) it delivers a financial result that is very consistent with the level of BA adopted by comparable councils to SWTC. Thus, **the level recommended by the Panel of £4950pa** has been set, in effect, at the mid-point between what the TD BA would be in 2018 if it had been inflation-adjusted and the average of the 45-sample.

⁸ At present local rates of pay the application of the formula in para. 5.4.1 would produce around £11,000 pa as a BA for SWT

5.8.2 In summary, key elements contributing to the BA recommendations are:

- (a) SWTC is a much larger council than its individual components and having a large area and low population density; covering the same geographical area as the two previous councils;
- (b) SWTC is a relatively large council, but having a reduced number of councillors: from 84 to 59; increased geographical size of wards / significant increase in size of the electorate served by each councillor with an impact on the representational role for all councillors and a higher workload;
- (c) Possible new organisational arrangements, and new ways of working by councillors in the future may well eventually mitigate a higher work load. But, the Panel anticipated an uneven work experience by some councillors compared with others, and the level of the BA should recognise this – even though necessarily payable to all councillors at the same level;
- (d) In conjunction with para. 5.8.1, the Panel’s view is that *inter alia* these elements justify a higher BA than the current TD scheme provides – the Panel settled on £4950 as it meets these requirements and reflects; – and to some extent is confirmed - by the average of the comparator 45-sample. This is a justifiable increase compared with the TD Scheme and a significant increase over the WS Scheme.
- (e) Recognition that the recommended, higher, BA contains two additional components to existing allowances: adjustment for inflation; addition for extra obligations of councillors by virtue of creating the new, very different, council.

Public service component of the BA

5.8.3 The Panel has assumed that TD applied the voluntary reduction at either 33% or 30% at that time that the BA was set and that similarly the 45-sample average BA figure has had a similar reduction applied. The Panel decided therefore that it would be incorrect to further reduce the recommended BA to reflect the public service element.

Indexing

5.8.4 The Panel acknowledged that some councils see merit in indexing the BA to the local labour market. However, a nationally recognised index carries authority. The new Consumer Price Index (“CPIH”) measure of inflation includes owner-occupier housing costs which CPI alone does not – and housing costs are an identified element in the BA.

5.8.5 It is difficult to construct a cogent and defensible rationale for the use of local government Officer pay scale (equivalent to the role of the councillor) - as an indexing device, and the Panel recommends this index is not used⁹. It has no relation to the purpose of the BA and, logically, raises the simple but possibly tendentious question: if the Officer pay scale is suitable for indexing, why then should not that level of matching pay on the scale be used as the basis for calculating the BA?

⁹ At least one council firmly rejected Officer scale indexing on the grounds that councillors, by virtue of their role, should be clearly distant from pay awards to their council employees.

5.8.6 In the past, the use of Officer pay scales has been expedient and, arguably, arbitrary. This is not a good basis for maintaining the real value of the BA, bearing in mind the wide-ranging purpose of the BA, unrelated to the role of a local government officer. The Panel would urge the SA and new council to recognise explicitly the importance of the BA, even if perhaps regarded as only a modest financial support for councillors (and those that have no need, need not claim), and for the SA and new council to adopt the recommended new BA, and apply an external inflation-index, the CPIH.

5.8.7 A requirement of the Regulations is that indexing arrangements should be set for no longer than 4 years (the span of a quadrennium) before being reviewed. The Panel is recommending that the indexing mechanism proposed in 5.8.6 above should be set for a 4-year period and then reviewed.

5.9 **BA – Recommendations (as already agreed by the Shadow Authority)**

5.9.1 ***The BA for SWTC be set at £4,950 pa for 2019-20.***

5.9.2 ***The BA be inflation-indexed annually by using CPIH for a 4-year period***

5.9.3 ***IT financial support should be regarded as an incidental cost and therefore integral to the BA and not recompensed separately.***

6. **SRA Scheme – initial considerations (as set out in the interim report)**

6.1 **SRA - the purpose or rationale**

6.1.1 The Panel has produced several reports for councils in the past three years and during this time it has given much thought and discussion to the purpose, nature, and corresponding evaluation of an SRA. This section of the report (through to para 6.2.14), which was contained within the Panel's interim report, and dealt with future SRAs, was largely intended at the preliminary stage in November 2018 to provide the framework, evidence, and some analysis that would form the basis of the Panel's final decisions about recommendations for the SWTC's SRA structure.

Note: With the additional information which has been made available since the submission of the interim report, the Panel has now been able to evaluate and make informed judgements about the roles, responsibilities and financial values of individual posts and make final recommendations for the SRA structure as set out in section 6.3 of the report.

6.1.2 Although the Regulations do not require the payment of SRAs for positions of "special responsibility", they permit councils to make such payments and give guidance to what the payments should cover and for which posts.

6.1.3 To be able to make decisions about SRAs, it is essential that consideration is given to *what might be reasonably expected of a councillor under the BA so that a clear distinction can be made between BA and SRA payments*. It could be argued that the BA covers activities, such as:-

- (a) Attendance at committees
- (b) Occasional chairing of meetings
- (c) Routine monitoring of services and budgets
- (d) Participation in (i) performance management and (ii) training.

6.1.4 **Section 5** of the Regulations state that “A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

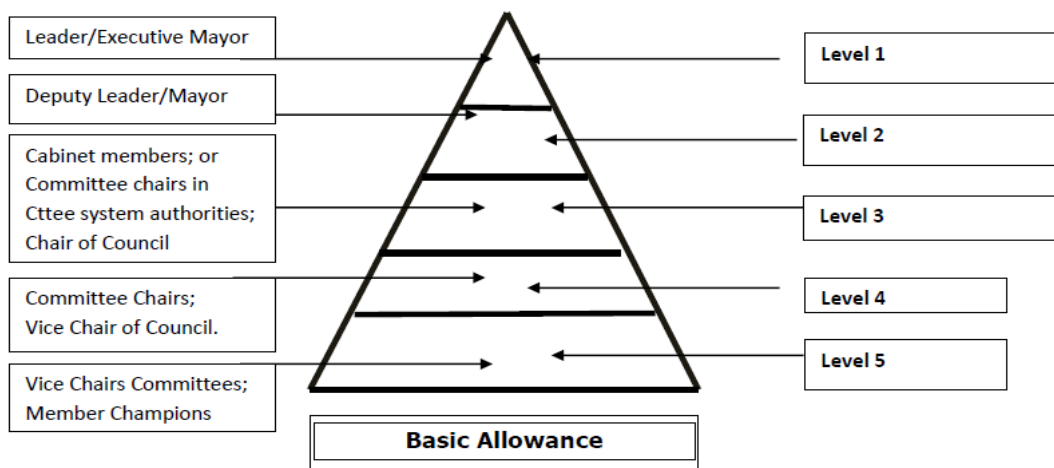
- (a) Leader or deputy leader of a political group;
- (b) Members of an executive;
- (c) Chair of a committee or sub-committee;
- (d) Representative of the council;
- (e) Member of a meeting with exceptional frequency / period;
- (f) Spokesman of a political group;
- (g) Member of an adoption or licensing panel; and
- (h) Any other activity requiring time and effort equal to, or greater than, the roles listed above.

6.1.5 In assessing roles, the Panel must consider the expectations of SWTC for a particular role (and which may be contained in a role description) and statutory guidance which expects, for example, a council to have no more than 50% of its members to be in receipt of an SRA.

6.1.6 Naturally councillors approach their task in an individual way. This will depend, in part, on the role being undertaken and the responsibility accorded to it. Doubtless some councillors would place significant emphasis on the *time* they spent on their role, whilst others may well have the same or a similar task but deal with it in a different way and the time spent consequently different. It is for this reason that the expectations of *the Council* as contained in a role description is paramount. It is the *role* that attracts the SRA, not the person undertaking it, and their view of the role.

6.1.7 So the first question to be asked, in considering an SRA, is whether the role is (a) outside the scope of the BA, (b) formally recognised by the Council and (c) included in the list of “categories” in the 2003 Regulations (recognising the open-ended nature of the last criterion referred to in 6.1.4 above requiring a judgement of the Panel). If the role satisfies these criteria, and other criteria identified by the Panel as relevant, then the role merits, *prima facie*, an SRA.

6.1.8 The second, and perhaps more difficult question, is the level of responsibility. The “pyramid” approach seems to be clear, but the number of levels, and the banding of roles (to put roles of similar worth in the same level) requires determination. A stylised version of the pyramid approach is presented below:



- 6.1.9 Finally, the payment to be made at each level also requires determination. The Panel's assessment will include scrutiny of roles at each level of the pyramid, including particularly those within the lowest band; a level at which an award of an SRA might require clearly and well-argued determination.
- 6.1.10 The Regulations do not specify (a) the amounts or relative size of SRAs; (b) the basis or rationale for any difference in value of an SRA for a particular role or post; or (c) the criteria for "Special" which would contribute to a Panel's evaluation of any differences in allowances. However, there is further important and relevant guidance:

It does not necessarily follow that a particular responsibility which is vested to a particular member is a significant additional responsibility for which a special responsibility allowance should be paid. Local authorities will need to consider such particular responsibilities very carefully. Whilst such responsibilities may be unique to a particular member it may be that all or most members have some such responsibility to varying degrees. Such duties may not lead to a significant extra workload for any one particular member above another. These sorts of responsibilities should be recognised as a time commitment to council work which is acknowledged within the basic allowance and not responsibilities for which a special responsibility allowance should be recommended.

In addition, any particular local authority will need to look carefully at the nature of its constitution when determining its scheme. New arrangements will mean that there are inevitable changes in the positions of responsibility on the Council, both in terms of number and workload. Some councillors will be spending significantly more of their time on council duties than has ever previously been the case. On the other hand, changes in the traditional committee structure will mean that there are far fewer committees and, as a consequence, fewer councillors engaged as chairs and vice-chairs of numerous committees.¹⁰

- 6.1.11 The Panel recognises the significance of the two paras quoted above, as well as the following, being very relevant in relation to an SRA designation, and accordingly, an SRA payment for "special responsibilities" undertaken in the following areas:

- (a) meetings with Officers;
- (b) attendance at Council premises to undertake official Council business;
- (c) meetings with fellow Chairmen or decision-makers and including some single party meetings / activities;
- (d) dealing with correspondence;
- (e) press meetings;
- (f) visits directly connected to the performance of an SRA duty e.g. official opening; familiarisation/fact-finding visits.

- 6.1.12 The Panel has gone further by assessing how a responsibility might be regarded as *special* for these permissive monetary awards, whilst falling into one of the identified categories within the Regulations. The Panel's view is that a particular responsibility might be deemed "special" if it could be characterised as having some of, or elements of, the following components in the list in 6.1.13 below but recognising that particular roles established by councils may well exhibit a range of component characteristics. Attempting uniformity would be fruitless and each role must be judged individually, but not having criteria would, however, risk reducing the process of evaluation to a hunch or intuition. From a practical point of view, the Panel in its experience has

¹⁰ 2003 Consolidated Guidance, paras. 70-72.

drawn attention to the distinction between a job description and the way a post's function is interpreted. Accordingly, the Panel acknowledges that the nature or degree of the 'special-ness' in an SRA must be clear.

6.1.13 Components justifying the payment of an SRA

- (a) Time commitment,
- (b) Specialist skills,
- (c) Functional Leadership,
- (d) Important decision-making,
- (e) Complexity,
- (f) Identifiable accountability,
- (g) Direct responsibility for important outcomes,
- (h) Culpability,
- (i) Constitutional relevance.

6.1.14 *In summary, therefore, the sequential approach to a recommendation for an SRA, adopted by Panel, is by identifying:*

(A) *a primary **role**:*

- *Leader or deputy leader of a political group;*
- *Members of an executive;*
- *Chair of a committee or sub-committee;*
- *Representative of the council;*
- *Member of a meeting with exceptional frequency / period;*
- *Spokesman of a political group;*
- *Member of an adoption or licensing panel; and*
- *Any other activity requiring time and effort equal to, or greater than, the roles listed above.*

(B) *the associated **activity**:*

- *meetings with Officers;*
- *attendance at Council premises to undertake official Council business;*
- *meetings with fellow Chairmen or decision-makers and including some single party meetings / activities;*
- *dealing with correspondence;*
- *press meetings;*
- *visits directly connected to the performance of an SRA duty e.g. official opening; familiarisation/fact-finding visits.*

(C) *any **special characteristics associated with the role and activity***

- *Time commitment,*
- *Specialist skills,*
- *Functional Leadership,*
- *Important decision-making,*
- *Complexity,*
- *Identifiable accountability,*
- *Direct responsibility for important outcomes,*

- *Culpability,*
- *Constitutional relevance.*

6.2 SRA, data-evidence and comparators

- 6.2.1 Commonly SRA payment calculations are based on multiples of the BA and with a specific reference to the SRA paid to the Leader as the member with the highest level of individual responsibility within the Council.
- 6.2.2 On the assumption a role merits an SRA, the level of payment also needs to be settled within an agreed band structure (see paragraph 6.1.8). The Panel has, in this report, used a sample of 45 councils that are similar to the newly-created SWTC on financial criteria.
- 6.2.3 It is almost self-evident that across local authorities the definitions of roles and responsibilities for positions that currently carry an SRA will vary: similar general criteria, but in a different ‘mix’ will yield different SRA decisions. Correspondingly, it is very important to emphasise that there is a question as to the complete validity of any simple monetary comparisons – but which most IRPs undertake in their reviews. Accordingly, at this stage in the development of the new Council’s operational arrangements, (and recognising the fact that it is the Leader in the “Strong leader” model applied to SWTC who sets the executive delegations, spans of responsibility and number of executive members) the Panel has selected roles for comparative purposes, and as exemplars which *usually* feature as part of an authorities’ structures and are presented below and in Table H below:
- (a) Leader of the Council
 - (b) Deputy Leader of the Council
 - (c) Cabinet member
 - (d) Chairman of the Council
 - (e) Vice-Chairman of the Council
 - (f) Leader of the Opposition
 - (g) Chair of main decision-making committees such as Planning
 - (h) Chair of Scrutiny Committees
 - (i) Chair of smaller decision-making meetings, where applicable, such as Licensing
 - (j) Chair of advisory committees, where applicable, such as Audit, Standards
 - (k) Vice-Chairs (general).

Table H

i	ii	iii	iv	v	vi	vii	viii	ix	x
	Sample %	45-sample (mean)	45-Median	Range Lower	Range Upper	Lower	Upper	TD	WS
BA	100	4985	4885	3102	8775	4683	5287	4344	2733
Leader	100	15689	15075	9924	24387	14526	16854	12219	8199
Dep. Leader	71	9422	9073	1500	16362	8025	10820		
Cabinet	100	7419	6842	3990	13454	6680	8157	4752	6490
Ch. of Council	58	5080	4634	2180	13090	4174	5987	9087	5193
Planning	93	4865	4578	2280	8000	4414	5316	4752	5193
Scrutiny	91	4135	3933	1113	8000	3661	4608	3000	5193
Ldr. Opp.	87	3516	3100	500	7605	2963	4070	2250	1050
Audit	87	2933	2652	709	5724	2528	3339	1357	1298
Licencing	89	2866	2739	475	5763	2417	3315	1357	1298
Standards	33	1980	1710	314	5724	1234	2726	500	1049
v-Ch Council	36	1781	1395	670	4908	1266	2297	1660	1298
General v-ch.	42	1550	1400	576	2880	1215	1884		

Comment on Table H

Col. (ii) shows % of councils in the sample that have adopted the particular role/position displayed in col. (i) Thus, for example, 93% of councils have a post: Chair of Planning.

Col. (iii) shows the mean value of the SRA for a particular position

Col. (iv) shows the median value of the SRA position.

Cols. (v) and (vi) show the actual range values, eg. in the sample of 45 councils, the lowest SRA payment for Leader was £9,924pa and the highest was £24,387pa.

Cols. (vii) and (viii) is an 'adjusted' range that in effect removes the extreme values: so for the Leader SRA, the majority of councils in the sample provide an SRA between £14,526pa and £16,854pa

Cols. (ix) and (x) show the actual current payments made by TD and WS.

6.2.4 Comparisons over time need to be made carefully; making comparisons in relation to a future, newly-created, council are additionally difficult. Table H includes data that contrasts existing SRA payments by the two current councils (TD and WS) with councils that are broadly the size of the newly-created council (SWTC). Existing payments for SRAs by TD are [by reference to cols. (ix) to (x)] clearly well beyond the lower limits of the larger councils for SRAs in the 45-sample - other than Chair and Vice-Chair of Council, and Chair of Planning and a similar comment is appropriate for WS: Chair and Vice-Chair of Council, Planning, and Scrutiny.

6.2.5 A further, precautionary calculation based on a small sample of councils (selected through the CIPFA¹¹ Nearest Neighbours model; latest data), provides a comparison with present TD and WS data, and is included for illustration¹² in Table I. But does confirm that TD and WS choice of BA and SRAs continues to be generally at the lower end of the distribution even when compared individually with councils that are very close comparators.

¹¹ The CIPFA Nearest Neighbour model permits the identification of groups of councils that have up to 30 characteristics that are similar, and thus permit valid comparisons between a selected council, and other councils.

¹² Hence all SRAs are not included in the table.

Table I

	BA	Leader	Cabinet	Audit
CIPFA n-n (10)	4761	14700	6388	3170
Taunton Deane	4344	12219	4752	1357
West Somerset	2733	8199	6490	1298
45-sample	4985	15689	7419	2933

6.2.6 The data in Table J over the page enables further perspective since both BA- and Leader-multipliers are calculated.

Comment on Table J

The levels of payment of SRAs are quite different between the three groups: 45-sample, TD, WS. However, from the Panel’s point of view, an important and key feature of Table J is that the BA and Leader multipliers show considerable similarity. This is to be expected because – for many councils – the Leader multipliers will be indirectly connected to the BA. Nevertheless, the observed closeness of multiplier values¹³ will permit, as appropriate, the Panel – in its final report to the SA - to recommend SRA levels for the newly-created council that will not be significantly out of alignment with other comparable councils. At the same time, such recommendations will have a rational basis, derived in part from the analytical approach described throughout this section.

Table J

i	ii	iii	iv	v	vi	vii	viii	ix	x
	45-sample (1) mean	BA multiplier (1)	Leader multiplier(1)	TD (2)	BA multiplier(2)	Leader multiplier(2)	WS (3)	BA multiplier(3)	Leader multiplier(3)
BA	4985.00			4344.00			2733.00		
Leader	15689.00	3.15	1.00	12219.00	2.81	1.00	8199.00	3.00	1.00
Dep. Leader	9422.00	1.89	0.60						
Cabinet	7419.00	1.49	0.47	4752.00	1.09	0.39	6490.00	2.37	0.79
Ch. of Council	5080.00	1.02	0.32	9087.00	2.09	0.74	5193.00	1.90	0.63
Planning	4865.00	0.98	0.31	4752.00	1.09	0.39	5193.00	1.90	0.63
Scrutiny	4135.00	0.83	0.26	3000.00	0.69	0.25	5193.00	1.90	0.63
Ldr. Opp.	3516.00	0.71	0.22	2250.00	0.52	0.18	1050.00	0.38	0.13
Audit	2933.00	0.59	0.19	1357.00	0.31	0.11	1298.00	0.47	0.16
Licencing	2866.00	0.57	0.18	1357.00	0.31	0.11	1298.00	0.47	0.16
Standards	1980.00	0.40	0.13	500.00	0.12	0.04	1049.00	0.38	0.13
V-Ch Council	1781.00	0.36	0.11	1660.00	0.38	0.14	1298.00	0.47	0.16
General V-Ch.	1550.00	0.31	0.10						

¹³The correlation coefficients range from 0.83 to 0.87

- 6.2.7 The SA asked the Panel to advise, on an interim basis, as to the likely range of outcomes in respect of the BA and the SRA structure. The BA and indexing provision have already been agreed by the SA so giving the necessary certainty to the calculation of SRAs.
- 6.2.8 At the time of the interim report a similar exercise for the SRA structure was not possible because of the absence of information (proposed structure of the executive arrangements, chairmanships and other roles in the newly-created council) that would usually be used by the Panel, within its procedure explained above: para 6.1.14. Nevertheless, the Panel was able to respond to the SA request in a positive manner.
- 6.2.9 The Panel was satisfied at the time of the interim report that the data provided by, and derived from, the 45-sample was sufficiently robust to allow it to go further in providing information and possible (and probable) outcomes to the SA. The evaluative exercise, outlined in para. 6.1.1, was not possible at the time of the interim report, and which would have permitted the Panel to recommend a single SRA value for each SRA band.
- 6.2.10 Nevertheless, within the interim report the external evidence obtained at that date enabled the Panel to suggest a range of monetary values (minimum and maximum) in which a final recommended SRA would lie. Table K illustrates this approach by the Panel. (At the time of the interim report that SA was asked to note that Table K should not be taken to indicate that the Panel feels that all the listed posts should end up with an SRA in the final Scheme (e.g. Vice-Chairs of Committees))

Table K

i	ii	iii	iv	v	vi
	45-sample (mean)	Range	4-sample multiplier result	TD	WS
BA	4985			4344	2733
Leader	15689	15025-16352	14503	12219	8199
Dep. Leader	9422	8634-10209	8464		
Cabinet	7419	7000-7840	7672	4752	6490
Ch. of Council	5080	4574-5586	7326	9087	5193
Planning	4865	4608-5121	6237	4752	5193
Scrutiny	4135	3866-4404	5346	3000	5193
Ldr. Opp.	3516	3202-3830	2722	2250	1050
Audit	2933	2703-3163	2376	1357	1298
Licencing	2866	2610-3121	2524	1357	1298
Standards	1980	1580-2380	1485	500	1049
V-Ch Council	1781	1503-2059	1906	1660	1298
General V-Ch.	1550	1367-1733	1534		

6.2.11 Comment on Table K

Table K shows a *range* of SRA values for typical SRA posts [Table K col. (iii)] but see para 6.2.12 below. These ranges identified by the Panel for each potential SRA-post were more informative and helpful in forming a view of the SRA structure than might first appear. The ranges are derived from a distribution of data, and thus the Panel at the time of the interim report was able to suggest that, at least statistically, it is more likely that the final single figure for a particular SRA would lie towards the middle of the range rather than the outer limits (but see 6.2.12 below).

- 6.2.12 The other hypothetical approach by the Panel [Table K col. (iv)] had been to use as an assumption, the recommended BA (£4,950pa) as a starting point in creating SRAs, combined with an average of BA-multipliers derived from the 45-sample, TD, WS, and South West councils. Col. (ii) shows the average BA and SRAs for the 45-sample. Col. (iii) presents ranges of SRA values – recalling that the basic data (45-sample) derives from relatively large councils cf. TA and WS. In the interim report it was stated that it was highly likely that SRAs, in the appropriate bands, recommended by the Panel for the newly-created council would be within the ranges. Col. (iv) are hypothetical SRA values derived from a simple average of BA multipliers derived from the 45-sample, TD, WS, South West. Cols. (v) and (vi) are present values for the two councils. The source of data for col. (iv) determines that the figures displayed cannot be taken as anything other than providing perspective: a) the originating councils are much smaller than the new SWTC; b) smaller councils tend to have lower levels of allowances; c) the figures in col. (iv) do not sit easily with the ranges displayed in col. (v) which are derived from the 45-sample, ie. much larger councils and a more reliable sample.
- 6.2.13 It was stressed as part of the interim report that Table K was still at an early stage of development and was only a guide at that time. It was pointed out that the allocation of roles to bands and firm recommendations for a value to apply to a band could only happen when the Panel had some certainty around posts, roles and responsibilities.
- 6.2.14 The SA, in accepting the Panel’s interim report (December 17th 2018), endorsed its planned approach to considering SRAs as follows:-
“Meanwhile, the Panel is of the view that the range of values for the main positions attracting a representative SRA can be indicated at this stage. The relevant ranges are contained in Table K col. (iii). Based on the evidence considered by the Panel, it is confident in its conclusion that the final SRA recommendations would broadly be contained within the specified ranges.”
- 6.3 The Somerset West and Taunton SRA Scheme**
- 6.3.1 Following the SA’s approval of the approach to developing an SRA scheme as above, the Panel has now received information about key member roles and an indication of the likely committee structure. This has been extremely useful in the Panel’s deliberations.
- 6.3.2 Using this information, balanced with the sequential process set out in para 6.1.14 (posts/activities/special characteristics), the Panel now offers the following issues and recommendations based on the notified list of member roles. It should be noted that Appendix 1 contains a table showing how the Panel has applied special characteristics in justifying its recommendations on whether an SRA is appropriate.
- 6.3.3 It should be noted that the Panel is using the principle of applying a multiplier to the BA of £4,950, in order to determine SRAs. Initially, the Panel used the multipliers shown in Table J col. (iii) in our interim report which were the averages used by the 45 x Council sample.
- 6.3.4 However, in order to simplify the Scheme, the Panel has adopted the principle of banding the roles of similar worth. This is illustrated in the “pyramid of responsibility” at paras 6.1.8 and 6.4.60. The effect of this is to consolidate some SRAs within a single band by which a multiplier

is derived for each band. The derived multiplier not only shows clearly the ranking of the role but also acts as an automatic device for indexing the SRAs.

- 6.3.5 All of the current recommendations contain values that fall within the range of possible allowances endorsed by the SA through our interim report as set out in Table K.
- 6.3.6 It is worth emphasising here the broad view of the Panel that every member of the Council should be expected to provide a degree of leadership and take on additional responsibilities at times during the course of their term of office. On this basis, the payment of an SRA could only be regarded as appropriate if the post required significant, sustained and additional responsibility over and above that expected of every elected member. This is of particular relevance when considering the various deputising roles.

Council Leader

- 6.3.7 The Council has identified key leadership responsibilities for this post which, under the strong-leader model of governance, will be responsible for determining the executive decision-making arrangements of the Council and the Scheme of Delegation. The Panel understands that there have been clear indications already on the size and nature of executive working in the new Authority, subject to any changes made by the elected Leader after the elections in May 2019, which might require some review by the Panel of its recommendations.
- 6.3.8 The Leader of the Council is the most senior political/elected figurehead for the Council's performance and representation with accountability for much of the decision-making. The post-holder is responsible for the political management of the Council and for effective liaison with the corporate management of the Authority. In terms of representation, the Leader will potentially feature on local, national and international platforms on behalf of the Council.
- 6.3.9 The responsibilities of the Leader in the context of developing the culture, style and operating principles of the new Authority must also be recognised.

RECOMMENDATION 1: That an SRA of £15,592 (3.15 x BA) be awarded to the Leader of the Council for 2019/20;

Executive Members (Portfolio-Holders) and Deputy Leader

- 6.3.10 Although the number of Portfolio-Holders (Executive Members) will be a matter to be determined by the elected leader of the Council after the election, there is at this stage an indication that there will be 8 x such positions, one of which will be nominated as the Deputy Leader.
- 6.3.11 Similarly, the extent of delegations granted to executive members will be determined by the Leader after the election. However, the Panel has been advised that it is anticipated there will be both collective and individual decision-making powers for Portfolio-Holders (Executive Members) in the new Authority.
- 6.3.12 The Panel recognises that Portfolio-Holders will carry a primary, and high degree of personal, accountability for the effective delivery of services and policies within their allocated portfolios.

This will involve close liaison with, and directions to, the relevant officers, and a prominent public and media profile on matters within their portfolios.

- 6.3.13 While the scope of individual portfolios may vary, the Panel believes that the overall levels of personal responsibility, accountability and culpability are similar. Thus, the Panel feels there are no grounds for recommending any differential between Portfolio-Holders.
- 6.4.14 With regard to the Deputy Leader, the Panel has noted that this role will also carry portfolio responsibilities. There will be a degree of deputising in the absence of the Leader on day to day attendances. It is also necessary to have in place agreed arrangements for leading the executive process when the Leader's absence is more prolonged.
- 6.4.15 In accordance with the sentiments expressed in para 6.3.6, the Panel does not regard these day-to-day deputising responsibilities as onerous to a level that would justify an enhanced SRA over other Portfolio-Holders. However, in the event of the Leader being absent for a period in excess of 6 weeks, a formula is recommended for the SRA for the Deputy Leader to be upgraded.
- 6.4.16 The issue of Vice-Chairs of Committees is taken up below (paras 6.4.48 and 6.4.49) and a decision to confirm a Deputy Leader SRA, without strong justification, would have a bearing on the Panel's recommendation about Vice-Chairs generally.

RECOMMENDATION 2: That an SRA of £7,375 (1.49 x BA) be awarded to Portfolio-Holders for 2019/20;

RECOMMENDATION 3: That no enhanced SRA be awarded to the Portfolio-Holder acting as Deputy Leader;

RECOMMENDATION 4: That in the event of the Leader of the Council becoming incapacitated or dying in office, then the Deputy Leader, after a period of 6 weeks should be entitled to an enhanced SRA equivalent to the difference between that of a Portfolio-Holder and that of the Leader.

Chair of the Council

- 6.4.17 The office of Chair of the Council is primarily a civic and ceremonial position, in addition to presiding over Council meetings. The Council meeting is, however, the primary policy-making body of the Authority, being responsible for setting the budget and other strategic policies set out in the Council's constitution and forming what is known as the "policy framework".
- 6.4.18 The Panel is clear that there will be certain complexities and associated responsibilities to the effective management of such large and significant meetings and ensuring proper outcomes, even though there will be the most senior officer advice and support available to the Chair at these meetings.
- 6.4.19 The special characteristic of this position will undoubtedly be the time commitment required of the Chair in attending or hosting the many civic and ceremonial functions in the Somerset West and Taunton community. The Panel understands that the Chair would have sole responsibility for attending or hosting events outside of Taunton and that these amount to around 130 events

a year. In addition, and in Taunton itself there are around 300-400 events per annum where the Chair could also be involved but where the lead civic role would be taken by the Mayor of the Charter Trustees in many instances.

- 6.4.20 In considering this matter, the Panel has based its recommendation for an SRA solely by applying the relevant characteristics in the Panel's sequential process (para 6.1.4) to the role. In particular, the Panel has in mind the role, probably widely accepted by the public, as a dignified figurehead representing the constitutional and political image of the whole Council.
- 6.4.21 The SRA is recommended on completely separate criteria and is not intended to cover any supporting costs for the office of the Chair of the Council which we have assumed will be managed through other budgets held within the Council.
- 6.4.22 The Panel has been made aware of the intention to form a Charter Trustee body for the unparished area of Taunton. This means that the councillors elected to represent wards within that area will collectively be known as the Charter Trustees and will elect one of their number annually to be the Charter Trustee Mayor.
- 6.4.23 The Charter Trustee Mayor will fulfil equivalent duties to those of the Chair of the Somerset West and Taunton Council, but acting within the unparished area. A consideration for the Panel has been whether this development will have any significant impact on the time commitment required of the Chair of the Council in attending local functions etc. ***(The Panel has been invited on behalf of the emerging Charter Trustee body to make recommendations regarding allowances for the Charter Trustee Mayor and Deputy Mayor. The Panel's recommendations on these allowances are set out in a separate report attached as Appendix 3).***
- 6.4.24 At this stage, the Panel has based its recommendations on the current evidence about the number of commitments that the Chair of the Council is required to honour. As the funding and service provider for many community activities our view is that it is unlikely that the calls on the office of Chair of the Council will diminish to any significant extent. The Charter Trustee Mayor may well attend many Taunton-based events alongside the Chair of the Council. It is clear that protocols will need to be drawn up to manage how these complementary roles will operate regarding such matters as attendances and precedence at various civic and community functions.
- 6.4.25 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.

RECOMMENDATION 5: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Council for 2019/20;

RECOMMENDATION 6: That the Council and Charter Trustees develop clear protocols on how the offices of Chair of the Council and Charter Trustee Mayor are to support local community and civic events.

Vice- Chair of Council

- 6.4.26 This role will act in support of the Chair of the Council, particularly in attending civic and ceremonial functions in the absence of the Chair or when the Chair is otherwise engaged. Experience elsewhere would suggest that the Vice-Chair of the Council potentially could be involved in a significant time commitment in attending functions and other events.
- 6.4.27 It is unlikely that the Vice-Chair will need to preside over Council meetings other than in the rare absence of the Chair.
- 6.4.28 The Panel believes that it is appropriate to recognise the time commitment criterion that is relevant to the role of Vice-Chair in representing the Chair/the Council at a number of civic and ceremonial events, particularly in the formative year of the new Authority.
- 6.4.29 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.
- RECOMMENDATION 7: That an SRA of £2,302 (0.46 x BA) be awarded to the Vice-Chair of the Council for 2019/20;**

Chair of Scrutiny Committee

- 6.4.30 The Panel recognises that scrutiny within local government is a statutory function, brought about alongside the introduction of the Cabinet style of governance.
- 6.4.31 We understand there will be one Scrutiny Committee for the new Authority.
- 6.4.32 Although role descriptions have been issued for the Chair of this Committee and indeed all Regulatory Committees, the Panel has sought and obtained clarity that Chairs will, in effect, act as the Lead Members of their respective functions. This has been very relevant in applying our special characteristics (para 6.1.14) for setting SRAs.
- 6.4.33 In terms of Scrutiny Committee, we see the functional leadership as including and embracing work programme management and prioritisation (for example balancing corporate priorities and local member issues), making effective use of scarce member and officer resources and focussing on activities that can deliver positive outcomes, conflict resolution and effective liaison with the Executive and with corporate management.
- 6.4.34 This functional leadership role will therefore lead to some elements of personal accountability to the Council for the effective delivery of the function and responsibility for important outcomes, including robust recommendations that can inform policy development. The leadership role will also promote and support the function as described within the Council's constitution.

6.4.35 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.

RECOMMENDATION 8: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of the Scrutiny Committee for 2019/20;

Chair of Planning Committee

6.4.36 A characteristic of Regulatory Committees is that their operational effectiveness is not the direct responsibility of the Executive, which sets the overall policies only. It follows, as stated in reference to the Chair of Scrutiny Committee above, that the Chairs of such Committees carry a functional lead responsibility.

6.4.37 As regards the Planning Committee, the Chair will be accountable to the Council for good decision making within policy that will be robust and resistant to challenge and which will minimise risk to the Council. It is recognised that, under the agreed delegations for dealing with planning matters, most such matters will be dealt with by officers with the contentious applications ending up at the Committee.

6.4.38 In addition, there will be a significant time commitment, as well as managerial and analytical skills required of the Chair in terms of agenda management, site visits and liaison with officers in the management of applications and recognising public sensitivity. As with Scrutiny, the leadership role will also promote and support the function/ planning arrangements as described within the Council's constitution.

6.4.39 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.

RECOMMENDATION 9: That an SRA of £4,578 (0.92 x BA) be awarded to the Chair of Planning Committee for 2019/20;

Chair of Licensing Committee

6.4.40 Similar to the Planning Committee, the Licensing Committee is charged with making decisions that are robust and resistant to challenge and which minimise risk to the Council.

6.4.41 While the special characteristics of the Chair are therefore similar to those of a Regulatory Chair, including Constitutional relevance, evidence suggests the time commitment involved is not as great and the meetings unlikely to be as frequent.

6.4.42 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.

RECOMMENDATION 10: That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Licensing Committee for 2019/20;

Chair of Governance and Standards Committee

- 6.4.43 This is a non-Regulatory and non-Executive Committee and its decision-making capacity will be limited and governed by its constitutional position. It will meet as and when required so there is a limited time commitment element for the Chair.
- 6.4.44 As a Standards body, it will make decisions on member conduct issues and it will oversee all matters relating to the conduct of elected and co-opted members. Its governance role is primarily concerned with the important member monitoring of, and influence over, the audit function of the Council.
- 6.4.45 These are important issues for the Council and the Chair will retain the same responsibilities as for the Regulatory functions as described above, though the time commitment will be more in line with that of the Licensing Chair rather than that of the Planning Chair.
- 6.4.46 There is provision for 4 co-opted, non-voting members to sit on this Committee i.e. independent and town/parish representatives. The Panel has considered a request that these be given an allowance in addition to their entitlement to expenses. The Panel has used comparative data to help in this regard.
- 6.4.47 The following recommendation reflects the banding adjustment referred to in para 6.4.60 below.

RECOMMENDATION 11: That an SRA of £2,302 (0.46 x BA) be awarded to the Chair of the Governance and Standards Committee for 2019/20;

RECOMMENDATION 12: That the independent and town/parish co-optees on the Governance and Standards Committee be awarded an allowance of £500 for 2019/20;

Vice-Chairs of Committees

- 6.4.48 The Panel has noted that majority of comparable Councils do not create SRAs for Vice-Chairs of Committees. There needs to be a clear indication of accountability and personal responsibility by a Vice-Chair role, and thus an argument that there is a *special* responsibility, for an SRA to be considered. The Panel does not believe at this stage there is evidence of any significant special characteristics relating to these positions that would justify a general award of a SRA.
- 6.4.49 The Panel would keep this under review in the light of operational practice over the formative year of the new Authority.

RECOMMENDATION 13: That no SRA be awarded to Vice-Chairs of Committees, and that the Panel keeps this under review;

Leader of the Opposition/other Opposition Parties

- 6.4.50 The Panel recognises that there is a requirement within the Scheme of Allowances to accommodate a recognised opposition Leader – usually the Leader of the second largest political group represented on the Council.
- 6.4.51 In addition, it is usual, and perhaps advisable, to acknowledge the role of Leaders of other minority parties. The Panel believes that there are two roles that could apply to opposition leaders. Firstly, the contribution that minority leaders could and should make to the effective running of the Council and its governance. Secondly, the leadership of a group of members (defined as 2 or more members).
- 6.4.52 With regard to the former, it is not clear whether the Council’s constitution addresses this good governance role with regard to minority group leaders. Accordingly, the Panel is not in a position at this time to consider a core SRA for each leader, irrespective of group size
- 6.4.53 The Panel feels it is necessary and appropriate to continue the practice of limiting the per capita allowance for group management responsibilities to those leading groups of 5 or more members.
- 6.4.54 **RECOMMENDATION 14: That an SRA of £3,514 (0.71 x BA) be awarded to the Leader of the largest opposition party for 2019/20;**

RECOMMENDATION 15: That an SRA of £150 per group member be awarded to the Leaders of other minority groups as long as there is a minimum of 5 elected members in the group;

RECOMMENDATION 16: That the new Council be invited to offer evidence to the Panel in due course if it feels there is merit in identifying, through its Constitution, a clear corporate role for minority group leaders.

Independent Person (Standards Committee)

- 6.4.55 The Panel has noted the statutory requirement to appoint an Independent Person to work with the Monitoring Officer and the Council in considering issues of councillor conduct. It has also been made aware of possible changes in the law to strengthen Councils’ standards provisions. The Panel will keep this under review.
- 6.4.58 We have noted that the Taunton Deane Council appointed such an independent person with an allowance of £500 per annum paid quarterly.
- 6.4.57 In the absence of evidence to the contrary, we propose initially to recommend a similar allowance for the equivalent appointment in the new Authority.

RECOMMENDATION 17: That an SRA of £500 be awarded to the Independent Person appointed to advise the Monitoring Officer and the Council, for 2019/20.

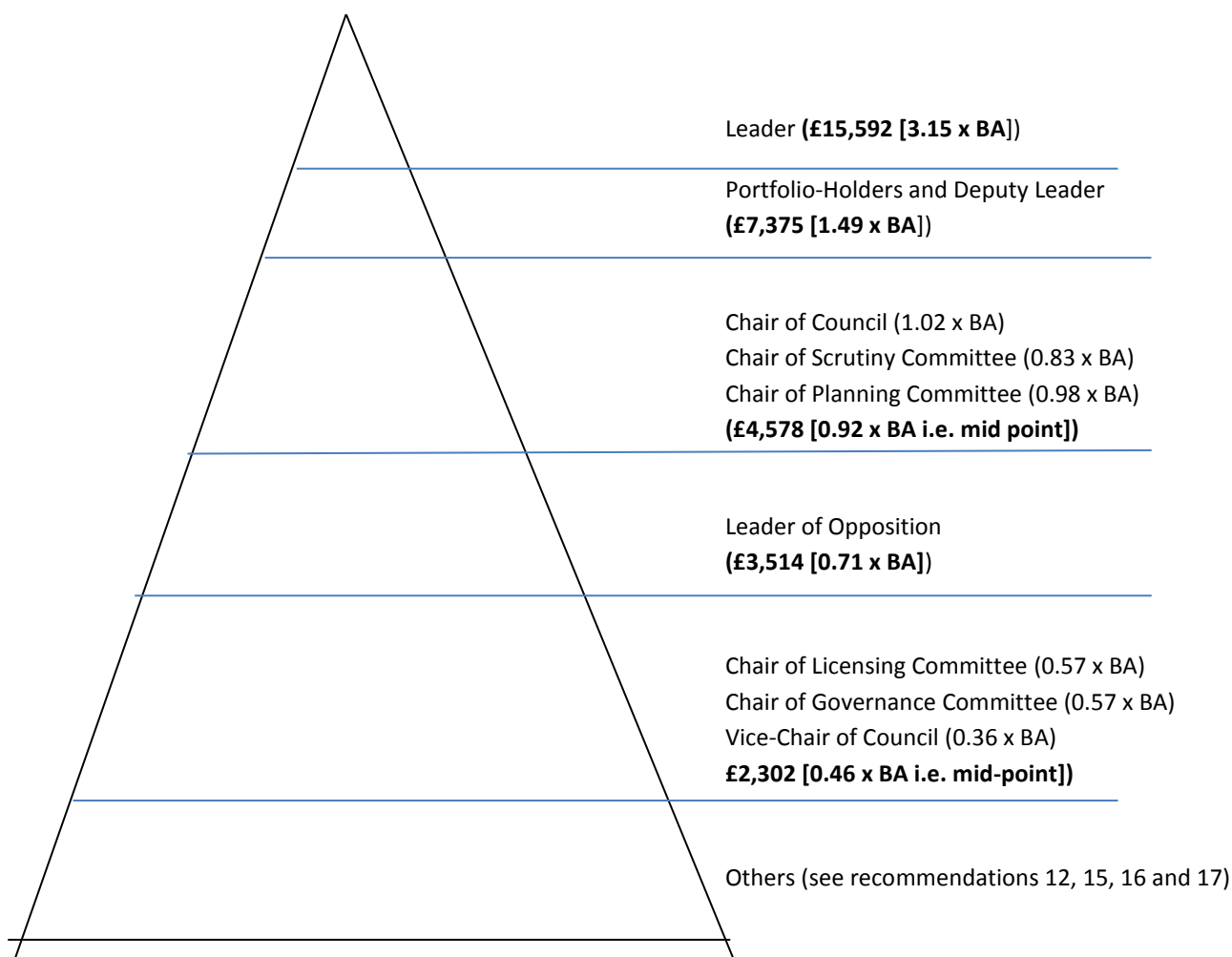
Uplifting SRAs

- 6.4.58 By applying a multiplier of the BA (see para 6.3.3), there will be an automatic adjustment of SRAs following any uplift in the BA through the agreed indexing arrangement.

Banding of SRAs

- 6.4.59 As stated in para 6.3.3 above, the Panel's initial approach has been to take the average multipliers of the roles identified in the sample 45 x Councils and apply those to the agreed BA of £4,950, giving a special responsibility value.
- 6.4.60 **RECOMMENDATION 18: That in accordance with the special characteristics of each member role (see Appendix 1) the banding structure set out in Table L below should be applied to the roles as indicated on the basis that they are broadly comparable.** This has meant that, where more than one role has been included in a band, the mid-point of the range of those allowances has been applied and the multiplier adjusted. The pyramid of responsibility shown below also contains for reference in brackets the relevant original multiplier from the 45 sample. The individual and mid-point values shown in the pyramid are all within the range of allowances identified for each role in our interim report.

Table L



SRA - concluding comments

- 6.4.61 The Panel has kept in mind throughout the SRA review that this is a new Authority and that member roles will need to take time to bed down. There are some uncertainties still regarding the final shape of the political management arrangements and consequently there may well be changes to the roles and structures we have identified in this report and upon which we have based our recommendations.
- 6.4.62 The Panel is willing to re-consider any of these recommendations if the need arises during the first year of operation.

7. Other Allowances and Scheme Rules

- 7.1 Since the establishment of the JIRP to serve several councils, the Panel has taken the opportunity to bring Scheme allowances and rules into line with other local district council schemes where it makes sense to do so. The JIRP recognises, however, that BA and SRA arrangements must be specific and local to each individual council's circumstances and democratic arrangements and the Scheme for SWTC will reflect this. Nevertheless, for the other allowances commonly included in Schemes, namely Travel, Subsistence and Carers' Allowances for which members submit claims against expenditure, it is rational to establish common provisions across the district schemes and including Somerset County Council. This would include a common list of 'approved duties', as the framework for members claims. This assists those members who are members of both council tiers.
- 7.2 The Scheme rules will set out the requirements that members must comply with, when claiming allowances; to provide clarity for members and officers administering claims.
- 7.3 Allowances need to balance affordability for the Council with providing adequate and fair recompense for expenditure incurred by members so as not to deter people from standing for election. Such allowances will be in accordance with provisions for officers and HMRC tax thresholds - hence establishing common arrangements across councils.

Carers' Allowance

- 7.4 The Council's scheme needs to make provision for the payment of carers' allowances to enable members to undertake 'approved duties'. The Panel has developed consistent arrangements across the County Council and Mendip District Council and which are common to many councils. These include conditions to be met in order for the member to be reimbursed. These include the requirements about the need for professional and not family care and reimbursement made against *actual* expenditure up to a limit. The proposed Scheme uses the national minimum wage as the basis for payments. This is a common mechanism and it is proposed that a control is placed on the maximum that can be claimed of no more than 16 hours a week.
- RECOMMENDATION 19: That the provisions for the payment of carer's allowances as set out in section 5 of Appendix 2 are approved.**

Travel and subsistence allowances

- 7.5 Members will be aware of the commonly provided for provisions within schemes for the payment of travel and subsistence allowances for councillors undertaking approved duties. These provisions are common to most councils in terms of the amounts paid and the rules

applied to claims and payments. The rates of payment should be consistent with those paid to officers under HMRC tax requirements. Again, the recommended arrangements are consistent with those in place for Somerset County Council and Mendip District Council.

RECOMMENDATION 20: That the provisions for the payment of travel and subsistence allowances as set out in sections 6 and 7 of Appendix 2 are approved.

List of 'Approved Duties'

- 7.6 The list of 'approved duties' is used as the basis for the payment of travel, subsistence and carer's allowance claims. The list recommended for adoption by Panel is consistent with those applied to Somerset County Council and Mendip District Council and is comprehensive in terms of what is included in the list and in what is excluded.

RECOMMENDATION 21: That the list of 'approved duties' is set out in Annex C of Appendix 2 is approved.

Rules for claiming

- 7.7 This section of the Scheme sets out the rules for treatment of late claims for recompense for approved duties. The intention is to provide clear guidance for members and for the officers administering the claims process.

RECOMMENDATION: That the Scheme rules for claiming allowances as set in section 9 of Appendix 2 are approved.

8. Approval of the Scheme of Members' Allowances

- 8.1 Appendix 2 brings all of the Panel's recommendations, including those already agreed by the SA together in a Scheme of Members' Allowances for the new Council.

