

COUNTY COUNCIL

Minutes of a Meeting of the County Council held in the Council Chamber, Shire Hall, Taunton on Wednesday 15 May 2019 at 10.00 am

Present: Cllr M Best, Cllr N Bloomfield, Cllr A Bown, Cllr A Broom, Cllr M Caswell, Cllr M Chilcott, Cllr J Clarke, Cllr P Clayton, Cllr A Dance, Cllr H Davies, Cllr M Dimery, Cllr B Filmer, Cllr D Fothergill, Cllr G Frascini, Cllr A Govier, Cllr A Groskop, Cllr D Hall, Cllr P Ham, Cllr M Healey, Cllr James Hunt, Cllr John Hunt, Cllr D Huxtable, Cllr M Keating (Vice-Chair), Cllr A Kendall, Cllr C Lawrence, Cllr M Lewis, Cllr L Leyshon, Cllr J Lock, Cllr T Lock, Cllr D Loveridge, Cllr T Munt, Cllr T Napper, Cllr F Nicholson, Cllr G Noel, Cllr L Oliver, Cllr J Parham, Cllr C Paul, Cllr H Prior-Sankey, Cllr F Purbrick, Cllr L Redman, Cllr M Rigby, Cllr D Ruddle, Cllr N Taylor (Chair), Cllr J Thorne, Cllr G Verdon, Cllr L Vijeh, Cllr W Wallace, Cllr J Williams, Cllr R Williams and Cllr J Woodman

128 **Election of Chair** - Agenda Item 1

- (1) The Monitoring Officer welcomed all members to the meeting and invited nominations for the Chair of Council. Leader of the Council, Cllr David Fothergill, proposed Cllr Nigel Taylor and this was seconded by Opposition Leader, Cllr Jane Lock. Cllr Taylor was elected as Chair for the ensuing year and made the statutory declaration of acceptance of office and thanked councillors for electing him.
- (2) Cllr Taylor informed members he would try hard to be the conscience of the council and he also paid tribute to Cllr Clayton who held the office of Vice Chair for 2017-19.

129 **Election of Vice-Chair** - Agenda Item 2

- (1) Cllr Fothergill congratulated the Chair on his election and also thanked Cllr Clayton for his service as Vice-Chair and highlighted that it was not an easy role. He then proposed Cllr Mark Keating as Vice-Chair.
- (2) Cllr Mandy Chilcott congratulated the Chair on his election and then seconded the nomination of Cllr Keating. Cllr Keating was elected as Vice-Chair for the ensuing year and made the statutory declaration of acceptance of office.

130 **Apologies for Absence** - Agenda Item 3

- (1) Apologies for absence were received from: Cllr S Coles, Cllr N Hewitt-Cooper, Cllr Mike Pullin, Cllr B Revans, Cllr A Wedderkopp.
- (2) Members agreed to send their best wishes to all those suffering ill health at the moment.

131 **Declarations of Interest** - Agenda Item 4

- (1) Members' written notifications of interests were affixed to the Notice Board at the back of the Council Chamber for the duration of the meeting.

132 **Minutes from the Council meeting held on 20 February 2019** - Agenda Item 5

- (1) Cllr William Wallace asked that in the list of those present the Chair be changed to show Cllr Taylor as Chair.
- (2) With the amendment made, the minutes of the meeting held on 20 February were then accepted as a true and accurate record and were signed by the Chair of the meeting.

133 **Chair's Announcements** - Agenda Item 11

- (1) The Chair informed members he was moving this item to this point in the agenda.
- (2) He then informed members of the visits he had made from February to May and was honoured to meet Her Majesty the Queen and Princess Anne recently.
- (3) Cllr Fothergill took the opportunity to congratulate all those who had been successful in the recent local government elections.

