

SWT Full Council - 30 April 2021

Present: Councillor Hazel Prior-Sankey (Chair)

Councillors Simon Coles, Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Caroline Ellis, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, John Hunt, Marcus Kravis, Richard Lees, Sue Lees, Libby Lisgo, Janet Lloyd, Dave Mansell, Andy Milne, Simon Nicholls, Craig Palmer, Derek Perry, Martin Peters, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Andrew Sully, Anthony Trollope-Bellew, Ray Tully, Sarah Wakefield, Alan Wedderkopp, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Officers: Dawn Adey, James Barrah, Paul Fitzgerald, James Hassett, Alison North, Andrew Pritchard, Jo Comer, Marcus Prouse, Clare Rendell, Amy Tregellas and Chris Hall

(The meeting commenced at 10.00 am)

178. Apologies

Apologies were received from Councillors H Farbahi, C Morgan, P Pilkington and N Thwaites.

179. Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	Cheddon Fitzpaine & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Barr	All Items	Wellington	Personal	Spoke and Voted
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr P Bolton	All Items	Minehead	Personal	Spoke and Voted
Cllr C Booth	All Items	Wellington and Taunton Charter Trustee	Personal	Spoke and Voted
Cllr N Cavill	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Davies	All Items	SCC	Personal	Spoke and Voted

Cllr C Ellis	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr A Govier	All Items	SCC & Wellington	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC & Bishop's Hull	Personal	Spoke and Voted
Cllr R Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr A Milne	All Items	Porlock	Personal	Spoke and Voted
Cllr S Nicholls	All Items	Comeytrove	Personal	Spoke and Voted
Cllr C Palmer	All Items	Minehead	Personal	Spoke and Voted
Cllr D Perry	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Rigby	All Items	SCC & Bishops Lydeard	Personal	Spoke and Voted
Cllr F Smith	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr V Stock-Williams	All Items	Wellington	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr A Wedderkopp	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted
Cllr G Wren	All Items	Clerk to Milverton PC	Personal	Spoke and Voted

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

14,15 and 16

Peter Berman submitted the following:-

I write this both as an individual resident and as the representative of Wiveliscombe Town Council at a meeting where Town and Parish Councils met Leaders from Stronger Somerset and One Somerset.

In our Town Council's response to the consultation document, a copy of which was sent to your Council, we advocated a poll/referendum on the two proposals. On a previous occasion when SCC tried to impose a unitary authority on the County, nearly 80% of those who took part in a poll organised by the Districts voted to reject that proposal. If such a fundamental change is to happen to the organisation of Local Government in Somerset, the public should have the maximum opportunity to express their views. The consultation document from Government is too lengthy and narrowly worded and does not give this facility. The Leader of the County Council totally failed to give a convincing reason as to why the poll should not be carried out.

It was interesting to note how much better the District Leaders performed at the meeting, especially in pointing out some of the "mis-statements" by the County Council.

Just one point for consideration at the meeting. Should the options include "no change"? At a time when Local Authorities will be occupied for many months with what we can only hope is the aftermath of the pandemic, it seems illogical to force this extra burden upon the staff and to divert them from the main task in hand. I have had personal experience as a Non-Executive Director of an NHS Trust of both the additional work and the disruption and anxiety caused to our staff by reorganisation.

The Leader responded:-

Thank you for your letter in consideration of holding a poll on the future of local government.

Thank you for your support of the poll ensuring that all residents have a democratic voice in this very important choice for the future of our local democracy and how our services are delivered.

As you will be aware the Council overwhelmingly endorsed the running of the Poll and residents will be receiving their packs very shortly. You have asked the question about whether the poll should include an option for "no change" This was considered however the Secretary of State has been very clear that no change is not an option and is minded to implement change.

Once again thank you for taking the time to provide your support and views on this very important issue.

Denise Wyatt submitted the following:-

My name is Denise Wyatt. I am a member of Somerset Independents, a pressure group and political party formed a year ago during Lockdown to stand up for Somerset residents.

Somerset Independents was formed because residents suspected that you councillors were not standing up for them. And that was indeed the case with this Council reorganisation that no residents asked for. In fact, 2007 82% of them voted against any unitary authority. Yes, 82% AGAINST.

Somerset Independents wrote to all Councillors in Somerset asking them to support a referendum -over 200 councillors. We also asked the local media to cover our campaign. The local media did.