RECOMMENDATION 22: That the Scheme of Members' Allowances attached as Appendix 2 to this report is approved.

- 8.2 The SA has already agreed the Panel's recommendation that the Scheme is reviewed after 12 months of operation to resolve any issues or concerns that arise in the early months. In addition, and as stated earlier the Panel would be happy to review any aspects of the Scheme in advance of this formal review date at the request of the new Council.

Ian Partington
Chair – Joint Independent Remuneration Panel

Julian Gale
SCC – Lead Officer Adviser

6.3.19

APPENDIX 1																																
SRA requirements											Roles																					
											Leader	Dep. Leader	Other Portfolio	Chair Council	V. Chair Council	Scrutiny/Planning Chairs	Other Chairs	Opposition Lead	Other VCs	Independent P												
The sequential approach to a recommendation for an SRA, adopted by the JIRP, is by identifying:																																
(A) a primary <u>role</u> :																																
o Leader or deputy leader of a political group;											✓	✓																				
o Members of an executive;													✓																			
o Chair of a committee or sub-committee;																✓	✓															
o Representative of the council;														✓	✓																	
o Member of a meeting with exceptional frequency / period;																																
o Spokesman of a political group;																		✓														
o Member of an adoption or licensing panel; and																																
o Any other activity requiring time and effort equal to, or greater than, the roles listed above.																																
(B) the associated <u>activity</u> :																																
o meetings with Officers;											✓	✓	✓	✓	✓	✓	✓	✓	✓	✓												
o attendance at Council premises to undertake official Council business;											✓	✓	✓	✓	✓	✓	✓	✓	✓	✓												
o meetings with fellow Chairmen or decision-makers and including some single party meetings / activities;											✓	✓	✓																			
o dealing with correspondence;											✓	✓	✓	✓		✓	✓	✓														
o press meetings;											✓																					
o visits directly connected to the performance of an SRA duty e.g. official opening; familiarisation/fact-finding visits.											✓	✓	✓	✓	✓																	
(C) any <u>special characteristics associated with the role and activity</u>																																
o Time commitment,											✓	✓	✓	✓	✓																	
o Specialist skills,											✓	✓	✓																			
o Functional Leadership,											✓	✓	✓			✓	✓															
o Important decision-making,											✓	✓	✓			✓	✓															
o Complexity,											✓	✓	✓	✓		✓																
o Identifiable accountability,											✓	✓	✓			✓		✓														
o Direct responsibility for important outcomes,											✓	✓	✓			✓		✓														

o <i>Culpability,</i>										✓	✓	✓						
o <i>Constitutional relevance.</i>										✓	✓	✓	✓		✓		✓	

APPENDIX 2

Somerset West and Taunton Council Scheme of Members' Allowances – 2019/20

1. INTRODUCTION

1.1 The Council's Scheme provides for payment of:

- a Basic Allowance (referred to as BA throughout this Scheme), a flat rate payable to each Member;
- a Special Responsibility Allowance (referred to as SRA throughout this Scheme) for Members undertaking 'special duties' as defined by the Council;
- a Carers Allowance (CA) to reimburse expenditure incurred by Members (a) in providing professional child care arrangements and (b) on professional care for elderly, sick or dependent relatives to enable them to undertake 'approved duties';
- Travel Allowances and Subsistence Allowances for Members undertaking 'approved duties'.

1.2 The Scheme also set outs the rules that Members must abide by when claiming allowances.

2. GENERAL POINTS

2.1 The term "Member" in this Scheme means a Somerset West and Taunton Councillor. Some aspects of the Scheme also apply to 'Co-optees' (a member of a committee or sub-committee who is not elected) and the Independent Person appointed by the Council to advise on member complaints, as detailed.

2.2 Members, Co-optees and the Independent Person have the option of not claiming all or part of an allowance. The Chief Finance Officer must be notified in writing if a Member wishes to pursue this option.

2.3 Where the appointment of a Member or Co-optee to a post qualifying for an allowance begins or ends during the financial year, they will be entitled to the appropriate proportion of the annual payment.

2.4 Where a Scheme of Members' Allowances is amended by the Council, the amendment may be applied retrospectively by the Council to the beginning of the financial year or to another agreed date in the year.

2.5 Where a Member takes on duties entitling them to a different level of allowances, the Council may apply the new entitlement retrospectively to the date the changes were effective from.

2.6 To cater for changes in circumstances that occur during the year and to ensure that no individual cases of exceptional hardship are experienced, the Chief Finance Officer, in consultation with the Council Leader, can temporarily agree allowances and / or expense claims for individual Members as required where it is unclear if these are

(Joint Independent Remuneration Panel Report – March 2018)
covered by the Scheme.

2.7 All enquiries relating to members' allowances should be made to (officer's name to be included).

3. **BASIC ALLOWANCE (BA)**

3.1 A BA of **£4950 per annum**, has been approved for 2019/20 and will be paid to all Members in monthly instalments. For 2019/20 the BA will be paid from the date of election to the Council through to the end of the financial year. The level set results from consideration of what the Taunton Deane Borough Council BA would have been if index linked to inflation since being revised in 2014; and the average BA from a sample of 45 councils whose revenue position is comparable to Somerset West and Taunton Council. The full explanation behind the calculation is set out in the report of the Joint Independent Remuneration Panel – link below.
(link to be included)

3.2 The Council has agreed that the BA will be index linked to the CPIH (Consumer Prices Index inflation including owner-occupiers' housing costs) index for the 2019/23 period. The indexing provision will be formally reviewed in 2023 following the district council elections.

3.2 **Definition of BA:** BA recompenses Members for time committed to the role as a councillor, and is intended to cover:-

- constituency and community duties, including use of their home;
- dealing with correspondence;
- single Member duties;
- attendance at single party/political meetings;
- attendance at formal meetings of the Council (including travelling time to and from meetings);
- attendance at seminars, conferences and training sessions;
- attendance on 'outside bodies' as a Council representative; and
- other incidental costs, for which no other specific provision is made.

4. **SPECIAL RESPONSIBILITY ALLOWANCE (SRA)**

4.1 **SRAs are:**

- paid to Members who have significant and special additional responsibilities
- set primarily on the basis of the degree of responsibility that relates to the position and also includes consideration of the perceived additional call on Members time
- paid in addition to the BA which the Member continues to receive; and
- paid in monthly instalments for as long as the Member has the responsibility.

4.2 **SRA payments provide recompense for the following activities associated with the position of responsibility:-**

- meetings with Officers;
- attendance at Council premises to undertake official Council business;
- meetings with fellow Chairs or decision-makers and including some single party meetings / activities;

(Joint Independent Remuneration Panel Report – March 2018)

- dealing with correspondence;
 - visits directly connected to the performance of an SRA duty e.g.
 - official openings
 - familiarisation / fact findings visits;
 - press meetings;
 - any other official Council business carried out by the Member in the role.
- 4.3 SRA payments are based on multiples of the BA and set out in bands within an SRA Scheme. Payments are therefore index-linked by association with the BA. The top band of SRA – Band 1 – will apply to the post of Leader of Council so reflecting the importance and responsibility of this role.
- 4.4 Other SRAs are allocated to bands below the Leader’s Allowance reflecting diminishing levels of responsibility associated with specific roles.
- 4.5 The SRA bands, posts approved to receive a SRA and payments agreed for 2019/20 are set out in **Annex A**.
- 4.6 An individual Member may only receive one SRA at any one time. Where a member is entitled to more than one SRA in different bands because of the posts they hold then they shall be entitled to receive the higher SRA.
- 4.7 Not more than 50% of the Council’s membership shall be in receipt of an SRA at any one time.
- 4.8 SRAs are normally paid from the date that the member takes up the SRA role.

5. **CARERS ALLOWANCE (CA)**

5.1 Reimbursement of expenditure incurred by Members may be claimed (a) for professional child-care services or (b) on professional care for elderly, sick or dependant relatives who live at the same address as the member. These payments are intended to enable the member to undertake “approved duties”.

5.2 *General requirements*

- Reimbursement will only be paid where professional care is provided and the carer must not be a close relative.
- Reimbursement provided is taxable as it is classified as an “emolument of the ‘office’.”
- The child or relative being cared for must be normally resident with the member claiming reimbursement.
- Members’ are required to self-certify claims, confirming that they have incurred expenditure in accordance with the scheme and provide receipts.
- That neither the Member nor the person being cared for receives an allowance for care from any other source.

- The Chief Executive and the Chief Finance Officer have delegated authority to agree a higher limit for specialist care where required.

5.3 *Child-care*

- That payments are restricted to the care of children up to their 14th birthday who normally reside with the Member;
- That no reimbursement will be made for the care of children of compulsory school age during school hours except where the child is absent from school due to illness.

5.4 *Care of Dependant Relatives*

- That reimbursement is restricted to the care of an elderly, sick or disabled dependant relative normally living with the Member and requiring constant care.

5.5 *Reimbursement*

- Reimbursement will be made up to a maximum of the National Minimum Wage rate applicable at the date when the care was provided and for a maximum of 16 hours per week.

6. **TRAVEL ALLOWANCE**

6.1 This allowance can only be claimed for an approved duty, or for any duty covered by a special responsibility payment and for 'normal allowable journeys'.

- Travel Allowance is claimed monthly on the Members' claim form and receipts, including fuel VAT receipts, should be submitted to support expenditure. Receipts should pre-date the first date claimed for on the relevant claim form.
- Travel claims must include details of all journeys to include the date of the journey, starting and finishing addresses and the purpose of the journey. Failure to include such details may result in a claim being rejected.
- Travel Allowance is reimbursed at the rates shown in **Annex B** attached.

6.2 **List of 'Approved Duties'**

The list of approved duties is set out in **Annex C** attached.

6.3 **Definition of 'normal allowable journey'**

The **normal allowable journey** (for which mileage can be reimbursed) is from a member's home to council offices and then back again. 'Council offices' will often be the main Council premises but could relate to any building where a member is undertaking an 'approved duty' under the Scheme, including, for example, attending a parish council meeting in their capacity as a district councillor.

For journeys that combine travel on council business with private mileage, eg, to home or to work, only **the actual additional mileage** on council business can be claimed for.

6.4 **Additional information**

- Members who are District and County Councillors may claim Travel Allowances, if applicable, from both Authorities, if attending approved duties for both on the same day. However, a Travel Allowance cannot be claimed from both Authorities for a joint meeting where the member is representing both councils. In this case, the Member should claim from one of the Authorities.
- Claim forms must include details of all journeys to include the date of the journey, the start and finish addresses and the purpose of the journey. Failure to include such details may result in a claim being rejected.

7. **SUBSISTENCE ALLOWANCES**

7.1 This allowance is:

- Claimable for any approved duty exceeding 4 hours which spans the agreed meal time periods as set out in **Annex B**;
- Claimable for the actual cost of the meal or the overnight expenses up to the maximum allowed;
- Claimed monthly via the Members' claim form; VAT receipts should be submitted to support expenditure wherever possible;
- Not claimable if a meal is provided free of charge;
- Only claimable for a member's own meal. There is no provision in the scheme for reimbursing claims for hospitality for other people.

8. **NON CLAIMABLE DUTIES**

8.1 For the avoidance of doubt, the following duties, inter alia, are **not** approved for the purpose of claiming Travel Allowances and Subsistence Allowances:-

- Single Member duties including single party meetings except where the Scheme provides otherwise
- Constituency meetings and duties
- Duties relating to outside organisations that are not Board, committee, sub- committee or working group meetings. e.g. book launches, openings etc.
- Attendance at party political conferences
- Social functions including religious meetings / church services
- Where a member undertakes a duty on behalf of the Council and which entitles that member to receive payment from another body.
- Where the member attends an outside body but in circumstances where they have not been appointed as an official representative of the Council, ie appointed either by the Council or the Leader of the Council.

9. **CLAIMS**

9.1 **How to Claim**

- BA and SRA are paid automatically and monthly as of right.

(Joint Independent Remuneration Panel Report – March 2018)

- Expenditure incurred by Members on Carers', Subsistence and Travel must be claimed monthly on the Members' Claim Form.
- Claims must be submitted monthly to the Authorising Officer to meet payroll deadlines.
- Late claims will result in late payment unless notification is given in advance. Claims older than 2 months will be referred for approval to pay to the Chief Finance Officer, in consultation with the Leader, and payment may be delayed or refused unless there is good cause for the lateness. Claims older than 3 months will not be reimbursed.

ANNEX A

SPECIAL RESPONSIBILITY ALLOWANCES (SRA) - 2019/20

Band	Post	Value £
1	Leader	15,592 (3.15x BA)
2	Portfolio-holders and Deputy Leader (see note 1)	7,375 (1.49x BA)
3	Chair of Council Chair of Scrutiny Committee Chair of Planning Committee	4,578 (0.92x BA)
4	Leader of Opposition	3,514 (0.71x BA)
5	Chair of Licensing Committee Chair of Governance and Standards Committee Vice-Chair of Council	2,302 (0.46x BA)
6	Others: Independent Person Co-optees (town/parish council representatives) Leaders of Minority Groups	500 500 (each) 150 per member (where minimum of 5 members)

Note 1: That in the event of the Leader of the Council becoming incapacitated or dying in office, then the Deputy Leader, after a period of 6 weeks should be entitled to an enhanced SRA equivalent to the difference between that of a Portfolio-Holder and that of the Leader.

SUMMARY OF RATES OF ALLOWANCES FOR MEMBERS

1 TRAVELLING ALLOWANCE

Type of Expense	Rate
Travel by car irrespective of cc	45p/mile (this figure is in line with the current Inland Revenue threshold and automatically stays in line with changes to the threshold).
Car Share	In addition to the above rate a further 5p/mile will be available when one or more members are passengers in the same car
Travel by motorcycle	24p/mile
Travel by bicycle	20p/mile
Travel by railway or other public transport and car parking, tolls and ferries	Reimbursed at actual cost – Standard Fare for rail. Receipts are required.
In exceptional circumstances where all of the above options have been explored and deemed unviable	
Travel by Taxi	The rate for travel by taxi is not to exceed: i. in cases of urgency where no public transport or other means of travel is reasonably available, the amount of the actual fare paid (receipt required) ii. in any other case, the amount of the fare for travel by appropriate public transport.
Hired Motor Car (including car share clubs e.g. Co-wheels or Zipcar) other than a taxi	The remuneration paid is not to exceed the level of the mileage allowance normally paid to members (currently 45p per mile), although the Chief Finance Officer may agree a higher level of remuneration up to a maximum of the actual cost of the hire.

2 SUBSISTENCE ALLOWANCE

Subsistence – in line with the rate paid to Council officers.

Breakfast **£6.72**, (actual expenditure up to this limit can be reclaimed when away from the normal place of residence for more than 4 hours before 11am)

Lunch **£9.24**, (actual expenditure up to this limit can be reclaimed when away from the normal place of residence for more than 4 hours and including the lunchtime period between 12 noon and 2pm)

Tea **£3.64**, (actual expenditure up to this limit can be reclaimed when away from the normal place of residence for more than 4 hours, and including the period between 3pm and 6pm)

Evening meal **£11.44** (actual expenditure up to this limit can be reclaimed when away from the normal place of residence for more than 4 hours, ending after 7pm)

3	OVERNIGHT ABSENCE (BED AND BREAKFAST)	£
	Maximum (outside London)	106.40
	Maximum (London)	120

ANNEX C

LIST OF APPROVED DUTIES

LIST OF APPROVED DUTIES for the purposes of claiming Travel and Subsistence and Carers' allowances

	<u>Attendance at:-</u>
1.	formal meetings of the Council, including Committees and Sub Committees and any other authorised meeting of these bodies or event organised by these bodies (including joint committees), where the Member (a) has been appointed by the Council as a member, a substitute or representative or (b) is exercising a constitutional right to attend and /or to speak or (c) is attending in an observer capacity only;
2.	formal meetings of the [Executive/Cabinet], its sub-committees and any other authorised meetings thereof where the Member has (a) been appointed by the Leader/Council as a member or (b) is exercising a constitutional right to attend and/or to speak or (c) is attending in an observer capacity only;
3.	ad-hoc formally constituted working groups/panels (e.g. scrutiny task and finish groups) where the Member is (a) a named member of the body or (b) is formally invited to participate;
4.	meetings of Somerset County Council committees/sub committees where the Member has been appointed by the Council as a member or a representative;
5.	meetings of bodies to which the Council makes appointments except where the body itself pays allowances to the Council's representative (<i>the approval relates to meetings of the body itself; its standing committees/sub committees but not to other activities of the body</i>)
6.	meetings of any local authority association of which the Council is a member where the Member is the appointed representative or nominated substitute;
7.	any conference where attendance is authorised by the Council [and involves an overnight stay];
8.	any Council premises, or other agreed location, for a meeting agreed with either a member in receipt of an SRA or an Officer to discuss matters relating to Council business in which it is reasonable to expect the Member to have an interest;
9.	briefing meetings at the invitation of an Officer of the Council provided that the members of at least two political groups have been invited;
10.	an approved agenda setting meeting or member development/awareness raising/seminar activity organised by the Council;

(Joint Independent Remuneration Panel Report – March 2018)

11.	meetings of Parish/Town Councils or equivalent community associations where the Member attends as the local district councillor or as a representative of the District Council and not as a member of the Parish/Town Council/Community Association itself;
12.	any civic or ceremonial event at the specific invitation of, or in support of, the Chair/Mayor of the Council;
13.	site visits by members of the Planning/Development Control Committee;
14.	any site visit or inspection visits undertaken by members approved by or on behalf of the Council;
15.	tender opening meetings where invited by an Officer to attend;
	<u>Performance of:-</u>
16.	duties carried out by a Member holding an office for which a special responsibility allowance applies;
17.	any particular duty for which express authority is given by or on behalf of the Council in case of emergency;
18.	such other duty for which prior approval has been given by the Chief Executive or other authorised Officer, in consultation with the Leader.

APPENDIX 3

CHARTER TRUSTEE MAYOR AND DEPUTY MAYOR ALLOWANCES - REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL

1. Introduction

- 1.1 During the preparation of the Scheme of Members' Allowances for the Somerset West and Taunton Council, the JIRP was formally invited by the Taunton Unparished Area Committee to make recommendations to the Shadow Authority on allowances for the proposed Charter Trustee Mayor and Deputy Mayor of the unparished area of Taunton.
- 1.2 This report sets out the recommendations of the Panel on the allowances for these key posts.

2. Charter Trustees

- 2.1 The Panel understands that the councillors on the new Authority, elected to represent wards within the unparished area of Taunton, will collectively be granted in law the status of Charter Trustees. The Charter Trustee body will elect one of its number annually to be the Mayor of the unparished area. There will also be a Deputy Mayor.
- 2.2 The Trustees will levy a precept which could fund any Mayoral support staff, the Mayoral allowances and any other appropriate expenditure for the unparished area. However, we are clear that the Trustees will not be a service providing/commissioning body – that role remains with the new local authority (SWTC).
- 2.3 The Panel has considered the comparable roles of the Chair and Vice Chair of the new Authority.

3. The Mayoral Role

- 3.1 As part of its review of SWTC members' allowances, in particular Special Responsibilities Allowances (SRA) the Panel has considered the comparable roles of Chair and Vice Chair of the new Authority. For these and all other member roles, the Panel has addressed the nature of the activity involved and the special characteristics employed in carrying out those activities.
- 3.2 In regard to the Mayor and Deputy Mayor of the Charter Trustees body, we have identified the following relevant, core roles/activities:
- Chairing the Charter Trustee body;
 - An ambassador for the area both locally and on a wider national/international platform;
 - Representing the area and its citizens;
 - Supporting the local community;
 - Hosting events.
- 3.3 We are also aware that being elected as Mayor is an honour and there should be an element of personal pride in carrying out the role, analogous to the idea of a "public service" contribution by ordinary councillors in the execution of their role, ie. part of the role for which there is neither payment nor other material recognition.

The Mayoral role, in the context of working in conjunction with the new Authority (SWTC), is one that will develop over time. However, it is clear that there are certain special characteristics that can be identified now. These are:-

- a significant time commitment and high level of sustained personal commitment in attending functions and other events throughout the year;
- constitutional relevance, particularly observing agreed protocols;
- a degree of complexity in understanding the context of each event/function/activity.

- 3.4 The Panel has been advised of the probable number of events (the likely figure will be high – perhaps between 300-400), that the Mayor, and to a lesser extent the Deputy Mayor, could attend in any year. Similarly, the Panel has considered the impact of having both a local authority Chair and a Mayor for the unparished area. It is clear to us that effective working arrangements will need to be put in place so that the Chair and Mayor, and the local community, are clear about both roles and their relevance.
- 3.5 We believe that there is a justification for an allowance to be recommended for both the Mayor and the Deputy Mayor. Although apparently comparable to the roles of the Chair and Vice Chair of the new local authority (SWTC), we accept that the office of Mayor is primarily ceremonial rather than representative of the main decision-making body in the area. The nature of the commitment, therefore, may vary but the Panel considers that the allowances for Mayor and Deputy Mayor should therefore be a lower level than that of the Chair and Vice-Chair.
- 3.6 The Panel believes that at this stage, when there is considerable uncertainty, for example, as to the *extent* of the Mayor's and Deputy Mayor's responsibilities and duties – that *interim* recommendations be made. The recommendations are for personal allowances. Appropriate, approved expenses would be additional. The determination of approved expenses is a matter for the Charity Trustees, not the Panel.

4. Recommendations

RECOMMENDATION 1: That an allowance of £2,930 for the Mayor and £1,570 for the Deputy Mayor be awarded for 2019/2020.

The Panel has recommended that, for all allowances in the new Authority, the Consumer Prices Index (incl. housing costs) – CPIH is the most appropriate mechanism that ensures relevant annual indexing of allowances. We recommend that this be also used to index the Mayoral allowances for future years.

RECOMMENDATION 2: That CPIH be used to inflation-index both Mayoral allowances in future years.

RECOMMENDATION 3: That after a year's experience of the offices of Mayor and Deputy Mayor, the allowances be reviewed by the Panel.

Somerset West and Taunton Shadow Council

Shadow Council Meeting – 26th March 2019

Approval of the Constitution

This matter is the responsibility of the Leader of the Shadow Council

Report Author : Bruce Lang, Interim Monitoring Officer

1 Executive Summary / Purpose of the Report

1.1 This report brings together the constituent parts of the Somerset West and Taunton Council's Constitution for Members' approval.

2 Recommendations

2.1 Members are asked to:

- a) note this report;
- b) approve the Constitution for Somerset West and Taunton Council to take effect from 1 April, 2019 as set out at Appendix 1(To Follow);
- c) delegate to the Monitoring Officer authority to make any typographical, grammatical and/or minor formatting amendments to the document as part of publication.
- d) That in accordance with Section 28(7) of the Localism Act, 2011, Louise Somerville be appointed as the Independent Person for Somerset West and Taunton Council with effect from 1 April, 2019 for a period of up to 18 months.

3. Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
The new Council does not have a fit for purpose Constitution in place by 1 st April, 2019	2	5	10
<i>The mitigations for this are the proposed actions as set out in the report</i>	1	5	5

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full Details of the Report

- 4.1 In accordance with the Somerset West and Taunton (Local Government Changes) Order 2018, the Shadow Council is required to produce Constitutional arrangements for the operation of the new Council from 1 April 2019.
- 4.2 Members will recall that at their initial meeting held 7 June 2018, an Interim Constitution was drafted to allow the Shadow Council to operate for the purposes that it was set up. These were essentially to:
- a) manage the transition from the existing 2 separate Councils to a combined Council for the whole area;
 - b) formulate and set up the Council budget for the new Council for 1 April 2019;
 - c) agree the new Constitutional arrangements for the new Council.
- 4.3 The Interim Constitution by its nature was a brief document and was subsequently added to with a set of Officer Employment Procedure Rules in order to make appointments.

- 4.4 Members will appreciate that it is important that there is clarity in relation to how the new Council will operate. The Council's Constitution provides this as it sets out the overall framework of the Council and how its constituent parts will operate and make decisions in practice.
- 4.5 Under Regulation 10 of the Somerset West and Taunton (Local Government Changes) Order 2018, the Shadow Council is expected to formulate proposals for:
- a) the Executive arrangement that is to be operated by the new Council, Somerset West and Taunton, together with other documents forming part of the Constitution.
 - b) a Code of Conduct to be adopted by the new Council;
 - c) a scheme of Member Allowances to be adopted by the new Council.

The work in producing the new Constitution has been led by the Interim Monitoring Officer and supported by a group of key Officers comprised of the New Council Implementation Team and external resources. Members have also had full discussion and debate on the various documents that have been produced at the relevant Constitutional subgroup, New Member Working Group and Shadow Corporate Governance and Standards Committee. In addition to this, there has been appropriate discussion at Officer level within the Council. Therefore, there has been extensive and wide consultation to date. Member engagement commenced with discussion around agreeing the principles that should underpin the drafting of the Constitution for the new Council with are set out in Section 5 of this report. Members also had extensive debate around the roles and responsibilities of councillors in the new Council and reached a consensus which is now included in the Constitution and described at paragraph 6.1 x).

- 4.6 The Interim Monitoring Officer is of the view that the finished product will allow the new Council to operate in a safe and legal way from its inception. However, by its nature, it is intended that the document will be a living and breathing one which will be adapted as time goes by to meet the needs of the new Council.
- 4.8 The work was divided up into 3 phases and the last phase was presented and agreed for approval to Council at the Shadow Corporate Governance and Standards Committee held on 18 March 2019. As this report needed to be dispatched on 18 March itself in order to meet statutory timescales, the actual Constitution will be forwarded to Members once the views of the Committee have been incorporated and the whole document has been consolidated appropriately.

5 Principles for the New Constitution

- 5.1 The new Council will face many challenges. It is essential that if it is to be effective in making decisions in a timely manner, it operates within a Constitution that is fit for purpose and agile for a modern Authority to operate

within. As part of this, Members agreed the following principles which have been borne in mind as part of producing the documents:

- a) the Constitution should be **enabling and facilitating** within a corporate framework;
- b) there should be **maximum levels of delegation** within which both Executive Members and Officers operate;
- c) there is a **strong corporate framework** which ensures safeguards for decision-making with the emphasis being to be **risk aware rather than risk averse**;
- d) decisions are able to be made **swiftly and efficiently** within the above parameters;
- e) there should be **transparency** within the process for decision-making, including the appropriate level of **scrutiny and engagement** of members of the public;
- f) decision-making is undertaken with the highest levels of **ethics, propriety and probity**;
- g) there is **clear accountability** within the decision-making process of who is **responsible** for what.

6 Documents Produced

6.1 The Constitution comprises the following documents:

a) **Summary and Explanation**

This provides a brief explanation as to what the Council Constitution is and sets out how the Council will operate.

b) **Articles**

The Articles set out the framework within which the Council will operate.

c) **Responsibilities for Functions**

This part of the Constitution sets out the demarcations of responsibility between the constituent parts. In particular, it sets out the division of responsibilities between the Council and the Executive and delegations to Officers.

d) **Terms of Reference for Council**

This sets out the responsibilities that the full Council has under the law and has chosen to retain for itself.

e) **Terms of Reference for the Executive**

This sets out the responsibilities for the Executive.

- f) **Terms of Reference for Audit, Governance and Standards Committee**
This Committee is key as part of ensuring good governance, audit and probity within the organisation. Its Terms of Reference comprehensively set out key areas for which it will be responsible including standards of behaviour by Members.
- g) **Terms of Reference for Scrutiny Committee**
Members have agreed that there should be strong and effective scrutiny of decision-making within the Council and these Terms of Reference seek to facilitate that.
- h) **Terms of Reference for Planning Committee**
The Planning Committee Terms of Reference have been simplified and seek to retain for the Committee itself those areas which it will deal with and the rest is delegated to Officers.
- i) **Terms of Reference for Licensing Committee**
The Terms of Reference of this also seek to adopt the model for the Planning Committee as set out above.
- j) **Employment Committee Terms of Reference**
This sets out the Terms of Reference for an Employment Committee to enable Councillors to be involved in appointment and discipline of Senior Officers.
- k) **Budget and Policy Procedure Rules**
This sets out the procedure for conflict resolution in relation to the Budget and Policy framework.
- l) **Executive Procedure Rules**
This sets out how the Executive will operate including key financial Page 16 thresholds which will amount to defined key decisions.
- m) **Scrutiny Procedure Rules**
This sets out the procedure within which the Scrutiny Committee will operate and in particular refines the 'call in' mechanism.
- n) **Financial Regulations**
This provides the framework for managing the financial affairs of the Council and governs the way the Council undertakes financial planning, budget setting, budget- monitoring and closing of the accounts and identifies the way day to day financial administration is conducted and financial controls are exercised.
- o) **Contract Procedure Rules**
These rules set out the process which governs the letting of contracts in the organisation.
- p) **Employment Procedure Rules**

These rules set out arrangements in relation to Chief Officer appointments and disciplinary issues.

q) **Council Procedure Rules**

These rules set out rules of debate and process at Council meetings.

r) **Access to Information Procedure Rules**

These rules set out access provisions and rights to information to Council decision-making arrangements.

s) **Councillor Code of Conduct**

These rules set out the rules of behaviour which govern Councillors.

t) **Member Officer Protocol**

This regulates relations between Members and Officers.

u) **Planning Committee Members' Code of Good Practice**

This sets out good practice for Members in dealing with planning determinations.

v) **Employee Code of Conduct**

This sets out rules which govern appropriate behaviour of Officers.

w) **Arrangements for Dealing with Standards Allegations**

This sets out the process by which any allegations by Members would be investigated. In this respect, it is a requirement of the Localism Act, 2011 that every Council appoint at least one Independent Person whose role is to advise the Council as part of the process for dealing with complaints that Councillors may have breached the Code of Conduct. In the circumstances, it is therefore considered appropriate to recommend that Louise Somerville, who is the current Independent Person for both Taunton Deane Borough Council and West Somerset Council as well as the Shadow Council, to be appointed to undertake this role on behalf of the Somerset West and Taunton Council. Louise has indicated that she is prepared to undertake this role if requested. It is suggested that the appointment should be for a period of up to 18 months to at least cover the first municipal year and give time for any review of the new Council's overall Governance arrangements.

x) **Roles and Responsibilities of Councillors**

This sets out the various roles and responsibilities of all Councillors and those with specific responsibilities.

- 6.2 As indicated previously, the above documents have gone through a process of wide consultation with Members and will allow the organisation to operate effectively and in a safe manner. There will, of course, be adaptation as time goes by. Indeed, the new Council, when it is elected and starts its work in May 2019, may wish to do some further work and adaptation at that point.

7 A Scheme of Delegation

7.1 Members should be aware that there will be a separate detailed Officer Scheme of Delegation – as referenced in paragraph 4.3.3 of Part 3 (Responsibility for Functions) of the proposed Constitution - which will set out the various levels of sub-delegation below the Chief Executive, Statutory Officers, Heads of Functions and Director. This is currently being produced and it is hoped will be available in the early part of April.

8 Finance / Resource Implications

8.1 None.

9 Legal Implications

9.1 These are contained within the body of the report.

10 Environmental Impact Implications

10.1 None.

11 Safeguarding and/or Community Safety Implications

11.1 None.

12 Equality and Diversity Implications

12.1 None.

13 Social Value Implications

13.1 None.

14 Partnership Implications

14.1 None.

15 Health and Wellbeing Implications

15.1 None.

16 Asset Management Implications

16.1 None.

17 Consultation Implications

17.1 Consultation carried out is detailed in the report.

Democratic Path:

- **Corporate Governance Committee – Yes**

Executive – No

- **Full Council – Yes**

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices (delete if not applicable)

Appendix A	Draft Constitution for Somerset West and Taunton Council(to follow)

Contact Officers

Name	Bruce Lang	Name	
Direct Dial	01823 217556	Direct Dial	
Email	bdlang@westsomerset.gov.uk	Email	

Name		Name	
Direct Dial		Direct Dial	
Email		Email	

SOMERSET WEST AND TAUNTON COUNCIL **CONSTITUTION**

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- 22. Employee Code of Conduct**
- 23. Arrangements for Dealing with Standards Allegations**
- 24. Roles and Responsibilities of Councillors**
- 25. Management Structure**

Summary and Explanation

1. The Council's Constitution

- 1.1 The Somerset West and Taunton Constitution sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Constitution is divided into a number of parts. The first parts are the Summary and a number of Articles, which set out the framework for the conduct of the Council's business. The later parts contain more detailed procedures and codes of practice.
- 1.3 The documents have been produced in a user-friendly manner to help people understand how Local Government works and seeks to involve public participation in its decision-making.

2. What's in the Constitution?

- 2.1 The next section sets out the Articles of the Constitution as follows:
 - The Council's commitment to carry out its responsibilities to give open and accountable leadership of the community (Article 1).
 - Members of the Council (Article 2).
 - Citizens and the Council (Article 3).
 - The Council meeting (Article 4).
 - Chairing the Council (Article 5).
 - Overview and Scrutiny (Article 6).
 - The Executive (Article 7).
 - Regulatory and other committees (Article 8).
 - The Corporate Governance and Standards Committee (Article 9).
 - Community Councils (area committees under s18 LGA 2000) and

- Localities (Article 10).
- Joint Arrangements (Article 11).
- Officers (Article 12).
- Decision-making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

3. How the Council operates

- 3.1 The Council is composed of 59 Councillors elected every four years. Councillors are democratically accountable to residents of their ward.
- 3.2 The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 3.3 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Corporate Governance and Standards Committee guides and advises them on the code of conduct.
- 3.4 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Members of the public can attend Council meetings and ask questions. At Council meetings Councillors decide the Council's overall policies and set the budget each year.
- 3.5 One of the 59 Councillors is elected by the Council to be the Leader of the Council. The Leader in turn appoints up to 9 other Councillors as his/her Executive, and allocates particular responsibilities to each Executive Councillor.
- 3.6 The Leader and Executive Councillors together form the Executive. It is

their responsibility to work together to achieve the Council's policies. The Council holds the Executive to account for the performance of their duties.

4. How decisions are made

- 4.1 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive comprises the Leader and between 2 and 9 Executive Councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Forward Plan insofar as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed.
- 4.2 The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

5. The Overview and Scrutiny Committee

- 5.1 The Council must have one or more Overview and Scrutiny Committees (Overview and Scrutiny). Overview and Scrutiny supports the work of the Executive and the Council as a whole. It allows Councillors and citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committee also monitors the decisions of the executive.
- 5.2 Decisions made by the Executive but not yet implemented can be 'called-in' for review by an Overview and Scrutiny Committee to consider whether the decision is appropriate. The Overview and Scrutiny Committee may recommend that the Executive reconsider the decision. Overview and

Scrutiny may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

6. The Council's Staff

6.1 The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of services. Some Officers have a specific legal duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Officers and Councillors.

7. Citizens' Rights

7.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

7.2 Where members of the public use specific Council services, for example as a Council tenant or as an applicant for planning permission, they may have additional rights. These are not covered in this Constitution.

8. Citizens' Involvement

8.1 Citizens have the right to:

- vote at local elections if they are registered and eligible;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- take part in public consultation on issues, for example on planning applications;
- petition to request a referendum on a mayoral form of executive;
- participate in the Public Participation arrangements at Council meetings;

- contribute to investigations by the Overview and Scrutiny Committee
- find out, from the Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive where Key Decisions are being discussed or decided;
- see reports and background papers (that are not exempt or confidential), and any record of decisions made by the Council and Executive;
- complain to the Council about failings of the services provided by the Council or how Officers deliver such services;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditors.

8.2 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen and for all the Council's activities, please contact Governance, Democracy and Executive Support or visit the Council's website.

Articles of the Constitution

Articles Index

Article 1 - The Constitution

Article 2 - Members of the Council

Article 3 - Citizens and the Council

Article 4 - The Full Council

Article 5 - The Chair

Article 6 - Overview and Scrutiny

Article 7 - The Executive

Article 8 - Regulatory and other Committees

Article 9 - Ethical Standards Arrangements

Article 10 - Community Councils and Forums

Article 11 - Joint Arrangements

Article 12 - Officers

Article 13 - Decision-making

Article 14 - Finance, Contracts and Legal Matters

Article 15 - Review and Revision of the Constitution

Article 16 - Suspension, Interpretation and Publication of Constitution

1 Article 1 – The Constitution

1.1 Powers of the Council

1.1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

1.2.1 This Constitution, and all its appendices, is the Constitution of Somerset West and Taunton.

1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

2 Article 2 – Members of the Council

2.1 Composition and Eligibility

(a) Composition

2.1.1 The Council will comprise of 59 Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme approved by the Secretary of State.

(b) Eligibility

2.1.2 Any person over 18 who meets the eligibility requirements under Section 79 of the Local Government Act 1972 may stand for election as a Councillor.

2.2 Election and Terms of Councillors

2.2.1 Unless otherwise prescribed by Parliament, the regular election of Councillors will take place every 4 years on the first Thursday in May. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

(a) Key Roles

2.3.1 All Councillors will:

- a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- b) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

- c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- e) be involved in decision-making, including any scheme of individual decision-making established by the Council or Leader;
- f) be available to represent the Council on other bodies;
- g) maintain the highest standards of conduct and ethics, including compliance with the Councillor Code of Conduct.

(b) Rights and Duties

2.3.2 All Councillors will:

- a) have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- b) not disclose to anyone information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor, Officer or third party entitled by law to know it.

2.3.3 For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules.

2.4 Election of the Chair

2.4.1 The Chair will be elected by the Councillors at the Annual Council meeting. The term of office for the Chair will be one year. S/he will take office immediately upon her/his declaration of acceptance of office of Chair and will continue in office until her/his successor is elected, unless s/he ceases to be Chair.

2.5 Conduct and Disqualification

2.5.1 Councillors will at all times observe the Councillors Code of Conduct and the Protocol on Councillor/Officer Relations.

2.5.2 Councillors are subject to section 85 of the Local Government Act 1972 and therefore any Councillors who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, unless the failure to attend was due to some reason approved by the Council, shall cease to be a Councillor of the Somerset West and Taunton Council.

2.6 Allowances

2.6.1 Councillors are entitled to receive allowances in accordance with the Councillors' Allowances Scheme.

3 Article 3 – Citizens and the Council

3.1 Citizens' Rights

3.1.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules.

(a) Voting and Petitions

3.1.2 Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a directly elected Mayor form of executive.

3.1.3 As well as residents those who work or study in the district may present petitions on other matters in accordance with the Council's Petitions Scheme.

(b) Information

3.1.3 Citizens have the right to:

- a) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting, or part of it, is therefore held in private;
- b) attend meetings of the Executive when key decisions are being considered;
- c) find out from the Forward Plan what key decisions will be taken by the Executive and when. The Forward Plan is available for inspection at the

Council's reception and on its website; see reports and background papers, and any records of decisions made by the Council and the Executive;

- d) inspect the Council's accounts and make their views known to the external auditor;
- e) take part in public consultation processes commenced by the Council.

(c) Participation

3.1.4 Citizens have the right to participate in Council, Executive and Committee meetings (in accordance with procedures set out in this Constitution) and may contribute to investigations by the Overview and Scrutiny Committee(s).

(d) Complaints

3.1.5 Citizens have the right to complain to:

- a) the Council itself under its complaints scheme;
- b) the Local Government Ombudsman after using the Council's own complaints scheme;
- c) the Council's Monitoring Officer about a breach of the Councillor Code of Conduct.

3.2 Citizens' Responsibilities

3.2.1 When participating in meetings, or in dealings with the Council, citizens must not be disruptive, violent, abusive or threatening to Councillors or Officers and must not wilfully damage property owned by the Council, Councillors or Officers.

4 Article 4 – The Full Council

4.1 Functions of the Full Council

4.1.1 Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the Policy Framework, the Budget and any

- application to the Secretary of State in respect of any housing land transfer;
- c) subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
 - d) appointing the Leader of the Council;
 - e) exercising powers to remove the Leader from office before completion of his/her term of office;
 - f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
 - g) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
 - h) adopting and varying a Councillors' Allowances Scheme;
 - i) changing the name of the area/council,
 - j) conferring the title of honorary alderman or honorary alderwoman, or awarding the Freedom of the Council Area under Sections 248 and 249 of the Local Government Act 1972;
 - k) confirming the appointment of the Head of Paid Service;
 - l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
 - m) making a request under Section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 for single-member electoral areas;
 - n) the passing of resolutions to change a scheme for elections under the Local Government and Public Involvement in Health 2007 Act (Subsections 32(1), 37(1) or 39(1));
 - o) the making of orders giving effect to recommendations made in a community

governance review under the Local Government and Public Involvement in Health 2007 Act (Section 86);

- p) the duty to make a change in governance arrangements under the Local Government and Public Involvement in Health 2007 Act (Schedule 4 paragraphs 3 and 8);
- q) a decision to accept an invitation to become an 'opted in' Authority, for the purposes of appointing external auditors under the provisions of the Local Audit (Appointing Person) Regulations 2015;
- r) making or revising Council Tax Reductions Scheme under Section 13(A)(2) of the Local Government Finance Act 1992 as amended by the Localism Act 2011;
- s) approving supplementary budget allocations (whether revenue or capital budgets) at or above £250,000.00.
- t) all other matters which, by law, must be reserved to Full Council.

4.1.2 The Council will also exercise the following additional functions which may be discharged by Full Council itself or delegated to a committee or sub-committee of Councillors, an officer of the Council or another authority:

- a) all responsibilities of the Council (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which must be undertaken by the Council rather than the Executive (see Responsibility for Functions, Table 1); and,
- b) all local choice functions (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which the Council decides should be undertaken by itself rather than the Executive (see Responsibility for Functions, Table 2).

4.2 Meanings

(a) Policy Framework

4.2.1 The Policy Framework means the following plans and strategies required

by law:

- a) Crime and Disorder Reduction Strategy;
- b) Development Plan documents;
- c) Licensing Authority Policy Statement;
- d) Plans and alterations that together comprise the Development Plan.

4.2.2 The Council has also decided to include the following in the Policy Framework:

- a) Corporate Plan;
- b) Housing Investment Programme;
- c) Asset Management Strategy;
- d) Community Strategy.

4.2.3 The Council has the power to vary the Policy Framework from time to time, provided it does so in accordance with any statutory guidance.

(b) Budget

- i. The Budget includes the allocation of financial resources to different services and projects, proposed reserves and contingency funds, the council tax base, setting the council tax, setting housing rents, decisions' relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer

- ii. Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.3 Council Meetings

- iii. There are four types of Council meeting:
 - 1. the Annual Meeting
 - 2. Ordinary Meetings
 - 3. Extraordinary Meetings
 - 4. Special Meetings

and they will be conducted in accordance with the Council Procedure Rules of this Constitution as may be adopted and amended from time to time.

4.4 Responsibility for Functions

4.4.1 The Council will maintain and publish information on the responsibilities for the Council's functions, which are not the responsibility of the Executive as set out in the Constitution at 'Responsibility for Functions'.

5 Article 5 – The Chair

5.1 Role and Functions of the Chair of the Council

5.1.1 The Chair will be elected by the Council annually and will have the following responsibilities when chairing meetings of the Council to:

- a) uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- b) preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c) ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not part of the Executive are able to hold the Leader and other members of the Executive and committee chairs, including chairs of Overview and Scrutiny Committee(s), to account;

- d) promote public involvement in the Council's activities;
- e) be the conscience of the Council;
- f) oversee the implementation of any dispute resolution procedures established by the Council and included in the rules of procedure contained in this Constitution.

6 Article 6 – Overview and Scrutiny

6.1 Terms of Reference

6.1.1 Overview and Scrutiny refers to all the Overview and Scrutiny functions within the Council and is used in this Constitution as a collective term for all individual Overview and Scrutiny Committees, sub-committees and scrutiny panels and all references to Overview and Scrutiny are to be interpreted accordingly, except where otherwise expressly stated.

6.1.2 The Council will appoint at least one Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000. Details of the Committee(s), as amended from time to time, are included in the Overview and Scrutiny Procedure Rules. Specific terms of reference for the Overview and Scrutiny Committee(s) are found in this Constitution.

6.2 General role

- 6.2.1 Within their terms of reference, Overview and Scrutiny Committee(s) will:
- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - b) review and/or scrutinise the performance of external bodies subject to scrutiny by the Council;
 - c) in accordance with their remit and terms of reference, make reports and/or recommendations to the full Council and/or the Executive and/or any committee or joint committee in connection with the discharge of any functions;

- d) consider any matter affecting the area or its inhabitants;
- e) exercise the right to Call-In, for reconsideration, decisions made but not yet implemented by the Executive and/or any committee (where exercising Executive functions), as well as pre- scrutinise any proposed decisions published in the Forward Plan. The procedure to be followed when the right to Call-In is exercised is included in the Procedure Rules of this Constitution;
- f) create time-limited panels to consider specific issues.

6.3 Specific Functions

(a) Policy Development and Review

6.3.1 Overview and Scrutiny Committee(s) may:

- a) assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Executive and/or committees and Chief Officers about their views on issues and proposals affecting the area;
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

6.3.2 Overview and Scrutiny Committee(s) may:

- a) review and scrutinise the decisions made by and the performance of the Executive and/or committees and Council Officers both in relation to individual decisions and over time;

- b) review and scrutinise the Council's performance in relation to its policy objectives, performance targets and/or particular service areas;
- c) question members of the Executive, committees and Chief Officers and Officers with management responsibilities about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- d) make recommendations to the Executive, appropriate committee, officer and the Full Council arising from the outcome of the scrutiny process;
- e) review and scrutinise the performance of other public bodies in the area and call for reports from them and attendance of appropriate representatives to address the Overview and Scrutiny Committee(s) and local people about their activities and performance;
- f) question and gather evidence from any person (with their consent).

c) Finance

6.3.3 Overview and Scrutiny Committee(s) may exercise overall responsibility for the finances made available to them.

(d) Annual Report

6.3.4 The Overview and Scrutiny Committee(s) must report annually to Council on their work.

6.4 Proceedings of Overview and Scrutiny Committees

6.4.1 The Overview and Scrutiny Committee(s) will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules of this Constitution.

7 Article 7 – The Executive (Leader and Executive)

7.1 Role

7.1.1 The Executive will carry out all of the local authority's functions which are not expressly reserved as the responsibility of any other part of the local authority,

whether by law or under this Constitution.

7.2 Form and Composition

7.2.1 The Council has adopted the Leader and Executive (England) model of executive.

7.2.2 The Executive will consist of the Council Leader together with an Executive of at least 2 but not more than 9 other Councillors appointed by the Leader.

(a) The Leader

7.2.3 The Leader will be a Councillor elected by the Council at the Annual Council Meeting in the year of the Council elections. The Leader will hold office for the term of four years until the next post-election Annual Council Meeting, or unless:

- a) s/he resigns from the office; or
- b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or
- c) s/he is removed from office by resolution of the Council.

7.2.4 In the event of the office of Leader becoming vacant before expiration of their Term of Office, the Council will elect a new Council Leader at its next meeting or at a meeting called for that purpose. The new Leader will serve for the period of office remaining (i.e. until the next post-election Annual Council Meeting).