134 **Public Question Time** - Agenda Item 6

- (1) Public Questions / Statements / Petitions (under 5000 signatures) and elected member questions: Notice was received of questions / statements / petitions regarding: Public Questions / Statements:

1. Report of the Monitoring Officer – Appointments / procedural matters and constitution

From Nigel Behan

Responses from Cllr David Fothergill, Leader of the Council

2. Climate Change

From Nigel Behan

Responses from Cllr David Hall, Cabinet Member for Economic Development, Planning and Community Infrastructure

3. Providing value for money, good quality services and accountability

From Eva Bryczkowski

Response from Cllr David Huxtable, Cabinet Member for Adult Social Care and Cllr Mandy Chilcot, Cabinet Member for Resources

Full details of the questions and responses given at the meeting and / or in writing following the meeting are set out in Appendix A to these Minutes.

135 **Annual Report of the Constitution and Standards Committee – for decision**
- Agenda Item 7

- (1) The Chair of the Constitution and Standards Committee, Cllr William Wallace, introduced the annual report to the meeting which outlined its work since May 2018.
- (2) The Committee's functions include responsibility to maintain an effective, up to date and legally compliant Constitution; considering proposals from Council committees for changes to the constitutional arrangements of the Council; take all required decisions in respect of the County Council elections; promoting high standards of conduct by Members, Co-opted Members and Officers; monitoring the operation of the Members' Code of Conduct and the Council's Whistleblowing Policy.
- (3) Cllr Wallace highlighted the membership of the committee which comprised one member per political group and included the co-opted members from the former standards committee.
- (4) The Committee's work programme during the past year had been varied and included: Disclosure and Barring Service checks for elected members; Meeting procedure rules, Scrutiny call-in procedure and Public Question Time rules; Access to Information – Audio Recordings of Council meetings; Changing the names of Electoral Divisions; Review of the Whistleblowing Policy; Review of the Council's scrutiny arrangements; Annual review of the Constitution.
- (5) At its last meeting held on the 10 May, the committee considered proposed changes in relation to council meetings which are included in the Monitoring Officer's report to Council in the next item.
- (6) The Council RESOLVED to note the report.

136 **Report of the Leader and Cabinet – for decision** – Agenda Item 8

- (1) The Council considered a report from the Monitoring Officer which set out decisions on procedural matters and appointments required by the Constitution.

- (2) The Monitoring Officer highlighted the appointments schedule which set out several changes to committee memberships for consideration and approval by the Council set out in Appendix 1 to the report.
- (3) Members were also informed that the Interim Director of Finance and the Chief Executive recommend the Council appoint Elizabeth Watkin, Strategic Finance Manager – Chief Accountant as the Deputy Section 151 Officer in order to provide resilience to the Chief Finance Officer role.
- (4) The dates proposed for Full Council meetings in 2019/20 were also drawn attention to.
- (5) Members were also told the Monitoring Officer had reviewed the Council's Democratic Arrangements but had not identified any specific recommendations for the Annual General meeting of Council to consider. There were two reviews that were currently being undertaken for which specific recommendations may come forward to Council during 2019/20.
- (6) The Council's Constitution requires the Council to review its constitution on an annual basis. The Constitution and Standards Committee met on 10 May to consider proposed changes in relation to council meetings.
- (7) The Committee understood the reasons for the proposals relating to a recommended deletion of audio recordings after minutes of meeting have been agreed and where a member of the public is not able to attend a meeting that the committee will be referred to their submitted statement rather than having it read out by an officer.
- (8) The Committee debated these issues but felt that audio recordings provided an opportunity to improve the public's access to what had transpired at a meeting which they had not been able to attend. It also felt the current provision of having an officer read out submissions was satisfactory. The proposal to change the deadline for submissions from the current 3 clear working days before a meeting to 2 days was also discussed but it was felt that more time should be given to the public to submit their questions following publication of the agenda and papers.
- (9) Cllr Leigh Redman, who spoke on these matters at the Constitution and Standards Committee informed the meeting that the proposed amendments set out in the addendum at 3.3, 3.4 and 3.5 were unanimously agreed by the Committee.
- (10) Cllr Fothergill proposed that the first 4 recommendations and those set out at section 3.6.5 of the report endorsed by the Constitution and Standards Committee at its meeting on 8 February be put to the vote and this was seconded by Cllr Mandy Chilcott.