Why did you try to ignore the views of residents, who were against what you were doing? Instead of listening properly, you spent public money on shameless PR lies for Stronger Somerset.

District councils had a shameless competition between Stronger Somerset and the County's One Somerset.

Your PR even quoted our supporter and colleague Professor Colin Copus' work. The Professor said you should have a Referendum. You did not want to listen to him or to us. He told us directly that you never asked him or spoke to him!

Suddenly you appear to have listened to our campaign for a Referendum for Somerset people. The people of Somerset deserve to know why you want to hear from them when you have previously ignored them.

Why the about turn from you? Is it because you discovered, even in your rigged consultation, EVEN WHEN you fixed the questions to suit your agenda, THAT RESIDENTS DON'T WANT YOUR ROTTEN CHANGES. NOT NOW and certainly NOT DURING THE PANDEMIC.

But I'm sorry to say that you aren't even asking the right question in the Referendum. You are only asking the question that suits you, even now! Choosing between two rotten options. This is not the way!

So you are proposing a Referendum, but only between two terrible options. There is not a "no change" option. There is not a "not now" option during the Coronavirus Pandemic. Just two rotten buckets. Two rotten choices, between which bucket of manure residents want to tipped over their heads. Whether they want the Districts bucket of manure, Stronger Somerset or the County's bucket of manure One Somerset.

We are pleased that you now want a vote, but residents deserve to know why – and to have a proper choice of “no change” and more importantly “not now choice” during a national emergency.

Any new council must reject the strong leader model in favour of the modern committee system, which the people Sheffield are currently voting on in a referendum. Do it but only when safe.

Thank you for listening.

The Leader responded:-

Thank you for your statement in consideration of holding a poll on the future of local government.

The business case for stronger Somerset was approved by Full Council and submitted to the Secretary of State. The Council fully supports this as we believe this is the best solution for all the residents of Somerset.

As you will be aware the Council overwhelmingly endorsed the running of the Poll and residents will be receiving their packs very shortly. You have asked the question about whether the poll should include an option for “no change” This was considered however the Secretary of State has been very clear that no change is not an option and is minded to implement change.

Once again thank you for taking the time to provide views on this very important issue.

Chris Mann submitted the following:-

I think that Stronger Somerset does not satisfy Best Value and has a £250m risk with its Southwest Two and therefore a new poll is a waste of money. The Secretary of States single tier consultation has three criteria. A - likely to improve local government and service delivery, giving greater value for money, generating savings, providing stronger strategic and local leadership and more sustainable structures. Stronger Somerset does not satisfy this because it requires the replacement of 5 existing councils with 5 new organisations including another Southwest One which was created immediately after councillors voted against unitary in 2007, promising savings of £180m, but lost £70m. It locked Somerset into two tier management for 10 years while adjacent counties became unitary. The councils are also all Best Value authorities requiring economy, efficiency and effectiveness. How can replacing 5 councils with two unitary councils, a Children's Trust, a Joint Enabling Service and a Southwest Two Integrated Delivery Service possibly satisfy this compared with One Somerset's single senior management team? Strategic leadership for Somerset would lack one voice. Stronger Somerset is not a sustainable structure because as PWC point out there would be unbalanced financial sustainability, suggestion of an unprecedented future combined authority and risk of disaggregating existing county council services. Taunton badly needs a town council under either proposal. B – a good deal of local support as assessed in the round overall across the whole area of the proposal Stronger Somerset has had no visible support in the Somerset County Gazette which has reported all announcements with basic explanations of this complicated matter, and also the more detailed PWC report. Between February 25th when the government's consultation was announced and April 22nd when it ended, there have been two letters in favour of One Somerset, one against, one calling for a Taunton Town Council and one complaining about a £200 increase in Council Tax since 2018C - 300,000 to 600,000 population Stronger Somerset does not satisfy this because East and West Somerset unitary councils would both be less than 300,000 citizens and there are no local identity or geography issues. The Secretary of State says a new poll would detract from the consultation to which thousands in Somerset have already responded, be confusing to the public and in consistent with the published timetable. It would be hard to see value for money. His decision will not be made on the basis of most popular support. I therefore ask councillors to vote against having this poll.

The Leader responded:-

Thank you for your statement in consideration of holding a poll on the future of local government.

The business case for stronger Somerset was approved by Full Council and submitted to the Secretary of State. The Council fully supports this as we believe this is the best solution for all the residents of Somerset.