(b) The Deputy Leader

7.2.5 The Leader shall appoint an Executive Councillor to serve as Deputy Leader.

7.2.6 The Deputy Leader of the Council will hold office until the end of the term of office of the Leader unless:

- a) s/he resigns from the office; or
- b) s/he is suspended from being a Councillor under Part III of the Local

Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

c) s/he is no longer a Councillor; or

d) s/he is removed from that office by the Leader

7.2.7 Where a vacancy occurs in the office of Deputy Leader, the Leader of the Council must appoint another Executive Councillor to that role.

7.3 Other Executive Councillors

7.3.1 The Leader must appoint between two and nine Executive Councillors including the Deputy Leader.

7.3.2 The Leader shall determine the terms of office of Executive Councillors, which shall be no longer than the end of the term of office of the Leader. An Executive Councillor shall cease to hold that office if:

a) s/he resigns from office; or

b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or

c) s/he is no longer a Councillor; or

d) s/he is removed from office by the Leader.

7.4 Proceedings of the Executive

7.4.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules of this Constitution.

7.5 Responsibility for Functions

7.5.1 The Leader has responsibility for the exercise of all the functions of the executive (executive functions) under this Constitution and in law.

7.5.2 The Leader may discharge any executive function or delegate their exercise to:

a) the executive as a whole (Leader and Executive),

- b) an individual Executive Councillor,
- c) a committee of the Executive,
- d) an officer,
- e) an area committee established under section 18 of the Local Government Act 2000,
- f) be exercised under joint arrangements
- g) Individual non-executive Councillors where a scheme under the Local Government and Public Involvement in Health Act 2007 has been established.

7.5.3 Those persons or bodies exercising executive functions may delegate those powers so far as allowed by law.

7.5.4 A list of responsibilities for Executive functions will be maintained by the Monitoring Officer and published on the Council's website.

8 Article 8 – Regulatory and Other Committees

8.1 Regulatory and Other Committees

8.1.1 The Council will appoint certain committees to deal with statutory or regulatory functions. Some committees may be set up as consultation or advisory forums (i.e. without decision-making powers). A list of these committees as amended or added to from time to time will be maintained by the Monitoring Officer.

8.2 Governance and Standards

8.2.1 The Council will appoint one or more committees that between them will undertake (a) the role of a Governance and Standards Committee and (b) ensure compliance in decision-making in respect of the Council's political management arrangements and constitutional procedures. The latter role includes all parts of the Council that are responsible for making decisions including full Council, Executive, Officers under delegated authority, the Planning and Licensing Committees and other Council bodies, including joint bodies with other agencies

and partnerships.

9 Article 9 – Ethical Standards Arrangements

9.1 Establishment

9.1.1 The Council will appoint a committee to ensure the Council meets its duty to promote and maintain high standards of conduct by Councillors and co-opted Councillors of the authority under s.27 (1) of the Localism Act 2011, and to determine complaints and appeals under the Councillor Code of Conduct.

9.1.2 The Council has designated these functions to the Governance and Standards Committee.

a) Independent Person

9.1.3 The Council has made provision under s.7 of the Localism Act 2011 to appoint at least one independent person:

- whose views are to be sought and taken into account before decisions are made on an allegation about a Councillor's conduct;
- whose views may be sought by a Councillor or co-opted member of the authority if that person's behaviour is the subject of an allegation; and
- who will be invited to attend any panel meetings to determine the outcome of an investigation into an allegation about a Councillor's conduct or to appeal the outcome of a previous determination and, if present, may advise the panel and the Councillor who is the subject of the hearing or appeal.

9.1.4 A vacancy for an independent person must be sought by advertisement in such manner as the authority considers is likely to bring it to the attention of the public (s.28(8)(c)(i) Localism Act 2011).

9.1.5 The Council may only consider and approve candidates who have submitted to the authority an application to fill the vacancy (s.28(8)(c)(ii) Localism Act 2011);

9.1.6 Independent person appointments must be approved by a majority of the

members of the Council (i.e. 30 Councillors) (s.28(8)(c)(iii) Localism Act 2011 – Appointments will be for a term of office determined by Full Council.

9.1.7 An independent person does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

9.1.8 A person is not independent if the person is

- a) a Councillor, co-opted Councillor or officer of the authority, or was a Councillor, co-opted Councillor or officer of the authority at any time during the 5 years ending with the appointment; or
- b) a relative (as defined in s28(8) Localism Act 2011), or close friend, of a Councillor, co-opted Councillor or officer of the authority.

10 Article 10 – Community Councils and Forums (AREA COMMITTEES UNDER SECTION 18 OF THE LOCAL GOVERNMENT ACT 2000)

10.1 The Council may establish Community Councils and Forums in accordance with such determinations as it may later make.

11 Article 11 – Joint Arrangements and Partnerships

11.1 Joint Arrangements

11.1.1 The Council may establish joint arrangements with one or more local authority to exercise functions that are not Executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.

11.1.2 The Executive may establish joint arrangements with one or more local authority to exercise functions that are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

11.1.3 Details of any joint arrangements including any delegations to joint

committees will be found in the Council's scheme of delegations, as amended from time to time.

11.2 Access to Information

11.2.1 The Access to Information Rules apply to joint arrangements.

11.2.2 If all the members of a joint committee are members of the Executive in each of the participating authorities, then the access to information regime for the joint committee is the same as that applied to the Executive.

11.2.3 If the joint committee contains members who are not on the Executive of any participating authority, then the Access to Information Rules in Part V of the Local Government Act 1972 will apply.

11.3 Delegation To and From Other Local Authorities

11.3.1 The Council may delegate non-Executive functions to another local authority or, in certain circumstances where permitted by law, to the Executive of another local authority.

11.3.2 The Executive may delegate Executive functions to another local authority or the Executive of another local authority.

11.3.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to Council.

12 Article 12 – Officers

12.1 Management Structure

(a) General

12.1.1 The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) Chief Officers and Heads of Functions/Directors

12.1.2 The Chief Executive shall have the responsibility and the power to amend the portfolios of Chief Officers as he/she considers necessary to deliver the Council's functions, vision and priorities. Such changes shall be carried out in accordance with

the relevant HR policies applicable. The Chief Executive shall consult the Executive before such changes and report them to Full Council as soon as practicable thereafter

(c) Head of Paid Service, Monitoring Officer and Section 151 Officer

12.1.3 Council officers are required to be appointed to these posts by law undertaking specified functions. The Council has designated the following posts as set out below.

Post	Designation
Chief Executive	Head of Paid Service
Governance Manager	Monitoring Officer
Strategic Finance Advisor and S151 Officer	Section 151 Officer

(d) Structure

12.1.4 The Head of Paid Service will maintain and publicise a description of the overall functional structure of the Council showing the management structure and deployment of Officers. This is set out as an appendix to this Constitution.

12.2 Functions of the Head of Paid Service/Returning Officer

(a) Discharge of Functions by the Council

12.2.1 The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

12.2.2 The Head of Paid Service will be the Returning Officer and Electoral Registration Officer

(b) Restrictions on Functions

12.2.3 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

(a) Maintaining the Constitution

12.3.1 The Monitoring Officer will maintain an up-to-date Constitution and will ensure that it is widely available for consultation by Councillors, staff and the public.

(b) Ensuring Lawfulness and Fairness of Decision-Making

12.3.2 After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report in writing to the Full Council (or to the Leader or Executive in relation to an Executive function) if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

12.3.3 Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Conducting investigations

12.3.4 The Monitoring Officer will conduct investigations into allegations of misconduct by Councillors and make reports or recommendations in respect of them to a panel of the Governance and Standards Committee.

(d) Proper Officer for Access to Information

12.3.5 The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) Advising Whether Executive Decisions Are Within the Budget and Policy Framework

12.3.6 The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.

(f) Providing Advice

12.3.7 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(g) Restrictions on Posts

12.3.8 The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.4 Functions of the Section 151 Officer

(a) Ensuring Lawfulness and Financial Prudence of Decision-Making

12.4.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Council, or to the Executive in relation to an Executive function, and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of Financial Affairs

12.4.2 The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to Corporate Management

12.4.3 The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing Advice

12.4.4 The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) Give Financial Information

12.4.5 The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer

12.5.1 The Council will provide the Monitoring Officer and Section 151 Officer

with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

12.6.1 Officers will comply with the Officer Code of Conduct and the Protocol for Councillor-Officer Relations in this Constitution.

12.7 Employment

12.7.1 The recruitment, selection and dismissal of Officers will comply with the Employment Procedure Rules of this Constitution.

13 Article 13 – Decision-Making

13.1 Responsibility for Decision-Making

13.1.1 The Council will issue and keep an up-to-date record of which Council body or which individual Councillor or officer has responsibility for particular types of decisions or decisions relating to particular areas or functions.

13.1.2 It will establish the threshold levels for key decisions as defined in paragraph 13.3(b) below.

13.2 Principles of Decision-Making

- a) All decisions of the Council will be made in accordance with the following principles:
- b) proportionality (i.e. reasonableness of action);
- c) due consultation and the taking of professional advice from officers;
- d) respect for human rights;
- e) a presumption in favour of openness;
- f) clarity of aims and desired outcomes;
- g) a statement of all options considered;
- h) a statement of the reasons for the decision.

13.3 Types of Decision

- a) **Decisions reserved to full Council:** Decisions relating to the functions listed in Article 4.1 will be made by the Council and not delegated.
- b) **Key Decisions:** A key decision is an Executive decision, which is likely:
 - i. to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the District; and / or
 - ii. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or functions to which the decision relates.

Key decisions can generally be considered to be decisions which involve one or more of the following:

- Decisions involving significant expenditure as set out in the Financial Thresholds in the Executive Procedure Rules;
- Decisions having a “significant impact” on people in one or more wards; and/or
- Decisions which are politically sensitive and which the Executive wishes to take rather than delegate to officers.

A decision maker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules of this Constitution (and therefore should follow the Access to Information Rules).

13.4 Decision-Making by the Full Council

13.4.1 Subject to the principles of natural justice and respecting Human Rights, the Council meeting will follow the Council Procedure Rules of this Constitution when considering any matter.

13.5 Decision-Making by the Executive

13.5.1 Subject to the principles of natural justice and respecting Human Rights, the Executive will follow the Executive Procedures Rules of this Constitution when considering any matter.

13.6 Decision-Making by Overview and Scrutiny Committee(s)

13.6.1 Subject to the principles of natural justice and respecting Human Rights, the Overview and Scrutiny Committee(s) will follow the Scrutiny Procedures Rules of this Constitution when considering any matter.

13.7 Decision-Making by Other Committees and Sub-Committees Established by the Council

13.7.1 Subject to the principles of natural justice and respect for human rights, other Council committees and sub committees will follow those parts of the Council Procedures Rules, as apply to them.

13.8 Decision-Making by Council Bodies Acting as Tribunals

13.8.1 The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

14 Article 14 – Finance, Contracts and Legal Matters

14.1 Financial Management

14.1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules of this Constitution.

14.2 Contracts

14.2.1 Every contract made by the Council will comply with the Contracts Procedure Rules of this Constitution.

14.3 Legal Proceedings

14.3.1 The Monitoring Officer is authorised to institute, defend or participate in any

legal proceedings (whether actual or contemplated) in any case where such action is necessary to give effect to decisions of the Council or in any case where s/he considers that such action is necessary to protect the Council's interests. The Monitoring Officer may further delegate these powers, in so far as is legally permissible.

14.4 Authentication of Documents

14.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.4.2 Any contract with a value exceeding £500,000 entered into on behalf of the Council in the course of the discharge of an Executive function shall be made in writing and under the Common Seal of the Council.

14.5 Common Seal of the Council

14.5.1 A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed also to those documents, which in the opinion of the Monitoring Officer or an officer authorised by him/her, should be sealed.

14.5.2 The Monitoring Officer (or such other person(s) authorised by him/her) will attest the affixing of the Common Seal. An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

14.5.3 The Monitoring Officer shall keep a list of those persons/posts authorised to attest the affixing of the Common Seal.

14.6 Custody of the Seal

14.6.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer or their deputy.

14.7 Authentication of Documents for Legal Proceedings

14.7.1 Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Monitoring Officer or an officer authorised by him/her, unless any enactment otherwise requires or authorises, or the Council or a Committee acting under delegated powers gives the necessary authority to some other person for the purpose of such proceedings.

15 Article 15 – Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

15.1.1 A key role of the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- i. attend and observe meetings of different parts of the Councillor and Officer structure;
- ii. undertake an audit trail of a sample of decisions;
- iii. record and analyse issues raised with her/him by Councillors, Officers, the public and other relevant stakeholders;
- iv. without any reduction or restriction on the lawful requirements of the role of the Monitoring Officer, s/he will work in co-ordination with the Section 151 Officer and the Chief Executive;
- v. compare practices in this Council with those in other comparable authorities, or national examples of best practice;
- vi. amend the Constitution to rectify any typographical or grammatical errors or to delete or update any obsolete terms or references or officer designations;
- vii. make minor detailed changes of a limited significance (as agreed by the Monitoring Officer and the appropriate Portfolio Holder) subject to obtaining the written agreement of the Portfolio Holder and such agreed changes and the reasons for the change to be subsequently notified to all Councillors.

16 Article 16 – Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

(a) Limit to Suspension

16.1.1 The Articles of this Constitution may not be suspended. The Rules specified in (c) below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) Procedure to Suspend

16.1.2 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules Capable of Suspension

16.1.3 The Council may decide to suspend any rule, other than any rule which is prescribed by law and cannot be so suspended.

16.2 Interpretation

16.2.1 The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

16.3.1 The Monitoring Officer will offer to provide a printed copy of this Constitution to each Councillor of the authority upon delivery to her/him of that individual's Declaration of Acceptance of Office, on the Councillor first being elected to the Council.

16.3.2 The Monitoring Officer will ensure that the Constitution is available for inspection on the Council's website, at Council offices, all libraries and other appropriate locations, and can be purchased by members of the local press and the

public on payment of a reasonable fee.

Responsibility for Functions

Source: This part is required under Article 4 and Article 7 of this Constitution; Section 13, Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended); The Local Government Act 2000 (Constitutions) (England) Direction 2000 & takes into account the Secretary of State's Guidance, Chapter 5.

1 Responsibility for Council Functions

1.1.1 **Regulations:** Functions which must not be the responsibility of an authority's executive from the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 SCHEDULE 1 Regulation 2(1)

1.1.2 **Explanation:** The law requires the following functions must be the responsibility of Full Council and not the Executive.

1.1.3 The Full Council can discharge these functions itself or may delegate one or more functions to a committee or sub-committee of Councillors, an officer of the Council or another authority. The Full Council may always exercise powers it has delegated to the other bodies or persons set out above. It may also discharge its functions jointly with one or more other Councils.

1.1.4 Delegations to Officers are listed in this Part, the Articles and the terms of reference of committees in this Constitution.

1.1.5 Delegation is a simple way of allocating matters to an appropriate level so that the Full Council's functions are dealt with in an efficient and effective way.

TABLE 1 – Responsibility for Council Functions

Function	Decision making body
Functions relating to elections as listed in Section D of Schedule 1 to the Regulations and as may be amended by law from time to time	The Council, which has made delegations to Officers within this Constitution and the Council's scheme of delegation.
Functions relating to name and status of areas or individuals as listed in Section E of Schedule 1 to the Regulations and as may be amended by law from time to	The Council

Function	Decision making body
time	
Functions relating to making, amending, revoking or re-enacting byelaws as listed in section F of Schedule 1 to the Regulations.	The Council
Functions relating to promoting or opposing local or personal Bills as listed in section G of Schedule 1 to the Regulations	The Council
Functions relating to local government pensions as listed in Section H. of Schedule 1 to the Regulations	The Council
Miscellaneous functions as listed in section I. of Schedule 1 to the Regulations and as may be amended by law from time to time (e.g. the power to make standing orders, the power to appoint staff, the power to appoint statutory officers 'proper officers')	The Council
All other non-executive functions (subject to the arrangements listed below and elsewhere in this Constitution)	The Council being made up of all elected Councillors and with the power to delegate to Committees, subcommittees or officers.
Functions relating to town and country planning and development control as listed in section A. of Schedule 1 to the Regulations and as may be amended by law from time to time	The Council has delegated powers to the Planning Committee. The Committee has made delegations to Officers, which are included within its terms of reference and the scheme of delegation.
Functions relating to licensing and registration as listed in section B. of Schedule 1 to the Regulations and as may be amended by law from time to time	The Council has delegated powers to the Licensing Act 2003 and Gambling Act and Licensing (General) Committees. The Committees have made delegations to officers, which are included within their terms of reference and the scheme of delegation.
Functions relating to Health and Safety at	The Council has delegated powers to the

Function	Decision making body
work as listed in Section C of Schedule 1 to the Regulations and as may be amended by law from time to time	Licensing Act 2003 and Gambling Act and Licensing (General) Committees. The Committees have made delegations to officers, which are included within their terms of reference and the scheme of delegation.
Functions relating to Community Governance as listed in Section EB of Schedule 1 to the Regulations and as may be amended by law from time to time	The Council
Functions relating to smoke free premises as listed in Section FA to Schedule 1 to the Regulations and as may be amended by law from time to time	The Council has delegated powers to the Licensing Act 2003 and Gambling Act and Licensing (General) Committees. The Committees have made delegations to officers, which are included within their terms of reference and the scheme of delegation.

2 Responsibility for Local Choice Functions

2.1.1 **Regulation:** These are functions which may be (but need not be) the responsibility of an authority's Executive (i.e. the Executive) identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 2, Regulation 3(1).

2.1.2 **Explanation:** These functions are sometimes called Local Choice Functions because the Council can decide whether the Executive should or should not be the decision making body. The Council has allocated these functions as follows:

TABLE 2 – Responsibility for Local Choice Functions

Functions from Schedules 2 Reg 3(1)	Decision making body
1. Any function under a Local Act	The Executive
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This	The Council

excludes matters where statutory arrangements exist).	
3. The appointment of housing benefit review boards.	Not applicable
4-6. Do not apply as these functions relate to education authorities.	Not applicable
7-8. Do not apply because these functions relate to Police Authorities	Not applicable
9. Conducting best value reviews (Repealed after 30 December 2007)	Not applicable
10. Any function relating to contaminated land	The Council
11. Any function relating to the control of pollution or the management of air quality	The Council
12. Any function relating to the abatement of statutory nuisances	The Council
13. Any function relating to noise nuisances	The Council
14. Powers of inspection to detect statutory nuisances	The Council
15. Investigation of complaints of statutory nuisances	The Council
16. Power to obtain information about interests in land under the Town & Country Planning Act 1990 (sec.330)	The Council
17. Power to obtain information about persons with interests in land under Local Government (Miscellaneous Provisions) Act 1976	The Council
18. Highways agreements	The Council
19. Appointments to external bodies and the revocation of such appointments.	The Council/The Executive
20. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	The Executive
21. Any function of a local authority in their capacity as a harbour authority and Coast Protection Authority	The Council
22. Powers in respect of the Council's Local Area Agreement under sections 106,110, 111	The Executive

3 Responsibility for Executive Functions

3.1.1 The Local Government Act 2000 (as amended) provides that all functions of a local authority, except (a) those specified by law or in this Constitution as non-executive functions shall be discharged by the Executive.

3.1.2 The Executive shall consist of an Executive Leader (the Leader) appointed by Full Council and 2 to 9 elected members (the Executive) appointed by the Leader. The Executive will be known collectively as the Executive.

3.1.3 The Leader shall appoint one Executive member as Deputy Leader. The Deputy Leader will be able to exercise the powers of the Leader of the Council if:

- a) the Leader is unable to act or
- b) the office of Leader of the Council is vacant.

3.1.4 If both the Leader and Deputy Leader are both unable to act, the Executive as a whole must exercise the Leader's powers or arrange for a member of the Executive to act in his/her place.

3.1.5 The Leader shall determine how all executive powers shall be discharged. S/he may:

- a) discharge any of those functions; or
- b) arrange for the discharge of any of those functions:
 - i. by the Executive collectively,
 - ii. by another member of the Executive,
 - iii. by a committee of the Executive, or
 - iv. by an officer of the Authority.

3.1.6 Executive functions may also be discharged by another arrangement allowed by law including by another authority, by an area committee or jointly with one or more other authorities.

3.1.7 The Monitoring Officer will maintain and publish a record of all arrangements made under this Part including but not limited to a list of Executive members, their

responsibilities and delegated powers. Where appropriate, the Council's scheme of delegation may set out these arrangements.

4 Delegations to Officers

4.1 Introduction

4.1.1 For the purposes of this section, the officers to whom delegations are made are as follows:

- Chief Executive and Statutory Officers
- Heads of Functions and Directors
- Other Staff
- Proper Officers for the purposes of specific legislation (as set out below) and as defined by section 270(3), Local Government Act 1972.

4.1.2 The delegations set out below apply to those functions which have not, by virtue of this Constitution or any other instrument, been reserved to Council or Executive and any committees or sub-committees thereof.

4.1.3 Delegations set out in this section are in addition to any delegations made in the Articles, and/or the Terms of Reference, of this Constitution.

4.2 Powers of the Chief Executive

4.2.1 To exercise authority over the Heads of Functions and Directors, including allocating Heads of Functions' and Directors' portfolios.

4.2.2 To exercise the powers delegated to any Head of Function, Director or other members of staff so far as the law allows.

4.2.3 To carry out the functions of the Council for civic aid and emergency planning and to take any action, including incurring expenditure, in connection with an emergency or a disaster in the Council's area.

4.2.4 To undertake any other functions necessary for the carrying out of the role of Chief Executive, within any existing legislative and policy constraints.

4.3 Powers of the Heads of Functions and Directors

4.3.1 The Heads of Functions and the Directors for the Council and their areas of

responsibility are referred to in Article 12 of this Constitution. In this Constitution, the term Heads of Function and Director includes any officer who reports directly to the Chief Executive.

4.3.2 All Heads of Functions and Directors are delegated all those powers necessary to act within the assigned portfolio of responsibilities, as set out in Article 12 and the appendix to this Constitution. Note that this delegation is subject to the general provisions and limitations set out in this Constitution.

4.3.3 A Head of Function or Director may further delegate or authorise any of the powers delegated to him or her under this Constitution or any other applicable scheme of delegation, in so far as is legally permissible and in so far as not already delegated by virtue of this Constitution. A formal scheme of delegation or authorisation will be maintained within each Function Area. Any such scheme of delegation or authorisation must be:

- Recorded in writing; and
- Lodged with the Monitoring Officer who will keep a record of all delegations

4.4 Powers of Staff

4.4.1 All staff shall be delegated all those powers necessary to carry out those functions specified in their respective job descriptions and other supporting information that defines roles and responsibilities, subject to the general provisions and limitations set out in this Constitution.

4.5 General Provisions and Limitations

4.5.1 Apart from those powers set out below which have been generally or specifically delegated to staff, any remaining functions which have not been, under this or any other current scheme of delegations, specifically reserved to Council, Cabinet or any committees or sub- committees thereof are delegated to officers.

4.5.2 Staff shall exercise powers under this scheme in compliance with:

- The rules of procedure set out in this Constitution;
- Corporate policies and strategies; and

- Any additional conditions imposed either by the Council or by statute or any statutory code of conduct.

4.5.3 The exercise of the powers delegated under this Constitution or any other scheme of delegation by staff involving the incurring of expenditure is subject to there being sufficient approved provision within their budget to cover that expenditure.

4.5.4 Each Head of Function and Director shall have all the powers and duties delegated to the officers who report directly to them or other staff within his/her portfolio, who are assigned to him or her, so far as is legally permissible.

4.6 Monitoring Officer and Section 151 Officer

4.6.1 The functions of the Monitoring Officer and Section 151 Officer are set out in Articles 12 and 14. So far as not specified by legislation, the Monitoring Officer and Section 151 Officer are delegated all powers necessary to carry out their statutory functions.

5 Proper Officer Functions

5.1 Meaning of Proper Officer Functions

5.1.1 The Council has approved and adopted the appointment of the following officers as proper officers, as described in the following specified sections of the relevant Acts of Parliament or regulations.

5.1.2 Proper officer is defined for most legislation by s.270 (3) Local Government Act 1972 as an officer appointed for that purpose by that body or for that area, as the case may be.

5.1.3 The deputy proper officer is given in brackets after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act for any reason. Where neither the designated proper officer nor the designated deputy proper officer is able to act, or if there is no specified designated proper officer or deputy proper officer, the Chief Executive may designate an appropriate person to act as proper officer or deputy proper officer. If the Chief Executive is unable to act, this power shall be delegated to the Monitoring Officer or, if the Monitoring Officer is unavailable, to the Deputy Monitoring Officer.

Local Government Act 1972

Section	Description	Proper Officer
83(1) – (4)	Officer to whom persons elected to any of the following offices of the Council shall make declaration of acceptance of office: Chair, Vice-Chair, Councillor	Monitoring Officer (Chief Executive)
84	Officer to whom a person elected to any office under the Council may give written notice or resignation	Monitoring Officer (Chief Executive)
88(2)	Officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive
89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local Government electors	Chief Executive (Monitoring Officer)
100B(2)	Officer who may think fit to exclude from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public	Monitoring Officer
100B(7)(c)	Officer who may think fit to provide any extra item relating to items on the agenda for a meeting of Council to a newspaper where requested under 100B(7)	Monitoring Officer
100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Monitoring Officer
100D(1)(a) and (5)(a)	Officer responsible for identifying background papers and compiling list of such documents	Monitoring Officer
100F(2)	Officer making decision as to documents disclosing exempt information which are not required to be open to inspection by council members	Monitoring Officer (Chief Executive)
115	Officer to whom all officers shall pay monies received by them and due to the local authority	Section 151 Officer
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority	Section 151 Officer
204(3)	Officer to whom notice of application for a Justices License under schedule 1 of the Licensing Act 1964 should be given	Monitoring Officer
210(6) and (7)	Officer in whom power in respect of a charity will vest as at 1 April 1974	Monitoring Officer
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.	Monitoring Officer
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody	Monitoring Officer

Section	Description	Proper Officer
	of the Council	
234(1)	Officer who may authenticate documents	Monitoring officer
Para 4(2)(b) of Part 1 of Schedule 12	Officer who may sign a summons to council meetings and who may receive notice from a Member of alternative address to which a summons to a meeting is to be sent	Chief Executive (Monitoring Officer)

Local Government Act 1974

Section	Description	Proper Officer
30 (5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint	Monitoring Officer

Local Government (Miscellaneous Provisions) Act 1976

Section	Description	Proper Officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents	Monitoring Officer

Buildings Act 1984

Section	Description	Proper Officer
78 (8) BA 1984	Officer responsible for taking immediate action in relation to dangerous buildings	Relevant Head of Function/Director

Local Government Finance Act 1988

Section	Description	Proper Officer
114	Officer responsible for making financial report to the authority	Section 151 Officer

Local Government (Committees and Political Groups) Regulations 1990

Section	Description	Proper Officer
8 (1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change of name of a political group	Chief Executive (Monitoring Officer)
9 and 10	Officer to whom notice is delivered about a Councillor's membership of, or cessation of membership of, a political group	Chief Executive (Monitoring Officer)
13	Officer to whom the wishes of a political group are expressed	Chief Executive (Monitoring)

Section	Description	Proper Officer
		Officer)
14	Officer responsible for notifying a political group about allocations and vacations of seats	Monitoring Officer (Deputy Monitoring Officer)

The Local Authorities (Standing Orders) (England) Regulations 2001

Section	Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment. This officer is the proper officer referred to in rule 8 of the Officer Employment Procedure Rules set out in this Constitution	Chief Executive

Proper Officer Functions Referred To In Guidelines Issued by the Secretary of State Under Section 38 of the Local Government Act 2000 (Part 8 of this Constitution)

Section	Description	Proper Officer
17 Access to Information Procedure Rules	Officer who may, when requested to do so on behalf of an Overview and Scrutiny Committee, require Executive to submit a report to the Council within such reasonable time as the Overview and Scrutiny Committee specifies	Monitoring Officer
2.5 Executive Procedure Rules	Officer who may place an item on the agenda of the next available meeting of the Cabinet for consideration	The Monitoring Officer and/or the Section 151 Officer in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Section 151 Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a

Section	Description	Proper Officer
		decision, they may jointly include an item on the agenda of an Executive meeting.

COUNCIL

Membership and Meetings

1. Membership: all elected Councillors
2. The Council will normally meet up to 5 times per year including the Annual Council meeting.

TERMS OF REFERENCE

Powers reserved to Full Council

3. The following functions must not be exercised by the Executive and, where not otherwise delegated, shall be reserved to the Full Council:
 - (a) adopting and changing the Constitution;
 - (b) approving or adopting the Policy Framework (as defined in Article 4), the Budget (as defined in Article 4) and any application to the Secretary of State in respect of any housing land transfer (as defined in Article 4);
 - (c) subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
 - (d) appointing the Leader of the Council;
 - (e) exercising powers to remove the Leader from office before completion of his/her term of office;
 - (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
 - (g) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;

- (h) adopting and varying a Councillors' Allowances Scheme;
- (i) changing the name of the area/council;
- (j) electing the Chair of the Council and appointment of the Vice-chair;
- (k) confirming the appointment and dismissal of the Head of Paid Service;
- (l) confirming the appointment of the S151 Officer and Monitoring Officer;
- (m) to designate an officer to be the Returning Officer and Electoral Registration Officer;
- (n) conferring the title of honorary alderman or honorary alderwoman, or awarding the Freedom of the Council Area under Sections 248 and 249 of the Local Government Act 1972;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) making a request under Section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 for single-member electoral areas;
- (q) the passing resolutions to change a scheme for elections under the Local Government and Public Involvement in Health 2007 Act (Subsections 32(1), 37(1) or 39(1));
- (r) the making of orders giving effect to recommendations made in a community governance review under the Local Government and Public Involvement in Health 2007 Ac (Section 86);
- (s) the duty to make a change in governance arrangements under the Local Government and Public Involvement in Health 2007 Act (Schedule 4 paragraphs 3 and 8);
- (t) a decision to accept an invitation to become an 'opted in' Authority, for the purposes of appointing external auditors under the provisions of the Local Audit (Appointing Person) Regulations 2015
- (u) making or revising Council Tax Reductions Scheme under Section 13(A)(2) of the Local Government Finance Act 1992 as amended by the Localism

Act 2011

- (v) approving supplementary budget allocations (whether revenue or capital budget) at above £250,000.
 - (w) consider recommendations from the Executive (which will come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
 - (x) consider recommendations from the Executive (which have not come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
 - (y) consider recommendations from the Executive (which have come from the internal Planning Obligations Group (to allocate contributions for projects seeking funding of over £250,000)
 - (z) appoint the Council's representatives to the Hinkley Point Planning Obligations Board
 - (aa) appoint the Council's representative on the Somerset Community Foundation Panel who will consider bids to the EDF Energy Community Fund
 - (bb) all other matters which, by law, must be reserved to Full Council.
4. The Council will also exercise the following additional functions which may be discharged by Full Council itself or be delegated by agreement to a committee or sub-committee of Councillors, an officer of the Council or another authority:
- (a) all responsibilities of the Council (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which must be undertaken by the Council rather than the Executive (see Responsibility for Functions, Table 1); and,
 - (b) all local choice functions (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which the Council decides should be undertaken by itself rather than the Executive (see Responsibility

for Functions, Table 2).

Executive

1. Membership and Meetings

1.1 Leader of the Council, together with at least 2 but no more than 9 other Councillors, appointed by him/her.

1.2 There will be no substitute for Executive Members although other Members may be invited to attend meetings and, in any case, can attend as observers.

1.3 The Executive will normally meet on a monthly basis.

2. Scope

2.1 The Executive will carry out all of the Local Authority's functions which are not expressly reserved as the responsibility of any other part of the Local Authority, whether by law or under this Constitution.

2.2 The Executive will provide overall leadership and direction for the Council.

2.3 The Executive cannot amend Council Policy (as defined in Part 2 Article 4 paragraph 4.2).

3. Terms of Reference

3.1 The Executive will be responsible for the following functions:

- a) to propose the annual budget to Council for approval;
- b) to ensure full consultation with the public and other members of the Council on policies and strategies;
- c) to implement, within approved budgets, agreed plans and policies of the Council;
- d) to oversee expenditure within budget heads and limits approved by Council;
- e) to provide political leadership to enable Somerset West and Taunton Council to promote the economic, social and environmental wellbeing of the area;

- f) to exercise collective responsibility for the Council and its performance;
- g) to set strategies for partnership with external stakeholders;
- h) to receive recommendations from the Scrutiny Committee;
- i) to determine grant allocation priorities for external organisations;
- j) any functions which are deemed to be local choice functions as set out in the responsibilities for functions;
- k) to exercise the Council's powers in relation to emergencies and disasters;
- l) to consider recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding for above £150,000 and less than £250,000;
- m) to consider referral to Council recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding of over £250,000;
- n) to consider quarterly performance reports relating to the Hinkley Point project which have been previously reviewed by the Scrutiny Committee;
- o) to consider recommendations from the Internal Planning Obligations Group to allocate contributions for projects seeking funding of above £150,000 and less than £250,000;
- p) to approve Supplementary Budget Allocations (whether Revenue or Capital) between £150,000 and £250,000 and Budget Virements (whether Revenue or Capital greater than £150,000 (as defined in Financial Regulation X));
- q) To make Key Decisions as defined in the Executive Procedure Rules;

- r) to approve individual projects and schemes under the Council approved Growth Programme and Community Infrastructure Levy Investment Programme;

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Membership and Meetings

The Audit, Governance and Standards Committee will be composed of:

- 11 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 of the Governance and Standards Committee or any of its Sub-Committees.

The Quorum for the Audit, Governance and Standards Committee shall be 3 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

Scope

The Audit, Governance and Standards Committee will have overall responsibility for governance, standards and audit and for ensuring probity, propriety and ethics in the organisation.

Terms of Reference

The Audit, Governance and Standards 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.

C. Standards

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 5 voting members of the Governance and Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chair of the Governance and 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; or
- 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.

Annual Report

The Audit, Governance and Standards 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.

Scrutiny Committee.

1. Membership and Meeting Arrangements

1.1 The Scrutiny Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a monthly basis.

1.2 Members of the Executive will not be eligible to sit on the Scrutiny Committee(s).

1.3 The Committee may invite persons to be co-opted non-voting members.

2. Terms of Reference

2.1 The Council will appoint a Scrutiny Committee to discharge the functions conferred by Section 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000.

2.2 This Committee is also the Council's designated Crime and Disorder Committee under Section 19 of the Police and Justice Act 2006.

2.3 The Council seeks to ensure a robust scrutiny process. The Scrutiny Committee is not a decision-making body, but it should:

- a) be the 'critical friend' of the Executive but not subservient to the Executive;
- b) enable the voice and concerns of the public;
- c) be carried out by independently minded Councillors;
- d) drive improvement.

2.4 The general terms of reference of the Scrutiny Committee are set out below:

to perform all Scrutiny functions on behalf of the Council;

- a) to appoint such informal task and finish groups as it considers appropriate to fulfil those Scrutiny functions;
- b) to approve the overview and work scrutiny programme so as to ensure that the Committee's time is effectively and efficiently used;
- c) to undertake investigations into such matters relating to the Council's functions and powers as:
 - i. may be referred by the Leader/Executive; or,
 - ii. the Committee may consider appropriate; or,
 - iii. have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Procedure Rules;

- d) to review and advise on existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- e) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- f) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- g) to consider any matter affecting the Council area or its inhabitants;
- h) to discuss initiatives put forward for consideration by individual members of the Committee;
- i) to review or scrutinise decisions made or other actions taken in connection with the discharge of the Council's crime and disorder functions and to make such reports or recommendations as deemed appropriate.

3. Specific Functions

A. Policy Development and Review

3.1 The Scrutiny Committee may:

- a) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues, and the Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) question the Leader of the Council, Members of the Executive and Chief Officers about their views on issues and proposals affecting the area;
- d) liaise with other external organisations operating in the area, whether national or local, to ensure that the interests of the inhabitants of the area are enhanced by collaborative working; and,
- e) consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

B. Scrutiny

3.2 The Scrutiny Committee may:

- a) review and scrutinise and ask questions of the Leader, lead Councillors, the Executive and Council officers in relation to particular decisions, initiatives or projects, whether generally or in comparison with service plans and targets over a period of time, or in relation to the portfolios of the Leader or of Lead Councillors. As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- c) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- e) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- f) use innovative ways to scrutinise matters of concern such as select committees, public hearings, spotlight reviews, mystery shopping and workshops. The issue being investigated should be matched to the most appropriate process.

C. Finance

3.3 The Scrutiny Committee may:

- a) scrutinise the overall Council Budget as part of its preparation;
- b) exercise overall responsibility for the finances made available to them;
- c) request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

D. Annual Report

3.4 The Scrutiny 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.

Planning Committee

1. Membership and Meetings

- 1.1 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of at least every 3 weeks.
- 1.2 Members of the Executive will not be eligible to sit on the Planning Committee.
- 1.3 The Quorum for the Planning Committee shall be 4 voting members of the Committee.

2. Scope

- 2.1 Neither the Planning Committee nor the Principal Planner has delegated power to:
 - a) approve or adopt Development Plan Documents or the Plans and alterations that comprise the Development Plan; or,
 - b) approve or adopt Local Development Orders;as these are Full Council functions as set out in Article 4 of this Constitution.

- 2.2 The Council has delegated its responsibility for the following functions:
 - a) all functions relating to town and country planning and development control as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and,
 - b) functions relating to the stopping up or diversion of footpaths; the extinguishing of rights of way over land held for planning purposes; the preservation of trees; and complaints about high hedges as specified at items 31, 32, 47 and 47a of Section I Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;to the Planning Committee and the Principal Planner as set out below.

3. Terms of Reference – Planning Committee

3.1 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.

3.2 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.

3.3 In addition, the Planning Committee shall authorise all prosecutions for breach of planning control, except in cases of expediency where authority is delegated to the Chair of Planning Committee and the Principal Planning Officer.

4. Delegation to Officers

4.1 The Head of Function is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to Full Council or Planning Committee. This includes matters relating to Local Development Orders.

4.2 The Head of Function is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Head of Function must keep a register of any such delegations.

5. Delegation to Parish Council

5.1 Where the Council has delegated its powers to determine planning matters to a Parish Council, those matters shall not be dealt with by the Planning Committee.

Licensing Committee

1. Membership and Meeting Arrangements

1.1 The Licensing Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a quarterly basis. The Quorum for the Licensing Committee shall be 4 voting members of the Committee.

1.2 The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005

2. Scope

2.1 Neither the Licensing Committee nor the Head of Function has delegated power to approve or adopt the Council's Licensing or Gambling Policy. This is a Full Council function as set out in Article 4 of this Constitution.

2.2 The Committee will be responsible for the following functions:

- a) except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts;
- b) all functions relating to licensing and registration insofar as they are the responsibility of the Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- c) all functions relating to Health and Safety at Work as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- d) all functions relating to smoke-free premises as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- e) any other associated matters and similar licensing and regulation matters.

3. Terms of Reference Licensing Committee

3.1 Matters relating to the following statutory functions are reserved to the Licensing Committee to determine:

A. Licensing Act 2003 Functions (As Listed at Section 10(4) of the Act)

- a) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in respect of the following applications:
 - i) for premises licence (s18(3));
 - ii) for provisional statement (s31(3));
 - iii) for variation of premises licence (s35(3));
 - iv) to vary designated premises supervisor following police objection (s39(3));
 - v) to vary designated premises supervisor following police objection (s44(5));
 - vi) for club premises certificate (s72(3));
 - vii) to vary club premises certificate (s85(3));
 - viii) for grant of personal licence following objection (s120(7));
 - ix) for review of premises licence (s52(2) or (3));
 - x) review of club premises certificate (s88(7)).
- b) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in connection with the following:
 - i) review following review notice (s53C);
 - ii) review following closure order (s167(5)).
- c) Where the Licensing Committee is to determine the following matters:
 - i) consideration of objections made to interim authority notice (s48(3));
 - ii) determination of interim steps pending summary review (s53A(2)(a) or 53B);
 - iii) decision to give counter notice following police objection to temporary event notice (s105(2));
 - iv) revocation of licence where convictions come to light after grant etc(s124(4));
 - v) revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties (s132A(8) and (12)).

B. Gambling Act 2005 Functions (As Listed in Section 154(4) of the Act)

- a) Where representations have been made (within the meaning of the section) and where relevant objections have not been withdrawn:
- i) determination of an application for a premises licence (s161);
 - ii) determination of an application for the variation of a premises licence (s161 and s187);
 - iii) determination of an application for transfer following representations by the Commission;
 - iv) determination of an application for a provisional statement (s204);
 - v) review of a premises licence (s201).

C. Licensing and Registration Functions as Specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- a) Determination of matters relating to:
- i) the revocation or suspension of taxi licences;
 - ii) the revocation or suspension of scrap metal/motor salvage licences;
 - iii) applications in respect of casino licences;
 - iv) applications in respect of sex shop licences.
- b) In the case of emergency, the above matters at (a)(i) – (iv) may be dealt with by the Head of Function or Licensing Specialist.

5. Delegation to Officers

5.1 The Head of Function is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to the Full Council or Licensing Committee.

5.2 The Head of Function is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Head of Function must keep a register of any such delegations.

5.3 The Head of Function may refer a matter to be dealt with by the Licensing Committee where he/she deems appropriate.

EMPLOYMENT COMMITTEE

Membership and Meetings

- 7 Members (politically balanced) to be appointed by Full Council.
- The Committee will comprise of at least one member of the Executive.
- Meetings will be called on an ad hoc basis as required.

Scope

- The Committee will only deal with matters in relation to Senior Officers as required by the legislation.
- All other matters in relation to employment and discipline of staff are delegated to the Chief Executive and Senior Officers.

Terms of Reference – Employment Committee

- To deal with the appointment of Senior Officers.
- To recommend to Full Council the appointment of a Head of Paid Service.
- To deal with disciplinary matters in relation to Senior Officers.

Budget and Policy Procedure Rules

1. The Framework for Executive Decisions

1.1 References in these Procedure Rules to the Policy Framework are to the plans and strategies to be adopted by the Council as set out in Article 4.

1.2 The Council will be responsible for the adoption of its Budget and Policy Framework. Once a Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.

2. Process for Developing the Framework

2.1 The process by which the Budget and Policy Framework shall be developed is as follows:

- a) the proposals will be publicised by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework and the arrangements for consultation after publication of those initial proposals. The Scrutiny Committee will consider the consultation proposals before the arrangements are finalised.
- b) at the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to that consultation.
- c) if the Scrutiny Committee wishes to respond to the Executive during that consultation process, then they may do so. As the Scrutiny Committee has responsibility for fixing its own work programmes, it is open to the Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period, having particular regard not to duplicate any consultation carried out by the Executive. The Scrutiny Committee shall report to the Executive on the outcome of its deliberations.
- d) the Executive will take any response from consultees (including the Scrutiny Committee) into account in drawing up firm proposals for submission to the Council.

The Executive's report to the Council will reflect the comments made by consultees and the Executive's response.

e) once the Executive has approved the firm proposals, the Monitoring Officer will refer them at the earliest opportunity to the Council for decision.

3. Procedure for Conflict Resolution

3.1 Disagreements as to the Policy Framework

3.1.1 Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out below.

3.1.2 It must inform the Leader of any objections which it has to the draft plan or strategy and must give to him or her instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to them/it.

3.1.3 No rejection, modification or substitution to the Executive's proposal may be validly moved by the Council until such time as the Executive has been given the opportunity to consider and react to that objection.

3.1.4 Where the Council gives instructions in accordance with paragraph 3.1.2 above, it must specify a period of at least eight working days, beginning on the day after the date on which the Leader received the instructions within which the Leader may:

a) submit a revision of the draft plan or strategy, as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments to the Council for consideration; or

b) inform the Council of any disagreement that the Leader/Executive has with any of the Council's objections, together with its reasons.

3.1.5 When the period specified by the Council, referred to in paragraph 3.1.4 above has expired, the Council shall again consider the Executive's recommendation and will take into account any amendments, reasoning and explanations which the Executive has now submitted.

3.1.6 In relation to the plan or strategy, Full Council may then:

- a) amend it;
- b) approve it; or
- c) adopt it with or without modification.

3.1.7 A decision by Full Council which complies with the above procedure shall require only a simple majority of votes cast at that meeting and shall take effect immediately

3.2 Disagreements as to the Budget

3.2.1 For the purposes of this section, the Budget means the proposals which the Executive submits to Full Council in February/March of each year as to various estimates, amounts, calculations and precepts relating to the Council's financial plans and requirements for the following financial year. This excludes any plan or strategy for the control of the Council's borrowing and capital expenditure, any disagreements in respect of which will be dealt with under the procedure set out above at 3.1.

3.2.2 Where the Executive submits its Budget to Full Council before 8 February in any financial year, and the Council has any objections to the Budget, the procedure in Section 3.1 above shall apply. However, the prescribed time for response at paragraph 3.1.4 shall be not less than five working days.

3.2.3 Where the Executive submits its Budget to Full Council on or after the 8 February, the Council shall have the unrestricted right to approve, amend or reject the Executive's Budget.

3.2.4 A decision by Full Council which complies with the above procedure shall require only a simple majority of votes cast at that meeting and shall take effect immediately.

3.2.5 In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Leader/Executive, in accordance with paragraphs 6 and 7 of these Procedure Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council.

4. Decisions Outside the Budget or Policy Framework

4.1 Subject to the provisions of Procedure Rule 7 (Virement), the Leader/Executive, individual lead Councillors and any officers discharging executive functions may only take decisions which are in line with the Budget and Policy Framework.

4.2 If the Leader/Executive, individual lead Councillor or any officer wishes to make a decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to Procedure Rule 5 (Urgency) below.

4.3 If the Leader/Executive or any individual lead Councillor or officer discharging executive functions wants to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision unless the decision is a matter of urgency, in which case the provisions in Procedure Rule 5 shall apply.

5. Urgent Decisions Outside the Budget or Policy Framework

5.1 Any body or individual discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- a) if it is not practical to convene a quorate meeting of the Full Council; and
- b) if the Chair of the Scrutiny Committee agrees that the decision is a matter of urgency.

5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of

Scrutiny Committee, the consent of the Vice Chair of Scrutiny Committee, and in the absence of both, the consent of the Chair of Council, will be sufficient.

5.3 Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. Virement

6.1 The Council's Financial Regulations set out the permitted scope for virement within and across budget heads and identifies which body or person has been authorised to approve such virements.

7. In-Year Changes to Policy Framework

7.1 The responsibility for agreeing the Budget and Policy Framework lies with the Council.

7.2 No changes to any policy and/or strategy which make up the Policy Framework may be made by the Leader/Executive, individual lead Councillors or officers except those changes:

- a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration; or
- d) for which provision is made within the relevant budget or policy.

8. Call-In of Decisions Outside the Budget or Policy Framework

8.1 Where a decision is referred to the Council by Scrutiny Committee, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

8.2 The matter will be referred to the next ordinary meeting of the Council. At the meeting, the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer.

8.3 The Council may either:

a) endorse a decision or proposal of the executive decision-taker as falling within the existing Budget and Policy Framework. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

b) amend the Council's Financial Procedure Rules, Budget or Policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing framework to accommodate it or require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Section 151 Officer.