The Council **RESOLVED** unanimously to agree:

- To approve the Appointments Schedule – see section 3.2 and Appendix 1 to this report.
- To appoint Elizabeth Watkin, Strategic Finance Manager – Chief Accountant, as the Council's Deputy Section 151 Officer with effect from 15 May 2019.
- To approve the programme of ordinary meetings of the Full Council for the year as set out in section 3.4 of this report and to delegate to the Monitoring Officer, in consultation with the Group Leaders and committee chairmen, agreement of the detailed calendar of meetings of the committees of the Council for 2019 and 2020.
- Note the reviews of democratic arrangements currently being undertaken (see section 3.5).
- Approve the revisions to the Council's Constitution set out at section 3.6.5 of the report as endorsed by the Constitution and Standards Committee at its meeting on 8 February 2019.

- (11) The Council then considered the Constitution and Standards Committee proposals to change the constitution regarding audio recordings and public question time rules and deadline for submissions which were as follows:

8.6.38 The Council makes audio recordings of its main decision-making meetings – Full Council, Cabinet and Regulation Committee – available to access on the website immediately following meetings. These recordings will be available on the website for two years and then deleted from the website and the council's electronic filing systems. Audio recordings are also made separately available to members via private access arrangements for the same period. Other formal meetings may be recorded on an ad-hoc basis depending on the circumstances and those attending will be informed where this is the case in advance of the start of the meeting.

4.10.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf.

If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

4.10.1 - Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Friday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late

submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any

Officers Report has not been made available before the normal deadline for submission of questions by 5pm two clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

- (12) Cllr Gemma Verdon said recognising the benefit and transparency that could come from wider access to county council meetings she proposed an amendment to the Committee's recommendation that a Scrutiny Place Task and Finish Group should be formed to explore best practice in recording and archiving of council meetings.
- (13) This would include how recordings were made, stored and accessed, the costs and security issues surrounding recording and storing data files, the date protection and governance laws and the set up needed to ensure members of the public are aware of how the recordings of them will be used, any challenges around the public's right to engage in democracy and their right to privacy, any other challenges or opportunities
- (14) Cllr Giuseppe Frascini seconded the amendment. There followed some debate about this regarding legal issues, striving to be as transparent as possible, making the meetings accessible to all, better accountability and democracy.
- (15) The Monitoring Officer informed the meeting that until a change in arrangements was agreed by the council the current policy would remain in force. There was also clarification sought around the role of the Constitution and Standards Committee and members were told it has decision making powers but acts as critical friend role also.
- (16) During debate a number of members raised concerns that these amendments did not embrace what Constitution & Standards Committee had agreed. Cllr Verdon decided to withdraw her proposed amendments. Cllr Fothergill recommended that since there had already been a lot of debate on the matter then the Constitution and Standards Committee proposals be put to a vote. The Monitoring Officer confirmed that this recommendation was allowed under the Council's Constitution.
- (17) Cllr Adam Dance asked for a named vote on the Committee's proposal and this was supported by more than 10 members.