Once again thank you for taking the time to provide views on this very important issue.

Peter Finch submitted the following:-

As a local council taxpayer I have significant concerns with this report.

Every resident, business, town and parish council, charity and other organisation throughout Somerset has been able to participate in the Government's

consultation process, either by completing an online form or by writing directly to the Secretary of State.

The fact the Secretary of State confirms in his letter to the Districts, that 'thousands of people have already responded' is testament to this.

Is there anything to suggest that the Secretary of State's consultation process disproportionately disadvantaged supporters of the Stronger Somerset proposal over those of One Somerset, which would warrant an additional consultation exercise being necessary?

If advocates of each side had an equal opportunity to participate, what insight would a public poll provide the Secretary of State above that which he will be able to conclude from the responses to his consultation?

If you are not able to answer this question then how can it possibly be value for money to commit so much public money on a speculative exercise with little or no obvious added value?

My next area of concern relates to the wording of the proposed ballot itself. I believe it wrongly and misleadingly describes the Stronger Somerset option. This is NOT a straightforward choice between creating one or creating two councils.

The Stronger Somerset proposal is to create two councils, a confusing and mysterious combined authority (possibly with an elected mayor) and an additional quango for children's services.

That's four organisations not two. Each with expensive management structures and separate lines of accountability.

One of the principal reasons many oppose the Stronger Somerset case is the fact that it is management and bureaucracy heavy and preserves the confusion around accountability which exists in the present fragmented model of local government in Somerset.

By simply referring to the district's proposal as creating two councils it significantly misrepresents the true bureaucratic and bloated nature of their proposal and I believe would be open to challenge by way of judicial review.

Secondly, nowhere within the ballot paper that accompanies your report does it make clear that the ballot is advisory only. People are NOT being asked to vote for the model of local government that WILL be introduced in Somerset but simply to state a preference which MAY or may not be considered.

I would respectfully ask members to vote against, or abstain today and not waste further public money on an exercise which clearly does not have the decision maker's support.

I thank you for your time and hope that these points will be considered.

The Leader responded:-

Thank you for your submission.

We have considered your points and in response we would like to make a number of our own:

First, we are not proposing a poll of all electors in our council areas because we feel "the Secretary of State's consultation process disproportionately disadvantaged supporters of the Stronger Somerset proposal over those of One Somerset". We are proposing a poll that is different to the consultation but complementary to it.

Second, the government consultation invited detailed answers to a detailed online questionnaire. Anyone, anywhere, was able to respond to the consultation.

The local poll will be independently run and verified and offer every elector in Somerset one vote – everyone’s voice will be heard equally. It will follow guidance produced by the Electoral Commission and will ask a question that presents the options clearly, simply and neutrally, will be easy to understand and to the point. It will be unambiguous, will avoid encouraging voters to consider one response more favourably than another and will avoid misleading voters. The consultation encouraged comment and views and appealed to some people; the poll, on the other hand, will encourage people to express a preference in a way that is familiar and will be easy to engage with for all voters. We would contend that this would be of great help in making the decision and avoid any ambiguity about where local support lay.

Third, the choice we are offering on the ballot paper is the choice before the Secretary of State – between One Somerset, which favours one unitary council for the whole of the county council area and Stronger Somerset, which favour two unitary councils – one for Western Somerset and one for Eastern Somerset. Of course, there is much more to the proposals than the number of councils and the details of the respective cases are in the business cases published on the respective websites. The business cases of both proposals discuss combined authorities as a way to engage with Government on devolution deals and to attract investment for major regional infrastructure projects. The only thing confusing and mysterious about this is the county council’s continuing insistence that our discussion of a potential combined authority should somehow be added to the number of councils we want to see created. Similarly with the alternative delivery model – this is a tool of government, not a tier of government. It would be jointly owned by, and accountable to, the two new unitary authorities and will give the strong and singular focus on children and young people we believe is needed to deliver improvements at greater pace and with better momentum. This new arrangement we propose will be designed to give a clear focus on the crucial area of Children’s Services and to add real value, not to increase management costs.

Fourth, the report before councillors accompanying the proposal makes clear that the councils have the power under Section 116 of the Local Government Act 2003 “to hold a local advisory poll (referendum).” We do not pretend that this is a binding vote and will make the advisory nature of the poll clear to electors.