Executive Procedure Rules

1. Who May Make Executive Decisions?

1.1 The Leader has responsibility for the discharge of all executive functions, and may delegate any, or all, of these functions to:

- a) the Executive as a whole;
- b) a committee of the Executive;
- c) an individual member of the Executive;
- d) an officer;
- e) an area committee;
- f) joint arrangements;
- g) another local authority; or,
- h) any other arrangement allowed by law.

1.2 Where executive functions are delegated by the Leader, a written record of those delegations shall be presented to the Council at its Annual Council Meeting, for inclusion in the Council's Scheme of Delegation.

1.2 The Delegation of Executive Functions

1.2.1 The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so, the Leader will give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.2.2 Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when the Leader has served it on its Chair.

1.2.3 Unless the Leader/Executive directs otherwise, a committee of the Executive or lead Councillor may delegate further to an officer.

1.2.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.3 Conflicts of Interest

1.3.1 Where the Leader has a conflict of interest, this should be dealt with as set out in the Councillors' Code of Conduct.

1.3.2 If any member of the Executive has a conflict of interest, this should be dealt with as set out in the Councillors' Code of Conduct.

1.3.3 If the exercise of an executive function has been delegated to a committee of the Executive, an individual lead Councillor or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Councillors' Code of Conduct.

1.4 Meetings of the Executive

1.4.1 The Executive will meet at such times as the Leader shall determine. The Executive shall normally meet at either of the Council's two main offices or another location to be agreed by the Monitoring Officer, in consultation with the Leader of the Council.

1.5 Quorum

1.5.1 The quorum for a meeting of the executive shall be 3 members of the Executive.

2. How Are the Executive Meetings Conducted?

2.1 Who Presides?

2.1.1 The Leader, or in his or her absence, the Deputy Leader, will preside. In the absence of both the Leader and Deputy Leader, then a member of the Executive appointed to do so by those present shall preside.

2.2 Who May Attend?

2.2.1 Meetings of the Executive will be held in accordance with the Access to Information Rules.

2.2.2 Agendas and reports for meetings of the Executive shall be circulated electronically to all Councillors who shall be free to attend those meetings.

2.3 What Business?

2.3.1 At each meeting of the Executive, the following business will be conducted:

- a) disclosure of interests (if any);
- b) consideration of the minutes of the previous meeting of the Executive;
- c) public participation to be notified;
- d) matters referred to the Executive by the Scrutiny Committee or by the Council for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution;
- e) consideration of reports and recommendations from the Scrutiny Committee;
- f) matters set out in the agenda for the meeting, which shall indicate which are key decisions.

2.4 Consultation

2.4.1 All reports to the Leader/Executive on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation and the outcome of that consultation. Reports about other matters will set out the details and outcome of

consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who Can Put Items on the Executive Agenda?

2.5.1 The Leader, or in his/her absence, the Deputy Leader, Monitoring Officer or Section 151 Officer may put on the agenda of any Executive meeting any Executive matter.

2.5.2 The Monitoring Officer will place an item on the agenda of the next available meeting of the Executive where Scrutiny Committee or Full Council have resolved that an item be considered by the Executive.

3. Key Decisions

3.1 Notice of Key Decisions

3.1.1 Twenty-eight clear days' public notice will be made of any matters which the Leader has reason to believe will be a Key Decision, unless:

- a) an exemption from this requirement is given under the General Exception Procedure found in the Access to Information Procedure Rules; or,
- b) the decision is taken under the Special Urgency Procedure found in the Access to Information Procedure Rules

3.2 What Constitutes a Key Decision?

3.2.1 A Key Decision is a decision in respect of an executive function which is likely to:

- a) be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council Area; or,
- b) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or functions which the decisions relate.

3.2.2 The financial thresholds that will determine whether a matter under 3.2.1(b) is significant are set out at 3.3 below.

3.3 Financial Thresholds

3.3.1 Executive decisions with financial implications at or above the thresholds set out below will be Key Decisions. The Section 151 Officer and Monitoring Officer will keep the thresholds under review and advise the Leader on whether to recommend to Full Council any changes to the thresholds.

Heading	Area	Threshold
Revenue	Supplementary Revenue Budget	Allocations between £150,000 and £250,000. (Allocations above £250,00 to be approved by Full Council).
	Revenue Virements	Above £150,000 (in consultation with the Section 151 Officer).
Capital	Supplementary Capital Budget	Allocations between £150,000 and £250,000. Approval must also be given by the Section 151 Officer. (Allocations above £250,000 to be approved by Full Council).

	Capital Virements	Above £150,000 (in consultation with the Section 151 Officer).
Carry Forward of Budgets	Individual Carry Forwards	Above £150,000.
Contracts/Revenue	Award, amendment or establishment of Contracts, Framework Agreements or Dynamic Purchasing Systems for goods, works and/or services.	Estimated total contract value of £1,000,000 or above AND the contract is deemed politically sensitive.
	Contracts decisions involving significant risk, significant externalisation of services and politically sensitive issues.	All such decisions regardless of value.
Assets	Acquisition and Sale/Disposal of Assets	Above £250,000.

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Scrutiny Procedure Rules

1. Arrangements for the Scrutiny Committee

1.1 The Council will have one Scrutiny Committee to discharge the functions set out in its Terms of Reference of this Constitution.

1.2 The Scrutiny Committee will comprise 15 Councillors and be appointed by Council on an annual basis. The Scrutiny Committee may appoint Task and Finish Groups.

2. Who May Sit on the Scrutiny Committee?

2.1 All Councillors, except members of the Executive, may be members of the Scrutiny Committee.

2.2 No Councillor may be involved in scrutinising a decision in which he or she was directly involved.

2.3 There is no limit on the number of substitute members.

3. Co-Optees

3.1 The Scrutiny Committee, or any of its Task and Finish Groups, shall be entitled to appoint non-voting co-optees.

4. Meeting of the Scrutiny Committee

4.1 The Scrutiny Committee shall normally meet on a monthly basis. Special meetings may be called if appropriate.

4.2 A Scrutiny Committee meeting may be called by the Chair of the Scrutiny Committee, by any 4 of the Scrutiny Committee or by the Chief Executive if he or she considers it necessary or appropriate.

5. Quorum

5.1 The quorum for the Scrutiny Committee shall be 4 voting members of the Committee.

6. Who Chairs the Scrutiny Committee Meetings?

6.1 The Scrutiny Chair shall be drawn from among those Councillors serving on the Scrutiny Committee who are not from a majority political group and are not Chair of any other committee. The Vice-Chair shall not be from the same political group as the Chair.

6.2 The Chair and Vice-Chair shall be elected in accordance with the procedure set out at Council Procedure Rules.

7. Work Programme

7.1 The Scrutiny Committee will be responsible for setting its own work programme and the work programme will be included as an item on every Scrutiny Committee meeting Agenda.

7.2 The Chair and Vice-Chair of the Scrutiny Committee and relevant officers shall hold a Scrutiny Agenda Setting Meeting in the week prior to the publication of the Agenda.

7.3 The Chair and Vice-Chair of the Scrutiny Committee, Chief Executive Officer (or his/her nominee) and relevant officers shall also hold, on a quarterly basis, a Coordinating Meeting to exchange, discuss and agree proposed rolling 6-month work programmes for submission periodically to the Scrutiny Committee for approval.

7.4 The Chair and Vice-Chair of the Scrutiny Committee will ensure that all Councillors are able to submit requests for alterations to the work programme via an agreed work programme process for consideration at each of these work programme meetings.

8. Task and Finish Groups

8.1 The work programme meetings described in Procedure Rule 7 above will consider and propose the establishment, membership, terms of reference and reporting timescale of Task and Finish Groups to undertake specific areas of work. Such proposals shall be submitted to the Scrutiny Committee for approval. The number of Task and Finish Groups must be commensurate with available resources. The Chair of any Task and Finish Group shall be drawn from amongst those Councillors serving on that Group.

8.2 Any non-executive Councillor may be appointed to serve on Task and Finish Groups and membership will be open to non-councillors, including representatives of external bodies. Political balance requirements will not apply to Task and Finish Groups. The operation of such Groups to be in accordance with any protocol as may be agreed by the Scrutiny Committee.

9. Who May Place Items on the Agenda?

9.1 Requests to include an item on the Scrutiny Committee agenda will normally be forwarded to the Chair or Vice-chair for consideration as part of the rolling work programme at Rule 7 above.

9.2 The Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader/Executive, to review particular areas of Council activity. Where the Scrutiny Committee does so, it shall report its findings and any recommendations back to the Leader/Executive and/or the Council.

10. Reports from the Scrutiny Committee

10.1 Where the Scrutiny Committee has formed proposals on a matter, it will submit a formal report to the Leader/Executive, Council, and/or other organisations as appropriate.

10.2 If the Scrutiny Committee cannot agree a single final report to the Council or Leader/Executive as appropriate, then one minority report may be prepared and submitted for consideration with the majority report.

10.3 The Scrutiny Committee may refer its formal recommendations and conclusions for consideration at Full Council. Where a response is required from the Leader/Executive it must be given within 2 months of the Full Council meeting.

11. Access to Documents

11.1 In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules of this Constitution.

12. Councillors and Officers Giving Account

12.1 As per the Scrutiny Committee Terms of Reference, the Scrutiny Committee may require the Leader and any member of the Executive or Chief Officer to attend before them to answer questions. It is the duty of those persons to attend if so required. For the purposes of these Procedure Rules, 'Chief Officer' means any Statutory Officer, Head of Function or his/her nominee.

12.2 Where any Councillor or officer is required to attend a Scrutiny Committee meeting, the Scrutiny Officer shall inform the Councillor or Officer in writing, normally giving at least 10 working days' notice. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.3 Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, the Scrutiny Committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.

13. The Party Whip

13.1 A party whip shall not apply to the business of the Scrutiny Committee or any of its Task and Finish Groups.

14. Procedure at Scrutiny Committee Meetings

14.1 The Scrutiny Committee shall consider the following business:

- a) disclosures of interest, including whipping declarations;
- b) considerations of the minutes of the last meeting;
- c) consideration of any matter referred to the committee through the 'call-in' procedure;
- d) responses of the Leader/Executive to reports of the Scrutiny Committee; and,
- e) the business otherwise set out in the agenda for the meeting.

14.2 Where the Scrutiny Committee conducts investigations, it may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- a) the investigation be conducted fairly, and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees and to contribute and speak;
- b) that those assisting the Scrutiny Committee by giving evidence be treated with respect and courtesy; and,
- c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

14.3 Following any investigation or review, the Scrutiny Committee shall prepare a report, including recommendations for submission to the Leader/Executive and Council as appropriate and shall make these public.

15. Procedure for Call-in

15.1 When an Executive decision is made by the Leader/Executive or an individual lead Councillor, or a Key Decision is made by an officer with delegated authority from the Leader/Executive, a record of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally by 5pm on the next working day after the meeting. All Councillors will be sent a copy of the record of decision within the same timescale by the Monitoring Officer (or his/her nominee).

15.2 The record will bear the date on which it is published and, subject to the urgency provisions in at paragraph 15.8 below, will specify that the decision will come into force:

- a) on the expiry of five working days after the day of the meeting in the case of decisions taken by the Executive collectively; or
- b) on the expiry of five working days after the day of publication of the decision in the case of decisions taken by the Leader, individual lead Councillors or Key Decisions taken by an officer with delegated authority from the Leader/ Executive; or
- c) unless it is called-in.

15.3 During the call-in period referred to in 15.2 above, the Chair of the Scrutiny Committee or any 4 non-executive Councillors may request in writing to the Monitoring Officer (or his/her nominee) that a decision is called-in for consideration by the Scrutiny Committee. The reasons for calling-in a decision shall accompany any such request and must relate to the merits of the decision only AND meet at least one of the following criteria:

- a) that there was insufficient, misleading or inaccurate information available to the decision-maker;
- b) that all the relevant facts had not been taken into account and/or properly assessed;
- c) that the decision is contrary to the Budget and Policy Framework and is not covered by urgency provisions; or
- d) that the decision is not in accordance with the decision-making principles set out in the Constitution.

15.4 On receipt of a call-in request, the Monitoring Officer will decide whether it is valid, and within 5 days of that decision, will give notice of the call-in and its consequences to the following:

- a) the decision-taker;
- b) all Councillors;
- c) the Head of Functions primarily affected;
- d) the Leader of the Executive and the Head of Paid Service; and,
- e) the next weekly bulletin.

15.5 In the case of a valid call-in, the decision shall be considered at the next scheduled meeting of the Scrutiny Committee or by a special Call-in Meeting of the Scrutiny Committee, but in any case, within 21 days of the decision on validity referred to in paragraph 15.4 above.

15.6 The Scrutiny Committee shall either:

- a) endorse the decision, in which case it will come into force immediately; or,

- b) refer it back to the Executive or individual decision taker and ask it/them to alter or revoke the decision, taking into account the other factors brought to its attention by the Scrutiny Committee; or,
- c) where a decision has been called-in on the basis that it is contrary to the Budget and Policy Framework, it shall refer the matter to Full Council to determine.

15.7 Once a decision has been referred back to the Leader/Executive or individual decision-taker by the Scrutiny Committee or the Council on the basis described above, it shall not be subject to further call-in. The decision shall then be final unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the Budget.

15.8 Any matter designated by the Chief Executive to be urgent shall not, if the Leader/Executive or individual decision-taker and the Chair of the Scrutiny Committee agree, be subject to the call-in procedure, but shall be determined by the Leader/Executive, lead Councillor or officer immediately. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body the decision is an urgent one and therefore not subject to call-in.

15.9 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Council with proposals for review if necessary.

15.10 Regulatory decisions shall not be subject to Call-in.

Part 8 Financial Procedure Rules

Table of Contents

To be added with hyper links

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
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- 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

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 section **XXX** 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 Leadership 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 Leadership 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 Strategy

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- 3.1.8 The Section 151 Officer, in consultation with the Leadership Team and Executive Councillors, will each year prepare a Capital Strategy for the proceeding financial year, as required by the Prudential Code.
- 3.1.9 The Capital 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 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 Investment Strategy

- 3.1.11 The Head of Commercial, Investment and Change, in conjunction with the Section 151 Officer, will prepare and review on an annual basis, a Commercial Investment Strategy (CIS).
- 3.1.12 The CIS will set out the governance arrangements and framework for Commercial 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 CIS. The Strategy will be reviewed and updated at least every three years. The implementation of this strategy, including individual investment decisions, is delegated to the Executive. The Executive may choose to delegate some or all individual investment decision to an Investment Panel or nominated Officer.

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.

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- 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 before 31 January of 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 in any 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 Tenant Services Management Board (TSMB) and Tenants Forum 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.

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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 Heads of Functions 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 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 before the 31 January of the proceeding financial year, to inform 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.

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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 Heads of Function will be the accountable 'budget holder' for all budgets within their functional areas. They will be responsible for establishing and maintaining a scheme of delegations for budgets, 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.

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

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

Threshold	Decision
Over £250,000	Full Council
Above £150,000 and below £250,000	Executive
Up to £150,000	Head of Function / Director / CEO and Section 151 Officer

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- 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 Head of Performance and Governance 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:

Threshold	Decision
Over £50,000	Executive Councillor and Section 151 Officer
Above £20,000 and below £50,000	Head of Function / Director / CEO and Section 151 Officer
Up to £20,000	Budget Holder

- 3.4.10 The Heads of Functions 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 Section 151 Officer.
- 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 Head of Performance and Governance 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
Over £150,000	Executive Decision (in consultation with the Section 151 Officer)
Above £50,000 and below £150,000	Head of Function / 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
Over £250,000	Full Council
Above £150,000 and below £250,000	Executive
Up to £150,000	Head of Function / 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
Over £250,000	Portfolio Holder
Up to £250,000	Head of Strategy

3.5 Budget Monitoring

- 3.5.1 Head of Functions 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, Head of Functions must give proper consideration to the implications in current and future years.
- 3.5.3 Head of Functions 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 Head of Functions 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 Head of Functions 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 Head of Functions 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 Standing Orders.

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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 Head of Functions 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 Leadership 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

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- 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 Statement of Accounts by the 31 May of the succeeding financial year and to be audited, approved and published online by the 31 July of the succeeding financial year.
- 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 that they present 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

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- 3.13.1 The Section 151 Officer is responsible for preparing a Capital Strategy, an Investment 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 Section 151 Officer is responsible for preparing a Treasury Management Strategy Statement (TMSS) in line with the relevant CIPFA codes and statutory guidance. Full Council delegates responsibility for approving the TMSS, by 31 March of the preceding financial year, to the Executive.
- 3.13.3 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.
- 3.13.4 These reports also set out the approach and operating limits that must be applied in treasury management activity.
- 3.13.5 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.
- 3.13.6 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.
- 3.13.7 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.

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- 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.

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- 4.3.4 The Section 151 Officer is accountable for the following, with Heads of Functions responsible for ensuring compliance within their functions 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 Head of Functions 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. Head of Functions 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.

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- 4.3.10 The Head of Customer is 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 require cancellation via a Credit Note, will require Budget Holder approval. Any invoice below £1,000 will required 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:

Threshold	Council Tax & Business Rates, Sundry Income, Housing Benefit Overpayments & Housing Rents
£0 to £25	Customer Champion
£25-£100	Case Manager
£100-£1,000	Specialist / Senior Case Manager responsible for income activity
£1,000-£5,000	Head of Customer
£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 Head of Functions 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 Head of Functions 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

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- 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 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 Head of Functions 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.

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- 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. Head of Functions 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 Head of Functions 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.

Threshold	Decision
Over £250,000	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.

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- 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 The Heads of Functions shall be responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service. 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.

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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 Heads of Functions 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 Lead Place Specialist 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 Lead Place Specialist.

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

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- 4.6.17 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 shall be delegated as per the table below.

Threshold	Decision
Over £250,000	Executive
Up to £250,000	Chief Executive or Head of Function 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 Payroll Policy to be approved by the Executive by the 31 March of the proceeding financial year.
- 4.7.2 The Payroll 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.

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4.7.4 The Head of Functions 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 and the Head of Customer will be registered as the 'responsible officers' with the Gambling Commission.

4.8.4 Any arrangements of administering the lottery will be delegated to the Head of Customer 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.

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- 4.10.2 Head of Functions 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 Head of Function 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 Head of Function 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 Head of Performance and Governance 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 Head of Performance and Governance 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 Head of Functions 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 Head of Functions 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

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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 Head of Functions, 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.

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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 The Head of Functions 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 The Head of Functions 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

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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 Head of Functions 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)

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- 6.1.1 The Section 151 Officer, in consultation with the relevant Head of Function, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 6.1.2 Head of Functions 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 Head of Functions are responsible for ensuring that the terms and conditions of all grants have been met properly.
- 6.1.4 Head of Functions must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed.
- 6.1.5 Each Head of Function is responsible for informing the Section 151 Officer promptly about such funding. Where such income is receivable against a grant claim the relevant Head of Functions 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 Head of Functions 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 Head of Functions 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.

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6.2.6 The Head of Function / 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.tauntondeane.gov.uk/open-data/>

-End of Document-

Contract Procedure Rules

1. Introduction

1.1 These Contract Procedure Rules apply to all purchases of works, goods and services by the Council. Their observance is mandatory. The object of these Rules are as follows:

- a) To ensure that the Council's procurement activity is fair, open, transparent, non-discriminatory and lawful;
- b) To protect the Council, Councillors and Officers from the risk of challenge, undue criticism or allegations of wrongdoing;
- c) To assist officers in achieving best practice and lawful procurement; and
- d) To ensure the Council fulfils its duty of delivering Best Value for its Council Tax Payers and excellent outcomes for its Customers.

1.2 The expectation is of compliance to these Rules, and in any cases of doubt, advice must be sought from the Head of Performance and Governance. The administration, monitoring and governance of the application of these Rules shall be the responsibility of the Head of Performance and Government.

1.3 If there is any relevant change to English or European Law which affects these Rules, then that change must be observed until these Rules can be revised. Where there is a difference between these Rules and the current legislation, the legislation will prevail.

2. Application

2.1 These Rules apply to:

- a) All contracts for the supply of works, goods or services to the Council;
- b) Partnership and collaborative arrangements with other Local Authorities where the Council is not the Lead Authority. Assurance is to be sought that the Lead Authority is acting in compliance with its own Contract Procedure Rules; and
- c) Concession Contracts.

2.2 These Rules do not apply to:

- a) Contracts solely for the acquisition, disposal or transfer of any interest in land; or
- b) Contracts of employment for the appointment of individual members of staff.

Exemptions to These Rules

2.3. The expectation is that these Procedure Rules will be observed. However, an exemption to the requirements of Contract Procedure Rules 15, 19, 20, 21 and 22 may be sought where one or more of the following circumstances apply:

- a) Goods or materials are proprietary items or are sold only at a fixed price and no satisfactory alternative is available;
- b) Contracts for the execution of mandatory works by statutory undertakers, such as utilities providers;
- c) The work to be executed or the goods or materials to be supplied consist of repairs to or the supply of parts for existing proprietary machinery or plant or the execution of work or supply of goods or services or materials necessary for maintenance or repairs to existing machinery or plant;
- d) Goods, works or services procured in a genuinely unforeseeable emergency (e.g. natural disasters such as flooding or fires, immediate changes to legislation) because of a need to respond to events that were beyond the genuine control of the Council. Any such contract entered into by the Council must not be for a term of more than 6 months. It must be noted that not allowing sufficient time to tender shall not be considered an emergency;
- e) Legal services falling within Regulation 10(1)(d) of the Public Contracts Regulations 2015;
- f) Dealings in the money market or obtaining finance within Regulation 10(1)(e) and 10(1)(f);
- g) Purchases at auction or at public fairs or markets;
- h) Goods or Services where the Council's needs are only capable of being met by one supplier and where the contract assists the Council in meeting its statutory duties;
- i) Contracts falling within the Light Touch Regime;
- j) Life or death – where there is a significant chance that the life or health of Officers, Councillors or the public will be put at real risk;
- k) Increased costs/loss of income – where the Council will incur significant avoidable costs or lose significant income (significant shall be taken to mean material in the sense that it is either material to the project, the service or the Council);
- l) Limited markets – supply of the product or service is demonstrably restricted to a single source of supply; or,

m) Other unforeseen circumstances or specific project conditions that would result in unacceptable commercial and/or reputational impact.

2.4 For contracts less than £50,000, the Procuring Officer must complete the relevant exemption request form and seek the approval of the Head Performance and Governance.

2.6 For contracts at and above £50,000 and below Threshold 3 (see Rule 15 Tables 1 and 2 for Thresholds), the Procuring Officer must complete the relevant exemption request form and seek the approval of the Head of Performance and Governance and the Monitoring Officer. All such requests shall be reported to the S151 Officer.

2.6 The Procuring Officer is responsible for ensuring that the exemption request forms are duly completed and signed prior to the award of a contract.

2.7 No exemption shall be granted for contracts over Threshold 3 unless expressly permitted by the Head of Performance and Governance and the Monitoring Officer.

2.8 Regardless of whether an exemption has been sought, the necessary authorisations to procure, award, amend or sign a contract (at Contract Procedure Rule 28) must also be obtained.

3. Compliance

3.1 Every contract entered into on behalf of the Council shall comply with:

- a) These Contract Procedure Rules;
- b) The Council's Financial Procedure Rules; and,
- c) All relevant English and European legislation.

3.2 All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council must comply with these Contract Procedure Rules. Non-compliance with these Rules may constitute grounds for disciplinary action.

3.3 If there is any doubt about the application of the Rules, the issues should be referred to the Monitoring Officer.

4. Conflicts of Interest

4.1 Members of staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Code of Conduct for Officers (Sections 6, 7, 10, 11 and 12) and includes:

- a) Not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;

- b) Not working for organisations or suppliers that the Council has dealings with;
- c) Notifying the Head of Performance and Governance and Monitoring Officer in writing if an Officer has links with an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council (for example, where a family member or close friend works for the organisation).

4.2 All consultants engaged to act on behalf of the Council must declare that they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council.

4.3 If a Councillor or a member of staff has an interest (direct or indirect), financial, otherwise, in a contract or proposed contract, he/she must declare it in writing to the Monitoring Officer and their Head of Functions/Director as soon as he/she becomes aware of the interest. A Councillor or member of staff who has an interest in a contract must not take part in the procurement or management of that contract.

4.4 The Monitoring Officer must maintain a record of all declarations of interest notified by Councillors and Officers.

5. Prevention of Bribery and Corruption

5.1 A contract may be terminated immediately and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge), offers or promises or gives a financial or other advantage to a Councillor, any member of staff, or any consultant in connection with the contract.

5.2 Any Councillor, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the corrupt acts referred to in Rule 5.1, must report it to the Monitoring Officer.

6. Relevant Legislation

6.1 For the purposes of these Procedure Rules Relevant Legislation is defined as the following legislation:

- a) Public Contracts Regulations 2015 (PCR 2015);
- b) Concession Contracts Regulations 2016 (CCR 2016);
- c) Public Services (Social Value) Act 2012;
- d) Freedom of Information Act 2000;
- e) General Data Protection Regulation (GDPR) and the Data Protection Act 2018;

- f) Equality Act 2010;
- g) Modern Slavery Act 2015;
- h) Transfer of Undertakings (Protection of Employment) Regulations 2006;
- i) Any industry or sector-specific legislation pertaining to the subject matter of the Contract.

6.2 The Procuring Officer should be aware that the Relevant Legislation may operate to dictate the method of procurement and the content of any related contract.

6.3 When planning and preparing all procurement and contracting activities the Procuring Officer shall have regard to the Relevant Legislation and seek advice from the Head of Performance and Governance and Monitoring Officer where necessary to ensure that any applicable Relevant Legislation has been complied with.

7. Responsibilities of Heads of Functions

7.1 Procurement activity in the Council is devolved to individual Function Areas, which are supported in their purchasing activities by SHAPE Legal Partnership, Finance Specialist and Case Officers and by Procurement Officers.

8. Estimate of Contract Value

8.1 The value of a contract is the total amount that the Council expects to pay for the contract, including any additional options, lots, renewals and/or extensions.

8.2 Where the contract period is indefinite or uncertain, the value shall be calculated on the basis that the contract will be for a period of 4 years.

8.3 Contracts must not be packaged or divided into smaller units for the purpose of creating lower value contracts to avoid any provision of these Rules or EU procurement legislation. When tendering consideration must be given to the extent to which it is appropriate to divide the contract into lots to facilitate opportunities for small and medium sized enterprises and voluntary organisations.

8.4 The repeat direct award of contracts or purchase orders for the same or similar services, whatever the value of the individual contracts/purchase orders, to the same supplier shall, for the purposes of determining the aggregated contract value and the application of these Rules, be regarded as extensions to a single contract.

9. Use of Framework Agreements

9.1 The use of framework agreements is permitted for any value of contract. The Monitoring Officer must be consulted, and confirmation given that the Council may lawfully access the

framework before a purchase. The Head of Performance and Governance must be informed of the use of a Framework Agreement.

9.2 In order to select a supplier for a call-off contract under a multi-supplier Framework Agreement, or to conduct a mini competition, the Procuring Officer must follow the procedure set out in that Framework Agreement.

9.3 The Head of Performance and Governance will keep a record of framework use.

10. Market Engagement

10.1 Officers may, prior to commencing the procurement process and on the advice of the Head of Performance and Governance, consult potential candidates in general terms about the nature, level and standard of the supply and seek market views and intelligence that can be used in the planning and conduct of the procurement process.

11. Performance Bonds, Parent Company Guarantees and Insurance

11.1 It is the responsibility of the Procuring Officer, in consultation with the Section 151 Officer to set, where appropriate, adequate levels of insurance for every procurement.

11.2 The Procuring Officer must ensure that any insurance required by the Council is held by the provider with a reputable insurance company(ies) and that the policy(ies) are renewed as necessary during the contract period.

11.3 The Procuring Officer must consult the Section 151 Officer concerning whether a performance bond or a deposited sum is needed where:

- a) The contract is for construction and the value of the contract is in excess of £100,000; or
- b) The contract value is above £1,000,000; or
- c) Where it is proposed to make stage or other payments in advance of receiving the whole of the contract and there is a concern about the stability of the candidate.

11.4 The Procuring Officer must consult the Section 151 Officer concerning whether a parent company guarantee is needed where:

- a) The Total Contract Value exceeds the EU Threshold; or
- b) The award of the contract is based on the evaluation of the parent company or there is some concern about the stability of the supplier.

12.TUPE

12.1 Where relevant, the Procuring Officer must consider the implications of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended and consult with the Monitoring Officer as to their application.

13. Dispute Resolution

13.1 The Procuring Officer must consider the procedure for resolving disputes arising in relation to the procurement and, where appropriate, contracts shall contain provisions for alternative dispute resolution.

14. Form of Contract

14.1 All contracts, regardless of value, shall be accompanied either by the Council's:

- a) Standard Terms and Conditions of contract; or,
- b) The standard form of contract; or,
- c) Bespoke terms.

14.2 Further guidance regarding the mandatory contract terms to be included in Council contracts can be sought from the Head of Performance and Governance or the Monitoring Officer.

14.3 All Contracts are to be executed in accordance with Procedure Rule 29.

15. The Procurement Process

15.1 The process to be adopted is determined by the value of the contract. The procedure must be both appropriate and proportionate to the value of the contract. It must ensure that the Council achieves Best Value which is to be assessed by an evaluation of both the price and quality of competitive bids so as to determine the most economically advantageous over the life of the contract.

15.2 Procuring officers must, as a minimum, obtain quotations and tenders as follows:

A. Contracts for Goods and Services

Table 1

Threshold	Value
1	£5,000
2	£50,000
3	EU Supplies Goods and Services Threshold

Contract Value	Procurement Process	Advertising Requirements	Process Guidance
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Up to Threshold 1	<p>(i) Must demonstrate Best Value by following the procurement process for Lower Value Purchases.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p> <p>Written quotation(s) must be received. One quotation may be sufficient if Best Value is evidenced.</p>	None	<p><i>See Rule 19.</i></p> <p><i>Low Value Procurement process</i></p>
Between Threshold 1 and 2	<p>(i) A minimum of 3 quotations received via the Council's Electronic Tendering System.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p>	Optional	<p><i>See Rule 20.</i></p> <p><i>Quotations</i></p>
Between Threshold 2 and 3	<p>(i) An invitation to Tender via the Council's Electronic Tendering System.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p>	<p>(i) Open advertisement on the Council's Electronic Tendering System and in Contracts Finder.</p> <p>(ii) In accordance with the Rules of the Framework.</p>	<p><i>See Rule 21.</i></p> <p><i>Procurement processes requiring Invitations to Tender</i></p>
At and above Threshold 3	<p>(i) Invitation to Tender as per the Relevant Legislation and via the Council's Electronic Tendering System.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate framework.</p>	<p>(i) Open advertisement on the Council's Electronic Tendering System, in Contracts Finder and in the EU.</p> <p>(ii) In accordance with the Rules of the Framework.</p>	<p><i>See Rule 22.</i></p> <p><i>Procurement processes over the EU Threshold</i></p>

B. Contracts for Works

15.3 For works contracts, the Council utilises several lists of approved contractors (Approved Select Lists) for example the Devon and Somerset Select List of Approved Contractors (SLOAC) and Construction Line. These Approved Select Lists provide access to pre-qualified contractors who have registered their interest in working in the Somerset West and Taunton area.

15.4 Use of an Approved Select List (ASL) for works contracts below EU thresholds is encouraged but it is not mandated. Where it is used, there are different Rules associated with the award of works contracts, these are detailed in the Table 2 below.

Table 2

Threshold	Value
1	£15,000
2	£150,000
3	EU Works Threshold

Threshold	Non-Select List Rules	Select List Rules	Process Guidance
Up to Threshold 1	<p>(i) The Officer shall seek sufficient competition to demonstrate that Best Value has been achieved.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p> <p>Written quotation(s)[±] must be received. One quotation may be sufficient if Best Value is evidenced.</p>	<p>(i) A minimum of 2 quotations is invited with at least 1 randomly selected by Approved Select List Software.</p> <p>The Officer must be satisfied that Best Value has been achieved.</p> <p>Written quotations must be received.</p>	<p>See Rule 19.</p> <p><i>Low Value Procurement Process</i></p>
Between Threshold 1 and 2	<p>(i) A minimum of 3 quotes received via the Council's Electronic Tendering System.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p>	<p>A minimum of 3 quotes invited, at least 2 randomly selected by the Approved Select List Software.</p>	<p>See Rule 20</p> <p><i>Quotations</i></p>
Between Threshold 2 and 3	<p>(i) An Open Tender is advertised via the Supplying the Southwest Portal.</p> <p>(ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.</p>	<p>For values between £150,000 and £250,000:</p> <p>A minimum of 5 invitations and 3 confirmed expressions of interest. At least 3 invitations being randomly selected by the Approved Select List Software.</p> <p>For values between £250,000 and EU Works threshold:</p>	<p>See Rule 21</p> <p><i>Procurement processes requiring Invitations to Tender</i></p>

		All relevant registered suppliers on the Approved Select List invited to register interest.	
At or above Threshold 3	(i) Invitation to Tender as per the Relevant Legislation and via the Council's Electronic Tendering System; or (ii) Alternatively, the procurement is carried out under the Rules of an appropriate Framework.	Not Applicable above EU Works Threshold	<i>See Rule 22. Procurement processes over the EU Threshold.</i>

16. The Procurement Sourcing Strategy

16.1 For procurement processes with a Total Contract Value in excess of the EU Threshold the Procuring Officer must seek approval from the Monitoring Officer prior to procurement and must consult with the Head of Performance and Governance to develop a procurement sourcing strategy.

17. Specification

17.1 Each procurement must be appropriately specified, and the Selection and Award criteria must be formulated in advance of inviting expressions of interest to ensure the Council obtains value for money and the procurement process is transparent.

17.2 All works, goods and services must be specified by reference to European standards, or national standards if no European standards are set. The specification must be a clear and comprehensive description of the Council's requirements and should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable a proper assessment to be made of the supplier's ability to meet the Council's requirements.

18. Standard Procurement Documents

18.1 The Procuring Officer must use standard Procurement Documents (obtained from the SPL) or relevant Framework Agreement or Dynamic Purchasing System documents.

18.2 Where it is necessary to vary the documents at 18.1, the Procuring Officer must consult with the Head of Performance and Governance .

19. Procurement Processes

19.1 The following is applicable to each process:

- a) Where there is a suitable Framework Agreement, Dynamic Purchasing System or Corporate Contractual Arrangement approved by the SPL, that Framework Agreement, Dynamic Purchasing System or Corporate Contractual Arrangement shall be used, provided that such a course of action achieves the principles of Best Value;
- b) Where acceptance of quote or tender is made by the issuing of a Purchasing Order, the Purchase Order must refer to the Council's Standard Terms and Conditions of Contract, except for where the complexity of the contract requires more bespoke terms, in which case the Purchase Order shall make separate reference to these;
- c) Unless otherwise specified in these Rules, unsuccessful candidates shall be notified and, at their request, shall be given the reason why they were unsuccessful without breaching the commercial confidentiality of other candidates.

19.2 In all cases other than Lower Value Purchases, the Council's Standard Procurement Documents must be used.

Process for Lower Value Purchases

19.3 For contracts up to and including the Total Contract Value of £5,000 (goods and services), or £15,000 (works), the Procuring Officer is required to achieve a minimum of one written quotation to demonstrate compliance.

19.4 Compliance with the principle of Best Value will be demonstrated by evidence of the application of commercial considerations in the decision and a demonstrable conclusion that a better value outcome is unlikely to be achieved without a disproportionate application of further resource input.

19.5 Where compliance with the principle of Best Value cannot be demonstrated by seeking one written quotation, the Procuring Officer shall seek more than one quote.

19.6 The Procuring Officer may choose to either:

- a) Place an order with the selected supplier on the basis of a pre-quoted price (such as in a supplier's catalogue), having satisfied themselves that the price to be paid represents Best Value; or
- b) Select a minimum of one potential candidate to be invited to submit a quotation.

19.7 Where the Procuring Officer is unable to select a potential candidate and/or demonstrate Best Value, the procedure set out at Rule 20 (Quotations) must be followed.

19.8 Acceptance will be notified to the successful supplier by issue of a Purchase Order.

19.9 The Procuring Officer must document their decision-making process to demonstrate compliance with this section.

20. Process Requiring Quotations

20.1 For contracts with a Total Contract Value of more than £5,000 (£15,000 for works) but less than £50,000 (£150,000 for Works), the Procuring Officer is required to achieve a minimum of 3 quotations via the Council's Electronic Tendering System (ETS).

20.2 Compliance with the principle of Best Value will be demonstrated by evidence of the application of commercial considerations in the decision and a demonstrable conclusion that a better value outcome is unlikely to be achieved without a disproportionate application of further resource input.

20.3 Where compliance with the principle of Best Value cannot be demonstrated by seeking 3 written quotations, the Procuring Officer shall seek more than 3 quotations and, if considered necessary, run an open competition

20.4 In respect of works contracts only, Procuring officers are required to consider the use of an ASL in the first instance and to justify, and to record, the reasons for non-use.

20.5 Competitive quotations must be sought inviting at least 3 candidates registered on the ETS, or the relevant ASL.

20.6 In the event that no suitable candidates can be found on the ETS, the Procuring Officer may also place an open advertisement in the ETS and in Contracts Finder.

20.7 If the Procuring Officer cannot obtain 3 quotations, the Procuring Officer must satisfy themselves that they have achieved Best Value and must seek approval from the SPL in order to proceed with the procurement. Justification and approval to proceed must be recorded and available for inspection.

20.8 Acceptance will be notified to the successful supplier by issue of a Purchase Order and Contract.

20.9 Where the Goods, Services or Works will be delivered or utilised over a period of time a Contract Award Record must be made on the Council's Contracts Register.

21. Procurement Processes Requiring Invitations to Tender

21.1 For contracts with a Total Contract Value of £50,000 (£150,000 for Works) but less than the EU Threshold, the Procuring Officer must seek the advice of a procurement Officer

21.2 The Procuring Officer is required to invite tenders from any and all qualified candidates by advertising the opportunity via the Council's Electronic Tendering System and in Contracts Finder. Where an Approved Selection List is used the Procuring Officer must obtain at least 3 confirmed expressions of interest.

21.3 An Invitation to Tender shall be sent to all parties who have expressed an interest.

21.4 The successful supplier and unsuccessful candidates shall be notified of the outcome by issue of a letter sent electronically via the Council's Electronic Tendering System.

21.5 A Purchase Order must be raised.

21.6 A Contract Award Record must be made on the Council's Contracts Register, and in Contracts Finder.

22. Procurement Processes for Contracts of a Value Over the EU Threshold

22.1 The Head of Performance and Governance must obtain approval from the Monitoring Officer before beginning a procurement exercise in respect of any contract at and above the relevant EU Threshold.

22.2 For contracts at and above the relevant EU Threshold, the Procuring Officer is required to invite tenders from any and all qualified candidates by advertising the opportunity via the Council's Electronic Tendering System, in Contracts Finder and EU-wide.

22.3 A statutory minimum period of advertising will apply which will vary depending on the procedure used but will not be less than 10 working days.

22.4 In most cases, the Open Procedure, Restricted Procedure or Competitive Procedure with Negotiation shall be used, however, the advice on the appropriate route to procurement must be sought from the SPL in conjunction with SHAPE Legal Partnership.

22.5 The successful supplier and unsuccessful candidates shall be notified in accordance with the Relevant Legislation and a Standstill Period shall be observed.

22.6 A Purchase Order must be raised.

22.7 A Contract Award Record must be made on the Council's Contracts Register, in Contracts Finder and in the Official Journal of the EU (or elsewhere in accordance with EU Legislation).

23. Confidentiality of Tenders and Quotations

23.1 All matters concerned with quotations and tenders must be treated as confidential, and any information, discussion or correspondence entered into should be confined to those officers of, or consultants to, the Council who are directly concerned.

23.2 The amount or value of any tender or quotation which is to be considered by the Council or Executive shall not be made public before the meeting and shall be omitted from any written report on the subject which may be circulated before the meeting unless the report is marked as confidential.

24. Submission, Receipt and Opening and Evaluation of Tenders

24.1 The submission, receipt, opening and evaluation of tenders is subject to specified procedures (based on the Total Contract Value) and any Officer involved in a procurement that is likely to require tenders must seek guidance from Head of Performance and Governance. As a minimum requirement:

- a) All Contracts at and above the Total Contract Value of £50,000 (£150,000 for Works) shall be submitted electronically through the Council's Electronic Tendering System;
- b) Tenders received after the stated date and time shall not be accepted under any circumstances. For the purposes of these Rules the time will be deemed to be at the first stroke, e.g. noon shall be 12:00:00;
- c) Submissions shall be verified and opened on the Council's Electronic Tendering System.

25. Contract Selection Criteria and Award Criteria

25.1 The Selection Questionnaire shall be used to assess a candidate's ability to meet the Council's requirements or minimum standards of suitability, capability, legal status or financial standing.

25.2 For all Contracts over the Total Value of £50,000 the Officer shall include the Selection Questionnaire within the Procurement Documents. For works contracts the Procuring Officer should seek guidance from the Head of Performance and Governance –SPL in respect of the correct use of selection Questionnaires.

25.3 The Award Criteria shall be used to assess a candidate's ability to deliver the Council's requirements under the Contract, achieving Best Value.

25.4 The Contract shall be awarded to the candidate whose tender best meets the Award Criteria (as set out in the Procurement Documents).

25.5 The Procuring Officer shall consult with the Head of Performance and Governance for guidance on the Selection and Award criteria prior to issuing the Procurement Documents.

26. Intention to Award a Contract

26.1 For contracts with a Total Contract Value over the EU Threshold, Procuring officers must allow candidates a mandatory minimum Standstill Period of 10 calendar days before entering into a contractually binding agreement with the successful supplier(s). It is most important that any communication with the preferred candidate(s) does not constitute a Contract award, conditional or otherwise.

26.2 Following any Standstill Period, if appropriate, an EU Award Notice must be placed by the Head of Performance and Governance.

26.3 All candidates must be simultaneously notified in writing of the award and all letters informing them of the outcome of the Tender must comply with the Relevant Legislation.

26.4 Should any further communication with the candidates be requested/required, advice should be sought by the Head of Performance and Governance prior to any such communication.

26.5 Any complaints, correspondence threatening challenge or formal court proceedings challenging the decision must be immediately submitted to the Head of Performance and Governance and Monitoring Officer.

27. Authorisations

Authority to Procure a Contract

27.1 Heads of Function or a Director may authorise a procurement exercise in respect of contracts of any value so long as:

- a) The decision to procure a contract is not a Key Decision;
- b) The procurement relates to their Function Area;
- c) In doing so they are acting in accordance with the Financial Procedure Rules; and,
- d) Where the contract value is above the relevant EU Threshold the approval of the Monitoring Officer has been obtained.

Authority to Award or Amend a Contract

27.2 Approval to award or amend a contract, Framework Agreement or Dynamic Purchasing System can only be given as set out in Table 3.

27.3 In respect of contract amendments, the Total Contract Value is the total value of the contract plus the value of any proposed amendment.

27.4 The Head of Function or Function responsible for the procurement will determine what is a politically sensitive contract for the purposes of Table 3 however, where the contract value is £1,000,000 or above, the Head of Function or Director shall seek the advice of the Monitoring Officer before concluding that a matter is not politically sensitive.

Authority to Sign a Contract

27.5 The Chief Executive, Section 151 Officer and Monitoring Officer may sign any contract.

27.6 Heads of Function or a Director may sign contracts in respect of procurement within their Function Areas.

27.7 Heads of Function or a Director may delegate their Authority to sign to an Officer, however this must be in accordance with the requirement at Finance Procedure Rule 3.1.31 to maintain a register of approved authorisers.

27.8 As well as signing, contracts may also require sealing under Contract Procedure Rule 29.

Table 3

Total Contract Value		Approval to Award	Approval to sign Contracts
Contracts <u>of any value</u> involving: Significant risk, Significant externalisation of services Politically sensitive issues.		Key Decision to be made by the Executive.	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer
Over £1,000,000* and politically sensitive		Key Decision to be made by the Executive.	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer
Over Threshold 3		Chief Executive Director, Head of Function, or the Section 151 Officer	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer
Over £50,000 but less than Threshold 3	Over £150,000 but less than Threshold 3	SPL K-grade Approved Procurement Practitioner (across function).	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer
Up to and including £50,000	Up to and including £150,000	Grade H Approved Procurement Practitioner (within Function).	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer.
Up to and including £5,000	Up to and including £15,000	Grade F Approved Procurement Practitioner (within Function).	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer.
Up to £1,000	Up to £1,000	Any Grade having completed the Passport to Procure e-learning.	Chief Executive, Director, Head of Function, Section 151 Officer, Monitoring Officer.

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*See Contract Procedure Rule 28.4 above in respect of contracts valued at over £1,000,000

28. Further Authorisation for Advance Payments

28.1 Contracts requiring payment in advance must be authorised in accordance with the Financial Procedure Rules. In particular:

- a) Payments in advance in excess of £5,000 must be authorised by a Finance Specialist; and,
- b) Payments in advance in excess of £50,000 must be authorised by the Section 151 Officer.

29. Deeds, Sealing and Signing of Contracts

29.1 A Contract must be sealed with the common seal of the Council where:

- a) The Council may wish to enforce the contract more than 6 years after its end (e.g. construction works); or,
- b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods, services or works; or,
- c) The Total Contract Value is at and above £500,000.

29.2 Before a contract can be sealed by the Council, the Procuring Officer must provide the relevant Authority to award in writing from the appropriate decision maker.

30. Contracts Register

30.1 All contracts having a value or estimated value of £500 (five hundred pounds) or more must be entered in the Council's Contracts Register, which will be monitored by the SPL.

30.2 The Procuring Officer shall ensure that original signed copies of the contract are stored in accordance with the Council's retention policy.

30.3 The Procuring Officer must keep and maintain records in respect of each Tender and Contract (such records should include the materials pertaining to all of the stages of the procurement cycle).

31. Contract Documents and Letters of Intent

31.1 Wherever practicable, work under a contract must not start until the contract documents and all other procedures have been completed to the satisfaction of the relevant Head of Function or, in the case of a procurement valued at £100,000 or more, the Head of Function

and Monitoring Officer. A letter of intent must not be issued unless approved by the Monitoring Officer.

32. Variations and Extensions

32.1 Variations must not exceed the scope, financial value or duration of the advertised contract.

32.2 Where relevant Officer considers that a proposed variation may materially change or exceed the specification, price or duration of a contract, advice must be obtained from the SPL.

32.3 Variations to contracts must be approved and signed by the relevant officers in accordance with Table 3 at Rule 28.

32.4 Extensions of contracts may only be made where:

- a) There is budgetary provision; and,
- b) Best Value can be clearly demonstrated, and that the extension will not contravene any legal requirement; and,
- c) The extension is within the scope (description of Goods, Services or Works, duration and Total Value) of the original Contract; and,

32.5 For Contracts below the EU Threshold:

- a) There is a provision stipulated in the original contract for an extension;
- b) The extension does not cause the Total Contract Value to exceed the relevant EU Threshold; or,

32.6 For contracts at or over the EU Threshold, the original Contract Notice advertised, and the contract permits the extension.