- (18) Further comments included listening to the committee proposals, ensuring that this is looked at more fully, the ability of parish councils to live stream meetings and issues of storing recordings.
- (19) Cllr Liz Leyshon proposed the setting up of a task and finish group to look at audio recordings issue more fully and to work with district councils to make practices consistent across all councils in Somerset.
- (20) Cllr Fothergill said he would be happy to work with Cllr Leyshon regarding the terms of reference for this.
- (21) There was some further debate regarding the deadline for public submissions and whilst many members felt that the current deadline was difficult for the public this had to be weighed against the length of time given to officers to prepare answers for meetings.
- (22) Cllr Redman called for the Constitution & Standards Committee proposals to be supported and put to a vote and this was seconded by Cllr Tessa Munt.
- (23) Votes cast as follows:

For	Against
Cllr Best	Cllr Bown
Cllr Bloomfield	Cllr Clayton
Cllr Broom	Cllr Caswell
Cllr Clarke	Cllr Chilcott
Cllr Dance	Cllr Filmer
Cllr Davies	Cllr Fothergill
Cllr Dimery	Cllr Fraschini
Cllr Govier	Cllr Groskop
Cllr John Hunt	Cllr Hall
Cllr Kendall	Cllr Ham
Cllr Leyshon	Cllr Healey
Cllr Jane Lock	Cllr James Hunt
Cllr Tony Lock	Cllr Huxtable
Cllr Loveridge	Cllr Keating
Cllr Munt	Cllr Lawrence
Cllr Prior-Sankey	Cllr Lewis
Cllr Redman	Cllr Napper
Cllr Revans	Cllr Nicholson
Cllr Rigby	Cllr Noel
Cllr Ruddle	Cllr Oliver
	Cllr Parham
	Cllr Paul
	Cllr Purbrick
	Cllr Thorne

	Cllr Verdon Cllr Vijeh Cllr J Williams Cllr R Williams Cllr Woodman
Abstentions	Cllr Taylor Cllr Wallace

- (24) The Monitoring Officer declared that the votes were 19 in favour of the proposals with 29 against, with 2 abstentions and so it failed.
- (25) There were no further amendments put to the vote and therefore the Monitoring Officer confirmed that the current provisions for meeting procedures and audio recordings set out in the constitution remained.

137 **Report of the Leader and Cabinet – for decision** – Agenda Item 9

- (1) The Leader of the Council introduced the item by informing members that the Council was now in a hugely improved and stronger financial position and had rebuilt its balances so that it will reach £19m this year – higher than the generally accepted recommended level. Robust spending plans were in place for 2020-21 and funds were being set aside to transform the way the council operates. The administration did not intend to bring forward new plans to reduce frontline services in the coming years. A £1m Prevention Fund had been set aside to fund new ways of working and around £110,000 of this was proposed to be set aside for all county councillors to have £2,000 to invest in preventative measures in their communities. The Youth Parliament will be given £25,000 to fund youth activities in Somerset. £1.4m extra will be invested to fast track Small Improvement Schemes put forward by council members. Following the recent Climate Change Emergency Declaration all SCC spending involving vehicles, buildings, schools and other key areas would be reviewed in line with this. It was hoped that discussions with partners regarding local government reorganisation options across the county would continue.
- (2) Leader of the Opposition, Cllr Jane Lock thanked Cllr Fothergill and welcomed the proposals for the prevention fund for councillors to spend money locally and working with the voluntary sector. She said there had been damage to families due to closure of family support services and groups, closure of libraries and withdrawal of funding for Citizen Advice Bureaus. GETSET services were at a minimum standard and proposed cuts to young carer services caused anguish during this process. She was disappointed that although there was an average council tax rise of 5.9 per cent, residents still faced service cuts. She also highlighted that a number of council assets had also been sold.