Finally, on value for money, we will take full account of the need to show value for money in the use of public funds. We have arrived at the proposed method for conducting the poll by balancing inclusivity and ease of participation with cost. Every elector in Somerset will be given the chance to have their vote for little more than the price of a second-class stamp.

We hope that addresses the points you make and assures you that our proposal takes every account of them.

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

The Chair of the Council did not have any announcements to make.

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

The Leader of the Council did not have any announcements to make.

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

No questions were received under Procedure Rule 13.

184. **Local Government Reorganisation - Potential Residents Poll**

During the discussion, the following points were made:-

- Councillors welcomed the choice a Poll would give on behalf of the local residents.
- Concern was raised on the wording used on the ballot paper.
- Councillor Palmer proposed an amendment to the wording on the ballot paper: 2.3 d) a) One council for Somerset (the plan for a single council proposed by Somerset County Council. 2.3 d) b) One council for Eastern Somerset and one council for Western Somerset (proposed by Somerset West and Taunton Council and the other district councils for Somerset. This was duly seconded by Councillor Bolton.
- Councillors agreed that the wording was confusing but raised concern as the ballot had been agreed by all four councils and queried whether we could request an amendment.
- Councillors queried whether some narrative would be sent along with the ballot papers.
The Director of Internal Operations confirmed that a leaflet with a summary of both proposals would be included with the ballot paper.
- Councillors were not happy that the third option of 'No Unitary Authority' had not been included. However, they understood the reason for why the third option had not been included on the ballot paper.
- Councillor Aldridge proposed an amendment to the wording and requested that a line was added after 2.3 d) b) to read 'subject to legal advice and agreement of other district authorities'. This was duly seconded by Councillor Palmer.
- Concern was raised that the amendment had been requested too late as the wording had been agreed by all four councils due to the collaborative nature of the work involved.
The Leader of the Council agreed that the amendment should have been raised earlier to allow for the four Leaders to discuss and agree on any amended wording to be used. All four councils were holding their meeting on the same day, so it made any amendments difficult to implement.
- Some councillors believed the wording was clear and that there was enough information available to clarify each option the residents had to choose from.
- Councillors queried the wording within the recommendations compared to the wording used within the report and which would be used on the actual ballot papers.
The Leader of the Council confirmed that the wording within the recommendations would be the wording used on the ballot paper.

- The vote on the amendment was taken and lost.
- Councillors agreed that the report was informative but that the four councils should have held a joint meeting, so that the vote would have been taken altogether.
- Councillors highlighted that the Somerset County Council had not been involved with the Poll carried out in 2007 either.
- Councillors hoped that the Secretary of State would not be biased in their decision making and that it would be unwise of him to not take into consideration the result of the Poll.
- Councillors queried the costs quoted within the report, as they appeared to be different for each council.
The Leader of the Council gave information on the costs of the ballot and the work surrounding the ballot.
- Councillors wanted what was best for the residents of Somerset.
- Councillors highlighted that it was important to give residents a chance to choose which option they preferred.
- Councillors queried what would happen if one of the four councils voted against holding a Poll.
The Monitoring Officer gave procedural advice on what would happen.
- Councillors agreed that the ballot paper should be deemed to be neutral and queried whether the council logo should be on the paper.
The Leader of the Council advised that they were still working on the design and that they had approached Somerset County Council for information. She assured councillors that only legal information would be included in the ballot paper pack.

Resolved that Full Council:-

- 2.1 Endorsed the holding of a local authority poll (local referendum) of all residents of Somerset West and Taunton on the Electoral Register at 6 May 2021 who were eligible to vote on local elections, on the two options for the future of local government in Somerset i.e. the two Unitary Councils proposal from Stronger Somerset and the one Unitary Council proposal from One Somerset.
- 2.2 Approved funding of £86,000 to meet the costs associated with the local authority poll (local referendum). It was proposed that this supplementary budget was funded from General Reserves.
- 2.3 Noted that the decision to hold the local authority poll (local referendum) required an executive decision to be made before proceeding with the poll. It was proposed that following Full Council's decision as to whether to endorse the holding of the local authority poll (local referendum), the Leader of the Council would make the following executive decision:
 - a) To hold the local authority poll (local referendum) of all residents of Somerset West and Taunton on the Electoral Register at 6 May 2021 who were eligible to vote in local elections, on the two options for the future of local government in Somerset poll including:-
 - b) The conducting of the local authority poll (local referendum) as a postal and online referendum (option set out in 6.10ii) utilising Civica Electoral Services with the poll commencing on Tuesday 18 May 2021 and closing at 5pm on Friday 4 June 2021.