32.7 Where the Officer responsible considers that a proposed extension may materially change or exceed the specification, price or duration of a contract, Authority for the extension must be obtained from the Head of Function or a Director for the Function Area to which the procurement relates.

32.8 Extensions to contracts must be approved and signed by the relevant officers in accordance with the approval levels set out in Table 3 in section 28.

32.9 For contracts with a Total Contract Value exceeding the EU Threshold, any variation or extension to a Contract which in aggregate results in additional costs exceeding 10% of the original contract value or £75,000 (whichever is the greater) shall be subject to the prior approval of the Head of Function or a Director for the Function Area to which the procurement relates and the Monitoring Officer.

32.10 For contracts with a Total Contract Value exceeding the EU Threshold, any variation or extension to a contract which in aggregate results in:

- a) additional costs exceeding 15% of the original contract value or £150,000 (whichever is the greater);
- b) A significant delay in the time for completion; or,
- c) Significant risks not initially identified, shall be reported at the earliest opportunity to the Section 151 Officer and shall be subject to their approval in conjunction with an appropriately empowered Officer

32.11 The Officer responsible for the amendment to the contract must ensure that all variations and/or extensions, are stored with the original signed and dated contract.

33. Contract Management and Contract Expiry

33.1 A contract manager must be appointed for all new contracts and named in the Procurement Documents and contract.

33.2 All contracts with a Total Contract Value over the relevant EU Threshold must have in place:

- a) A contract operations manual and plan;
- b) A risk register, and risk and mitigation strategy;
- c) A contingency plan;
- d) An exit management plan, together with appropriate contract clauses, to minimise the potential impact on the Council's service delivery, as a result of the expiry, or early termination, of the contract.

33.3 For any contract with a total value below the relevant EU Threshold, where supplier failure would have an adverse impact on the Council's service delivery the requirements of 33.2.3 and 33.2.4 apply equally.

34. Further Advice

34.1 Should the procurement or management of a contract involve the following, or should the Procuring Officer have any queries regarding the following, the Officer should seek the advice of the SPL or Legal Services as appropriate:

- a) Confidentiality of sensitive commercial information;
- b) The organisation of Presentations, Demonstrations, Site visits and interviews;
- c) Abnormally low bids;
- d) Contracts exceeding the written estimate;

- e) Clarification of tenders from candidates;
- f) Post tender negotiation and best and final offers;
- g) Electronic auctions;
- h) Early termination of a contract;
- i) Assignment or novation of a contract;
- j) State aid;
- k) Development agreements.

35. Amendments to These Contract Procedure Rules

35.1 The Monitoring Officer shall be empowered to review the Contract Procedure Rules from time to time and as often as may be necessary in consultation with the S151 Officer and Lead Councillor and, following formal approval by Full Council, shall publish details of any amendments.

Employment Procedure Rules

1. Recruitment and Appointment

1.1. Declarations

1.1.1. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are related to an existing Councillor or Officer of the Council; or the partner or ex-partner of such a person.

1.1.2. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Senior Officer (as set out in Appendix A) or an Officer nominated by him/her.

1.2. Seeking Councillor Support for Appointment

1.2.1. Subject to paragraph 1.2.3 below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2. Subject to paragraph 1.2.3 below, no Councillor will seek support for any person for any appointment with the Council.

1.2.3. Nothing in paragraphs 1.1.1 and 1.1.2 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

1.3. Senior Officer Posts Covered by These Rules

1.3.1 Except where stated in these rules, Parts 2 to 8 apply to the following posts: Chief Executive, Monitoring Officer, Section 151 Officer, Director, Heads of Functions and any other posts who are /become permanent members of the Senior Leadership Team. For the purposes of these rules, these posts will be referred to as 'Senior Officer Posts'. The current list of posts is set out at Appendix A but failure to include a post on this list will not exclude it from the provisions of these rules.

2. Recruitment

2.1. Where the Council proposes to recruit and appoint to a Senior Officer Post and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- a) Draw up a statement specifying:
 - i. The duties of the post concerned; and
 - ii. Any qualifications or qualities to be sought in the person to be appointed;
 - iii. Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - iv. Make arrangements for a copy of the statement mentioned in paragraph (2.1.1) to be sent to any person on request.
- b) The Head of Performance and Governance is responsible for keeping this list up to date in the light of changes to the Council's organisational structure.

3. Employment Committee

3.1. The Council will appoint an Employment Committee (the Committee) as and when required to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Senior Officer Posts, where not restricted or prohibited by law. References to the Committee include a sub-committee of the Committee established by it to carry out its functions.

3.2. The Committee must include at least one Member of the Executive. Where the Committee is considering the appointment or the dismissal of any Officer (excluding the dismissal of a Statutory Officer – see below), the Committee must also include at least one member of the Scrutiny Committee.

4. Appointment of Chief Executive (Head of Paid Service), Section 151 Officer and Monitoring Officer – the Statutory Officers

4.1 The Full Council will determine whether to approve the appointment of Statutory Officers following a recommendation by the Employment Committee.

4.2 The Council may only make or approve a Statutory Officer appointment, where no well-founded objection has been made by any Member of the Executive (see Part 8).

4.3 The Council has designated the Chief Executive to be its Head of Paid Service.

5. Appointment to Other Senior Officer Posts

5.1 The Staffing Committee has delegated authority to appoint all other senior officer posts, but an offer of employment shall only be made where no material or well-founded objection from a Member of the Executive has been received (see part 8).

5.2 **Officers not covered by these Rules:** Other than statutory assistants to political groups, all other appointments are the responsibility of the Chief Executive as Head of Paid Service, or her/his nominees, and may not be made by Councillors.

5.3 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

***Note:** The Council is not able to make any political assistant appointment until the Council has allocated posts to all political groups which qualify for one. The Council is required to consider the allocation of a political assistant to a political group in accordance with the relevant regulations. Non-qualifying groups are not allowed political assistants. More than one advisor per group is not permitted.*

6. Disciplinary Action Against and Dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer ('the Statutory Officers').

6.1 The Employment Committee has power to decide whether to investigate any allegation of misconduct by a Statutory Officer, all matters relating to the conduct of the

investigation (save as set out in 6.2) and may suspend the Statutory Officer on full pay whilst any investigation and/or any subsequent disciplinary process takes place.

6.2 Where the Statutory Officer is the Chief Executive the Employment Committee will follow the procedures set out in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook regarding the appointment of its' Independent Panel and any Independent Investigator and review of any suspension.

6.3 The Committee will consider the investigation report, any other evidence it considers relevant and the Officer will have an opportunity to state their case.

6.4 The Committee will consider whether disciplinary action is needed and, if so, the appropriate sanction. Where the proposed sanction is less than dismissal, the Committee will instruct Officers to implement any sanctions.

6.5 Where required, the Committee will consider an appeal against a disciplinary sanction. Where the Statutory Officer concerned is the Chief Executive, the Appeals Committee must be a politically balanced committee of five members who are not members of the Employment Committee and will include at least one Member of the Executive. An Appeals Committee's purpose is to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.

6.6 Where the Committee proposes dismissal:

- a) A Statutory Officer Independent Panel (the Panel) consisting of at least three Standards Regime Independent Persons drawn from the pool of Independent Persons of the principal councils in Somerset will be established to consider the matter and report its recommendations direct to Full Council.
- b) The Panel's recommendations will be independent of and separate to any recommendations made by the Employment Committee.;
- c) The Panel must be established at least 20 working days before the Full Council meeting scheduled to consider any proposal to dismiss a Statutory Officer.

- d) Full Council will decide whether or not to approve the dismissal taking into account: the investigation and its conclusions; the Panel's recommendations and the recommendations of the Employment Committee, together with any representations by the relevant Statutory Officer. Statutory Officers will be allowed to attend this meeting and address Council. Following consideration Full Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes any Statutory Officer's final right of appeal against any decision to dismiss. The detailed process for considering such matters will be in accordance with such arrangements agreed by the Council subject to relevant statutory requirements.

7. Disciplinary Action Against and Dismissal of Other Senior Officers ('Non-Statutory Officers')

7.1 The Employment Committee has power to decide whether to investigate any allegation of misconduct by a non-Statutory Officer, all matters relating to the conduct of the investigation and may suspend the Statutory Officer on full pay whilst any investigation is undertaken and/or any determine any subsequent disciplinary process that takes place.

7.2 The Committee has power to impose any sanction up to and including dismissal, subject to Section 8 below.

7.3 Where required, the Committee will consider an appeal against a disciplinary sanction or dismissal of a non-Statutory Officer.

8. Executive Objections to Appointments or Dismissals

8.1. Where a committee makes the decision to appoint or dismiss a Senior Officer Post any Executive member has the right to object before an appointment is made or a notice of dismissal is given.

8.2 The Chief Executive will inform all Executive members about the proposed appointment or dismissal in writing. The Chief Executive will advise:

- a) The name of the person who is the subject of the proposed appointment or dismissal
- b) Any other particulars relevant to the appointment or dismissal which the Committee has notified to the Chief Executive
- c) That objections must be received within five working days; and
- d) That any objections must be made to the Leader of the Executive.

8.3. The appointment or dismissal can only be made if:

- a) There is no objection from the Members of the Executive within five working days;
or
- b) An objection is received and considered by the Committee but is not considered to be material or well founded.

9. Organisational Restructuring

9.1 Restructuring within a single Function Area is the responsibility of the relevant Head of Function or Director following consultation with the Chief Executive and all other Heads of Function/Director.

9.2 Restructuring involving more than one Function Area is the responsibility of the Chief Executive following consultation with all Heads of Function/Director.

9.3 Restructuring that affects all Function Areas is the responsibility of the Chief Executive, following consultation with all Heads of Function/Director, subject to the approval of the Executive.

9.4 Restructuring/changes to the senior management structure/senior officer posts is the responsibility of the Chief Executive, subject to the relevant requirements set out in these procedural rules.

10. Annual Pay Policy Statement

10.1 Section 38 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the

authority's policies relating to remuneration of chief Officers and its lowest paid Officers; and the relationship between the remuneration of its chief Officers and that of its employees who are not chief Officers.

10.2 The annual pay policy statement for the following financial year will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in-year.

APPENDIX A

APPLICABLE POSTS

Chief Executive

Section 151 Officer

Monitoring Officer

Executive Director and Deputy Chief Executive

Head of Customer

Head of Strategy

Head of Localities

Head of Communications and Engagement

Head of Performance and Governance

Head of Commercial, Investment and Change

Procedure Rules for Full Council (Standing Orders)

Those rules marked * apply to Council and to the Committees

Rules of Procedure

Meetings of the Council

1. Annual Meeting of the Council

Order of Business

At Annual Meetings of the Council, the Order of Business shall be as follows:

- a) To choose a Councillor to preside if the Chair and Vice Chair of the Council* are absent;
- b) To elect the Chair of the Council;
- c) To appoint the Vice-Chair of the Council;
- d) To receive any apologies for absence;
- e) To approve the minutes of the last Ordinary Meeting;
- f) To receive any communications or announcements from the Chair of the Council;
- g) To elect a Leader for a 4-year term of office;
- h) To receive any communications or announcements from the Leader of the Council;
- i) To receive any questions, statements or petitions from the public in accordance With Council Procedure Rules 17, 18 and 19;
- j) To receive any questions from Councillors in accordance with Council Procedure Rule 16;
- k) To decide which Committees to establish for the municipal year;
- l) To decide the size and terms of reference of those Committees;
- m) To decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- n) To make appointments to Committees;
- o) To make appointments to outside organisations, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive. In an election year, such appointments may be deferred to the first Ordinary Meeting of the Council in the municipal year;
- p) To consider any other business set out in the summons;

- q) To authorise the sealing or signing of documents to give effect to any decisions taken.

1.2 Other than items a) to c) above, the Chair of the Council may, with the consent of the Council, vary the Order of Business.

2. Extraordinary Council Meetings and Special Council Meetings

2.1 Extraordinary Meetings shall be held on such days as may be determined by the Council or the Chief Executive, in consultation with the Chair of the Council and political group leaders.

3. Calling Extraordinary Meetings

3.2 An Extraordinary Meeting of the Council may be called at any time by:

- a) The Council by resolution;
- b) The Chair of the Council;
- c) The Monitoring Officer; or,
- d) Any 5 Councillors by written requisition presented to the Chair of the Council where he or she has refused to call a meeting or has failed to call a meeting within 7 days of the presentation of the requisition.

Order of Business

3.3 At Extraordinary Meetings of the Council, the Order of Business shall be as follows

- a) To choose a Councillor to preside if the Chair and Vice Chair are absent;
- b) To receive any apologies for absence;
- c) To receive and note any disclosable pecuniary, prejudicial and/or personal interests from Councillors;
- d) To receive any communications or announcements from the Chair;
- e) To receive any communications or announcements from the Leader of the Council;
- f) 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 17, 18 and 19;
- g) 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 16;

- h) To consider the business for which the Extraordinary Meeting has been called. The Chair may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business;
- i) To authorise the sealing or signing of documents to give effect to any decisions taken.

3.3 Other than items (a) to (c) above, the Chair of the Council may, with the consent of the Council, vary the Order of Business.

Special Council Meetings

3.4 During the course of the municipal year there will be a special meeting solely for the purpose of setting the Council Budget.

4. Ordinary Meeting of the Council

Order of Business

4.1 At Ordinary Meetings of the Council, the Order of Business shall be as follows:

- a) To choose a Councillor to preside if the Chair and Vice-Chair of the Council are absent;
- b) To receive any apologies for absence;
- c) To receive and note any disclosable pecuniary, prejudicial and/or personal interests from Councillors;
- d) To approve the minutes of the last meeting;
- e) To receive any communications or announcements from the Chair of the Council;
- f) To receive any communications or announcements from the Leader of the Council;
- g) To receive any questions, statements or petitions from the public in accordance with Council Procedure Rules 17, 18 and 19;
- h) To receive any questions from Councillors in accordance with Council Procedure Rule 16;
- i) To consider any other business set out in the summons;
- j) To consider any motions in accordance with Council Procedure Rule 9;
- k) To authorise the sealing or signing of documents to give effect to any decisions taken;
- l) To consider reports from Executive Councillors.

Variation of Order of Business*

4.2 The Chair of the Council may, with the consent of the Council, vary the Order of Business.

Minutes*

4.3 At the next Ordinary Meeting, the Chair of the Council shall, with the Council's assent, sign the minutes of the business transacted at the previous meeting as a correct record.

4.4 The only discussion allowed upon the Minutes shall be as to their accuracy, and any objection upon that ground shall be made by motion. A question may be put to the Chair of the Council as to the accuracy of the Minutes.

Notices of Motion

4.5 If a Councillor wishes to move a motion at a meeting of the Council, then notice in writing shall be given to the Governance Manager or his/her nominee of its terms and the name of a Councillor who has agreed to second it. Such notices shall be dated, numbered as received and available for the inspection of Councillors.

4.6 Seven clear working days' notice is needed in order to have a notice of motion included in the summons. This means that written notice must be delivered to the Governance Manager or his/her nominee by 4pm on the day that provides 7 clear working days before the Council meeting (excluding the day of the meeting itself).

4.7 The motion shall relate to the work of the Council or the interests of people living in the Council Area.

4.8 A motion shall not be taken if its proposer is not present, unless another Councillor has been asked to propose it and the Council so agree.

4.9 A motion or amendment to rescind a decision within 6 months of it being approved should be made in accordance with Rule 25 of these Procedure Rules.

5. Motions During a Debate*

5.1 A Councillor may at the conclusion of a speech of another Councillor, move without debate one of the following motions:

- a) To amend the motion;
- b) To defer consideration of the motion;
- c) To adjourn the meeting;
- d) To adjourn the debate;
- e) To proceed to the next item of business;
- f) That the question be now put;

- g) To request a Recorded Vote; see Procedure Rule 20;
- h) That Councillor _____ be not further heard;
- i) That Councillor _____ do leave the meeting;
- j) That the (identified) recommendation be referred back for further Consideration (a deferral);
- k) That the press and public be excluded;
- l) To suspend any one or more Procedure Rules during all or part of the meeting;
- m) To refer a petition which has been presented to a meeting of the Council to a Committee for consideration;

5.2 If the motion is seconded then (subject to the proviso set out in (c) below) the Chair of the Council shall proceed as follows:

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

5.3 If the Planning Committee votes against an Officer recommendation, it must either give reasons if it is a refusal or conditions in the case of permitting development:

- a) The Committee must vote on the reasons/conditions which will then form part of the substantive motion;
- b) The substantive motion must then be voted upon;
- c) If the Committee fails to agree the reasons/conditions, then the motion fails.

6. Amendments*

6.1 An amendment shall be either:

- a) To leave out words;
- b) To leave out words and insert or add others; or
- c) To insert or add words;

but shall not have the effect of introducing a significantly different proposal or of negating the motion.

6.2 Before moving an amendment a Councillor shall ensure that there is likely to be a seconder for that amendment.

6.3 When an amendment has been moved and seconded, no further amendments shall be moved until the first amendment has been voted upon.

6.4 If an amendment is carried, it shall be incorporated into the motion which shall become the substantive motion upon which further amendments may be moved. If an amendment is voted down, further amendments may then be moved on the motion.

6.5 With the agreement of any seconder and with the assent of the Council, given without comment, a Councillor proposing a motion or amendment may:

- a) Withdraw that proposal; or
- b) Alter its wording; or
- c) Accept an amendment.

6.6 If there is to be an amendment to the proposed budget, then it must be received by the Governance Manager or his/her nominee by 4pm on the day that provides 2 clear working days before the Council meeting (excluding the day of the meeting itself).

7. Points of Order or Personal Explanation*

7.1 A Councillor may rise on a Point of Order or in personal explanation and shall be allowed by the Chair of the Council to be heard forthwith.

7.2 A Point of Order shall relate only to an alleged breach of a specified Procedure Rule or statutory provision and the Councillor raising it shall immediately identify how it has been broken.

7.3 A personal explanation shall be confined solely to a brief explanation of how a speech in the current debate by that Councillor appears to have been factually misunderstood. It shall not be used to introduce new material.

8. Reports of Executive Councillors

8.1 An Executive Councillor shall submit a report to an Ordinary Meeting of the Council as to current and future business of their portfolio for the information of and comment from the Council. Such reports are for discussion and comment only and no motion shall be put to the meeting as to any such item other than those closure motions described in Standing Order 8.

9. Proposers and Seconders

9.1 If the mover of a motion or of an amendment sits down without speaking to it, the right to speak shall be lost but the mover of a motion shall retain the right of reply.

9.2 The seconder of a motion or of an amendment may declare that s/he is reserving the right to speak:

- a) Until later in the debate; or
- b) Until it appears to the Chair of the Council that - at that point - there are no more speakers to be called and before the mover of the motion exercises the right of reply.

10. Rights to Speak During Debates

10.1 A Councillor who has spoken once on any motion or amendment may not speak again. The exceptions to this Rule are that a Councillor who has already thus spoken may also:

- a) Speak once to an amendment moved by another Councillor;
- b) Move a subsequent amendment. If a Councillor wishes to exercise this right, then s/he shall immediately make the purpose of this second speech clear to the Chair of the Council;
- c) Exercise a right of reply under Council Procedure Rule 14; or,
- d) Make a Point of Order or personal explanation.

11. Rights of Reply

11.1 The mover of a motion shall have a right of reply to any debate on that motion. This right shall be in addition to that Councillor's speech introducing the motion or the report.

11.2 The mover of a motion shall also have a right of reply to any debate:

- a) On any amendment to that motion;
- b) On a reference back to the Executive of that recommendation; and
- c) Immediately before the following closure motions are put to the vote:
 - i. To postpone consideration of the motion;
 - ii. To adjourn the debate;
 - iii. That the question be now put.

11.3 The Councillor presenting a report shall also have a right of reply to the following closure motions immediately before they are put to the vote:

- a) That the Council proceed to the next business;
- b) To adjourn the debate; or
- c) That the question be now put.

11.4 A Councillor who has moved a motion or introduced a report shall only have the further rights to speak which are defined in this Council Procedure Rule but shall not otherwise speak during that debate.

11.5 A Councillor exercising a right of reply shall not introduce new factual material.

11.6 The mover of an amendment or of any of the procedural motions referred to in Council Procedure Rule 89 shall not have a right of reply.

12. Speeches

12.1 A Councillor shall not speak on a motion or amendment for longer than 3 minutes.

12.2 The exceptions to this Rule shall be that:

- a) The mover of a recommendation (or of a motion of which notice has been given in accordance with Council Procedure Rule 7) may speak for not more than 10 minutes when moving such recommendation or motion;
- b) A Councillor exercising a right of reply may speak for 5 minutes; and
- c) The mover of an amendment may speak for 5 minutes.

12.3 A Councillor shall normally stand when speaking and shall address the Chair of the Council. When the Chair of the Council rises all Councillors shall be silent. No-one else shall speak until the Chair has been resumed.

13. Questions from Councillors

Questions on Notice

13.1 At a Full Council meeting, any Councillor, upon giving 5 working days' written notice, specifying the question to the Governance Manager or his/her nominee, may ask the Leader of the Council a question on a matter which concerns the Council's functions, powers, duties and which affects the Council Area.

13.2 Any Councillor, upon giving written notice, specifying the question, to the Governance Manager or his/her nominee by 4pm on the day that provides 2 clear working days before the Council meeting (excluding the day of the meeting itself), may ask the Leader of the Council, a Lead Councillor, Chair of a Committee or another Councillor who has been appointed to an outside body, a question which concerns the Executive's or Committee's functions, powers and duties or the work of the outside body and which affects the Council Area.

Urgent Questions

13.3 Any Councillor may put to the Leader, a Lead Councillor, or Chair of any Committee, any question relating to urgent business of which notice has not been given. A copy of any such question shall be delivered to the Governance Manager or his/her nominee not later than 12 noon on the day of the meeting.

13.4 The Leader, portfolio holder, or Committee Chair may decline to answer or may direct the question to be answered by the Chair of the appointed sub-committee which has been delegated the subject matter of the question.

13.5 The Councillor asking the question may ask a supplementary question related to the question or arising from the answer to seek further clarification.

13.6 Questions are to be asked and answered without further discussion by other members present. The Leader of the Council, Executive Councillor, or a Committee Chair to whom the question has been addressed may ask another Councillor or Officer to answer it if they are of the opinion that a discussion is required, or they may refer it to another relevant meeting of the Executive or Committee.

13.7 Where it is not possible to provide an answer to a question during the meeting, the person responsible for answering shall provide a written answer within 5 working days of the meeting.

14. Public Question Time*

Questions

14.1 At meetings of the Council, up to 15 minutes shall be allocated to receiving questions from members of the public.

14.2 Members of the public may ask the Leader of the Council, a Lead Councillor or a Chair of a committee questions relevant to any item on the agenda for the meeting or to the functions, powers or duties of the Council at Ordinary Meetings of the Council.

14.3 In relation to each meeting at which a member of the public wishes to ask a question, notice specifying the question should be given in writing by the person and received by the Governance Manager or his/her nominee by 4pm on the day that provides 2 clear working days before the Council meeting (excluding the day of the meeting itself).

14.4 In cases where there is any doubt as to whether a question is relevant to the functions, powers or duties of the Council, the Council Solicitor and Monitoring Officer shall determine whether they are accepted.

14.5 The Governance Manager or his/her nominee, in consultation with the Chair of the Council, appropriate Lead Councillor or Chair of the Committee (in relation to a Committee meeting appropriate) and questioner, may re-word any question to bring it into proper form and to secure brevity.

14.6 If a question relates to a ward-based issue, the Chair of the Council or Chair of the Committee meeting (as appropriate) shall invite a contribution from any Councillor representing that ward before calling for the formal reply.

14.7 In response to a question, the Councillor to whom the question has been put will normally provide and circulate to the questioner and all Councillors at the meeting a written answer which, together with the question, shall also be recorded in the minutes.

14.8 The questioner may, (subject to the time limits in paragraph (1) above) ask one supplementary question if such a question arises from the answer given.

14.9 If the questioner is unable to attend the meeting due to unforeseen circumstances then they may, with the consent of the Chair of the Council or Chair of the Committee (as appropriate) nominate a spokesperson to ask the supplementary question.

14.10 Questions, including any supplementary questions, will be asked and answered without discussion.

14.11 The Leader of the Council, Lead Councillor or Chair may decline to answer a question or nominate another Councillor or Officer to answer it on their behalf. In the case of a Committee meeting, if appropriate, the Chair may nominate the most appropriate Councillor or Officer present to provide a response to a question or supplementary question from a member of the public.

14.12 Any question or response under this Council Procedure Rule 17 shall not exceed 3 minutes in length.

14.13 Questions shall not be disallowed merely because advance notice in writing has not been given. Such questions may not be answered immediately but later in writing. However, it is always preferred that questions are put in writing in order to assist Councillors and Officers to be able to give answers at the meeting.

14.14 The procedure for taking questions or statements from members of the public at meetings of the Planning Committee shall follow such pattern as agreed from time to time by the Chair of the Planning Committee to best take account of its needs for public involvement.

15. Statements*

15.1 As an alternative to asking a question, a member of the public may address the Council or any Committee.

15.2 At meetings of the Council up to 15 minutes shall be allocated to receiving statements from members of the public.

15.3 Statements shall be for a period not exceeding 3 minutes on matters relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council, subject to the following conditions.

15.4 In relation to each meeting at which a member of the public wishes to speak and following publication of the agenda, notice, including a summary of the subject matter, must be given in writing by the person to the Governance Manager or his/her nominee not later than 12 noon one working day before the day of the meeting.

15.5 If a speaker is unable to attend the meeting due to unforeseen circumstances then, with the consent of the Chair of the Council (or Committee Chair in respect of a Committee meeting), they may nominate a spokesperson to speak for them.

15.6 The Leader of the Council, relevant Lead Councillor or Committee Chair shall be entitled to respond to the statement, and this shall not exceed 3 minutes in length.

16. Presentation of Petitions*

16.1 A petition is a written request signed by the requisite number of people appealing to an authority about a particular cause or issue.

16.2 A petition requiring debate by Full Council is a petition that contains more than 200 signatures and will be debated by Full Council.

16.3 Excluded Matters are matters that are excluded from the scope of the petitions duty and these are:

- a) Any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
- b) Any matter relating to an alcohol, gambling or sex establishment licensing decision;
- c) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- d) Any matter which the Chair of the Council or relevant Committee believes to be scurrilous, offensive, improper, repetitious, capricious, irrelevant or otherwise objectionable.

16.4 Petitions submitted to the Council must include:

- a) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- b) The name and address and signature of any person supporting the petition;
- c) The name and address of the petition organiser.

16.5 All petitions will be acknowledged within 10 working days.

16.6 If a petition contains more than 200 signatures the petition will be debated at the next scheduled meeting of ordinary Council. The normal convention will be to debate no more than one petition at any one Council meeting on a first come basis, subject to the discretion of the Chair of the Council.

16.7 The petition organiser will be given 5 minutes to present the petition to the meeting.

16.8 Councillors will discuss the petition up to a maximum of 15 minutes.

16.9 The Council will decide how to respond to the petition which may include to take the action requested, not to take the action requested for the reasons given in the debate, refer the matter for further investigation, or refer the matter to the Council Executive for final decision.

16.10 A petitioner has the right to request a review of the steps taken in response to the petition if they are unhappy and that request shall be made to the Council's Scrutiny Committee.

17. Deputations*

17.1 Any Somerset West and Taunton elector may ask that a deputation should be received by a meeting which has powers or duties relating to the matter of concern to that deputation. Such a request shall be made by written notice to the Governance Manager or his/her nominee at least 3 working days before the meeting to which it relates unless the Chair of the Council has, because of special circumstances, given approval to a lesser period of notice.

17.2 The person making the request shall indicate in the notice:

- a) The matter to which the request relates;
- b) The number and the names and the addresses of those making up the deputation;
and
- c) The name of the leader who will speak for them.

17.3 On being called by the Chair of the Council, the leader of the deputation may speak for not more than 5 minutes about the matter described in the notice given.

17.4 For a further period of 5 minutes, Councillors may ask questions of the deputation, which questions shall be asked and answered without discussion.

17.5 Having heard from the deputation, the Chair of the Council (or Councillor chairing the meeting) may either:

- a) Give an immediate oral response to their request, or
- b) Ask that an immediate oral response be given to the deputation by the Leader of the Council (or other Executive Councillor who is present) or by an Officer; or,
- c) Call for a report to be considered at the next meeting of that – or the relevant Committee unless the request relates to business which is already on the Committee's agenda; or
- d) Ask that a written answer be given to the deputation where the necessary information is not readily available.

18. Voting*

18.1 All motions and amendments, unless the law otherwise requires, shall be decided by a simple majority of those Councillors present at the meeting and voting at the time the question was put. The vote will be by affirmation or by a show of hands, as the Chair of the Council shall choose. Councillors must be present in the room for the whole of the item under discussion to be eligible to vote.

18.2 If before the Chair of the Council calls for the vote, either:

- a) The mover and seconder of the motion - or of the amendment, or,
- b) Any Councillor supported by the votes of at least a quarter of the Councillors present, request that a Recorded Vote be taken, then votes shall be publicly declared, and recorded in the minutes:
 - i. Immediately after any vote is taken at a budget decision meeting there must be a Recorded Vote in the minutes of the proceedings of that meeting given the names of the persons who cast a vote for the decision or against the decision or who abstained from voting;
 - ii. 'Budget decision meeting' means the meeting at which the Council makes a calculation (whether originally or by substitute) in accordance with any sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52 of the Local Government Finance Act 1992 or subsequent amendments; or
 - iii. Issues a precept under Chapter 4 of Part 1 of that Act and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
 - iv. References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

18.3 In addition to the option under Council Procedure Rule 21 (2), any Councillor may require - immediately after a vote is taken - that the manner in which that Councillor's vote was cast (for, against or abstaining) shall be recorded in the minutes.

18.4 Where a vote is taken upon the choice of more than 2 candidates for an appointment and there is not an absolute majority in favour of one candidate, the candidate receiving the least number of votes shall be excluded and a further vote taken, the procedure being continued until there is an absolute majority in favour of one candidate.

18.5 In the case of an equality of votes, the Chair of the Council shall have a second or casting vote.

18.6 The Chair of the Council shall have unfettered discretion as to its use for against the proposition.

19. Offensive or Disorderly Conduct*

19.1 If at a meeting a Councillor uses an expression which another Councillor believes is offensive and the latter draws the attention of the Chair to it, the Chair may request the Councillor to withdraw the expression.

19.2 If at a meeting the Chair believes a Councillor to be guilty of persistently disregarding the ruling of the Chair by behaving improperly or offensively, or by deliberately obstructing business, the Chair or any other Councillor may move 'that Councillor _____ be not further heard' and the motion, if seconded, shall be put to the vote and voted on without discussion.

19.3 If a Councillor continues to behave improperly after such a motion has been carried, the Chair may either:

- a) Move 'that Councillor _____ do leave the meeting'; or
- b) Adjourn the meeting for a specified period.

If seconded the motion shall be put and voted on without discussion.

19.4 If a Councillor does not leave the meeting after a resolution to that effect, the Chief Executive or his/her nominee shall arrange for the removal of the Councillor and shall take such measures as may be necessary to prevent the Councillor from re-entering the meeting.

19.5 In the event of any significant disturbance which makes the due and orderly dispatch of business impossible, the Chair of the Council, in addition to the exercise of any other power, may, without the need for the Council's approval, adjourn the meeting for such period as s/he thinks necessary.

20. Disturbance by Members of the Public*

20.1 If a member of the public interrupts the proceedings at a meeting, the Chair shall request that there be no further interruptions. If the interruptions continue the Chair shall order the removal of the person interrupting from the room.

20.2 If there should be general disturbance in any part of the room open to the public the Chair may order that part to be cleared.

21. Interests of Members and Officers*

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

- a) A dispensation has been granted in accordance with the relevant due process in exercise of its powers under the Local Government Act; or,
- b) The item merely forms part of minutes submitted and is dealt with as 'for information' only.

21.2 Where any matter is being considered in which a Councillor then present has a 'disclosable pecuniary interest' as defined by the Council's adopted Code of Conduct, that Councillor must disclose to that meeting the existence and nature of that interest (except where the matter is considered a sensitive interest and so there is no requirement to disclose the nature of it) and withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting, unless a dispensation has been granted in accordance with the relevant due process.

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

21.4 Any Officer of the Council present at a meeting when an item involving a disclosable interest is under consideration shall draw the attention of the meeting to that interest.

21.5 A 'disclosable interest' is an interest which, if the Officer were a Member of the Council, would need to be declared under the Council's adopted Code of Conduct as a '*prejudicial interest*'.

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

22. Exclusion of Press and Public*

22.1 Press representatives and public shall withdraw from a meeting if an exclusion resolution is passed.

22.2 On a motion to exclude the public, unless the motion appears on the agenda, the Chair shall ascertain the grounds for the motion and seek the advice of the Council Solicitor and Monitoring Officer or his/her nominee as to whether members of the public may lawfully be excluded.

22.3 Even where an item or report has been marked either 'Exempt' or 'Confidential', it is for the meeting itself to decide whether, taking the wider public interest into account, the item (or part of it) should nevertheless be considered in the presence of the press and public.

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

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

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

23. Rescindment and Variation of Resolutions*

23.1 A resolution passed within the previous 6 months shall not be rescinded or varied unless either:

- a) There has been a significant change of circumstances (noted in the minutes of the meeting) since the previous resolution was passed and is agreed by 50% of the members; or
- b) By resolution of the Full Council on a motion of which notice has been given under Council Procedure Rule 7 signed by not less than 12 members.

23.2 Where it is intended that such an item should appear on the agenda for a meeting, the agenda item shall say that this '6-month rule' applies.

23.3 This Council Procedure Rule shall not apply in the case of a planning or licensing application.

23.4 Every such notice of motion shall specify the resolution to be rescinded or varied

24. Ruling of the Chair of the Council*

24.1 The ruling of the Chair of the Council on any question under these Procedure Rules, on a Point of Order, or, on the admissibility of a personal explanation shall be final and shall not be open to discussion.

25. Quorum*

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

Meeting	Quorum
Full Council	15
Planning Committee	4
Licensing Committee	4
Audit, Governance and Standards Committee	3
The Executive	3
The Scrutiny Committees	4
Any other Member body	1/4 of its members, or 2 (whichever is the greater)

26. Agenda and Attendance at Meetings

(NB: cross check against Access to Information Protocol once confirmed)

26.1 A Councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Scrutiny Committee, the Licensing Committee, the Audit, Governance and Standards Committee and the Planning Committee and to attend and speak at all such meetings, whether the Councillor is a member of the body or not.

26.2 This right to be treated as a participating member of these bodies shall not extend to their sub-groups which have been convened to act:

- a) In a quasi-judicial role on the Council's behalf in relation to such matters as staff disciplinary appeals, licensing hearings, or to deal with staff appointments or other specifically identified matters; or
- b) A Task and Finish Scrutiny Group.

26.3 With those bodies listed in (2) above:

- a) The right to attend shall be the same as for members of the public;
- b) The right to contribute to the discussion shall be at the discretion of the Councillor chairing that meeting.

26.4 In order to avoid any doubt:

- a) The rights under paragraph (1) shall also extend to Exempt items of business;
- b) Councillors attending a meeting by virtue of this Procedure Rule shall not have a right to vote.

27. Summoning of Meetings

27.1 Those listed below may request the Chief Executive to call a Full Council meeting in addition to Ordinary Meetings:

- a) The Council (by resolution);
- b) The Chair of the Council;
- c) The 'Designated Officers';
- d) Any 5 members of the Council - if they have signed a requisition presented to the Chair of the Council and the Chair has either refused to, or has failed to call, such a meeting within 7 days of presenting their requisition;
- e) The notice convening such a requisitioned meeting shall state the names of those Councillors requesting it and the business which they wish to have dealt with.

28. Time Limits for All Meetings*

28.1 A meeting of Full Council or other committees including the Scrutiny Committee shall not exceed 3 hours in duration, except in accordance with Council Procedure Rule 32 below.

28.2 If the business of the meeting has not been completed within that time, the Chair of the Council or Chair of the relevant Committee will interrupt the debate to announce the time and call for a vote to be taken immediately on the item under discussion.

28.3 No member will be able to address the meeting after the Chair of the Council's or Chair of the relevant Committee's interruption on any item appearing on the agenda.

28.4 Any items remaining on the agenda, which have not been considered, will be adjourned to the next scheduled meeting or a date to be fixed before the meeting adjourns.

28.5 Any suspension of time for adjournments during the meeting shall not count towards the 3-hour time limit.

29. Suspension of Council Procedure Rules*

29.1 A motion to suspend a particular procedural Rule shall state the particular purpose and require a majority of at least half the total number of members appointed to that Council Meeting or Committee.

29.2 On occasions that Rule 31(1) is being waived, the duration of the suspension shall not exceed 30 minutes and shall, if seconded, be put to the vote without discussion.

29.3 Rule 31(1) can only be suspended once per meeting. 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.

29.4 Rules 24 and 28 cannot be suspended.

30. Application of Procedure Rules*

30.1 These Procedure Rules shall apply to meetings of the Full Council. Those Rules marked “*”, shall also apply to meetings of all Regulatory Committees, the Executive, the Audit, Governance and Standards Committee, and Scrutiny Committee, and any other formal decision making meeting (subject to the necessary changes in wording).

31. Withdrawal from Meetings

31.1 Where a member has a Disclosable Pecuniary Interest in any business of the Council, whether registered under paragraphs 2.2.1 of the Council’s Code of Conduct or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered you must:

- a) Not seek to influence a decision about that business;
- b) Disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest as set out in paragraph 2.11 of the Code of Conduct;
- c) Withdraw from the meeting room or chamber including the public gallery as soon as it becomes apparent that the business is being considered at that meeting;
- d) Unless you have obtained a dispensation from the Council’s Monitoring Officer or the Audit, Governance and Standards Committee.

31.2 Where a member has a prejudicial interest as defined in the Council’s Code of Conduct the member must:

- a) Not participate in any discussion of the matter at the meeting;

- b) Not participate in any vote on the matter at the meeting;
- c) Disclose the existence and nature of the interest to the meeting and leave the room where the meeting is being held while any discussion or voting takes place on the matter.

31.3 Where a member has a prejudicial interest in any business of the Council, the member may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and he/she must leave the meeting immediately after making those representations, answering questions or giving evidence.

Access to Information Procedure Rules

Part A – General

1. Scope

1.1 These rules apply to all meetings of the Council, Executive, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

2. Additional Rights to Information

2.1 These rules do not affect and are additional to any rights to information contained elsewhere in the Constitution or the law.

3. Rights to Attend Meetings

3.1 Members of the public and media are welcome and encouraged to attend all meetings, subject only to the exceptions in this Constitution.

3.2 The rights at 3.1 are without prejudice to the Council's power to suppress or prevent disorderly conduct or other misbehaviour at any meeting.

3.3 Third-party recording (including filming, audio recording and photography) is permitted of the public sessions of formal decision-making Council meetings subject to any reasonable protocols that may be in place.

4. Notices of Meeting

4.1 The Council will give at least 5 clear working days' notice of any meeting by posting details of the meeting at the Council offices and on the Council's website.

5. Access to Agenda and Reports Before the Meeting

5.1 The Council will make copies of the agenda and reports open to the public and available for inspection at the Council offices and on the Council's website, at least 5 clear working days before the meeting (unless it is not available until a later time).

5.2 Where there are special circumstances requiring an item to be added to the agenda after publication, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.3 Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive shall make each report available to the public as soon as the report is completed and sent to Councillors.

5.4 Upon receipt of a reasonable request, the Council shall make copies of agendas and reports available to the public in alternative formats.

6. Supply of Copies

6.1 The Council will supply copies of:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item;

to any person on payment of a charge for postage and any other reasonable costs.

6.2 The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (except during any part of the meeting to which the public are excluded).

7. Access to Minutes and Other Information After the Meeting

7.1. The Council will make available copies of the following for at least 6 years after a meeting:

- a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Council, Executive, Committee and sub-committee meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public in the event that exempt or confidential information would be disclosed;

- b) a summary of the proceedings (which would not reveal exempt or confidential information) not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting;
- d) reports relating to items when the meeting was open to the public.

8. Background Papers

List of Background Papers

8.1 The report author named at the head of every report will set out at the end of every report a list of those documents (under the heading Background Papers) relating to the subject matter of the report which in his/her opinion:

- a) disclose any facts or matters on which the report or an important part of the report is based; and
- b) which have been relied on to a material extent in preparing the report;

but does not include published works or those which disclose exempt or confidential information as defined in Rule 10 below.

Public Inspection of Background Papers

8.2 Every Head of Function or Director will make arrangements to ensure that documents referred to in any report written by them or by a member of their staff are available for inspection for 4 years after the date of the meeting concerned. One copy of each of the background documents listed will be retained for this purpose. Background papers will also be available for inspection on the Council's website.

9. Summary of the Public's Rights of Access

9.1. These Rules, as part of the Council's Constitution, will be regarded as the written summary of the public's rights to attend meetings and to inspect and copy documents. These Rules, together with the whole Constitution, are available for inspection at the Council offices and on the Council's website.

10. Meetings – Public Exclusion

Confidential Information – Requirement to Exclude Public

10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Meaning of Confidential Information

10.2 Confidential information means information given to the Council by a government department, service or agency on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order or under any enactment.

Exempt Information – Discretion to Exclude the Public

10.3 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed. Such a decision to exclude the public is to be made by resolution of the relevant decision-making body.

10.4 Where the meeting will determine any person's civil rights or obligations or adversely affect their possessions, Article 6 of the European Convention of Human Rights (incorporated into domestic law by 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.

Meaning of Exempt Information

10.5. Exempt information means information falling within any of the categories (subject to any qualification) defined in Appendix 1 to these Procedure Rules.

11. Reports – Exclusion of Public Access

11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which, in their opinion, relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication", together with the category of information likely to be disclosed.

Part B – Executive Decision-Making

12. Additional Rules to be Applied to the Executive

12.1 Rules 12-21 apply to meetings of the Executive and its Committees. If the Executive or an Executive Committee meets to take a Key Decision, then it must still comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.

12.2 If the Executive or an Executive Committee meet to discuss a Key Decision to be taken collectively with one or more Officers present within 28 clear days of public notice being given of the decision to be taken, then it must still comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.

12.3 The requirement at 12.2 does not apply to meetings whose sole purpose is for Council Officers to brief the decision-maker or members of a decision-making body on matters connected with the making of an Executive Decision.

13. Procedure Before Taking Key Decisions

A Key Decision is as defined in the Executive Procedures Rules of this Constitution.

Notice of Key Decision

13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- a) a notice ('Notice of Key Decision') has been published in connection with the matter in question;
- b) at least 28 clear days have elapsed since the publication of the Notice of Key Decision (which may include Saturdays, Sundays and public holidays) and the date of the meeting at which the Key Decision is to be made; and
- c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Procedure Rule 4 (notice of meetings).

Contents of Notice of Key Decision

13.2 The Notice of Key Decision will state that a Key Decision is to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, Area Committees or under joint arrangements in the course of the discharge of an executive function. It will describe the following particulars:

- a) the matter in respect of which a decision is to be made;
- b) where the decision-maker is an individual, his/her name and title, if any, and where the decision-maker is a body, its name and details of its membership;
- c) the date on which, or period during which, the decision is to be taken;
- d) a list of documents submitted to the decision-maker for consideration in relation to the matter and details of how to inspect copies of these documents;
- e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available;
- f) a note that other documents relevant to the decision may be submitted to the decision-maker; and,
- g) the procedure for requesting details of those documents (of any) as they become available; and
- h) where the decision is to be taken at a meeting of the Executive or its Committees, a note that notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

Publication of the Notice of Key Decision

13.3. The Notice of Key Decision will be made available for inspections by the public at the Council Offices and on the website.

14. The Forward Plan

14.1 The Council is required to give a minimum of 28 clear days' notice of Key Decisions to be taken by the Executive, Executive Members or Officers. However, the Leader may prepare a Forward Plan which sets out the details of the various decisions that the Executive is likely to take over a subsequent period of 4 months, insofar as they are known at the time of publication. Other significant decisions to be taken by Full Council may be included for information.

14.2 The Forward Plan may incorporate the Notices of Key Decision and Notices of Intention to Hold Executive Meetings in Private referred to in Procedure Rule 21.

14.3 Where a Forward Plan is produced it will be published on the Council's website and a copy will be made available for inspection at the Council offices at least 28 clear days before each meeting of the Executive.

14.4 Exempt information need not be included in the Forward Plan and confidential information cannot be included.

15. General Exception

15.1. If a Notice of Key Decision has not been published in accordance with Procedure Rule 13, then subject to Procedure Rule 16 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- b) the Monitoring Officer has informed the Chair (or in his/her absence the Vice-chair) of the Scrutiny Committee, or if there is no such person immediately available, each member of that Committee in writing, by notice, of the matter on which the decision is to be made;
- c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- d) at least 5 clear working days have elapsed since the Monitoring Officer complied with (b) and (c).

15.2. As soon as reasonably practicable after the Monitoring Officer has complied with Procedure Rule 15.1, he must make available at the Council offices and publish on the Council's website the reasons why compliance with Procedure Rule 13 is impracticable.

16. Special Urgency

16.1 If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the Leader or Chair of an Executive Committee or decision-maker (if an individual) obtains the agreement of

the Chair of the Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred.

16.2 If there is no chair of the Scrutiny Committee or if the chair of the relevant Scrutiny Committee is unable to act, then the agreement of the Chair of the Council or in his/her absence, the Vice-chair of the Council will suffice.

16.3 As soon as reasonably practicable after the decision-maker has obtained agreement under Rules 16.1 or 16.2, he or she shall make available to the public at the Council Offices and on the Council's website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

17. Reports to Council

When Scrutiny Committee Can Require a Report

17.1 If the Scrutiny Committee thinks that a Key Decision has been taken which was not:

- a) the subject of a Notice of Key Decision; or
- b) the subject of the general exception procedure under Procedure Rule 15; or
- c) the subject of an agreement with the chairman of the Scrutiny Committee or the Chair of the Council/Vice-chair of the Council under Procedure Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for the decision, the decision-maker, and the reasons, if any, for the Leader/Executive believing that the decision was not a Key Decision. The power to require a report rests with the Scrutiny Committee, who shall require the Head of Performance and Governance to issue such a report on behalf of that Committee when so requested by the Chair or any 5 Councillors. Alternatively, the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

Executive's Report to Council

17.2 The Executive will submit a report required under paragraph 17.1 to the next available Council meeting. However, if the next meeting of the Council is within 7 days of receipt of the written notice or the resolution of the Committee, then the report may be submitted to the following meeting. The report to the Council will set out particulars of the

decision, the individual or body making the decision and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

Annual Reports on Special Urgency Decisions

17.3 In any event, the Leader will submit annual reports to the Council on the Executive Decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding year. The report will include the number of decisions so taken and a summary of matters in respect of which those decisions were taken.