- (3) The Council then considered a report by the Leader and Cabinet which set out recommendations regarding the approval of 'Our Plan' – the Somerset Plan for Children, Young People and Families 2019 – 2022.
- (4) The Scrutiny Committee for Children and Families has been regularly updated on the Plan during its design in 2018/2019; their recommendations are incorporated into the Plan. The Committee will receive quarterly updates on progress and are looking forward to working with partners on its successful implementation.
- (5) Cllr Redman endorsed the plan and he looked forward to the Council adopting it and for partners to work together to deliver it.
- (6) Cllr Fothergill proposed the recommendation, and this was seconded Cllr Leigh Redman. A named vote was called for and was supported by more than 10 members.
- (7) Votes were cast as follows:

For	Against
Cllr Best	
Cllr Bloomfield	
Cllr Bown	
Cllr Broom	
Cllr Clayton	
Cllr Caswell	
Cllr Chilcott	
Cllr Clarke	
Cllr Dance	
Cllr Davies	
Cllr Dimery	
Cllr Filmer	
Cllr Fothergill	
Cllr Fraschini	
Cllr Govier	
Cllr Groskop	
Cllr Hall	
Cllr Ham	
Cllr Healey	
Cllr James Hunt	
Cllr John Hunt	
Cllr Huxtable	
Cllr Keating	
Cllr Lawrence	
Cllr Lewis	
Cllr Leyshon	

Cllr Jane Lock Cllr Loveridge Cllr Munt Cllr Napper Cllr Nicholson Cllr Noel Cllr Oliver Cllr Parham Cllr Paul Cllr Prior-Sankey Cllr Redman Cllr Taylor Cllr Thorne Cllr Verdon Cllr Vjeh Cllr Wallace Cllr J Williams Cllr R Williams Cllr Woodman	
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- (8) The Monitoring Officer declared the vote as unanimous and the Council **RESOLVED** to approve 'Our Plan' – Somerset's Plan for Children, Young People & Families 2019 – 2022.

138 **Requisitioned Items** - Agenda Item 10

- (1) There were none.

139 **Report of the Leader and Cabinet – Items for information** – Agenda Item 12

- (1) The Council considered a report that set out key decisions that had been taken by the Leader, Cabinet Members and officers between 10 February 2019 and 3 May 2019, together with the items of business discussed at the Cabinet meeting on 11 March 2019.
- (2) Cllr Jane Lock asked the Leader if social value briefings could be extended to be available to other members after both her and Cllr Liz Leyshon received a recent briefing. She hoped that lessons could be learnt regarding the importance of communications with the public leading up to and following the decision to close the Six Acres centre.
- (3) Cllr David Huxtable, Cabinet Member for Adult Social Care, assured members that people in care were uppermost in their minds.

- (4) Cllr Leigh Redman spoke about the Contact Centre and thanked the team for the work they had done. He also thanked the Business Intelligence team for their work.
- (5) Cllr Tessa Munt asked how the Council was going to meet legal requirements of advertising certain notices such as TROs as more newspapers were closing across the county.
- (6) Cllr Fothergill said there were still a number of local papers that currently could be used including some smaller publications. He hoped the Government would update the requirements to move towards digital methods for statutory notices.

140 **Leader of the Council Annual Report** - Agenda Item 13

- (1) Cllr Fothergill presented his report which covered matters including the Council's vision Improving Lives, the Council Business Plan, Council finances and living within its means, improved health and wellbeing, a county infrastructure that drives productivity, supports economic prosperity and sustainable public services, safe, vibrant and well-balanced communities, fairer life chances and opportunity for all and rising to challenges.
- (2) The Council **RESOLVED** to note the report.

141 **Annual Report of the Cabinet Member for Customer and Communities** - Agenda Item 14

- (1) The Annual Report of the Cabinet Member for Customers and Communities was presented by Cllr Fothergill. This highlighted achievements and delivery in 18/19 against a backdrop of securing a £1million MTFP saving. Winning South West Contact Centre of the Year in 2018 and recently being shortlisted for the same award in 2019 is something to shout about along with the Operational Lead being nominated for the Contact Centre Manager of the Year.
- (2) The Council **RESOLVED** to note the report.