- c) The holding of the local authority poll (local referendum) alongside such other Somerset Councils that agreed.
- d) The local authority poll (local referendum) would follow the single non-transferable vote system and the question to be asked would be:
“Which of the two options for change in local government in Somerset to replace the existing five councils do you support (select one only):
 - a. **One council for Somerset** (*“One Somerset” - the plan for a single council proposed by Somerset County Council*)
 - b. **Two councils for Somerset: Eastern Somerset and Western Somerset** (*“Stronger Somerset” the plan for two councils for Somerset – an Eastern and a Western Somerset council –proposed by Somerset West and Taunton Council / South Somerset District Council / Mendip District Council / Sedgemoor District Council and the other district councils of Somerset*)
- e) That the Executive delegated the role of Counting Officer to Civica Electoral Services.
- f) That the Executive made such resources, including staff resources, as necessary to the Counting Officer to enable the local authority poll (local referendum) to be conducted.
- g) To delegate to the Chief Executive, the authority to take any further action necessary in relation to this matter.
- h) To write to the Secretary of State to inform him of the local authority poll (local referendum) and its dates, and ask that the result of the local authority poll (local referendum) be properly considered as part of the decision making process on the future of local government in Somerset.

185. **(The meeting ended at 12.15pm)**

186. **Adjourned Special Full Council meeting from 29 April 2021 restarted at 12.25pm**

187. **Constitution Update Report (deferred from Special Full Council held on 29.04.2021)**

During the discussion, the following points were raised:-

- The Section 151 Officer gave an update on the figures and dates within the report.
- Concern was raised as the Planning Committee appeared to have taken a while to settle down and that it needed to be streamlined.
- Councillors agreed that the meetings of the Planning Committee took too long, including the debates on smaller less contentious applications.
- Concern was raised on recommendation 2.3 and limiting the amount of public speakers at Planning Committee.
The Monitoring Officer advised that the Planning Advisory Service had given the advice on how to limit speakers and how that would work.
- Councillors agreed that it was not democratic to lower the number of public speakers for the Planning Committee.
- Councillors agreed that the debates at Planning Committee needed to be more focused and less repetitive.

- Councillor Habgood proposed an amendment to the wording in the recommendations as follows: 2.2 All councillors were trained to be able to substitute for members of their own political group in the absence of a Planning Committee member of their political group and 2.8 Site visits for the Planning Committee were introduced for specific reasons only, held prior to the meeting taking place and follow the guidance as set out in the revised Planning Committee Member's Code of Good Practice. This was duly seconded by Councillor Whetlor.
The Leader of the Council was happy to accept the amendment.
- Concern was raised on the amended wording for recommendation 2.2.
The Monitoring Officer advised that training was not compulsory, so could only be a recommendation for all councillors to take part.
- Concern was raised on the logistics of a site visit.
- Councillors did not agree on the lowering of seats on any of the Committees.
- Councillor Cavill proposed an amendment to the recommendations as follows: 2.11 a list of such written off debts be referred to the Portfolio Holder quarterly for information. This was duly seconded by Councillor Blaker.
The Leader of the Council was happy to accept the amendment.

Resolved that Full Council approved the following:-

- 2.2 All Councillors were trained to be able to substitute for members of their own political group in the absence of a Planning Committee member of their political group.
- 2.4 The Planning Committee Procedure (attached as Appendix A) was adopted and added to the Constitution, as well as being published on the SWT website.
- 2.5 Planning Committee meetings should be 4 hours maximum (with the Chair having discretion to conclude an agenda item if part way through), and the procedure rules within the Constitution amended to only allow 2 x 30 minute extensions beyond the original 3 hour meeting.
- 2.6 Regular breaks were introduced for 15 minutes every two hours (to be taken off the duration of the meeting).
- 2.7 Where there was a controversial planning application going before the Planning Committee that a single item agenda meeting is held.
- 2.8 Site visits for the Planning Committee were introduced for specific reasons only, held prior to the meeting taking place, and follow the guidance set out on the revised Planning Committee Member's Code of Good Practice (Appendix B).
- 2.10 That the amended Financial Procedure Rules (Appendix C) were approved.
- 2.11 A list of such written off debt be referred to the Portfolio Holder quarterly for information.

(The Meeting ended at 12.15 pm)