18. Meetings of the Executive to Be Held in Public

Meetings of the Executive and its Committees will be held in public, unless it is likely that exempt or confidential information would be disclosed, or whenever a lawful power is used to exclude a Councillor or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

19. Notice of Executive Meetings

Members of the Executive or its Committees will be entitled to receive 5 clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

20. Officer Attendance at Executive Meetings

The Chief Executive as Head of Paid Service, Monitoring Officer, Section 151 Officer, Heads of Function, Director and their nominees are entitled to attend any meeting of the Executive.

21. Notice of Intention to Hold Executive Meetings in Private

21.1 Subject to this Procedure Rule, where the Monitoring Officer agrees that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item, either:

- a) confidential information, as defined in Procedure Rule 10.2, would be disclosed to them in breach of the obligation of confidence; or
- b) exempt information, as defined in Procedure Rule 10.5, would be disclosed to them,

the meeting shall be held in private, following the exclusion of the public.

21.2 At least 28 clear days before a private meeting (which may include Saturdays, Sundays and public holidays), the decision-making body shall:

- a) make available at the Council offices, a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); such notice to include a statement of reasons for the meeting to be held in private, and
- b) publish that notice on the Council's website.

21.3 At least 5 clear days before a private meeting, the decision-making body shall:

- a) make available at the Council offices, a further notice of its intention to hold the meeting in private; and
- b) publish that notice on the Council's website.

This notice will be included in the agenda for the meeting.

21.4 A notice under Procedure Rule 21.3 shall include:-

- a) a statement of the reasons for the meeting to be held in private;
- b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- c) a statement of its response to any such representations.

21.5 Where the date by which a meeting must be held makes compliance with this Procedure Rule impracticable, the meeting may only be held in private where:-

- a) the Chair of the Scrutiny Committee; or
- b) if there is no such person available, or if the Chair of the Scrutiny Committee is unable to act, the Chair of the Council; or
- c) where there is no Chair of the Scrutiny Committee available and in the absence of the Chair of the Council, the Deputy Chair of the Council,

has agreed that the meeting is urgent and cannot reasonably be deferred.

21.6 As soon as reasonably practicable after agreement to hold a private meeting has been obtained under Procedure Rule 21.5, the decision-making body shall:

- a) make available at the Council offices, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- b) publish that notice on the Council's website.

(NB: Check whether legislation requires 28 working or clear days for the purpose of this Rule 21)

22. Taking Executive Decisions by Individuals

A. Decisions by the Leader or Individual Lead Councillors

22.1 Reports Intended to be Taken into Account

Where the Leader or an individual Lead Councillor receives a report which he or she intends to take into account in making any Executive Decision under the scheme of delegation to Lead Councillors, then he or she will not make the decision until at least 5 clear working days after receipt of that report.

22.2 Provision of Copies of Reports to All Councillors

On giving such a report to the Leader or an individual Lead Councillor, the Head of Performance and Governance will give a copy of it to all Councillors as soon as reasonably practicable and make it publicly available at the same time. Before the Leader or Lead Councillor takes an Executive Decision, he or she will take into account any written representations submitted by other Councillors or from the public.

B. Decisions by Officers

22.3 Officers contemplating a decision in connection with an Executive Function shall have careful regard to the following principles in deciding how this should be taken: whether the proposed decision is closely (as opposed to remotely) connected with the discharge of a function which is, as a matter of law, the responsibility of the Authority's Executive;

- a) whether the proposed Executive Decision is merely administrative in nature with only a remote connection with an Executive Function;
- b) whether a proposed Executive Decision is so minor or routine in nature or is otherwise one which would reasonably be considered to be of no interest to a reasonable member of the public;

- c) whether the proposed Executive Decision is sufficiently important and/or sensitive so that a reasonable member of the public would reasonably expect it to be taken by the Executive;
- d) whether the proposed Executive Decision is one which affects only particular individuals as opposed to the public generally;

22.4 Taking into account the above principles, the Council has agreed that these Procedure Rules shall apply to:

- a) Key Decisions taken by Officers; and
- b) any Executive Decision taken by an Officer:
 - i. under the scheme of delegation to Officers; or,
 - ii. which has been authorised specifically by the Leader/Executive;

which requires prior consultation with the Leader, a Lead Councillor or a local ward Councillor.

23. Record of Executive Decisions

Executive Meetings

23.1 As soon as reasonably practicable after any meeting of the Executive or any of its Committees (where applicable), whether held in public or private, the Head of Performance and Governance, or if the Head of Performance and Governance was not present, the person presiding at the meeting, shall produce a written statement of every Executive Decision taken at that meeting which shall include the following information:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

Executive Decisions Taken by the Leader or Individual Lead Councillors

23.2 As soon as reasonably practicable after an Executive Decision has been taken by the Leader or an individual Lead Councillor, the Head of Performance and Governance of his/her nominee shall prepare a record of the decision, which shall include the following information:

- a) a record of the decision, including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Councillor when making the decision;
- d) a record of any conflict of interest declared by any member of the Executive who is consulted by the Councillor which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

Executive Decisions Taken by Officers

23.3 As soon as reasonably practicable after an Executive Decision has been taken by an Officer, that Officer shall prepare a record of the decision, which shall include the following information:

- a) a record of the decision, including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Officer when making the decision;
- d) a record of any conflict of interest declared by any member of the Executive who is consulted by the Officer which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

The provisions of Procedure Rules 7 and 8 will also apply (in so far as they relate to the provision of documents for inspection) to the making of Executive Decisions by individuals. This does not require the disclosure of exempt or confidential information.

24. Inspection of Documents Following Executive Decisions

24.1 Subject to Procedure Rule 28, after a meeting of a decision-making body at which an Executive Decision has been made, or after the Leader, an individual Lead Councillor or Officer has made an Executive Decision, the Head of Performance and Governance or his/her nominee shall ensure that a copy of:

- a) any records prepared in accordance with Procedure Rules 22 and 23; and
- b) any report considered at the meeting or, as the case may be, considered by the individual Member or Officer and relevant to a decision recorded in accordance with Procedure Rules 22 or 23 or, where only part of the report is relevant to such a decision, that part;

shall be available for inspection by members of the public, as soon as is reasonably practicable, at the Council offices and on the website.

24.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection referred to in a) above, those documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charge for transmission.

25. Inspection of Background Papers Following Executive Decision

25.1 Subject to Procedure Rule 28, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with Procedure Rule 24, the requirements of Procedure Rule 8 (Inspection of Background Papers) will apply.

26. Scrutiny access to documents

26.1 Rights to Copies

Subject to Procedure Rule 26.2 below, a member of the Scrutiny Committee will be entitled to a copy of any document which is in the possession or control of the Leader/Executive and which contains material relating to:

- a) any business transacted at a meeting of the Executive;
- b) any Executive Decision taken by the Leader or an individual Lead Councillor; or
- c) any Executive Decision taken by an Officer.

The documents must be provided as soon as reasonably practicable, but no later than ten clear working days after the request is received.

26.2. Limits on Rights

A member of the Scrutiny Committee will not be entitled to a copy of any document or part of a document that:

- a) is in draft form; or
- b) contains exempt or confidential information unless that information is relevant to:
 - i. an action or decision that that Member is reviewing or scrutinising; or
 - ii. any review contained in the Overview and Scrutiny Committee's work programme.

Where the Leader/Executive determines that a member of the Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in a) or b) above, they must provide the Scrutiny Committee with a written statement setting out their reasons for that decision.

27. Additional Rights of Access to Documents for Councillors

27.1 Subject to Procedure Rules 27.5 and 27.6, any document which is in the possession or under the control of the Leader/Executive which contains material relating to any business to be transacted at a public meeting of the Executive shall be made available for inspection by any Councillor.

27.2 Any document which is required by Procedure Rule 27.1 to be available for inspection by any Councillor must be available for such inspection for at least 5 clear working days before the meeting except that:

- a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Procedure Rule 27.1 in relation to that item, must be available for inspection when the item is added to the agenda.

27.3 Subject to Procedure Rules 27.5 and 27.6, any document which is in the possession or under the control of the Leader/Executive and contains material relating to:

- a) any business transacted at a private meeting of the Executive;

- b) any decision made by the Leader or individual Lead Councillor in accordance with executive arrangements; or
- c) any decision made by an Officer in accordance with executive arrangements, must be available for inspection by any Councillor when the meeting concludes or in relation to b) and c) above, immediately after the decision has been made.

27.4 Any document which is required by Procedure Rule 27.3 to be available for inspection by any Councillor must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made as the case may be.

27.5 Procedure Rules 27.1 and 27.3 do not require a document to be available for inspection if it appears to the Monitoring Officer that it discloses exempt information.

27.6 Notwithstanding Procedure Rule 27.5, Procedure Rules 27.1 and 27.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:

- a) category 3 of Appendix I (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract); or
- b) category 6 of Appendix I.

27.7 Where it appears to the Monitoring Officer that compliance with Procedure Rules 27.1 or 27.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant, that paragraph will not apply to that document or part.

27.8 The rights conferred by Procedure Rules 27.1 and 27.3 are in addition to any other rights that a Councillor may have.

28. Confidential Information and Exempt Information

28.1 Nothing in these Procedure Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

28.2 Nothing in these Procedure Rules:

- a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the

Monitoring Officer, that document or part of a document contains or may contain confidential information; or

- b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or is likely to contain exempt information.

28.3 Where the Leader, a Lead Councillor or an Officer makes an Executive Decision in accordance with executive arrangements, nothing in these Procedure Rules:

- a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- b) requires documents relating to that decision to be disclosed to the public or made available for public inspection where the disclosure of the documents would, in the opinion of the Councillor or Officer making the decision, give rise to the disclosure of exempt information.

Part C – Other (Non-Executive) Decisions Taken by Officers

29. Recording of Decisions

29.1 The decision-making Officer shall produce a written record of any decision which falls within Procedure Rule 29.2.

29.2 A decision falls within this Procedure Rule if it would otherwise have been taken by the Council or a Committee, Sub-committee or a Joint Committee in which the Council participates, but it has been delegated to an Officer of the Council either:

- a) under a specific express authorisation; or
- b) under a general authorisation to Officers to take such decisions and, the effect of the decision is to:
 - i. grant a permission or licence;
 - ii. affect the rights of an individual; or
 - iii. award a contract or incur expenditure which, in either case, materially affects the Council's financial position*.

(Note: the Council has decided that the financial threshold at or above which any contract awarded or expenditure incurred is deemed to materially affect its financial position is the same financial threshold referred to in the definition of a key decision, i.e. £ 150,000.000.

(NB Cross check this figure with Financial Procedure Rules and Contract Procedure Rules and Executive Procedure Rules re. Key Decisions)

29.3 The written record shall be produced as soon as reasonably practicable after the decision-making Officer has made the decision and shall contain the following information:

- a) the date the decision was taken;
- b) a record of the decision taken, along with reasons for the decision;
- c) details of alternative options, if any, considered and rejected; and
- d) the names of any Officer who has declared a conflict of interest in relation to the decision.

29.4 The duty imposed by Procedure Rule 29.1 is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of Procedure Rule 29.3 is already required to be produced in accordance with any other statutory requirement.

30. Decisions and Background Papers to Be Made Available to the Public

30.1 The written record, together with any background papers, shall as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:

- a) at all reasonable hours, at the Council offices;
- b) on the website; and,
- c) by such other means that the Council considers appropriate.

30.2 On request and on receipt of payment of postage, copying or other necessary charge for transmission, the Council shall provide to the person who has made the request and paid the appropriate charges:

- a) a copy of the written record;
- b) a copy of any background papers.

30.3 The written record shall be retained by the Council and made available for inspection by the public for a period of 6 years, beginning with the date on which the decision to which the record relates was made.

30.4 Any background papers shall be retained by the Council and made available for inspection by the public for a period of 4 years, beginning with the date on which the decision to which the background papers relate was made.

30.5 The provisions relating to confidential and exempt information referred to in Procedure Rule 28.1 and 28.2 apply to this Part of these Procedure Rules.

Appendix 1 – Meaning of Exempt Information

Information which:

- a) falls within any of Categories 1 to 7 below; and
- b) is not prevented from being exempt by virtue of Qualifications 1 or 2 below;

is exempt information **if and so long as** in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Categories of Exempt information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that 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 direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

1. Information falling within Category 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - a) the Companies Acts (as defined in section 2 of the Companies Act 2006);

- b) the Friendly Societies Act 1974;
 - c) the Friendly Societies Act 1992;
 - d) the Co-operative and Community Benefit Societies Act 2014;
 - e) the Building Societies Act 1986; or
 - f) the Charities Act 2011.
2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

Member Code of Conduct

Introduction and Interpretation

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you do not do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

An explanation of the terms used in this Code can be found in Appendix 2.

General Obligations

1. When undertaking Council business, you must:

1.1 treat others with respect;

1.2 not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;

1.3 when reaching decisions on any matter, consider any relevant advice provided to you by

(a) the Council's Chief Finance Officer (S151) ; or

(b) the Council's Monitoring Officer, in accordance with his or her statutory duties;

1.4 give reasons for decisions in accordance with any statutory requirements and the Constitution of the Council ;

1.5 act in accordance with the Council's Constitution and the policies contained within it and any other relevant Council policies;

1.6 not use Council's resources improperly (including for political purposes);

1.7 avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);

1.8 not bully any person;

1.9 not intimidate or attempt to intimidate any person who is or is likely to be:

- (a) a complainant,
- (b) a witness,
- (c) involved in the administration of any investigation or proceedings, or
- (d) any other person carrying out the functions of the Council,

in relation to an allegation that a member (including yourself) has failed to comply with the Council's code of conduct;

1.10 avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

1.11 not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) you have the consent of a person authorised to give it; or
- (b) you are required by law to do so; or
- (c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Council; and

(e) in all instances listed above you have consulted the Monitoring Officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

Interests

Disclosable Pecuniary Interests

2. 2.1 You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code and set out in Appendix 3.

2.2 You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at: www.somersetwestandtaunton.gov.uk

2.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's Monitoring Officer.

2.4 Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest whether registered under 2.2 or 2.3 above or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, you must:

(a) not to seek to influence a decision about that business

(b) disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest under paragraph 2.11

(c) withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the Council's Monitoring Officer or the Audit, Governance and Standards Committee .

2.5 Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest. Additionally, you must observe the restrictions the Council places on

your involvement in matters where you have a Disclosable Pecuniary Interest as defined by the Council and set out in this Code.

Other Interests

Note: It is conceivable that an interest could be categorised as both a Disclosable Pecuniary Interest and a personal or a personal and prejudicial interest. If so you must treat it as a Disclosable Pecuniary Interest and comply with the requirements set out in paragraphs 2.1 – 2.6 inclusive

2.7 (1) In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, you must, within 28 days of:

- (a) this Code being adopted by or applied to the Council;
- (b) or your election or appointment to office (where that is later),

give written notification to the Monitoring Officer of the details of your other personal interests, as defined in 2.8(1) (i) and (ii) below, for inclusion in the register of interests. The exception to this requirement is if the detail of the personal interest is classified as sensitive – see paragraph 2.11.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any such registered interest, notify the Monitoring Officer of the details of that new interest or change.

Personal Interests

2.8 (1) You have a personal interest in any business of the Council where:

- (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - (ii) any body:
 - (a) exercising functions of a public nature;
 - (b) established for charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (d) a decision in relation to any business of the Council might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of

other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision;

(2) Subject to sub-paragraphs (3) to (5) below, where you are aware of a personal interest described in paragraph (1) above in any business of the Council, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the start of the consideration of that business, or when the interest becomes apparent to you.

(3) Where you have a personal interest in any business of the Council which relates to or is likely to affect a significant person (see paragraph 1 (b) above and Appendix 2 for the interpretation of the term 'significant person'), you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

(4) Where you have a personal interest but the interest is not detailed in the Council's register of members' interests because of the sensitive nature of the interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of the Council and you have made an individual decision (as an Executive Councillor) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (4) above.

(6) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(7) A copy of the register will be available for public inspection and will be published on the Council's website.

Prejudicial Interests

2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

(a) affects your financial position or the financial position of a significant person or a body described in paragraph 2.8(1)(a)(i) and (ii) (other than another town parish district, county council or national park of which you are also a member); or

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person (other than another town parish district, county council or national park of which you are also a member).

(2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council:

(a) You may not participate in any discussion of the matter at a meeting.

(b) You may not participate in any vote taken on the matter at a meeting.

(c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.

(3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of:

(i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends [not applicable];

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(5) Where, as an Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the proposed decision you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek to influence a decision about the matter.

Receipts of gifts and hospitality

2.10 (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.

(2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

Sensitive Interests

2.11 (1) If you have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest or Personal or Personal and Prejudicial Interest (as the case may be). In such instances any published version of the register of interests will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Scrutiny

(1) In relation to any business before a Scrutiny Committee of the Council (or of a sub-committee of such a committee) where:

(a) that business relates to a decision made (whether implemented or not) or action taken by your Council's Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph a) and you were present when that decision was made or action was taken; or

(c) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

you may attend a meeting of the Scrutiny Committee or Sub-Committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business.

Appendix 1

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2

Council's Code of Conduct - Interpretation

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them:

"the Act" means the Localism Act 2011;

"Disclosable Pecuniary Interest" is as defined in Appendix 3

"meeting" means any meeting of:

(a) the Council;

(b) the Executive of the Council;

(c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; whether or not the press and public are excluded from the meeting in question by a resolution of members.

"member" includes a co-opted member and an appointed member.

"sensitive information" means information relating to a member's interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation

"bullying" means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine

"disrepute" means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role

"significant person" in relation to personal and personal and prejudicial Interests means a member of your family or any person with whom you have a close association; or any body:

(a) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(b) exercising functions of a public nature;

(c) established for charitable purposes; or

(d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

“wellbeing” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.

“member of your family” means partner i.e. someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent- in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people

Appendix 3

Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

1. Notification of Disclosable Pecuniary Interests

Within 28 days of becoming a Councillor or co-opted Councillor, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest	Description
Employment, office, trade, profession or vocation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contract	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council:</p> <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	<p>Any beneficial interest in land which is within the area of the Council including all property and buildings including any residence .</p>
Licence	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p>
Corporate Tenancies	<p>Any tenancy where (to M's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

~~“director” includes a member of the committee of management of an industrial and provident society~~ includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7) as the case may be, of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2. Dispensations

The Audit, Governance and Standards Committee or Monitoring Officer may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

3. Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- As an Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.
- The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Appendix 4

Guidance on Bias and Predetermination

Note: This is **not** part of the code of conduct

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

Protocol for Councillor/Officer Relations

1. Introduction

1.1 Elected Councillors and paid Officers fulfil different but complementary roles. Councillors are the elected representatives of the community and the Officers provide the professional advice and support. This relationship operates at its best as one of partnership. This protocol seeks to guide Councillors and Officers in their relations with one another.

1.2 It is hoped that this protocol will ensure that Councillors and Officers will continue with their respective roles secure in the knowledge that, provided the conditions contained within this protocol are observed, both Councillors and Officers will be protected from accusations of inappropriate conduct or bias.

1.3 The underlying principle of Councillor/Officer relations will, of course, remain the same, namely that the elected Councillors are responsible for agreeing policy and taking all non-delegated decisions; Officers are responsible for providing advice and support, for making decisions under delegated authorities and for ensuring that all the Council's decisions are efficiently and professionally carried out.

1.4 The protocol is supplementary to the Councillors' Code of Conduct, which Councillors undertook to be guided by in their declarations of acceptance of office after election.

2. General Rules

2.1 It is important that any dealings between Councillors and Officers should observe high standards of courtesy and neither party should seek to take unfair advantage of their position.

2.2 A Councillor should not raise matters relating to the conduct or capability of an Officer at any public session of a meeting. In the event that any Councillor has a complaint concerning an Officer's behaviour, conduct or capability and is unable to resolve same through discussions with the Officer concerned, they should raise the matter in the first instance with the Officer's line manager or relevant Head of Function/Director. If after

receiving a written report from the line manager or Head of Function/Director, a Councillor remains concerned, the Chief Executive should be advised. In the event that a decision is taken to take action against an Officer in respect of a complaint lodged by a Councillor, such action shall be conducted in accordance with the Council's disciplinary rules and procedures.

2.3 Similarly, Officers should not raise matters relating to the conduct or capability of a Councillor at any public session of a meeting. Where an Officer feels that he/she has not been properly treated by a Councillor, they should raise the matter with their line manager, Head of Function/Director or the Chief Executive, or Monitoring Officer as appropriate. In the event that the member of staff does not feel able to discuss the matter directly with the Councillor concerned, the line manager, Head of Function, Director, Chief Executive or Monitoring Officer will take the appropriate action by approaching the Councillor concerned and/or his or her group leader.

3. Officer Advice to Councillors and Groups

3.1 Officers serve the Council as a whole and not any individual political group or any individual Councillor.

3.2 The support provided by Officers may involve a briefing meeting prior to a Council, an Executive, committee or sub-committee meeting, and such support, is available to all Councillors and all party groups.

3.3 There are rules for those who provide advice and support to Councillors, such rules relate to both Councillors and Officers. In particular, the rules comprise:

- a) Officer advice and support must relate only to matters of Council business and not to advise on political issues. In the event that an Officer is of the view that it would be inappropriate to provide the advice and support requested by an individual Councillor, he/she may refuse to provide same and will advise their Head of Function, Director or the Chief Executive as appropriate;
- b) Decisions made at party group meetings are not decisions of the Council and must not be treated or acted upon as such by either Councillors or Officers;

- c) Officers should not normally attend formal meetings of political groups and only attend by explicit agreement of the Group and the Chief Executive or Director or a Head of Function;
- d) Where a Councillor requests information from an Officer, that information will not be supplied to any other Councillor unless the Officer supplying the information states at the time of supplying same that the information in question will be made available to other Councillors;
- e) It must not be assumed by any group or individual Councillor that an Officer is supportive of any policy simply because of that Officer's assistance in the formulation of that policy;
- f) In the event that any Councillor or group requires further information of a factual nature prior to a Council, Executive, committee or sub-committee meeting or wishes to query any facts contained in an agenda item or report, they should, wherever possible, ask the relevant Officer prior to the meeting.

4. Support Services to Councillors and Party Groups

4.1 The Council provides a number of services to Councillors, such as personal computers and IT facilities, etc. Such services are provided to assist them in discharging their role as Councillors.

4.2 In using the Council's IT facilities and, in particular, the internet facility, Councillors must comply with relevant Council policies.

5. Councillors' Access to Information and Council Documents

5.1 Access to accurate and up-to-date information and professional advice is vital to enable Councillors to fulfil their elected role effectively. However, access to information and protection of individual and community rights is an increasingly sensitive area, and there is a great deal of legal regulation, both common law and statutory, which governs the rights and restrictions relating to Councillors' access to Council-held information. This section attempts to set out the basic principles and rules to enable Councillors to operate effectively within the law.

5.2 Councillors have a right to approach any Senior Officer to ask for information or seek advice. This right extends only to information, explanation and such advice as they may reasonably need in order to assist them in discharging their role as a Councillor. When seeking such advice or information, Councillors should normally approach a senior Officer of the Function concerned or, on particularly sensitive matters, the relevant Head of Function/Director. In the event of any difficulty, Councillors should approach the relevant Head of Function or Director or Chief Executive.

5.3 As indicated in Paragraph 5.1 above, the legal rights of Councillors to inspect Council documents are covered partly by statute and partly by common law.

5.4 Councillors have a statutory right to inspect any Council documents which contain material relating to any business which is to be transacted at a Council, Executive, committee or sub-committee meeting. Such right applies irrespective of whether the Councillor is a member of the body concerned and applies not only to reports which are to be submitted to the meeting in question, but also to any relevant background papers. This statutory right does not, however, apply to documents relating to items which appear within the confidential part of any agenda for a meeting.

5.5 There is no 'roving commission' for a Councillor to examine books and documents and the common law right of Councillors is based on the principle that Councillors have a prima facie right to inspect Council documents so far as access to the document in question is reasonably necessary to enable the Councillor to perform his/her duties. This is commonly known as "the need to know" principle.

5.6 To exercise the common law right, Councillors must, therefore, prove a need to know. Officers will always do their best to ensure that Councillors are properly informed of significant issues or events affecting their wards or other areas of responsibility. Nevertheless, the requirements of the legislation and, in particular, the Data Protection Act 2018 and the Human Rights Act 1998, make this a difficult area. In matters of concern on this issue, it is for the Officer holding the document in question to determine whether an individual Councillor has a need to know, and such senior Officer may seek advice from the Monitoring Officer in particular cases of difficulty. In the event of dispute relating

to a Councillor's need to know, the matter will be determined by the Audit, Governance and Standards Committee.

5.7 In many cases, a need to know can be presumed. However, where a Councillor requests to see documents containing confidential information, the Councillor will be required to justify the request in specific terms. Certain documents will not be available to Councillors. These documents may contain information which is covered by statute or may be documents which are in the possession of Officers but are likely to be sensitive material, the release of which in the opinion of the Officer would be prejudicial to the Council's interests.

5.8 Further and more detailed advice regarding Councillors' rights to inspect Council documents may be obtained upon request to the Monitoring Officer.

5.9 Any Council information provided to a Councillor must only be used by the Councillor for the purpose for which it was provided (i.e. in connection with the proper performance of the Councillors' duties). Attention is drawn to the relevant section of the Councillors' Code of Conduct:

- a) Not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. You have the consent of a person authorised to give it; or
 - ii. You are required by law to do so; or
 - iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. The disclosure is:
 - 1. Reasonable and in the public interest; and
 - 2. Made in good faith and in compliance with the reasonable requirements of the Council; and
 - 3. In all instances listed above you have consulted the Monitoring Officer prior to its release.

5.10 Any Councillor found to be or suspected of being in breach of the requirement to keep the confidentiality of items taken 'in committee' will be the subject of a report to the Audit, Governance and Standards Committee.

6. Officer/Chair/Lead Councillor Relationships

6.1 It is obviously important that there should be a close working relationship between the Chair of a committee and the Officers who report to or interact with that committee. This will also apply between the Leader, Lead Councillors on the Executive and the appropriate Heads of Function/Director and other senior Officers. However, such relationships should never be allowed to become so close or appear to be so close as to bring into question an individual Officer's ability to deal impartially with other Councillors and other party groups.

6.2 The Leader of the Council or the Chair of a committee or sub-committee will naturally be closely involved in the process of formulating an agenda for a meeting, and such bodies and/or the Chair may of course request that matters are placed on an agenda. In addition, Councillors will appreciate that in certain circumstances an Officer will be under a professional duty to submit a report. An Officer will be responsible for the contents of any report submitted in his/her name and, therefore, any amendment to the report will only be made if such amendment reflects the professional judgement of the author of the report. Any issues arising between a Chair and a senior Officer should be referred to the Chief Executive and/or the Monitoring Officer for resolution, in consultation with the Council Leader.

6.3 A decision on Council business may only be taken by the Council, the Leader/Executive, a committee or sub-committee or a Councillor or Officer acting pursuant to delegated powers.

6.4 Finally, it must be remembered that, while Officers may work closely with the Leader, committee Chairs and lead Councillors, they are accountable to their line manager, Head of Function/Director and the Council and cannot go beyond the bounds of whatever authority they may have been given by their line manager, Head of Function/Director or by the Council.

7. Correspondence

7.1 Correspondence, including e-mails, between an individual Councillor and Officer, particularly when it has been initiated by a Councillor, should not normally be copied by the Officer to any other Councillor, unless the Councillor who initiated the correspondence copied it to other Councillors in which case the Officer shall copy his correspondence to those other Councillors. In the event that in certain circumstances it proves necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor through notation on the correspondence. A system of 'silent copies' should not be employed. Similarly, correspondence sent to all Councillors or groups of Councillors will make the circulation list clear.

7.2 Official letters on behalf of the Council must normally be sent in the name of the appropriate Officer rather than in the name of a Councillor. Letters which create obligations or give instructions on behalf of the Council will not normally be sent out in the name of a Councillor.

8. Ward Councillors

8.1 Whenever a public meeting is organised by the Council to consider a local issue, all Councillors representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, ward Councillors should be notified at the outset of the exercise.

8.2 Officers will not normally attend meetings arranged by Councillors unless this has been discussed and agreed with the appropriate senior Officer or Head of Function/Director in advance in order that proper representation and briefing can be arranged.

8.3 Copies of correspondence to town/parish councils and amenity groups shall always be sent to local ward Councillors, unless the correspondence contains confidential information to which the provisions of Section 5 apply.

9. Conclusion

9.1 Both Councillors and Officers must bear in mind that mutual understanding and basic respect are the greatest safeguard of the integrity of the Council, its Councillors and Officers.

9.2 Copies of this protocol will be issued to all Councillors, together with any other relevant documentation upon their election to the Council.

9.3 Except as specifically provided in this document, questions on interpretation of this protocol will be determined by the Monitoring Officer, unless the provision in question relates to a matter to be determined by the Chief Executive.

9.4 The Audit, Governance and Standards Committee is responsible for reviewing the practical application of this protocol from time to time and making appropriate suggestions for its improvement and development.

9.5 In the event that it is considered that a Councillor or Officer has breached this protocol appropriate action will be taken in accordance with the current Codes of Conduct and/or disciplinary policies and procedures.

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, whilst the Councillors' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case. 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 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.

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. **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

Employee Code of Conduct

1. Standards

1.1 Where the Council or its officers are dealing with a matter in which an Employee has a private interest, either pecuniary or otherwise, he/she should declare that interest in writing to his/her Head of Function/Director who will decide whether or not the interest is of such a nature that it needs to be brought to the attention of the Executive officer who is dealing with it.

1.2 Somerset West and Taunton Council employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees must not conduct themselves in a manner which could reasonably be regarded as bringing the Council into disrepute

1.3 Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to their Line Manager or Head of Function/Director any impropriety or breach of procedure. Serious breaches should be reported to as set in the Council's Whistle Blowing Policy.

2. Disclosure of Information

2.1 Somerset West and Taunton Council believes that open government is best. Certain types of information are required by law to be made available to members, auditors, government departments, service users and the public. Other types of information, particularly that containing confidential or personal information may not be disclosed unless there is specific authorisation to do so. It is the responsibility of chief officers and managers to ensure that all employees can differentiate between that information which may be disclosed and that which may not.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

2.3 Any personal information about another member of staff or Councillor should not be divulged without that person's prior approval, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

3.1 Employees serve the Council as a whole. It follows, therefore, that they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.

3.2 It is Somerset West and Taunton Council practice that officers (other than chief officers) should not be required to advise political groups. In the rare event of an employee being asked to undertake such an activity they must do so in a manner, which does not compromise their political neutrality. Employees should also seek the Chief Executive's approval prior to attending such a group meeting.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4. Relationships

4.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers, and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of this Council.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to an Employee's Head of Function/Director. Orders and contracts must be awarded on merit, by fair competition against other tenders, in accordance with the Council's Contracts Procedure Rules and no special favour should be shown to businesses with particular connections to employees, (e.g. friends, partners or relatives). No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Service Manager or Head of Function or Director.

4.4 Colleagues

Employees should treat colleagues with fairness, dignity and respect at all times. Mutual respect between colleagues is essential to good working relationships. The Council will not tolerate bullying, harassment or victimisation of anyone in any form.

5. Appointment and Other Employment Matters

5.1 Employees likely to be involved in appointments must ensure that they have attended the Council's recruitment and selection training course prior to making any appointments. All appointments must be made on the basis of merit. It would be unlawful to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

6. Outside Commitments

6.1 Senior employees are not permitted to undertake any employment outside the Council especially where this may conflict with the Council's interests. Any employee wishing to undertake other employment must obtain written consent before doing so.

7. Personal Interests

7.1 Employees must declare to their Line Manager in writing any non-financial interests that they consider could bring about conflict with the Council's interests.

7.2 Employees must declare to their Head of Function or Director in writing if they have, or if a person with whom they have a close family or personal relationship has, a financial interest in a contract, potential contract or any financial or other matter being dealt with by the Council.

7.3 Employees who are in debt as a customer to the Council, i.e. Council Tax arrears should declare this to their Head of Function or Director (this does not include payroll debts or approved money owed to the Council, such as car loans, cycle saver scheme etc.). All debts must be declared even if a repayment plan is already in place.

7.4 Where the employee is in a role which involves collecting money or debts owed to the Council or advising customers about meeting payments or other financial obligations this must also be reported to the Section 151 Officer by their Head of Function or Director.

7.5 The circumstances set out in 7.4 above will require the employee to enter into an agreement with the Council for the repayment of all sums owing to the Council as such circumstances may involve a conflict of interest.

7.6 Employees should declare to their Line Manager membership of any organisation not open to the public, such as Freemasonry.

8. Equality Issues

8.1 All employees should ensure that policies relating to equality issues as agreed by this Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees, irrespective of their age, race, gender, marital status, sexuality and ability, have a right to be treated with fairness and equity.

9. Health and Safety

9.1 The Health and Safety at Work Act 1974 places personal responsibility upon all employees to ensure the health and safety of themselves, colleagues and visitors to the Authority's buildings. All employees should ensure that they are aware of and comply with the provisions of the Act and the Authority's own policy. Employees should also alert their manager or Health and Safety Committee representative of any situation that is likely to cause a risk to health and safety.

10. Separation of Roles During Tendering

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate Head of Function or Director and withdraw from the contract awarding process.

10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Gifts and Hospitality

11.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded within the gifts and hospitality book held by the Monitoring Officer.

11.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

11.3 Employees should not accept significant personal gifts from contractors or outside suppliers, although the Council would allow employees to keep small items of token value such as pens, diaries etc providing there was no apparent ulterior motive nor any danger of misinterpretation by the public. In any event all gifts and hospitality of £25 and over must be registered in the gifts and hospitality book.

11.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

12. Corruption

12.1 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained

12.2 Employees must refuse an offer of a gift from any person engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and the employee is directly responsible for formulating recommendations to the Council or for monitoring the service received from the person concerned.

12.3 Any employee who is pestered or harassed into accepting gifts or other incentives must inform their Line Manager or the Council's Monitoring Officer immediately.

13. Use of Council Resources

13.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

13.2 Any intellectual property, such as inventions, creative writing and drawings, created during an employee's contractual hours of employment, belongs to Somerset West and Taunton Council. Employees wishing to use such intellectual property for purposes outside the Council or for obtaining copyright should seek written permission from their Line Manager or where appropriate their Head of Function or Director, in liaison with the Monitoring Officer

14. Sponsorship - Giving and Receiving

14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

14.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Bequests

15.1 Employees should actively discourage clients from bequeathing property, money or other items to them. Where an employee becomes aware that a client intends to bequeath something to them, they must inform their Line Manager immediately. Wherever possible bequests should be declined, either directly to the Client or to the Solicitor responsible for the will.

15.2 Where it is too late to decline a bequest or to do so would cause undue offence, the employee must submit all relevant details to their Head of Function or Director who will authorise the employees to accept/retain the bequeathed items only if they are satisfied that no undue influence has been exerted on the Client by the employee. A record of this authorisation will be held by the Council's Monitoring Officer. Any allegation that undue influence has been brought to bear will be investigated and, if proven, will be treated as gross misconduct under the Council's Disciplinary Procedure.

16. Compliance with Council Policies

16.1 Employees must comply with all current Council including the those included/referred to in the Employee Handbook and those relating to the use and security of the Council's computer systems.

Somerset West and Taunton Council Arrangements for Dealing with Standards Allegations Under the Localism Act 2011

1. Context

These “Arrangements” set out how you may make a complaint that an elected Councillor or co-opted Member of this Authority or of a Town or Parish Councillor within its area has failed to comply with the Authority’s Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the Authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Councillor or co-opted Member of the Authority or of a Town or Parish Council within the Authority’s area, or of a Committee or Sub-Committee of the Authority, has failed to comply with that Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Councillor or co-opted Member or Councillor of a Town or Parish Council against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for Councillors, which is part of the Constitution and available for inspection.

Each Town or Parish Council within the Authority’s area is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should inspect any website operated by the Town or Parish Council and request the Town/Parish clerk to allow you to inspect the Town/Parish Council’s Code of Conduct.

3. Making a Complaint

If you wish to make a complaint, please write to The Monitoring Officer, PO Box 866, TAUNTON, TA1 9GS
or email a.tregellas@somersetwestandtaunton.gov.uk

Telephone: 0300 304 8000

The Monitoring Officer has a statutory responsibility for administering the system in respect of complaints of Councillor misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, **please complete and send us the model complaint form**, which can be

downloaded from the Somerset West and Taunton Council's website – www.somersetwestandtaunton.gov.uk – next to the Code of Conduct, and is available on request from Reception at the Council Offices.

If you have difficulty making your complaint in writing, you will be offered assistance. A request for assistance should be made by contacting the Monitoring Officer, whether in person, by phone or by email (whether by yourself or someone assisting you) using the contact details set out above.

Please do provide us with your name and a contact address or email address so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Councillor against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless the Monitoring Officer (in consultation with the Independent Person) concludes that there is a clear public interest in doing so and that the fairness of the procedure would be maintained.

It is very important that you set your complaint out fully and clearly and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered. If a complaint does not contain sufficient information, it may not be dealt with.

It is helpful if you provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation, please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the Councillor(s) complained about has breached the Code of Conduct.

The Monitoring Officer will acknowledge receipt of your complaint within 10 working days of receiving it and will keep you informed of the progress of your complaint. In addition, the Monitoring Officer will also notify the subject Councillor of the complaint and the relevant Town or Parish Council if appropriate.

4. Will Your Complaint Be Investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 2 calendar months of receipt of your complaint. Where the Monitoring Officer has taken a decision, you will be informed of that decision and the reasons for it.

Where additional information is required in order to come to a decision, the Monitoring Officer may come back to you and may also request information from the Councillor against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the

Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the Councillor or the Council make a reasonable offer of Local Resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Therefore, not every complaint received will be formally investigated or referred for some action. As a starting point, the preference will be to resolve complaints without the need for a formal investigation. The factors to be taken into account in reaching a decision are:

- Whether a substantially similar allegation has previously been made by you, or the complaint has been the subject of an investigation by another regulatory Authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
 - i. the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - ii. whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the Authority;
- Whether it is apparent that the Councillor complained about is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether a simple apology, training or conciliation would be the appropriate response;
- Whether a reasonable offer of Local Resolution is offered by the Councillor the subject matter of the complaint but is rejected by you.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

The Monitoring Officer may discontinue a complaint or terminate an investigation if they

consider it appropriate to do so, having regard to whether the balance of the public interest lies in continuing to action the complaint.

5. How Is the Investigation Conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, an Investigating Officer may be appointed. That Investigating Officer may be another senior officer of the Authority, an officer of another Authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. This will allow you to further explain your understanding of events and suggest what documents the Investigating Officer may need to see or who the Investigating Officer may need to interview.

The Investigating Officer would normally write to the Councillor against whom you have complained and provide him/her with a copy of your complaint. They will ask the Councillor to provide his/her explanation of events and to identify what documents they need to see and/or who he needs to be interviewed. In exceptional cases, the Monitoring Officer may delete your name and address from the papers or delay notifying the Councillor until the investigation has progressed sufficiently where it might prejudice the investigation.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Councillor concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6. What Happens If the Investigating Officer Concludes That There Is No Evidence of a Failure to Comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if after consulting the Independent Person, is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Councillor concerned and to the Town or Parish Council, where your complaint relates to the Town or Parish Councillor, notifying you that no further action is required. A copy of the Investigating Officer's final report will be given to both of you. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider their report.

7. What Happens If the Investigating Officer Concludes That There Is Evidence of a Failure to Comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, after consulting the Independent Person, will then either send the matter for Local Hearing before the Hearings Panel or seek a Local Resolution.

- a) Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the

need for a Hearing. In such a case, the Independent Person will be consulted with you as Complainant and seek to agree what you consider to be a fair resolution, which also helps to ensure higher standards of conduct for the future. Such resolution may include the Councillor accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit, Governance and Standards Committee and, if appropriate, to the Town or Parish Council, for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will consider whether to refer the matter for a Local Hearing or to still seek the informal resolution route.

b) Local Hearing

If the Monitoring Officer considers that Local Resolution is not appropriate, then the Monitoring Officer will report the Investigating Officer's report to a Hearings Sub-Committee, which will conduct a Local Hearing before deciding whether the Councillor has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Councillor.

The Monitoring Officer will conduct a 'pre-hearing process', requiring the Councillor to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing. The Chair of the Hearings Sub-Committee may issue directions as to the manner in which the Hearing will be conducted. At the Hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the Complainant to attend and give evidence to the Hearings Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Sub-Committee, with the benefit of any advice from the Independent Person, concludes that the Councillor did not fail to comply with the Code of Conduct, they will dismiss the complaint, setting out the principal reasons for the decision.

If the Hearings Sub-Committee concludes that the Councillor did fail to comply with the Code of Conduct, the Chair will inform the Councillor of this finding and the principal reasons for the decision and the Hearings Sub-Committee will then consider what action, if any, the Hearings Sub-Committee should take as a result of the Councillor's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the Councillor an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8. What Action Can the Hearings Sub-Committee Take Where a Member Has Failed to Comply with the Code of Conduct?

The Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Sub-Committee may:

- a) Publish its findings in respect of the Councillor's conduct;
- b) Report its findings to Council or to the Town or Parish Council for information;
- c) Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- d) Recommend to the Leader of the Council that the Councillor be removed from the Executive, particular Portfolio responsibilities, as Chair of a committee or from a committee itself;
- e) Instruct the Monitoring Officer to, or recommend that the Town or Parish Council, arrange training for the Councillor;
- f) Remove or recommend to the Town or Parish Council that the Councillor be removed from all outside appointments to which he/she has been appointed or nominated by the Authority or Town or Parish Council;
- g) Withdraw or recommend to the Town or Parish Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access; or
- h) Exclude, or recommend that the Town or Parish Council exclude, the 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;
- i) Restricting contact to named officers or requiring contact be through named officers;
- j) Issue a formal letter of advice as to future conduct to the Councillor;
- k) Request that the Councillor tender an apology to such persons as were aggrieved by his or her actions;
- l) Where the Monitoring Officer and the Independent Person are not satisfied that the Councillor has tendered the apology described at 8.11 above or completed such training as arranged at 8.5 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.

The Hearings Sub-Committee has no power to suspend or disqualify a Councillor or to withdraw Councillors' or special responsibility allowances.

9. What Happens at the End of the Hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the Councillor failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to the Complainant, to the Councillor, any witnesses and to the Town or Parish Council if appropriate, make the decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Who Are the Hearings Sub-Committee?

The Hearings Sub-Committee is a Sub-Committee of the Council's Audit, Governance and Standards Committee. The Sub-Committee shall be politically balanced and comprise of 5 voting Councillors of the Governance and Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation of the Chair of the Governance and Standards Committee. A Chair of the Sub-Committee shall be elected from among the voting Councillors.

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 or Parish Councillor Member of the Governance and Standards Committee and one co-opted independent Member of the Governance and Standards Committee must be present when misconduct complaints against Councillors and co-opted members are being considered by the Hearings Sub-Committee.

11. Revision of These Arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Sub-Committee, the right to depart from these arrangements where they consider it is expedient to do so in order to secure the effective and fair consideration of any matter.

12. Appeals

There is no right of appeal for you as Complainant or for the Member against a decision of the Monitoring Officer or of the Hearings Sub-Committee.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Somerset West and Taunton Council

Roles and Responsibilities of Councillors

Background

The new Council will face many challenges and will be ambitious in its objectives. Particular issues that it will want to address include:

- The opportunities for 'commercialisation' by which services are more effectively commissioned and delivered
- Further and extensive use of modern technology to access and deliver services
- To maximise opportunities for regeneration of parts of the new Authority and thereby maximising opportunities for businesses and the creation of new jobs.
- Dealing with financial pressures in a way that seeks to 'deliver more with less'
- Creating opportunities for 'locality-based' decision-making

In order for the Council to fully deliver its new ambitions, it is important that all Members within the Council are able to carry out their roles in a way that delivers effective change in the shortest possible time. Below is a summary of the key points that will set the framework for what will be expected of Councillors in the new Council.

Roles and Responsibilities of All Councillors

Over-riding responsibility to demonstrate community leadership through representing their community at individual, ward and council level objectively taking into account all views and information before reaching their own view of how to act for the greater good.

In particular, to:

- Represent the community within the Council and other agencies
- Deal with individual casework fairly and without prejudice
- To help resolve issues raised by constituents/community groups, working with Officers when necessary
- Campaign on some local issues
- Keep in touch with constituents
- Engage with groups within the community
- Make well-informed decisions at Council meetings
- To be collectively responsible for Council Policy
- Work with partners and outside bodies as a representative of the Council
- Liaise with local parish councils/local organisations
- Proactively engage in the Overview and Scrutiny process
- Proactively engage with individual executive portfolio areas
- To undertake appropriate training
- To abide by the Code of Conduct

Role and Responsibilities of the Scrutiny Member

- The Overview and Scrutiny Committee Member reviews and scrutinises decisions made or actions taken by the Executive. They may also be involved in policy development prior to decisions being taken by the Executive. The Committees may make reports and recommendations to full Council and the Executive and any relevant partner in connection with Council functions.
- Assist with the development of an effective work programme
- Engage with all stages of the scrutiny process
- Collectively develop a constructive relationship with the Executive, especially with relevant portfolio holders

- Collectively develop a constructive relationship with Corporate Leadership Team in the areas that the Committee scrutinises
- Be collectively responsible for outputs and outcomes of scrutiny
- Receive evidence in an impartial manner
- Analyse information presented to the Committee
- Make recommendations based on the Committee's deliberations

Role and Responsibilities of the Chairs of the Main Committees including Scrutiny Committee, Audit, Governance and Standards Committee, Licensing Committee and Planning Committee

- Lead the work of the Committee and ensure it carries out its business effectively and efficiently within its terms of reference
- Chair the meetings impartially and in such a way as to facilitate proper discussion
- Ensure that contributions by the public are facilitated and controlled in accordance with agreed procedure
- Liaise with Officers on the contents of the agenda
- Act as spokesperson for the Committee and liaise as appropriate with external entities
- Encourage high standards of conduct
- Work with Officers to ensure Committee Members develop necessary skills
- Monitor the outcome of the Committee's decisions and follow up on action points

Roles and Responsibilities of the Chair of the Council

- Represent the whole community served by the Council
- Preside over meetings of the full Council
- Act as host on behalf of the Council and/or citizens of the area at functions arranged by the Council
- Attend important functions as a representative of the Council

- Perform official openings or presentations
- Promote business, commercial and community activities
- Uphold the office of the Chair
- Notwithstanding representing the Ward for which they were elected as a Ward member bearing in mind they have a view not just as the Chairman but as an individual councillor.