142 **Annual Report of the Cabinet Member Resources** - Agenda Item 15

- (1) Cllr Chilcott presented the report which outlined the key achievements and activities in this area. This included increased frequency and improved quality of budget monitoring to members and regularly reporting to Cabinet and Place Scrutiny Committee, turnaround of significant forecast in-year overspend to a small , underspend, improved financial resilience

through replenishment of depleted reserves, improved financial awareness across budget holders and managers through delivery of a financial training programme, reporting of progress against a value-for-money "agreed action tracker" to every Audit Committee.

- (2) Cllr Leyshon, the opposition spokesperson for Resources, thanked Cllr Chilcott and officers for their work.
- (3) The Council **RESOLVED** to note the report.
- (4) Cllr Chilcott responded to a written question regarding the refurbishment of A Block and the heating system in Shire Hall.
- (5) Cllr Munt asked if the Council would be writing to the Government about its Climate Change declaration.
- (6) Cllr Huxtable responded to a written question regarding services for vulnerable people.
- (7) Cllr John Hunt asked who he needed to approach regarding access through the bus gate at Mountway Road. Cllr Woodman said he would investigate and let him know.
- (8) Cllr Terry Napper asked about the council policy with regard to the use of green buses going forward. Cllr Fothergill said there would be a move to more green vehicles.

Full details of the submitted questions and responses given at the meeting and / or in writing following the meeting are set out in Appendix A to these Minutes.

143 **Report of the Scrutiny Committee for Policies, Adults and Health** – Agenda item 16

- (1) The Council received and noted the report from the Chair of the Scrutiny for Policies, Adults and Health Committee Cllr Hazel Prior-Sankey. The Committee had discussed a number of issues including the Somerset CCG Quality Performance Report, Performance Report for Adult Social Care, performance of the Discovery contract, Somerset Safeguarding Adults Board, Mental Health Services, Learning Disabilities, Dementia Strategy. It also included plans for items to be discussed over the forthcoming year. Members were reminded that all were welcome to attend and ask questions.
- (2) Cllr Fothergill thanked Cllr Prior-Sankey for presenting the report and for her work in chairing the committee.
- (3) The Council **RESOLVED** to note this report.

144 **Report of the Scrutiny for Policies, Children and Families Committee -**
Agenda Item 17

- (1) The Council received and noted the report from the Chair of the Scrutiny for Policies, Children and Families Committee Cllr Leigh Redman. The main focus of the work was regarding the Children and Young People's Plan but other areas included Children's Safeguarding; Children Leaving Care; Addressing Drug and Alcohol Concerns in Families; Annual report of Somerset Local Children's Safeguarding Board; Somerset's Early Help Strategy 2016-2019; Special Educational Needs and Disabilities (SEND) updates; Changes to the Physical Impairment and Medical Support (PIMS) Team.
- (2) Cllr Redman thanked Cllr Rod Williams for his assistance as Vice Chair and to the officers who were working to achieve better outcomes.
- (3) Cllr Fothergill thanked the Cllr Redman for his enthusiasm and commitment on the work of this committee.
- (4) The Council **RESOLVED** to note this report.

145 **Report of the Scrutiny for Policies, and Place Committee -** Agenda Item 18

- (1) The Council received and noted the report from the Chair of the Scrutiny for Policies and Place Committee Cllr Anna Groskop. She informed members that the committee had discussed a number of strategic and operational issues through the year and has contributed to the Medium-Term Financial Plan process. The Committee had taken a keen interest in the Council's financial sustainability and considered Revenue Budget Monitoring Reports on a monthly basis. It indicated that it wished to continue to receive such reports. It had also used task and finish groups to further explore in depth topics outside of scheduled Committee meetings and found this flexible approach to be productive and interesting. The Committee recently agreed to establish a Joint Task & Finish Group to develop a Somerset-wide Climate Change Strategy.
- (2) Cllr Fothergill thanked Cllr Groskop for her work. He also thanked Cllr Mike Lewis for his role as Vice Chair over the past six years (2013-19) and welcomed Cllr Ann Bown to the role.

(The meeting ended at 1.10pm)

CHAIR of the Council