Role and Responsibilities of an Executive Member

- The Executive Member is responsible for delivery of services within the ambit of the portfolio
- Participate effectively as an Executive Member taking joint responsibility for all actions and be collectively accountable
- Build good relationships with appropriate officers and work with them in developing policy
- To take a proactive approach to the early engagement of overview and scrutiny Committees to help in policy development
- Give political direction to Officers working within the portfolio
- Ensure up to date knowledge of related developments and policies at national, regional and local level
- Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
- Have an overview of performance management, efficiency and effectiveness of the portfolio
- Represent the Executive by attending scrutiny Committees if requested in connection with any issues associated with the portfolio and consider scrutiny reports as required
- Make executive decisions within the portfolio
- Act as a strong, competent and persuasive figure to represent the portfolio and a figurehead in meetings with stakeholders
- Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
- Represent the Council on external bodies and feedback to the Executive any issues of relevance and importance.

- Undertake to consider the views of Council members with due weight as well as that of the “executive” for the well- being and benefit of the Council Wards.

Role and Responsibilities of the Deputy Leader

- Assist and work with the Leader of the Council in delivering their responsibilities to the Council
- Deputise for the Leader of the Council in their absence from Executive meetings
- Carry out the requirements of their role so far as legally possible in the absence of the Leader of the Council
- Carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council
- Undertake to consider the views of Council members with due weight as well as that of the “executive” for the well- being and benefit of the Council Wards.

Role and Responsibilities of the Leader

A) Leadership

- Provide an overall cohesive, corporate and strategic leadership and direction for the Council
- Lead and chair the Executive and ensure its overall effectiveness
- Lead in developing the Council’s partnerships with other organisations
- Work with portfolio holders to ensure effective delivery of services within their portfolios against the agreed policies of the Council, and to ensure the delivery of the Executive’s responsibilities
- Ensure effective communication and explanation of all Executive’s decisions and recommendations to Council and the public
- Ensure that the Executive manages the business of the Council within the financial limits set by the Council

- Ensure members of the Executive and all councillors abide by Somerset West and Taunton’s code of conduct
- Undertake to consider the views of Council members with due weight as well as that of the “executive” for the well- being and benefit of the Council Wards.
-

B) Overall responsibility

- Ensure that Executive exercises responsibility for the prudent management of the Council’s budget
- Have overall responsibility for the political management of the authority and the delivery of agreed Council priorities, strategies and policies

C) Working with partners

- Be the main representative of the Council, with others as appropriate, in dealing with the community, business, voluntary sector and other local, regional and national organisations
- Ensure effective liaison with other political groups within the Council
- Undertake to consider the views of Council members with due weight as well as that of the “executive” for the well- being of the Council Wards.

LEADERSHIP TEAM

Chief Executive

Head of Customer

- Resolve as many customer enquiries as possible at first point of contact
- Promote and support 'channel shift'.
- Providing accurate advice and guidance; and proactively providing additional services to customers where appropriate.

Head of Commercial and Investment

- Enables and delivers major and strategically significant projects, schemes and programmes relating to the place
- Delivering defined outcomes to cost, time and quality and in line with our commercial ambitions

Head of Localities

- Developing and delivering our Localities Strategy
- Work strategically with partners, stakeholders and customers to understand localities needs .
- Undertake a wide range of direct service delivery including operational services, looking after the place and our open spaces.

Executive Director and Deputy Chief Executive

- Responsibility for the ongoing Change programme
- Strategic and Financial Management
- Technology including infrastructure and applications.

Head of Strategy

- Set the strategic plans and priorities working collaboratively with partners and all parts of the Council
- Set out in our Strategic plans for People, Place and Prosperity.

Head of Performance and Governance

- Performance & Risk Management
- Governance & Elections, Business Strategic support on Procurement,
- People Management
- Data and information Management

Head of Communications and Engagement

- Keeping Internal and external customers, including tenants, informed
- Lead the engagement of our customers,
- Provide marketing function to the Council including customer insight
- Promotion of commercial and income generating services,

Somerset West and Taunton Shadow Council – 26 March 2019

Transitional Decision-Making Arrangements Between 1 April 2019 and Annual Council in May 2019

This matter is the responsibility of the Leader of the Shadow Council

Report Author : Bruce Lang, Monitoring Officer

1 Executive Summary / Purpose of the Report

- 1.1 This report outlines to Members the decision-making arrangements for the period between 1 April 2019 and up to the date of the Annual Council in May 2019.

2 Recommendations

- 2.1 Members are asked to:

- a) Note this report.
- b) Agree to the setting up of Special Ad-Hoc Planning Committees and Licensing Committees for the period between 1 April 2019 until the end of the ‘Shadow Period’ as outlined in paragraphs 6.1-6.4.

3. Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
That there is no clarity on how decisions are taken in the period 1 April until 6 May 2019.	4	5	20
<i>The mitigations for this are the proposed actions as set out in the report</i>	1	5	5

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background

- 4.1 Members will be aware that the Shadow Council is currently operating under an Interim Constitution. In addition, the two individual Authorities are continuing to operate under their respective, existing Constitutions. However, on 1 April 2019, both West Somerset and Taunton Deane Borough districts are abolished as Local Government areas and the District Councils are wound up and dissolved. The term of office of the persons serving as councillors of the District Councils immediately before 1 April 2019 ends on that date.
- 4.2 Although they cease to be Councillors of the District Councils, they continue to remain as Members of the Shadow Authority throughout the period of the 'Shadow Period', notwithstanding the dissolution of the District Councils on 1 April 2019. The 'Shadow Period' is defined as the date the Somerset West and Taunton (Local Government Changes) Order 2018 came into force, ending on the fourth day after the 2019 election date.

5 Decision-Making During the ‘Shadow Period’

- 5.1 As the election is due to be held on 2 May 2019, this will mean that Councillors will remain Members of the Shadow Authority until 7 May 2019.
- 5.2 Under Regulation 8 (5) of the Somerset West and Taunton (Local Government Changes) Order 2018, the persons who immediately before 1 April 2019 are Members of the Shadow Executive continue as Members of that Executive until the end of the ‘Shadow Period’, which is defined as set out in paragraph 4.2. Therefore, there will be an Interim Executive which may meet and make any relevant decisions up until that date.
- 5.3 Under Regulation 18 of the Order, functions conferred on the Shadow Authority by the Order are to be delegated and discharged by the Shadow Executive. Therefore, during this period, the Shadow Executive will be able to carry out any functions required of it including ensuring that all outstanding issues as part of implementation are also carried out effectively.
- 5.4 Currently, in addition to the decision-making arrangements at the Shadow Council, the two separate District Councils are continuing to operate under existing decision-making arrangements in their respective Councils. However, as of 1 April 2019, they will no longer exist and therefore we need to adopt a Constitution from 1 April 2019 which incorporates decision-making arrangements for both Authorities.
- 5.5 Accordingly, the Shadow Council now needs to consider the detailed decision-making arrangements from 1 April 2019 when the two Authorities have been abolished until such time as Annual Council in May 2019.
- 5.6 For this purpose, under a separate report, the Shadow Council is asked to adopt the new Constitution for the new Authority and for it to take effect from 1 April 2019. Members of the new Shadow Authority at the Annual Council in May 2019 will still be able to make any changes should they be required to do so. However, it is important that current decisions which are being made by the two individual Authorities (for example, by Officers) continue to be made by them during the ‘Shadow Period’.

6 Planning and Licensing Matters

- 6.1 To ensure that decisions also continue to be made in the fields of planning and licensing, the Council is now asked to appoint appropriate Planning Committees and Licensing Committees for the Shadow Council due in the period 1 April 2019 to the end of the ‘Shadow Period’. It is proposed that this will be made in accordance with the existing political balance rules.
- 6.2 It is proposed to establish two Shadow Planning Committees and two Licensing Committees, each to separately cover the current administrative area of Taunton Deane and West Somerset. Each committee will be made up of the current Members of the existing Planning and Licensing Committees at the respective Authorities. Each committee can be convened during the period 1 April 2019 to the date of the election to consider any business and will be able

to delegate its function to a sub-committee in the event that a hearing needs to be called. This includes the hearing and determination of applications in accordance with statutory requirements in respect of the Licensing Act 2003, Gambling Act 2005, and any other relevant legislation. Any decisions will be made in accordance with the policies with existing policies which will transfer on 1 April 2019.

6.3 The Terms of Reference of each of the Committees will be the same as the existing Committees and substitutes will be possible. The existing Chairs and Vice Chairs of each committee will be able to act in accordance with the Planning and Licensing Committee terms of reference and officer delegation arrangements set out in the Constitution of the new Council.

6.4 This will ensure that decisions are made by Members who are currently fully trained within their areas and have experience of the relevant geographical area for which they were originally elected.

7 Period Between End of 'Shadow Period' and the Annual Council

7.1 Officers will ensure that there will not be any major decisions taking place between the end of the 'Shadow Period' and Annual Council, which is normal following a set of local elections. However, should any decisions be required, they will be made by the Statutory Officers in consultation with the existing Chair of the Shadow Council and any appointed Group Leaders.

8 Finance / Resource Implications

8.1 None.

9 Legal Implications

9.1 These are contained within the body of the report.

10 Environmental Impact Implications

10.1 None.

11 Safeguarding and/or Community Safety Implications

11.1 None.

12 Equality and Diversity Implications

12.1 None.

13 Social Value Implications

13.1 None.

14 Partnership Implications

14.1 None.

15 Health and Wellbeing Implications

15.1 None.

16 Asset Management Implications

16.1 None.

17 Consultation Implications

17.1 As part of preparing this report, the views of both the Central Implementation Team and the Senior Leadership Team have been sought and taken into consideration.

Democratic Path:

- Full Council – Yes

Reporting Frequency : Once only Ad-hoc Quarterly

Twice-yearly Annually

Contact Officers

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Direct Dial		Direct Dial	
Email		Email	

Somerset West and Taunton Shadow Council – 26 March 2019

Report on the Transfer of Contracts, Property and Other Liabilities

This matter is the responsibility of the Leader of the Shadow Council

Report Author : Bruce Lang, Interim Monitoring Officer

1 Executive Summary / Purpose of the Report

- 1.1 This report outlines to Members the legislative provisions that govern the transfer of the existing Councils' responsibilities, assets and liabilities and the requirements that must be met in respect of these provisions.

2 Recommendations

- 2.1 Members are asked to:

- a) note this report and the legislative requirements;
- b) note the steps taken by Officers to meet the requirements as set out in Appendix 1.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Risk: The new Council holds incomplete or inaccurate information in respect of the contracts, property and other liabilities transferred to it by the Predecessor Councils.	4 Likely	4 Major	16 High
<i>Mitigation: The Central Implementation Team have implemented robust arrangements for the collection and transfer of relevant information to the new Council.</i>	1 Very Unlikely	4 Major	8 Medium

Scoring Matrix

Likelihood	5	Very Likely	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Feasible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Slight	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Very Unlikely	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full Details of the Report

- 4.1 Members will be aware that, on 25 May 2018, the Secretary of State made an Order which will result in the abolition of the existing West Somerset and Taunton Deane Borough government areas and the creation of the new Somerset West and Taunton area. The Order also provides for the dissolution of the existing councils (the 'Predecessor Councils') and the establishment of the new council ('the Successor Council').
- 4.2 The Government produced in November 2018 another set of regulations which make provisions as to how the merger should take effect. The regulations are split into the following parts:
- a) the transfer of Council functions, property, rights and liabilities;
 - b) the staffing and TUPE provisions;
 - c) provisions in respect of parish Councils;
 - d) the electoral administration: the Council plans and strategies;
 - e) the preparations and publishing of the final accounts for the existing Councils;
 - f) transition arrangements for planning functions;
 - g) miscellaneous transitional provisions e.g. matters such as Community Right to Challenge.
- 4.3 This report focuses on the provisions and requirements relating to the transfer of the Predecessor Councils' contracts, property rights and other assets and liabilities.

- 4.4 The regulations list out the information the Predecessor Councils must provide to the Shadow Council as follows:
- a) details of every contract entered into by a Predecessor Council that will extend, or may be extended, beyond 1 April 2019
 - b) details of every action or proceeding to which a predecessor Council is a party and which, in the Council's opinion, is unlikely to have been determined or settled before 1 April 2019;
 - c) such other information relating to predecessor Councils property, rights or liabilities as the Shadow Council may reasonably request;
- 4.5 The regulations set out timescales for the provision of the above information and in any case no later than 31 March 2019.
- 4.6 Officers as part of the Central Implementation Team have been conducting an information and a data collecting exercise over the previous 4 months to ensure that the new Council has available to it the requisite data on 1 April 2019. Clearly, Members will appreciate the importance of this and are directed to the Appendix attached to this report which sets out a position statement in relation to all the data.
- 4.7 The regulations also provide that all functions of the Predecessor Councils will transfer to the Successor Council on 1 April 2019.
- 4.8 To allow for a seamless transfer, any enactments which name a Predecessor Council/area or apply to a Predecessor Council area will continue to have effect after the 1 April.
- 4.9 Furthermore, anything done by or in relation to a Predecessor Council in exercise with or in connection with a function that will be exercised by the Successor Council after 1 April 2019 shall have effect as if done by the Successor Council.
- 4.10 This includes the following, which shall automatically take effect (as if done by/entered into/made by etc.) the Successor Council:
- a) agreements, decisions and instruments made;
 - b) byelaws, orders and regulations made;
 - c) consent, licence, permissions granted by or given to;
 - d) certificate, direction or notice given by or to;
 - e) applications, objections, proposal or requests made by or to;
 - f) conditions imposed by or on; and
 - g) proceedings against or instituted by, the Predecessor Councils or Shadow Council.
- 4.11 Any person appointed by a Predecessor Council to represent it on any body will continue to represent the Successor Council on that body.

5 Finance / Resource Implications

- 5.1 There are no direct financial implications arising from this report, however of

course the information to which it relates is clearly essential for proper financial administration of the new Council.

6 Legal Implications

6.1 These are contained within the body of the report.

7 Environmental Impact, Safeguarding and/or Community Safety, Equality and Diversity, Social Value, Partnership, Health and Wellbeing, Asset Management, Consultation Implications

7.1 None for the purpose of this report.

8 Consultation Implications

8.1 Relevant Officers in the Council have been consulted as part of gathering the information required.

Democratic Path:

- **Shadow Full Council – 26 March 2019**

Reporting Frequency: Once only

Contact Officers:

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Appendix 1

Information to be provided to Successor Council – obtaining the information

Type of information	Location of information
<p>Contracts</p>	<p>A Contract register is held and maintained by the Council's procurement team.</p> <p>It is a 'living' document and is held within the 'Procurement' area of the Council's Sharepoint system.</p> <p>The register is joint between WSC/TDBC as a consequence of the shared service arrangements between the two councils that have been in place over the past five years.</p> <p>The register currently contains details of 247 contracts.</p> <p>Data is held for these contracts against a number of headings including:</p> <ul style="list-style-type: none"> • Title • Contract Reference Number • Supplier • Description • Scope • Category • Procurement Manager • Original Contract start date/purchase date (if appropriate) • Start Finish • Available Extensions • Extensions Taken • End of any Contract Extension Period • Notice Period (Months) • Initial Cost • Annual Cost • Total Contract Value (including any extensions taken) • Procurement route
<p>Actions and Proceedings</p>	<p>Shape Legal hold records of the substantive legal proceedings to which the Councils are party.</p> <p>The Shared Revenues and Benefits Team hold records (for both Councils) of business and council tax proceedings that have progressed to Court. Reports can be obtained of this information at any point via the Council's OpenRevenues computer system.</p>

Appendix 1

Type of information	Location of information
	<p>The Housing Team also have record of any proceedings for evictions and late payment NB. Only TDBC holds housing stock.</p> <p>A 'claims experience report' may be requested from our current insurers. That report will give details of any open claims as at 1st April (or any other date required).</p>
Property Assets	<p>The council is in the process of implementing a new asset management database which will include all assets currently owned by WSC and TDBC.</p> <p>The database is work in progress i.e. a two phased project up until October of this year. The asset register that will sit in the database will be the most comprehensive register that the organisation will hold.</p> <p>Until then it is in spreadsheet format and has been collated from numerous sources and in numerous formats from both councils. It consists of 8,429 items sorted by TDBC HRA properties (Garages, flats and houses), TDBC HRA Miscellaneous assets, TDBC General Fund assets, some of which go beyond just land and properties i.e. bus shelters, culverts, bridges etc. and WSC General Fund assets.</p> <p>The spreadsheet is held by the shared service property team.</p>
-Registered Land	A complete list of the Councils registered land may be requested (at a fee) from HM Land Registry.
-Unregistered Land	Both Councils' main assets are registered with the Land Registry. We understand that about 5% of the property across both councils is unregistered – information relating to unregistered land will be captured as part of the work on the asset management database.

Somerset West and Taunton Shadow Council

Shadow Council Meeting – 26th March 2019

Adoption and updating of Policies

This matter is the responsibility of the Leader of the Shadow Council

Report Author : Paul Harding, New Council Workstream Lead

1 Executive Summary

- 1.1 When Somerset West and Taunton Council (SWT) comes into existence on 1 April 2019 it will take on all of the statutory functions previously exercised by Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC).
- 1.2 In order to carry out these functions, SWT officers will need to rely on a suite of policies. This report seeks the adoption of existing TDBC and WSC policies as policies of SWT.
- 1.3 A number of policies have already been considered, and approved for adoption, by the Shadow Authority. These have generally been where a WSC policy and a TDBC policy have been merged into a new joint policy for SWT, containing a material change from the perspective of one or both existing councils.
- 1.4 Where new policies are proposed for SWT that are materially different from those created by WSC or TDBC it is proposed that such policies would continue to be subject to approval through the democratic process; be that of the Shadow Authority or SWT.
- 1.5 However, for those policies of WSC or TDBC that require only minor updating (eg to reflect the new Council's identity or new officer titles) but do not change the intent or substance of the policy this report also proposes a practical and proportionate approach for updating such policies which avoids taking up valuable committee time on what is largely an administrative task.

2 Recommendations

- 2.1 Members are asked to:
 - a) Adopt the existing West Somerset Council (WSC) and Taunton Deane Borough Council (TDBC) policies as Somerset West and Taunton Council (SWT) policies, where not already succeeded and approved by Shadow Authority. This still allows for SWT to review and amend any policy at any time once it comes into existence if required.
 - b) Delegated authority be given to the Monitoring Officer (of the Shadow Authority or SWT as the case may be) to approve any necessary grammatical or branding/formatting changes to existing policies, to reflect those matters in 4.6 of this report where, in his or

her opinion, the proposed changes are minor in nature and make no change to the intent or substance of the policy.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Somerset West and Taunton Council does not have a framework of polices under which to operate from 1 April 2019.	3	5	15
<i>The mitigations for this is the proposal described in this report.</i>	1	5	5

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background

- 4.1 In November 2018 The Local Government (Boundary Changes) Regulations 2018 were approved by Parliament.
- 4.2 These Regulations provide for, amongst other matters, the transfer of plans, schemes, statements and strategies from WSC and TDBC to SWT.
- 4.3 No specific mention is made of policies although the inclusion of ‘decisions’, as other things which will automatically transfer, is likely to also cover policies.
- 4.4 However, in order to avoid any possible ambiguity, this report seeks firstly to formalise the transfer and adoption of policies from WSC / TDBC to SWT. These relate to matters such as Human resources (HR), Housing and Health & Safety etc.
- 4.5 Secondly, this reports recommends authority be given to the Monitoring Officer (of the Shadow Authority or SWT as the case may be) to approve any necessary grammatical or branding/formatting changes to existing policies, to reflect those matters in 3.6 below, where in his or her opinion the proposed changes are minor in nature and make no change to the intent or substance of the policy:
- 4.6 Minor changes:
- (a) Update logo/branding to the new SWT logo/branding;
 - (b) Change wording from TDBC or WSC to SWT;
 - (c) Remove any references to TDBC or WSC or geographical areas unless necessary due to local differences in policy;
 - (d) Change the reference from the word ‘councils’ to ‘council’;
 - (e) Change any other plurals as necessary, such as Leader(s),
 - (f) Change references from Cabinet to Executive
 - (g) Reflect SWT contact information (e.g. telephone number, website, email address);
 - (h) Reflect new officer titles within the operating model (e.g. Change Assistant Directors to Heads of Function).
- 4.7 Policy relating to Town and Country planning, and specifically local development documents, are outside the scope of this report as they are dealt with specifically within Part 9 of The Local Government (Boundary Changes) Regulations 2018).

5 Finance / Resource Implications

5.1 No specific impact.

6 Legal Implications

6.1 Having policies available against which to make sound decision is a key element of having a legal, safe and functioning council from 1 April 2019.

7 Environmental Impact Implications

7.1 No specific impact.

8 Safeguarding and/or Community Safety Implications

8.1 No specific impact.

9 Equality and Diversity Implications

9.1 This report has been prepared having taken into account the fact that all policies have been adopted previously by WSC and TDBC under their normal procedures. This would include the carrying out of an Equality Impact Assessment, where required. These proposals will not change the intention or application of these policies, but will simply convert the documents to a SWT format. As no changes will be made to the substantive content of the policies, it is not considered that an equality impact assessment for what are, essentially, presentational changes, is required.

10 Social Value Implications

10.1 No specific impact.

11 Partnership Implications

11.1 No specific impact.

12 Health and Wellbeing Implications

12.1 No specific impact.

13 Asset Management Implications

13.1 No specific impact.

14 Consultation Implications

14.1 No specific implications.

Democratic Path:

- Shadow Governance & Standards Committee – Yes
- Shadow Governance & Standards Committee – No
- Full Council – Yes

List of Appendices

- None

Contact Officers

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Email	p.harding@tauntondeane.gov.uk

Somerset West and Taunton Council

Shadow Council Meeting – 26th March 2019

Shadow Council

Assets of Community Value Policy and Process

This matter is the responsibility of Executive Councillor: Cllr Jane Warmington and Cabinet Member: Cllr David Westcott

Report Authors: Angela Summers and Matt Parr

1 Purpose of the Report

1.1 To consider the Asset of Community Value Policy and Process for the new Council.

2 Recommendations

2.1 To review and approve the proposed ACV Policy and Process.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
The ACV process gives rise to a significant number of appeals, leading to significant resource implications.	3	3	9
<ul style="list-style-type: none"> • <i>Process designed to minimise input and wherever possible direct nominee queries to Locality</i> • <i>Compensation claims beyond £20,000 will be met by DCLG</i> 	2	2	4

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 The Localism Act 2011 places requirements on the council to maintain a list of land/buildings in its area, where it considers the land to be of community value.
- 4.2 The Community Right to Bid provides the right to nominate land/buildings as Assets of Community Value (ACV) and then gives an opportunity to present bids to the owner in the event of the asset being offered for sale. The Council has statutory duties to deal with nomination applications, maintain a list of all land and assets successfully nominated as ACVs as well as those that are rejected, and to administer the right to bid process. Accordingly the Council must have in place a relevant Policy setting out how this will be done.
- 4.3 Appendix A sets out the Council’s proposed Right to Bid Policy to be operated by the New Council. Nominations are evaluated and determined by the relevant officer, to ensure:
- 4.3.1 The nomination is made by a ‘relevant body’:
- A parish/town council,
 - A voluntary/community body, or
 - A neighbourhood forum or community group with 21+ local members.
- 4.3.2 The land/building does not fall within the ‘excluded category’, for example that it is not a wholly residential property or a residential caravan park.

- 4.4 The decision to list a building or land as an asset of community value must be based on Section 88 of the legislation:

In the opinion of the authority- The actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be use of the building/land which furthers the social wellbeing or social interests of the local community (whether or not in the same way)

Or

There is time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community and it is realistic to think that in the next five years when there could be a non-ancillary use of the building or other land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.

Social interests includes (in particular) each of the following –

(a) cultural interests

(b) recreational interests

(c) sporting interests

- 4.5 The process must be completed within 8 weeks of the nomination being received by the Council. Once the decision has been made, it is published on the Council web site and the nominator, owner of the asset and parish/town council are informed of the decision.
- 4.6 When an asset is accepted for nomination, the owner has the right to request an internal review by the council.
- 4.7 If the owner remains in disagreement with the listing following the review, they have the right to appeal to an independent tribunal.
- 4.8 Once an asset has been listed nothing further happens until the owner decides to sell the land/building. If the owner does decide he wishes to sell the asset, he must inform the Council of his intention and then wait 6 weeks to allow any community groups to come forward with an intention to make a bid. Certain exemptions exist by which owners can transfer or sell their asset without waiting for that 6 week period to run. If the proposed disposal is not exempt:
- 4.8.1 The owner will be able to dispose of the asset after that 6 weeks period to anyone, unless an expression of interest is received from a community group to be treated as a potential bidder.
- 4.8.2 If the council receives such an expression of interest, then the full 6 months moratorium applies, providing the community with time to prepare a bid.
- 4.9 If a planning application is submitted regarding a land/building that has been listed as an asset of community value, the listing will be a material consideration when the planning authority determines the application.

5 Links to Corporate Aims / Priorities

- 5.1 An efficient and modern council delivering services to a standard in order to best allocate our resources

6 Finance / Resource Implications

- 5.1. If the asset is accepted for listing, the council needs to register the restriction with the Land Registry, the costs associated with this is estimated at £50 per property.
- 5.2. If the building/land is put up for sale and the Assets of Community Value moratorium applies, the owner can make a claim to the council for compensation for losses and expenses arising out of the listing of the asset or the moratorium period. The council would be liable for compensation costs up to £20,000 in any financial year, this can be from a number of small claims or a single large claim. Any compensation costs over the £20,000 will be covered by DCLG.

7 Legal Implications

This report arises from the Council needing to put in place policy and processes to ensure that it fulfils its obligations under the provisions of the Localism Act 2011.

8 Equality and Diversity Implications

The Assets of Community Value process offers greater opportunities for community involvement in the consideration of community assets, potentially leading to increased community benefit.

9 Asset Management Implications (if any)

None in respect of this report.

10 Consultation Implications

In accordance with the requirements of the Localism Act 2011- Part 5 and the council's agreed process, when a nomination is received, the owner of the property being nominated and the local parish/town council are given notice of the nomination application. The council also notifies the relevant member, whose ward the asset being nominated is within.

Democratic Path:

- **Shadow Scrutiny – Yes**
- **Shadow Council – Yes**

Reporting Frequency : Once only

List of Appendices (delete if not applicable)

Appendix A	SWTC Right to Bid Policy and Process
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Contact Officers

Name	TBC	Name	TBC
Direct Dial	TBC	Direct Dial	TBC
Email	Enquiries@tauntondeane.gov.uk	Email	Enquiries@tauntondeane.gov.uk

December 2018

Appendix A:

Somerset West and Taunton Council

Community Right to Bid Policy

(Assets of Community Value)

December 2018

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W:\Executive Support\AssetsComValue\SWTC Process\ACV Policy and Process

1 Introduction

- 1.1 The purpose of this document is to set out the Council's policy with regards to the Community Right to Bid (CRTB). In particular:
 - 1.1.1 To provide transparency for community nominators and asset owners so that they are able to navigate the Council's process. Flowcharts outlining the process are shown in Appendix I.
 - 1.1.2 To provide clarity so that officers and Members are able to effectively support the management of the process.

2 Background

- 2.1 The Community Right to Bid ('the Right'), which is also known as Assets of Community Value is one of the community rights derived from the Localism Act, 2011,¹ all of which have a stated aim of devolving power to local communities.
- 2.2 The aim of the Right is to empower communities wishing to protect valuable local assets (including land and buildings) so that upon sale the community will have an opportunity to express an interest in purchasing the asset and thereby delay a sale in order to prepare a bid to purchase the asset.
- 2.3 The Right does not restrict who the owner of the asset can sell the property to, or at what price, and it does not confer a right of first refusal to community interest groups.
- 2.4 In order to exercise the Right, the asset must first be registered on the Council's list of Assets of Community Value and must be within the Council's geographic area. Registration is applied for through a nomination application to have a particular piece of land or building nominated as an 'asset of community value'. Such applications can only be made by a voluntary or community group² to Somerset West and Taunton Council. The Council will assess the nomination against the requirements set out in the Localism Act 2011, relevant regulations (currently the Assets of Community Value (England) Regulations 2012), and non-statutory guidance and this policy, determining if the application is compliant with the requirements.
- 2.5 Not every property is capable of being listed as a 'community asset'. For example, residential properties and caravan sites are exempt from listing.
- 2.6 If the nomination is accepted by the Council, the asset will be listed on the Council's 'Assets of Community Value List' under the 'Accepted for listing' section for a period of 5 years. Nominations that have been rejected will be included in the same list, under the 'Nominations rejected' section, and again these details will be removed after 5 years. If an asset is accepted for listing, there will be an opportunity for the owner to request an internal review of the decision made by the Council. In certain circumstances, the owner can also apply for compensation to cover losses incurred during the period in which the asset appears on the List.
- 2.7 With specific exemptions, once an asset is listed, the owner must notify the Council if they are planning to sell the asset. The Council will update the List to reflect this and will notify the nominator and any other interested parties known to the Council of the owner's intention to sell.
- 2.8 A community group³ will then have a 6 week window in which they can express interest in bidding for the asset. During this period, negotiations for a sale are permitted,

¹ The Assets of Community Value (England) Regulations 2012

² As defined in paragraph 6.1

³ As defined in paragraph 13.2

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however the asset cannot be sold on the open market. An expression of interest from an appropriate community group received within the 6 week window will trigger a 6 month moratorium period. This will give the community an opportunity to prepare a full bid.

- 2.9 After the moratorium period has ended, the owner can sell the asset to whomever they wish and at whatever price they wish within a protected period of 18 months. If the asset is not sold during that period, if the owner still wishes to dispose of it he must notify the Council again and the same moratorium provisions will apply.

3 Contact

- 3.1 For enquires on the process, please contact
Enquiries@somersetwestandtaunton.gov.uk

Nomination an Asset Process

4 How to nominate an asset

- 4.1 The council encourages any group who is interested in nominating an asset to engage in pre-nomination discussion with the council by contacting:

Enquiries@somersetwestandtaunton.gov.uk

- 4.2 For a property to be nominated as an 'asset of community value', a nomination form needs to be completed and submitted to SWTC. The form is available:

Enquiries@somersetwestandtaunton.gov.uk

- 4.3 If submitting an application form, please make sure you include all the required information, including:

- 4.3.1 A copy of your organisation's constitution or Articles of Association;
- 4.3.2 Copy of minutes / notes that evidence the group's agreement to submit the nomination;
- 4.3.3 A description of the nominated land including its proposed boundaries;
- 4.3.4 A statement of the information which the nominator has had regard to:
 - i) the names of the current occupants of the land;
 - ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;
- 4.3.5 A statement of the nominator's reasons for thinking that the Council should conclude that the land is of community value:
 - i) that the actual current use which is more than ancillary, or such use in the recent past, furthers the 'social wellbeing and social interests' of the local community;⁴
 - ii) that in the case of the current use, there is a 'realistic prospect' that this use could continue or in the case of use in the recent past, that there is a 'realistic prospect' that within the next five years the use could resume.⁵

and whatever evidence the nominator can produce to support those reasons.

⁴ Please see paragraph 7.2.

⁵ Please see paragraph 7.3.

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4.4 Once all the required nomination information has been attached, the completed nomination form should be submitted to:

Enquiries@somersetwestandtaunton.gov.uk

Assessment of a Nomination

5 What can be nominated?

- 5.1 For a property to be successfully nominated for listing as an 'asset of community value', the nominator must demonstrate that it both 'enhances the social interests and social wellbeing of the local community' and there is a 'realistic prospect' of the continued or future use of the asset.
- 5.2 Properties which cannot be listed include:
- residential properties and land which it is reasonable to consider to be part of a residence, such as a garden and outbuildings;
 - land licensed for use as a residential caravan property (and some types of residential caravan property which do not need a licence);
 - operational land of statutory undertakers (such as a utility company) as defined in section 263 of the Town and Country Planning Act 1990
- 5.3 All Nominations will be assessed on their own merits and having regard to all circumstances in each case.

6 Who can nominate?

- 6.1 Nominations can only be made by community and voluntary bodies. This means that the group must be one of the following:
- 6.1.1 Parish Council or Neighbourhood Forum;
- 6.1.2 Community Interest Company with a local connection being either a Charity; Company limited by guarantee (not distributing any surplus it makes to its members); or Industrial and Provident Society (not distributing surpluses to its members);
- 6.1.3 Unincorporated body with at least 21 members who appear on the Council's electoral roll;
- 6.2 The requirements for Community Interest Companies to have a 'local connection' are that:
- 6.2.1 The body's activities are wholly or partly concerned with the Council's area, or with a neighbouring council's area; and
- 6.2.2 The body's constitution allows for it to generate an operating surplus, which is applied wholly or partly for the benefit of the Council's area, or for the benefit of a neighbouring authority's area;⁶
- 6.3 Upon receiving a nomination, the Council will have 8 weeks to reach a decision on whether to accept or decline the nomination.
- 6.4 The Council will undertake an initial assessment of the nomination to verify that it is valid and has all the necessary information in order to be considered. The Council will also contact the owners, lawful occupiers, and any leaseholders of the nominated

⁶ Neighbouring councils, include: South Somerset, Sedgemoor, Mendip, North Devon or Mid Devon District Councils.

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asset for comment on the nomination. The Parish Council, or the Taunton Unparished Area Advisory Committee, will be invited to comment if they are not the nominator.

- 6.5 If the nomination requires amendments or additional information, the Council will notify the nominator of the amendments required, and if received, will incorporate them into the nomination. The 8 week period referred to in 6.1 above will only commence once all relevant information (in the view of the Council) has been provided.

7 Assessment criteria

- 7.1 The Case Officer* of Somerset West and Taunton Council will carry out the initial assessment of the nomination in relation to the asset. They will consider the evidence provided from all parties and assess the application against the criteria set in section 88 of the Localism Act, the current Regulations and non-statutory guidance in order to determine whether the main and current use of the nominated property (or such a use in the recent past) 'enhances the social interest and social wellbeing of the local community' and if there is a 'realistic prospect' of the continued use or resumption of use.

- 7.2 Once a decision has been made, a decision will be published on the council website, and the community group, the owner and any leaseholders of the asset will be notified. The nominated asset will then be placed on the required list and Land Registry informed, where appropriate.

- 7.3 Should an owner wish to request a review or appeal against a decision, please see section 10 below.

*Case Officer means "officer authorised by the Council to deal with all applications made for assets of community value"

Listing of an Asset

8 List of Assets of Community Value

- 8.1 Nominated properties which have been approved by the council as an 'asset of community value' will be added to the council's 'Assets of Community Value List'. The list can be viewed via the council's website: www.somersetwestandtaunton.gov.uk
- 8.2 The Council will also add the asset to the local land charges register and if the land is registered, apply for a restriction on the Land Register in Form QQ. There are also requirements on owners or mortgagees applying for first registration of listed land to apply for a restriction on the Land Register. They require a person who has become an owner of the land following a disposal to inform the local authority and provide ownership details.
- 8.3 The 'relevant disposal' of any listed asset is restricted by the moratorium requirements.⁷
- 8.4 Listed nominations will be removed from the register after a period of five years, or through one of the circumstances shown in paragraph 18.1.

9 Rejected Nominations

- 9.1 Nominations which have been rejected will be included on the 'Assets of Community List' under 'Nominations rejected' section for future reference.

⁷ Please see section 12.

9.2 Unsuccessful nominations will be removed from list after a period of five years, or through one of the circumstances shown in paragraph 18.2.

Reviews and Appeals against Listings

10 Internal review

10.1 Within 8 weeks of being notified of their property being listed as a 'community asset', the owner can appeal to the Council for a 'listing review'. The asset will remain listed during the review period. The owner and the Council will bear their own costs associated with the review. A request for a review must be made in writing, marked for the attention of the Case Officer who made the original decision to:

Enquiries@somersetwestandtaunton.gov.uk

10.2 The Council will then have 8 weeks from the date of receiving the request to carry out the review in accordance with the Review Procedure set out below. The review will be in the form of a redetermination of the original nomination, having regard to the original submission, representations received and any further representations made further to the review. The Case Officer will co-ordinate and administer the process for the review but shall not take part in the decision except to provide information on the original nomination.

10.3 The Review Procedure is outlined below:

- The Head of Function* will carry out the review and make a decision in consultation with a panel of three elected members, including the Lead Member, the Shadow Member and the Lead Member for performance and governance.
- The owner may appoint any representative (legally qualified or not) to act on his/her behalf in connection with the review
- An oral hearing must be held at the owner's written request. Where no written request for an oral hearing is made by the owner, the Head of Function will decide whether or not an oral hearing is appropriate in the circumstances.
- If a hearing is to be held and a party is intending to make written representations, these must be provided 5 working days prior to the date of the hearing. These written representations will be exchanged with any other parties attending the oral hearing.
- At the oral hearing, the parties will have the opportunity to make oral representations.
- If a party has informed the Council that they do not intend to attend, the hearing may proceed in their absence at the discretion of the Council's Head of Function.
- If a party who has not so indicated, fails to attend or be represented at a hearing the Council's Head of Function may
 - where he considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - hold the hearing in the party's absence.
- The Head of Function will invite the party who requested the review to present their representations as to why they do not agree with the listing. The Head of Function and members of the panel may then ask questions.

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- The Head of Function will invite any representative of the relevant party/ies who nominated the asset to be listed to make their representations on why the listing should remain. The Head of Function and members of the panel may then ask questions.
 - A maximum of 5 minutes will be allowed for each oral representation.
 - The Head of Function will then invite any ward member present to make such representations as they may wish.
 - Ward members will be allowed a maximum of 5 minutes to make their statement
 - The Head of Function may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:-
 - Refuse to permit that person to return, or
 - Permit him/her to return only on such conditions as he may specify
but such a person may, before the end of the hearing, submit to the Council's Head of Function in writing any information which they would have been entitled to give orally had they not been required to leave
 - The Head of Function will withdraw with the Panel to consider the submissions and to make his/her deliberations.
 - The Head of Function, Panel will return to the hearing and the will announce the decision.
 - Confirmation of the review decision and reasons for the decision will be made in writing within 5 working days to:
 - Owner
 - Nominating body
 - Parish/Town Council
- 10.4 Upon completion of the review where no hearing is held, the Council will publish a report of its findings and notify the owner and the nominators of the outcome. Where a change in the status of the property occurs as a result of the review, it will then be moved to the appropriate list.
- 10.4 If the owner of an asset has been successful in having the asset moved to the 'Assets of Community List' under 'Nominations rejected' section there will be no right of appeal for the nominators.
- * Head of Function means "senior officer authorised by the Council to deal with all decisions and appeals made for assets of community value"

11 Tribunal review

- 11.1 If the owner is dissatisfied with the outcome of a review, they will have 28 days from the date on which the Council notifies them of the internal review decision to appeal to the General Regulatory Chamber of the First-Tier Tribunal.
- 11.2 Owners must submit their appeal in writing to the First-Tier Tribunal by:
- Email: grc.communityrights@hmcts.gsi.gov.uk or
Post: Tribunal Clerk,
Community Right to Bid Appeals,
HM Court & Tribunals,

Sale of a Listed Asset

12 Relevant disposal

12.1 The moratorium provisions only apply to a 'relevant disposal' of a listed asset. A 'relevant disposal' is one where the sale of the asset transfers:

- 12.1.1 a freehold interest if it is a disposal with vacant possession; or
- 12.1.2 a qualifying leasehold interest (that is, the granting of a lease for a period of 25 years or more (or the transfer of a lease which was of 25 years or more originally) if it is a grant or assignment with 'vacant possession').

There are various situations in which a relevant disposal can be made without the moratorium provisions applying. These are listed in s.95(5) of the Localism Act 2011 and Schedule 3 of the 2012 Regulations ⁸

12.2 If an owner of a listed asset is unsure whether a proposed sale or other transfer of their property will be a relevant disposal or not, they should notify the Council as a precaution – non-compliant disposals may be set aside by the Land Registry.

13 Moratorium

13.1 Once the owner of a listed asset has notified the Council of their intention to offer the asset for sale, a **6 week 'interim moratorium'** period begins ("Interim Period"). The council will update the list to show the interim and full moratorium dates. The Council will then notify the nominator and any community bodies who have registered interest, of the owner's intention to dispose.

13.2 During the Interim Period, suitably constituted community groups and organisations may submit an intention to bid – unincorporated bodies and neighbourhood forums are excluded from bidding. This means only the following groups can submit an intention to bid:

- 13.2.1 Town or Parish Council in whose area the asset lies;
- 13.2.2 Charity with a local connection (as defined in paragraph 6.2);
- 13.2.3 Company limited by guarantee with a local connection (not distributing any surplus it makes to its members);
- 13.2.4 Industrial and Provident Society with a local connection (not distributing surpluses to its members);
- 13.2.5 Community Interest Company with a local connection.

13.3 Within the Interim Period, the owner can continue to market and negotiate the sale of the property. However, unless an exempt disposal applies, they can only sell the asset to a 'community interest group'.⁹

13.4 If an eligible community interest group expresses interest to the Council in bidding for the asset during the Interim period, the 'full moratorium' period will be activated. The 'expression of interest' does not need to include any financing details, nor does it bind the community interest group into making a bid.

⁸ For a full list of exemptions, please see the Appendix II.

⁹ As defined in paragraph 13.2

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- 13.5 The full moratorium period runs for 6 months from the date the Owner notified the council of their intention to dispose of the asset (“the Full Period”). During this period, the owner can continue to market and negotiate the sale of the property, however, unless an exempt disposal applies, the owner can only dispose of the asset to a community interest group.¹⁰ The community interest group which bids for the asset does not have to be the same community group which nominated the asset and/or activated the full moratorium. Equally the owner can sell the property to a community interest group which has not submitted an expression of interest.
- 13.6 After the Interim Period or Full Period has expired (as applicable), the owner will have an 18 month protected period from the date when they notified the Council of their intent to dispose, where no further moratorium periods can be triggered. During the protected period, the owner can dispose of the asset to whoever they wish and at whatever price they wish.
- 13.7 Once the protected period has expired, if the asset has not been disposed of, the owner cannot enter into a relevant disposal. If the owner wishes to enter into a relevant disposal they will need to notify the Council and the process begins again, with a 6 week Interim Period starting from the date the Council was notified.

14 Enforcement

- 14.1 To prevent enforcement action (that is, the cancellation of a transfer), when the new owner applies to the Land Registry to register a change of ownership of a listed asset, they will need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene the moratorium requirements.
- 14.2 If a non-compliant disposal of a listed asset occurs, the transfer will be ‘void’, meaning that the change of ownership has not taken place. If the transfer has been erroneously registered on the Land Register it will still be void, and would have to be rectified. This penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.
- 14.3 Owners are encouraged to seek independent legal advice on these points.

Compensation Process

15 Compensation payment

- 15.1 Owners may claim compensation from the Council for losses and expenses incurred which would not have occurred if the land had not been included on the List for however long that inclusion may be. This includes, for example (but not exclusively):
- 15.1.1 a delay in entering into a binding agreement to sell which is wholly caused by any moratorium period;
- 15.1.2 legal expenses incurred in a successful appeal to the Tribunal.
- 15.2 The compensation scheme does not extend to public bodies defined as:
- 15.2.1 government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;

¹⁰ As defined in paragraph 13.2

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- 15.2.2 bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
- 15.2.3 local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998.
- 15.3 A compensation claim must be made by the owner within 13 weeks from the end of the Interim or Full Period (as appropriate), or from the date when the land ceased to be listed and within 13 weeks of the expense being incurred in any event.
- 15.4 Claims must be made in writing to the Council, stating the amount of compensation sought and providing the necessary supporting evidence.
- 15.4 The Council will consider the validity of the claim as soon as practical. There is no specific time frame for this due to the potential complexities of the case, for which the Council may need some time to consider and assemble all the necessary evidence.

16 Internal compensation review

- 16.1 An owner who is dissatisfied with the Council's response to their compensation claim can appeal for an internal review of the claim within 8 weeks of being notified of the Council's decision.
- 16.2 The internal compensation review will follow the same procedures as the listing review with consideration of such decisions being led by the Council's Head of Function, however the process will not include the nominating community group.

17 Tribunal compensation review

An owner who is dissatisfied with the outcome of the Council's internal review of their compensation claim can appeal for a Tribunal review within 28 days of being notified of the internal review decision. The Tribunal review will follow the same process as shown in 'Tribunal review', except that only the owner or former owner who originally appealed for compensation will be eligible to apply.

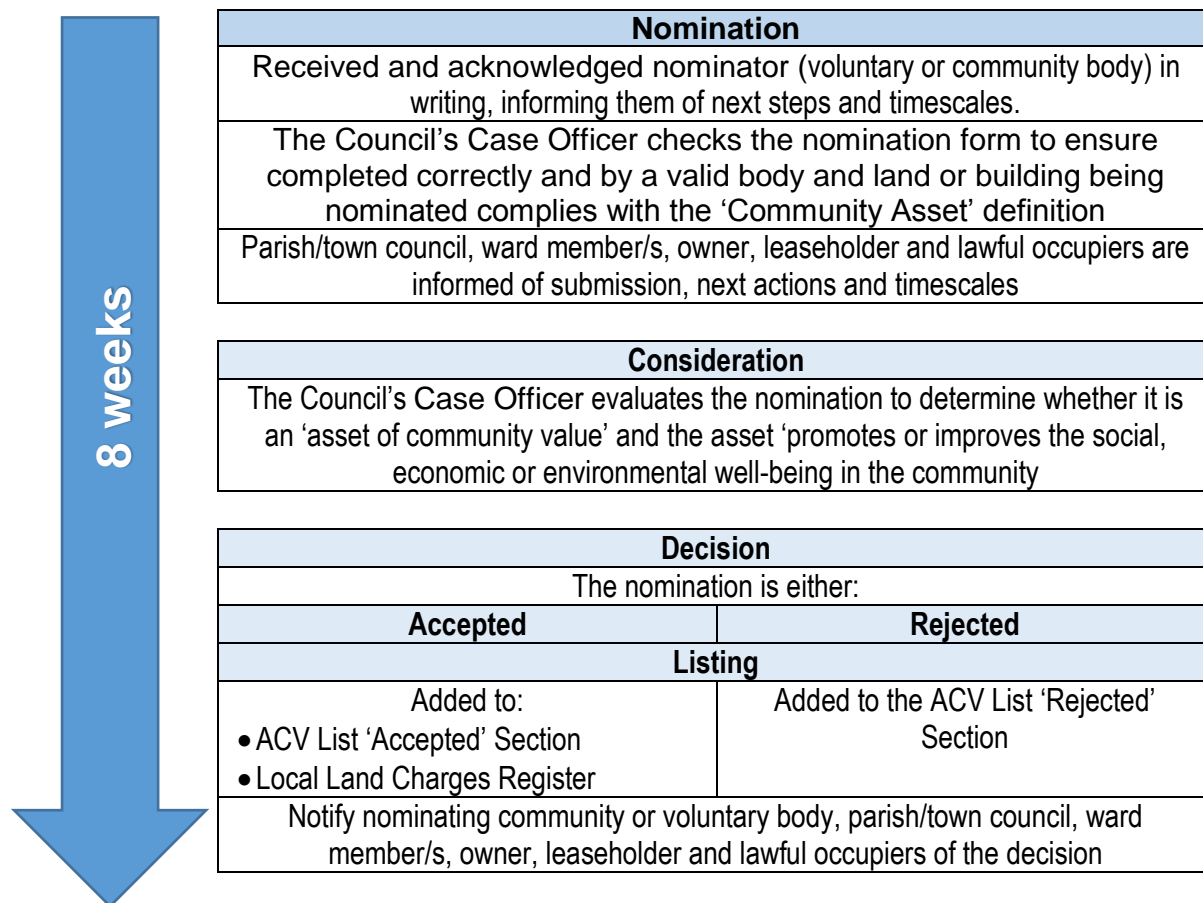
Delisting of an asset

18 Overview

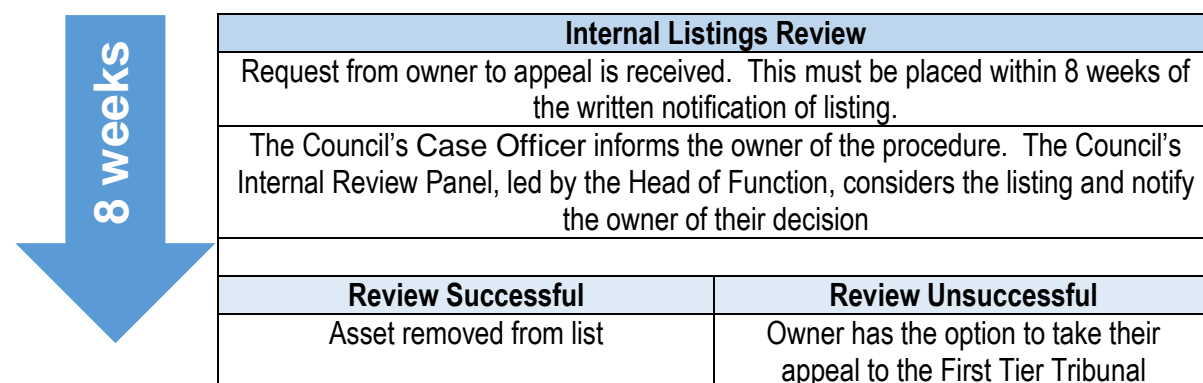
- 18.1 A property will be removed from the Assets of Community Value List, under the 'Accepted for listing' section, if one or more of the following applies:
 - 18.1.1 it has been on the list for five years;
 - 18.1.2 the owner has undertaken a 'relevant disposal' that is not exempt;
 - 18.1.3 the owner has been successful in a listing review;
 - 18.1.4 the owner has demolished the listed asset;
 - 18.1.5 the council deems the listed asset to no longer be of community value
- 18.2 A property will be removed from the Assets of Community Value List, under the 'Nominations rejected' section, if it has been on the List for five years.;
- 18.3 When a property is removed from the list the council will notify the owner, any leaseholders and the nominator of the statement. In the case of an asset being delisted, the council will also notify the Land Registry.

Appendix I: Community Right to Bid Process

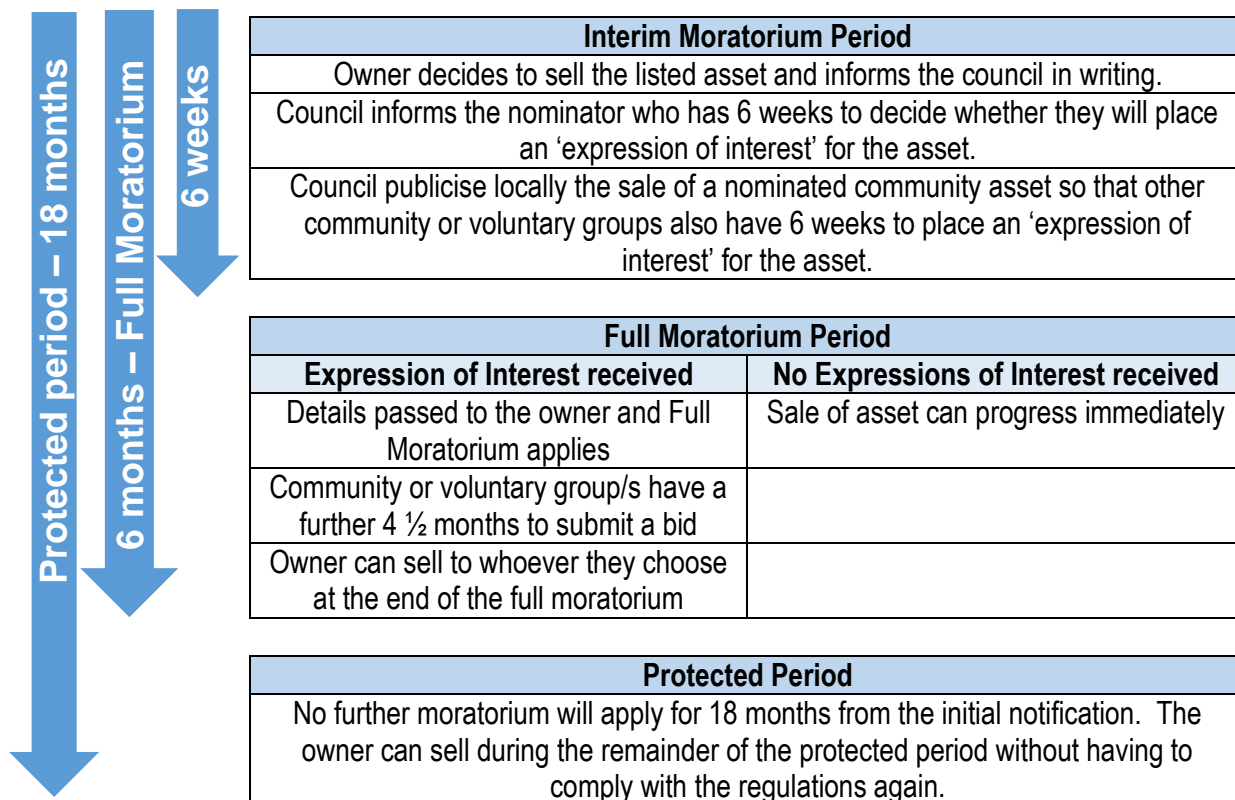
Stage 1: Listing of an Asset



Stage 2: Review and Appeals



Stage 3: Sale of Asset



Stage 4: Compensation

Compensation Claim
Owner/former owner must place an application for compensation in writing with supporting evidence within 13 weeks after the loss has occurred
The council evaluates the compensation claim and makes a recommendation to the Executive who determine the claim.
Owner is notified of the decision

Internal Review
Owner/former owner requests the council to review their decision
Council's Internal Review Panel evaluate the decision and inform the owner of the decision

First Tier Tribunal
If the owner/former owner requests an appeal of the compensation decision, they are referred to the independent tribunal – the General Regulatory Chamber of the First Tier Tribunal

Appendix II: Exemptions

The full list of disposals exempt from the moratorium rules are shown below:

- i) disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts);
- ii) disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules;
- iii) disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate;
- iv) disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents);
- v) part-listed land, therefore, sale of a property only part of which has been listed;
- vi) sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill);
- vii) disposals occasioned by somebody becoming or ceasing to be a trustee;
- viii) disposal by trustees in connection with the trust, as specified;
- ix) a disposal occasioned by a person becoming or ceasing to be a partner in a partnership;
- x) transfers made in pursuance of a court order;
- xi) transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children;
- xii) a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with “incapacity” being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters;
- xiii) a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into after the land is listed would count as a relevant disposal under section 96(4) of the Act);
- xiv) disposals of a description which brings them within the Crichel Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants)¹¹
- xv) sale by a lender under a power of sale (therefore, where the land was security for a loan);
- xvi) disposal of land under bankruptcy or other insolvency proceedings – the wording is “insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986”, which gives a very wide definition of insolvency proceedings;

¹¹ Please see: DCLG Circular 06/04 “Compulsory Purchase and the Crichel Down Rules”:
<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>

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- xvii) compulsory purchase disposals (see the wide definition of “statutory compulsory purchase” in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used);
- xviii) the grant of an agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986;
- xix) transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate);
- xx) disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate;
- xxi) disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006);
- xxii) a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy;
- xxiii) disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the assets moratorium rules were complied with.

Assets of Community Value Listing

Nominations Accepted/Rejected for listing as an Asset of Community Value



Received	Nominated by	Name of property	Decision re:Listing	Review
Accepted for listing				
01/11/2018	Friend of the Railway Inn	Railway Inn (Formerly The Foresters Arms). Williton. TA4 4QY	Accepted for listing On: 04/12/2018 Decision Ref Exe Dec	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
13/08/2018	Bicknoller Parish Council	The Bicknoller Inn. Bicknoller, Taunton. TA4 4EL	Accepted for listing On: 18/09/2018 Decision Ref Exe Dec	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
01/05/2018	Timberscombe Parish Council	The Timberscombe John Arlott Playground Association. Timberscombe. TA24 7TY	Accepted for listing On: 08/06/2018 Decision Ref Exe Dec 8/	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
16/03/2018	Watchet Coastal Com. Team CIC	7 The Esplanade. Watchet. TA	Accepted for listing On: 16/05/2018 Decision Ref Exe Dec	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				

Assets of Community Value Listing

Nominations Accepted/Rejected for listing as an Asset of Community Value



Received	Nominated by	Name of property	Decision re:Listing	Review
13/03/2018	Dulverton Town Council	Lions stable car park. Dulverton. TA22 9DJ	Accepted for listing On: 18/04/2018 Decision Ref Exe Decisi	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
13/03/2018	Dulverton Town Council	Guildhall car park. Dulverton. TA22 9EZ	Accepted for listing On: 18/04/2018 Decision Ref Exe Decisi	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
13/03/2018	Dulverton Town Council	Exmoor House Car Park. Dulverton. TA22 9HL	Accepted for listing On: 18/04/2018 Decision Ref Exe Decisi	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
14/11/2017	Carhampton Parish Council	Carhampton Junior Recreation Ground. Carhampton. TA24 6PF	Accepted for listing On: 29/11/2017 Decision Ref Ex Dec	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				

Assets of Community Value Listing

Nominations Accepted/Rejected for listing as an Asset of Community Value



Received	Nominated by	Name of property	Decision re:Listing	Review
14/11/2017	Carhampton Parish Council	Carhampton Community Orchard (Registered Charity 1072570). Carhampton. TA24	Accepted for listing On: 29/11/2017 Decision Ref Ex Dec	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
25/02/2014	Dulverton Town Council	Dulverton Middle School & Community School & Associated land. Dulverton. TA22 9EE	Accepted for listing On: 02/04/2014 Decision Ref CAB	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
25/02/2014	Dulverton Town Council	Dulverton First School and Associated Land. Dulverton. TA22 9EN	Accepted for listing On: 02/04/2014 Decision Ref CAB	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				
Nomination rejected				
31/01/2014	Old Cleeve Parish Council	Land next to Washford Quarry. Washford. TA23	Nomination rejected On: 05/03/2014 Decision Ref	Review Request Recvd: Review undertaken: Review Decision:
Notification of Sale				

**Taunton Deane Borough Council
Register of Assets of Community Value**

Asset	Nominating body	Nomination received/listed	TDBC officer	Nomination de-listed
The York Inn, Churchinford	Churchstanton Parish Council	15.10.13/04.12.13	Matt Parr	Jan-19
The Lethbridge Arms, Bishops Lydeard	Bishops Lydeard Parish Council	13.11.13/10.12.13	Matt Parr	Jan-19
Bishopswood Playing Fields, Otterford	Otterford Parish Council	21.11.13/13.12.13	Matt Parr	Jan-19
Bishopswood Chapel, Otterford	Otterford Parish Council	21.11.13/21.01.14	Matt Parr	Jan-19
The Bell Public House, Creech	Creech St Michael Parish Council	29.01.14/21.02.14	Matt Parr	Renominated
The Candlelight Inn, Otterford	Otterford Parish Council	21.11.13/10.01.14	Matt Parr	Mar-19
The Hatch Inn, Hatch Beauchamp	Hatch Beauchamp Parish Council	12.09.14/16.10.14	Matt Parr	
The Fitzhead Inn, Fitzhead	Fitzhead Parish Council	09.09.14/16.10.14	Matt Parr	
The Bird in Hand	Bishops Lydeard Parish Council	10.10.14/06.11.14	Matt Parr	
Land at Hyde Lane, Creech (1)	Creech St Michael Parish Council	19.01.15/16.02.15	Matt Parr	
Land at Hyde Lane, Creech (2)	Creech St Michael Parish Council	19.01.15/16.02.15	Matt Parr	
Land at Hyde Lane, Creech (3)	Creech St Michael Parish Council	19.01.15/16.02.15	Matt Parr	
Land at Hyde Lane, Creech (4)	Creech St Michael Parish Council	19.01.15/16.02.15	Matt Parr	
Memorial Hall (Creative Innovation Centre)	Creative Innovation Centre CIC	05.02.15/10.03.15	Matt Parr	
King Alfred Inn	Burrowbridge PC	27.02.15/24.03.15	Matt Parr	
The Globe Inn	Stawley PC	09.03.15/15.04.15	Matt Parr	
Holman Clavel	CAMRA, Somerset Branch	26.05.15/19.06.15	Matt Parr	
The Bird in Hand	North Curry Parish Council	08.09.15/06.10.15	Matt Parr	
The Far Canal Inn	North Curry Parish Council	08.09.15/06.10.15	Matt Parr	
The Rising Sun	North Curry Parish Council	08.09.15/06.10.15	Matt Parr	
Garages Site, Creech	Creech St Michael Parish Council	29.11.15/09.02.16	Matt Parr	
Wellington Youth Centre	Wellington Community Support CIC	24.02.16/20.03.16	Matt Parr	
The Half Moon Inn, Stoke St Mary	The Half Moon Inn Support Group	29.03.16/14.04.16	Matt Parr	
Farriers Green Park	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
Heathfield Community Centre	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
Heathfield School and other centres	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
Hyde Lane football pitches	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
Monkton Inn	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
Taunton Rugby Club, Hyde Lane	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
West Monkton Cricket Ground	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
West Monkton Village Hall	West Monkton Parish Council	30.06.16/04.08.16	Matt Parr	
The New Inn	Halse Parish Council	18.11.16/02.12.16	Matt Parr	
The Nags Head	Ruishton & Thornfalcon Parish Council	23.05.18/20.07.18	Matt Parr	
Henlade Post Office	Ruishton & Thornfalcon Parish Council	23.05.18/20.07.18	Matt Parr	
The Ruishton Inn	Ruishton & Thornfalcon Parish Council	23.05.18/20.07.18	Matt Parr	
Land adjacent to Tonedale Mill	Wellington Mills CIC	05.07.18/16/08.18	Matt Parr	
The Royal Oak	Stoke St Gregory Parish Council	22.01.18/26.02.18	Matt Parr	
Woodland Walk	Bishops Lydeard Parish Council	24.07.18/02.10.18	Matt Parr	



Somerset West and Taunton Council

Full Council – 26 March 2019

This matter is the responsibility of Cllr Andrew Sully, Portfolio Holder Corporate Resources

Approval of the Annual Pay Policy Statement 2019/20

Report Author: Fiona Wills, HR & OD Manager

1 Executive Summary / Purpose of the Report

- 1.1 Section 38 (1) of the Localism Act 2011 establishes a statutory requirement for local authorities to prepare and publish a pay policy statement for each financial year, approved by Full Council.

The pay policy statement describes the pay arrangements and policies that relate to the pay of the workforce which serves Somerset West & Taunton Council. The statement describes in particular the arrangements for senior staff and its lowest paid employees.

2 Recommendations

- 2.1 It is recommended that the Pay Policy statement 2019/20 is approved for publication.
- 2.2 It is recommended that following the creation of the new council, the policies and pension discretions relating to the workforce are reviewed to ensure that they meet Somerset West & Taunton council’s aspirations for the workforce.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure to approve an annual pay policy statement would be a breach of the council’s statutory duty	1	4	4
<i>The mitigations for this are the proposed publication and approval of the report</i>			

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 Section 38 (1) of the Localism Act 2011 requires local authorities to prepare and publish a pay policy statement for each financial year, approved by Full Council.
- 4.2 The pay policy statement has been drafted for approval in advance of the creation of Somerset West & Taunton on 1 April 2019 to ensure that the new council complies with the requirements of the Localism Act 2011.
- 4.3 According to the Local Government (Boundary Changes) Legislation 2018 ‘all property, rights and liabilities of the predecessor councils shall on the reorganisation date vest in, and transfer to, the successor council’. All employees were previously employed by Taunton Deane Borough Council and therefore the policies and pension discretions of Taunton Deane BC will be adopted by the new council with the recommendation that these should be reviewed within the next 12 months.
- 4.4.1 The changes in the data detailed in the Pay Policy statement reflects a 2% national pay award, awarded to all employees on 1 April 2019 and the implementation of a new NJC pay structure. The new NJC pay structure reflects the government’s pledge to increase the national living wage to £9 per hour by 2020 and in the lowest grades, the new pay scales are in excess of 2%. The council recognises the Living Wage Foundation and the lowest hourly wage is therefore £9.74 per hour.

4.4.2 The ratios between the senior pay of the Chief Executive and the Executive director and the lowest paid employee show a reduction when compared to last year's ratios. The ratio between the Head of Function and the lowest paid employee replaces the previous Assistant Director role and is reported for the first time. The mean salary per full time employee has increased to £26,410. The increase reflects the new roles in the new organisational structure and the new pay structure.

4.4.3 There have been no changes to pension discretions.

5 Links to Corporate Aims / Priorities

The council has a statutory duty to approve a pay policy statement on an annual basis to comply with Section 38 (1) of the Localism Act 2011.

5 Finance / Resource Implications

There are no finance or resource implications of this report.

6 Legal Implications (if any)

The council has a statutory duty to approve a pay policy statement on an annual basis to comply with Section 38 (1) of the Localism Act 2011. Failure to publish the statement before 31 March 2019 would result in the council being in breach of their statutory duty. The pay policy statement will be published on the council website, once approved by Full Council.

7 Environmental Impact Implications (if any)

There are no environmental impact implications.

8 Safeguarding and/or Community Safety Implications (if any)

There are no safeguarding or community safety implications

9 Equality and Diversity Implications (if any)

An equality impact assessment is not required. The pay award was negotiated at a national level and is applicable to all employees.

10 Social Value Implications (if any)

There are no social value implications.

11 Partnership Implications (if any)

There are no partnership implications.

12 Health and Wellbeing Implications (if any)

There are no health & wellbeing implications

13 Asset Management Implications (if any)

Somerset West & Taunton Council - Pay Policy Statement 2019/20

1. Background

The Pay Policy Statement is intended to bring together sufficient information about the different elements of the local authority's pay policies to enable local taxpayers to reach an informed view about local decisions on all aspects of pay and reward for employees. It also provides the context for the more detailed financial information that is already published by local authorities under the Code of Recommended Practice for Local Authorities on Data Transparency and by the Accounts and Audit (England) Regulations 2011.

2. Creation of West Somerset & Taunton Council

In November 2013 Taunton Deane Borough Council & West Somerset Council entered into an agreement by which services would be delivered by a single workforce across the two local authority areas.

The transfer of staff into a reorganised single workforce was completed in 2015 and all staff, on behalf of the partnership, were employed by Taunton Deane Borough Council.

In order to reduce costs and increase efficiency for the two councils the workforce was led by a single Chief Executive and team of senior staff which replaced the two separate management teams which served the two councils before the agreement was approved. The two councils shared the salary costs of senior employees.

In March 2018 both Councils' gave their consent to start the legal process to create a single new council, Somerset West & Taunton and the new council will commence on 1 April 2019. Additionally the organisation is currently undergoing an organisational restructure which will be completed shortly.

This is the first pay policy statement for Somerset West & Taunton council and represents the position on the pay structures and other elements of the remuneration package for staff as at 31 March 2019.

3. Policy statement

Somerset West & Taunton council is committed to ensuring transparent, fair and equitable pay and reward arrangements that provide value for money and enable the recruitment and retention of employees with the skills and motivation to deliver high quality services for the council and its communities. The policies that support these objectives are summarised in this document.

4. Scope

The pay statement describes the pay arrangements that apply to the Senior Management Team (the senior employees) and the lowest paid employees.

For the purpose of this pay statement **senior employees** are defined as those staff in the top three tiers of management; the Chief Executive, Executive Director & Deputy Chief Executive, the Assistant Chief Executive, six Heads of Function and the Strategic Finance & s151 Officer.

The pay and grading of employees, other than senior employees, are currently set using pay structures divided into grades within which there are spinal column points setting the pay rates. Posts are allocated to a pay grade through a process of job evaluation.

The current pay and grading structure for the workforce is set out in the attached Appendix B.

For the purpose of this statement the **lowest paid employees** are defined as follows:

- Those who receive a salary equivalent to Grade C on the council's pay structure. This is because no employee of the council is paid at a grade lower than Grade C.

The Council is required, for the purposes of this statement, to define the 'lowest paid employees' and also to explain why it has adopted this definition.

Other than the posts set out above (senior management) and recognised apprentices, all posts within the council have been subject to job evaluation to assess the value of the job content and then, subject to that value, have been placed in an agreed grade.

The Council will therefore define the lowest paid employees as those on the minimum pay points as these (apart from apprentices) are the lowest hourly rates paid to employees of the Council. The Council has adopted this definition, as it can be easily understood.

5. Remuneration of senior employees

As part of the annual Pay Policy Statement the Council must state:

- (a) The elements of remuneration for each senior employee
- (b) The policy for determining the remuneration of senior employees on recruitment.

The Senior Management Team are employed on fixed pay points for all posts within the top three tiers and therefore remuneration in terms of salary will be fixed on appointment.

Any other elements of remuneration, as set out in Appendix A, that are relevant at the point of recruitment are highlighted accordingly.

The Leader will, after taking independent pay advice from South West Councils or similar, recommend the remuneration package on appointment to the above posts to Full Council prior to advertisement of any vacancy. The remuneration package will then have been subject to the approval of Full Council.

- (c) How any increases and additions to remuneration for each senior employee are made?

Annual cost of living pay awards are negotiated nationally by the Local Government Employers organisation and, where a pay award is agreed, these will be applied to the fixed pay point of the employee.

The Council has the ability to determine certain Local Government Pension Scheme Discretions. The Pension Scheme Discretions which have been adopted by Somerset West & Taunton council are included in the annual Pay Policy Statement.

The post of Chief Executive is employed on the Terms and Conditions of Employment agreed by the Joint Negotiating Committee (JNC) for Chief Executives and all other senior employees are covered by the Terms and Conditions of Employment agreed by the JNC for Chief Officers, all of which are supplemented by local terms and conditions agreed by Somerset West & Taunton council as the employer.

- (d) The use of performance-related pay for chief officers.

The council does not operate performance related pay schemes for any of its staff.

- (e) The use of bonuses for senior employees.

The council does not operate bonus schemes or bonus payments for any of its staff.

- (f) The approach to the payment of senior employees on their ceasing to hold office under or to be employed by the authority

Any termination payments to senior employees on ceasing office will comply with the policies current at that time, which will have been approved by the Full Council of the employing authority. No additional termination payments will be made without the approval of the Executive/Cabinet, this will include any settlement agreements, which may be subject to a confidentiality clause. The current redundancy policy and retirement policy is included in the Pay Policy statement in the appendices.

Should severance payments for staff exceed £100,000 they will be reported to Full Council for approval and in presenting information to Full Council the components of the relevant severance package will be clearly set out. These components may include salary paid in lieu,

redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.

- (g) The remuneration of senior employees who return to Local Authority employment.

Where the senior employee:

- (i) Was a previously employed senior employee who left with a severance payment and applies to return as a senior employee.

Executive/Cabinet approval would be required to authorise re-employment within the authority of a previously employed senior employee who had left with a severance payment and is seeking re-employment.

- (ii) Was previously employed by the same authority and applies to return as a senior employee under a contract for services.

Executive/Cabinet will be required to approve any award of a 'contract for services' to a senior employee who has previously been employed by the authority.

- (iii) Is in receipt of a Local Government Pension Scheme Pension.

If an employee receiving a pension from the Local Government Pension Scheme becomes re-employed then their pension could be affected. This will apply where the pension in payment arose for a reason that resulted in a strain cost being paid by the employer (e.g. redundancy, interests of efficiency, ill-health, early retirement with consent or flexible retirement). If their pension plus the earnings from their new job is higher than the final pay their pension was calculated on, then their pension will be affected. For every pound that their earnings plus pension exceed previous pay, then their pension will reduce by a pound. This abatement will last for as long as the person exceeds their limit (so either when the new job ends or they reduce their hours so their earnings drop down below the acceptable level).

The Chief Executive is the appointed Returning Officer for Somerset West & Taunton council and receives a fee for County, District and Parish Council and for Parliamentary Election duties. The fee for undertaking this role varies from year to year and is not subject to this policy since fee levels are set regionally and nationally.

6. Remuneration of other employees

As explained in paragraph 5 above, the pay structure for all other employees consists of grades and incremental points set out in the attached appendices. Grades are allocated to jobs through a process of job evaluation which establishes the relative value of different jobs within the workforce. The

council uses the Greater London Provincial Council Scheme for job evaluation. Salaries for all employees (including senior employees) are subject to increases agreed under national pay award settlements.

The council's pay structure creates the basis of the relationship between the pay of all employees within the scope of the Pay Policy Statement.

The maximum salary for the post of Chief Executive is approximately 6.28:1 times the maximum salary of the lowest paid employee in the workforce. The maximum salary of the Executive Director is 4.92:1 times the maximum salary of the lowest paid employee. The maximum salary of a Head of Function is 4.63:1 times the lowest paid employee.

The maximum salary for the post of Chief Executive is approximately 4.35:1 times the mean FTE salary.

7. Transparency and Publication of Data

The council will publish the Pay Policy Statement on the Somerset West & Taunton council website alongside other information relating to transparency/open government and this can be found on:

www.somersetwestandtaunton.gov.uk

8. Review

The Localism Act requires councils to prepare and publish a pay policy statement for each financial year. The next statement is due for publication before 31 March 2020.

Appendices

- Appendix A Remuneration to senior staff
- Appendix B Somerset West & Taunton Council Pay and Grading Structure
- Appendix C Somerset West & Taunton Council Local Government Pension Scheme Discretions
- Appendix D Somerset West & Taunton Council Redundancy Policy
- Appendix E Somerset West & Taunton Council Compensation Policy
- Appendix F Somerset West & Taunton Flexible Retirement Policy

Appendix A – Remuneration to Senior Staff

The Level and Remuneration for each Chief Officer

Post	Statutory Role	Terms and Conditions and JE Status ***	Salary **	Salary Progression	Bonus or Performance related pay	Other Benefits	Pension Enhancement in Year
Chief Executive	Head of Paid Service	JNC Chief Executives – Out of JE	£115,000	No	No	Payment of Professional Subscription *Election payments – Returning Officer Payments relating to LGPS Employer Contributions	No
Deputy Chief Executive & Executive Director		JNC Chief Officers – Out of JE	£90,212	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Head of Localities		JNC Chief Officers – Out of JE	£84,905	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Head of Commercial Investment & Change		JNC Chief Officers – Out of JE	£84,905	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Strategic Finance & S151 Officer (1)	S151 Officer	JNC Chief Officers – out of JE	£68,779	No	No	Payment of Professional Subscription	No

Post	Statutory Role	Terms and Conditions and JE Status ***	Salary **	Salary Progression	Bonus or Performance related pay	Other Benefits	Pension Enhancement in Year
						Payments relating to LGPS Employer Contributions	
Head of Performance & Governance		JNC Chief Officers – Out of JE	£80,000	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Head of Comms & Engagement		JNC Chief Officers – Out of JE	£80,000	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Head of Customer		JNC Chief Officers – Out of JE	£76,500	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Head of Strategy		JNC Chief Officers – Out of JE	£76,500	No.	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No
Assistant Chief Executive		JNC Chief Officers – Out of JE	£67,394	No	No	Payment of Professional Subscription Payments relating to LGPS Employer Contributions	No

- * Additional payments are made by Central Government to officers carrying out additional duties at elections. These payments will only be received when elections take place and vary according to the responsibility undertaken.
- ** These thresholds relate to the publication of salary information as required under the Code of Recommended Practice for Local Authorities on Data Transparency (£58,200 is the minimum of the Senior Civil Service minimum pay band) and the Audit and Accounts Regulations (£50,000)
- *** JNC Chief Officers – Out of JE. The job evaluation scheme is not applicable to Chief Officer posts. The salaries of Chief Officer posts are evaluated against local market data provided by South West Councils. This data provides salary details for comparable Chief Officer posts within comparable district councils.
 - (1) This post also provides the statutory S151 role for South Somerset District Council, 2 days per week, which is charged out at £49,400 per annum.
 - (2) The statutory function of monitoring officer is performed by the Performance & Governance Manager.

**Appendix B – Somerset West & Taunton Pay & Grading structure
(Applicable from 1 April 2019)**

Grade	SCP		
A	N/A	N/A	N/A
B	N/A	N/A	N/A
C	5	6	7
	£18,795	£19,171	£19,554
D	8	9	11
	£19,945	£20,344	£21,166
E	15	17	19
	£22,911	£23,836	£24,799
F	23	24	25
	£26,999	£27,905	£28,785
G	28	29	30
	£31,371	£32,029	£32,878
H	33	34	35
	£35,934	£36,876	£37,849
I	38	39	40
	£40,760	£41,675	£42,683
J	43	44	45
	£45,591	£46,572	£47,524
K	48	49	50
	£50,421	£51,166	£51,914
L	53	54	55
	£54,149	£54,894	£55,642

Appendix C - Written Statement on Local Government Pension Scheme Employers Discretions and Key Pensions Policy

West Somerset & Taunton Council

April 2019 to 31 March 2020

LGPS (Administration) Regulations 2008

Regulation B30 (2)

The Council will allow individual former employees leaving employment on or before 31 March 2014 the option to request early payment of benefits on or after age 55 and before age 60 which will be considered on a case-by-case basis following the production of a business case. In these cases no additional compensation will be awarded.

Regulation B30 (5)

With regard to the early payment of benefits on or after age 55 and before age 60 made under B30 (2) above the Council retains the right to waive the actuarial reduction of benefits on exceptional compassionate grounds.

Regulation B30A (3)

The Council will allow the option to request an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60 which will be considered on a case-by-case including the production of evidential support. This applies to employees leaving service on or before 31 March 2014.

Regulation B30A (5)

With regard to an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60 made under B30A (3) above the Council retains the right to waive the actuarial reduction of benefits on exceptional compassionate grounds.

Local Government Pension Scheme Regulations 1997 (as amended) in relation to active councillor members and pre 1 April 2008 scheme leavers.

Regulation 31 (2)

The Council will allow a post 31 March 1998/pre 1 April 2008 leaver or from a councillor member the option to request early payment of benefits on or after age 55 and before age 60 which will be considered on a case-by-case basis following the

production of a business case. In these cases no additional compensation will be awarded.

Regulation 31 (5)

With regard to the early payment of benefits made in accordance with Regulation 31 (2) the Council retains the right to waive the actuarial reduction of benefits on exceptional compassionate grounds.

Regulation 31 (7A)

The Council will allow councillor optants out and pre 1 April 2008 employee optants out the option to request payment of benefits at normal retirement date and these will be considered on a case-by-case basis following the production of a business case.

The Local Government Pension Scheme Regulations 2013

Regulation 100 (6)

It is not Council policy to extend the 12-month limit on transfer of previous pension rights into the LGPS.

Regulation 9 (1) and 9 (3)

It is Council policy to allow employee contribution rates to be determined as changes occur during the financial year.

Regulation 16(2)(e) and 16(4)(d) Funding of Additional Pension

It is not the policy of the Council to fund additional pension and the Council will not enter into a shared cost additional pension contributions arrangement other than where an employee leaving the council has requested that the council use all of the compensatory redundancy payment due to the employee to purchase additional pension benefits.

Regulation 30(6) Flexible Retirement

The Council will allow benefits to be paid to a member of staff if they reduce their hours/grade (known as flexible retirement) and this is set out in the Council's Retirement Policy. Each case will be decided individually after the consideration of a detailed business case and only applies to those aged 55 and over.

Regulation 30(8)

With regard to flexible retirement and requests from staff aged 55 or over for retirement the Council retains the right to waive the actuarial reduction of benefits on exceptional compassionate grounds.

Regulation 31 Award of Additional Pension

It is not the policy of the Council to award Employer APC for active members leaving on redundancy/efficiency other than by allowing employees leaving on grounds of redundancy/efficiency to use compensation payments to fund additional pension.

The Local Government (Early Termination of Employment) Discretionary Compensation Regulations 2006

As set out in the Redundancy Policy the Council do not limit redundancy payments to the statutory maximum weekly pay threshold and instead use the actual weekly pay of the employee. Actual weekly pay does not include payment of pension contributions.

The Council does not offer a minimum payment with regards to redundancy. Benefits are calculated using actual weekly pay and the statutory number of weeks as calculated against continuous local government service (and service covered by the Modification Order).

The Council provides up to 15 weeks compensation, in addition to any redundancy payment as set out in the Compensation Policy.

Where additional compensation is paid the employee has the option to augment their pension benefits by using all of the additional compensation, unless specific criteria are met.

Appendix D – Somerset West & Taunton Council Redundancy & Redeployment Policy

Implementation date of policy 1 April 2016

Introduction

This policy covers all redundancy situations that may arise within Somerset West & Taunton Council.

The Council recognises a responsibility to safeguard the job security and prospects of its employees as far as possible. It also recognises that each council must adapt to change and that any process of combining and transforming services will inevitably affect the structure and size of the workforce.

Scope

The policy is applicable to all employees.

Aims

The aim of this policy is to set out a clear and fair process for handling redundancies. In doing so, it ensures employees, managers and UNISON are clear of the procedure that is being followed through any redundancy process.

As far as possible, the Council will seek to avoid or minimise the need for compulsory redundancies, this policy sets out the ways in which the Council will do this which also includes pay protection.

Redundancy Procedure

Consultation

Where the possibility of redundancies is identified the Council will inform and consult with the relevant trade union representatives as early as possible and before any formal decisions have been made. As part of the consultation the Council will provide the following information:

- the reasons for the proposed redundancies;
- the numbers and descriptions of employees it proposes to make redundant;
- the total number of employees of those descriptions employed at the establishment in question;
- the proposed method of selecting those who may be dismissed;
- the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- the proposed method of calculating any redundancy payments;
- the number of agency workers working temporarily for, and under the supervision and direction of, the employer;
- the parts of the employer's business in which the agency workers work; and
- the type of work that the agency workers carry out.

Formal consultation shall be deemed to commence on the date when these details are given in a letter to the Branch Secretaries of UNISON.

Consultation timescales will depend upon the scale of potential redundancies and will be as follows:

- A minimum of 30 days before the first dismissal takes effect, where up to 99 employees are to be made redundant over a period of 90 days or less; or
- A minimum of 45 days before the first dismissal takes effect, where more than 100 employees are to be made redundant over a period of 90 days or less

Any consultation responses received in time will be included in any committee reports to be considered by the appropriate Committee.

Measures to avoid or minimise compulsory redundancies

The Council will, in consultation with the appropriate trade union representatives explore any options to avoid or minimise the need for compulsory redundancies. Alternatives may include (not in order of priority):

- Reductions through natural staff turnover (ie not automatically replacing employees who leave);
- Seeking volunteers for redundancy;
- Redeployment, including retraining where appropriate;
- Stopping or reducing overtime other than contractual or emergency overtime;
- Restrictions on permanent and/or external recruitment;
- Termination of casual or agency worker arrangements;
- Flexible retirements/voluntary reduction in hours.

Employees 'at risk' of redundancy

Notification of 'at risk' status

As soon as practicable after the unions have been informed of the potential for redundancies, any individuals affected will be informed that they are 'at risk' of redundancy and that consultation has commenced. An individual will be identified as being 'at risk' of redundancy if their current post does not exist in a new structure or there will be a reduction in the number of the same post in a new structure. This will be confirmed in writing with an estimate of any redundancy payment and if applicable, pension payment due.

Throughout the consultation period, further meetings (usually mid consultation and at the end of the consultation period) will be arranged with individuals 'at risk' of redundancy to discuss any concerns, redeployment opportunities, any selection processes etc. Records of any discussions will be kept on the employee's personal file.

Rights of employees 'at risk'

Employees 'at risk' of redundancy have certain rights. The Council will make every effort to redeploy individuals within the Council's services.

Employees are entitled to reasonable paid time off to look for alternative employment. This may include time off to attend interviews or attend relevant training courses. A reasonable amount of time is considered to be up to two days per week (pro rata for part-time employees). Such time off must be arranged in advance with the line manager.

A central register of employees 'at risk' of redundancy will be held in HR and those employees put 'at risk' will be informed by HR of all relevant vacancies arising within the Council. Efforts will be made to redeploy employees within the Council to retain skills, knowledge and experience and reasonable training will be provided if necessary.

The Council will make every effort to facilitate employees search for new employment, either through in-house support or, on occasions, outplacement specialists. Support may include; advice on writing application forms or preparing CVs, interview tips, coaching etc.

Selection for redundancy

Once a proposal for a restructure or reduction in headcount is approved and where compulsory redundancies are unavoidable, the ring fence arrangements and process of selection for redundancy will be agreed with UNISON. It may include some or all of the following criteria:

- Attendance records (other than absences covered by the Equality Act 2010);
- Disciplinary records ('live' warnings only);
- Skills and experience;
- Past performance records;
- A selection interview.

If a function or service is to be discontinued all employees directly related to the provision of that function will automatically be selected for redundancy.

If there is to be a reduction in the number of posts but the job descriptions remain largely unchanged, (i.e. duties are more than 80% the same). Selection will be based on agreed criteria and made by a selection panel that comprises of a higher level of management, at least one member of Corporate Management Team (CMT) and a representative from HR.

If a restructure involves the creation of new roles, selection for redundancy will be dependant on success at interview for those new roles. A new role is one where the duties are more than 20% different. A ring fence of employees that can apply for the new posts will be agreed with UNISON and will be based on job type, grade and/or salary levels. The appointment panel should consist of managers from a higher level of management, at least one member of CMT and a representative from HR.

This appointment process does not apply to posts named as Scheduled Posts on the constitution, (i.e. Chief Executive, Strategic Directors and Assistant Directors). As

these appointments require an Appointments Committee, comprising of at least one member of each of the Councils Executive/Cabinet.

The employee/s selected for redundancy will receive written notification of the reasons for their selection as well as their proper contractual notice in accordance with their contract of employment or statutory notice whichever is greater.

NB: The cost of redundancy is not a factor that will be taken into account when selection for redundancy is made.

Calculation of redundancy payments

Employees will be notified personally about their redundancy entitlements as soon as possible after they have been notified that they are 'at risk' of redundancy, including the compensation/severance payment in writing and details of any pension due where applicable.

The qualifying service in respect of redundancy payments is two years continuous local government service (in accordance with the Redundancy Payments (Local Government) Modification Order. Reckonable service is limited to the last 20 years before redundancy.

Statutory redundancy payments are made according to the following scale:

- (a) one and a half week's pay* for each year of employment during which the employee was aged 41 and over;
- (b) one week's pay* for each year of employment during which the employee was aged 22 to 40 inclusive;
- (c) half a week's pay* for each year of employment in which the employee was aged 21 and under.

* A week's pay is based on contractual pay and does not include occasional overtime or additional payments.

Appendix one includes a table with the number of statutory weeks entitlement according to age and continuous service.

If prior to the expiry of the employee's notice of dismissal an individual receives an offer of employment with a related employer (in accordance with the Redundancy Payments Continuity of Employment in Local Government Modification Order 1999) to start immediately or within four weeks of the end of the previous employment, a redundancy payment cannot be made by the Council.

Compensation/severance payments

The Council operate a discretionary enhanced redundancy payment scheme under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006, as compensation for the loss of employment on redundancy grounds. Details of the Council's schemes are available from the HR representatives.

Employees will be entitled to the discretionary compensation/severance payments in accordance with the existing policy.

Redundancy and compensation/severance payments will be made to employees within 4 weeks of the date of leaving employment.

Local Government Pension Scheme Payments

Under the Local Government Pension Scheme (LGPS) regulations, if an employee's employment ceases due to redundancy or efficiency, or the employment is terminated by mutual consent on grounds of business efficiency, and the employee is age 55 or over, and they have at least 2 years' service, the member is entitled to and must take their pension benefits immediately without any actuarial reduction.

When a member leaves their employment with between 3 months' and 2 years' membership in total, they can choose between:

- A refund of contributions
- Deferred benefits
- An immediate pension (provided they have reached their normal retirement age)
- A transfer out of their accrued pension rights

Redeployment Procedure

Wherever possible employees will be redeployed to avoid compulsory redundancy.

The Council reserve the right in agreement with UNISON to apply a ring fence to new roles that are created as a result of any proposed restructures and offer them in the first instance to those employees at a similar job type grade/salary level within the existing structure and who have the relevant skills and experience that match the job description or person specification.

Where there is only one individual matched with the new position they will be slotted in.

Where there is more than one employee that matches the role or a group of employees to more than one role, a selection procedure panel will take place that involves a formal interview and other recruitment selection procedures.

All other vacancies arising within the Council where a suitable ring fence is not identified will be offered to employees 'at risk' of redundancy in the first instance. Such vacancies will be sent initially to the HR Team who will check them against the 'at risk' register for any suitable candidates. Employees will be matched according to the essential criteria on the person specification, salary levels and preferred hours of work. Consideration must also be given to any reasonable appropriate training that will enable them to perform the duties of the role.

Any employees that meet the essential criteria will be made an offer of redeployment. Where more than one employee is matched to a vacancy a selection process will apply.

Any offer of redeployment will be made in writing and will include reference to a trial period, any training available, terms and conditions and protection arrangements if applicable.

Any employees that are redeployed into a new role will be given a 4 week trial period. This period may be extended by mutual agreement.

If the trial period is successful the employee will be sent written confirmation of any changes to terms and conditions. If the trial period is deemed unsuccessful by the manager, contractual notice will be reduced by the length of the trial period.

If an offer of redeployment is made by the Council and the employee decides during the trial period that they wish to reject the offer, they must advise HR in writing within the trial period.

An employee who believes that a job offer is not suitable alternative employment may claim a redundancy payment. However, this will only be paid where the Council agrees that the job is unsuitable. The decision will be made by a Member of CMT, taking account of any changes to terms and conditions and the level of seniority.

Pay Protection

Pay protection will be available where employment on less favourable terms is offered to an employee as an alternative to redundancy. An employee's basic pay will be protected for up to two years if the reduction in their basic pay does exceed 17.5%.

If, by accepting alternative employment, the reduction in an employee's basic pay exceeds 17.5%, pay protection is subject to the HR & OD Manager and the relevant Director being satisfied that there is some tangible benefit to be gained by the Council, for example, in circumstances where pay protection would be less costly than an employee's redundancy.

During the pay protection period, an employee's basic pay is protected on a 'mark time' basis. 'Mark time' means that during the period of protection, an employee's basic pay is frozen and that any increments and annual pay awards applicable to their previous job are not paid to the employee.

Appeals

If an employee is aggrieved about their selection for redundancy they have the right of appeal. The appeal must be received in writing by HR within 10 working days of the decision being made. The appeal process is detailed in the Appeals Policy.

If the selection for redundancy was made by the Chief Executive the employee will have the right of appeal to be heard by an Appeal Committee comprising of at least one member from the Council's Executive or Cabinet.

If the selection for redundancy was made by a Member of CMT other than the Executive, the employee will have a right of appeal to be heard by the Chief Executive.

All decisions made by the appeal panel are final.

Appendix one – Table to show entitlement to statutory weeks’ redundancy based on age and continuous service

		Years Service																		
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age	18																			
	19																			
	20	1.0	1.0	1.0	1.0															
	21	1.0	1.5	1.5	1.5	1.5														
	22	1.0	1.5	2.0	2.0	2.0	2.0													
	23	1.5	2.0	2.5	3.0	3.0	3.0	3.0												
	24	2.0	2.5	3.0	3.5	4.0	4.0	4.0	4.0											
	25	2.0	3.0	3.5	4.0	4.5	5.0	5.0	5.0	5.0										
	26	2.0	3.0	4.0	4.5	5.0	5.5	6.0	6.0	6.0	6.0									
	27	2.0	3.0	4.0	5.0	5.5	6.0	6.5	7.0	7.0	7.0	7.0								
	28	2.0	3.0	4.0	5.0	6.0	6.5	7.0	7.5	8.0	8.0	8.0	8.0							
	29	2.0	3.0	4.0	5.0	6.0	7.0	7.5	8.0	8.5	9.0	9.0	9.0	9.0						
	30	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.5	9.0	9.5	10.0	10.0	10.0	10.0					
	31	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	9.5	10.0	10.5	11.0	11.0	11.0	11.0				
	32	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	10.5	11.0	11.5	12.0	12.0	12.0	12.0			
	33	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	11.5	12.0	12.5	13.0	13.0	13.0	13.0		
	34	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	12.5	13.0	13.5	14.0	14.0	14.0	14.0	
	35	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	13.5	14.0	14.5	15.0	15.0	15.0	15.0
	36	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	14.5	15.0	15.5	16.0	16.0	16.0
	37	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	15.5	16.0	16.5	17.0	17.0
38	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	16.5	17.0	17.5	18.0	
39	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	17.5	18.0	18.5	
40	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	18.5	19.0	
41	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	19.5	
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	
43	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	
		Years Service																		
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age	44	3.0	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
	45	3.0	4.5	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0
	46	3.0	4.5	6.0	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5
	47	3.0	4.5	6.0	7.5	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0
	48	3.0	4.5	6.0	7.5	9.0	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5
	49	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0
	50	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5
	51	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0
	52	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5
	53	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0
	54	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5
	55	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.0	23.0	24.0	25.0	26.0	27.0
	56	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	23.5	24.5	25.5	26.5	27.5
	57	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.0	26.0	27.0	28.0
	58	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	26.5	27.5	28.5
	59	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.0	29.0
	60	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	29.5
	61	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0
	62	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0

	63	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0
	64	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0

Appendix E – Somerset West & Taunton Council Compensation Policy

1. The following policy on Compensation Payments applies to redundancies and early retirements on the grounds of efficiency of the service, which take effect **after 31st March 2016**.
2. The calculation of redundancy payments is on the basis of actual salary, excluding pension contributions.
3. The Council exercises discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006, to make compensatory payments to employees being made redundant based on a multiplier of **one and a half times** the number of weeks an employee would be entitled to under the statutory redundancy formula, inclusive of any statutory redundancy payment, up to a maximum of 45 weeks' pay.
4. The Council requires that the full cost of any redundancies is recovered within a period not exceeding five years or by the normal retirement age, whichever is sooner.
5. Employees who are eligible to be paid a compensation payment on being made redundant, and who are members of the Local Government Pension Scheme, are given the option of converting their compensation payment (excluding the statutory redundancy payment) into augmented pensionable service. Augmentation is not an option where the compensation payment (excluding the statutory redundancy payment) purchases more pensionable service than the maximum allowable at age 65.
6. No compensation payments are made to employees who are allowed to retire early on the grounds of interests of efficiency of the service, irrespective of whether a voluntary request has been made by the employee or instigated by management.

Appendix F – Somerset West & Taunton Council Flexible Retirement Policy

Full or Partial Flexible Retirement Policy

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