

SWT Full Council

Tuesday, 8th February, 2022,
6.15 pm

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

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

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

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of Full Council

To approve the minutes of the previous meeting of the Committee.

(Pages 7 - 16)

3. Declarations of Interest

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

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and

other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

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

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

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

- 5. To receive any communications or announcements from the Chair of the Council**
- 6. To receive any communications or announcements from the Leader of the Council**
- 7. To receive any questions from Councillors in accordance with Council Procedure Rule 13**
- 8. Housing Revenue Account (HRA) Revenue and Capital Budget Setting 2022/23 including Dwelling Rent Setting 22/23, MTFP Update and 30-Year Business Plan Review**

This matter is the responsibility of Executive Councillor for

Housing, Councillor Francesca Smith.

This report updates Members on the proposed Housing Revenue Account (HRA) Annual Revenue Budget and Capital Programme for 2022/23, including the proposed Rent Setting for 2022/23. This report also provides an update on the 5-Year Medium Term Financial Plan (MTFP) and the 30-Year Business Plan Review.

Note - A recorded vote on these recommendations will be required as per the legislation.

9. External Auditor Appointment Procurement Process

(Pages 67 - 82)

This matter is the responsibility of Executive Councillor for Corporate Resources, Councillor Ross Henley.

This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24. PSAA is seeking a decision from existing local authorities in Somerset pending the statutory instruments that establish the new unitary council.

10. Licensing Policies for the Licensing Act 2003 and Gambling Act 2005

(Pages 83 - 168)

This matter is the responsibility of Executive Councillor for Environmental Services, Councillor Andrew Sully.

The purpose of this report is to bring members up to speed with the work that has taken place to re-draft the two policies, with a view to them being formally adopted, in accordance with the Council's constitution.

11. Changes to the Constitution

(Pages 169 - 350)

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

The matters set out in this report amount to modest changes to the SWT Constitution. This is to achieve, better clarity, the updating of minor changes and procedural refinement. This will ease the interpretation and effectiveness of the Constitution.

12. To consider reports from Executive Councillors

(Pages 351 - 404)

Part I – To deal with written questions to the Executive.

Part II – To receive reports from the following Members of the Executive:-

- a) Councillor Federica Smith-Roberts – Leader of the Council
- b) Councillor Derek Perry – Deputy Leader & Parks, Sports and Leisure

- c) Councillor Christopher Booth – Community
- d) Councillor Ross Henley – Corporate Resources
- e) Councillor Marcus Kravis – Asset Management and Economic Development
- f) Councillor Caroline Ellis – Culture
- g) Councillor Dixie Darch – Climate Change
- h) Councillor Mike Rigby – Planning and Transportation
- i) Councillor Francesca Smith - Housing
- j) Councillor Andy Sully – Environmental Services

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 5.

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

ANDREW PRITCHARD
CHIEF EXECUTIVE

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

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

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

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

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

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

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

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Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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

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

SWT Full Council - 7 December 2021

Present: Councillor Hazel Prior-Sankey (Chair)

Councillors Richard Lees, Ian Aldridge, Benet Allen, Lee Baker, Mark Blaker, Chris Booth, Norman Cavill, Simon Coles, Dixie Darch, Hugh Davies, Tom Deakin, Dave Durdan, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Steve Griffiths, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, John Hunt, Dawn Johnson, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Andy Milne, Simon Nicholls, Derek Perry, Martin Peters, Steven Pugsley, Mike Rigby, Francesca Smith, Vivienne Stock-Williams, Andrew Sully, Anthony Trollope-Bellew, Ray Tully, Sarah Wakefield, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Officers: Lesley Dolan, Paul Fitzgerald, Andrew Pritchard (Chief Executive), Jo Comer, Marcus Prouse, Clare Rendell, Mark Antonelli, Alison Blom-Cooper, Chris Brown, Richard Sealy, Fiona Webb, Scott Weetch and Jane Windebank

(The meeting commenced at 6.15 pm)

61. Apologies

Apologies were received from Councillors M Barr, S Buller, B Hall, M Kravis, S Lees, C Morgan, C Palmer, A Pritchard, F Smith-Roberts, N Thwaites and T Venner.

62. Minutes of the previous meeting of Full Council

(Minutes of the meetings of Full Council held on 5 October 2021, 19 October 2021 and 16 November 2021 circulated with the agenda)

Resolved that the minutes of Full Council held on 5 October 2021, 19 October 2021, with amendments, and 16 November 2021 be confirmed as a correct record.

63. 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 Blaker	All Items	Wiveliscombe	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 T Deakin	All Items	Taunton Charter Trustee	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 D Johnson	All Items	SCC	Personal	Spoke and Voted
Cllr R Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	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 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 V Stock-Williams	All Items	Wellington	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	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

Councillor B Weston further declared a prejudicial interest as a trustee of the North Taunton Partnership.

Councillor I Aldridge further declared a prejudicial interest as a trustee of the Citizens Advice West Somerset.

Councillor M Blaker further declared a personal interest as a member of the Wiveliscombe Partnership.

64. **Public Participation**

Mr Barnes spoke about the cleanliness of Taunton town and the work he carried out to clear the streets of rubbish.

The Portfolio Holder for Environmental Services responded and thanked Mr Barnes for his comments and would provide a written response to the concerns raised.

Mr Redgewell submitted a statement on the bus station provisions in Taunton:-
With Bus Back Better, the National Bus Strategy and Somerset County Council bus service improvements plan, Somerset Catch the Bus Campaign, Railfuture Severnside South West Transport Network and Dorset Catch the Bus Campaign. Passengers would like to know in view of the poor waiting facilities in Taunton the county town of Somerset and a principal Town in the South West Region, what progress is being made with Somerset West and Taunton Council, First Group Plc, South West Buses, National Express Coaches and other bus operators on plans to reopen and regenerate Taunton bus and coach station.

With waiting room, information point, public toilets and café.

When will public consultation be carried out with passengers and stakeholders.

Taunton is losing bus passengers to the private car journeys because of poor waiting facilities when we need to encourage people to use public transport services into Taunton and remove through traffic for the town centre.

None of the present waiting shelters are designed for long distance coaches or regional bus services.

We also need intercity coach facilities in Gateway Park and Ride for Megabus and Falcon Express Coaches services to Bristol, Exeter and Plymouth.

Is the County Council looking at all bidding opportunities for a new bus and coach station in Taunton.

The passengers and voters see this issue as just as important as Wellington Railway Station reopening.

David Redgewell South West Transport Network and Railfuture Severnside.

The Portfolio Holder for Planning and Transportation replied:-

Thank you for your note regarding the future of Taunton Bus Station.

SWT are working with our colleagues at SCC to coordinate the output of their Bus Service Improvement Plan and the results of their survey into the need for a Taunton town centre bus station. As the outcome of the BSIP bid is not likely to be known for some months, nor the funding guaranteed, SWT are continuing with design and planning work to bring the operational buildings back into useful service. This work will support and augment any future use of the site as a bus

station. We share the vision of the County council to provide a more integrated transport and travel hub.

SWT continue to explore temporary uses of the bus station to generate income whilst the longer term plans for the bus station emerge in partnership with SCC and FBG.

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

The Chair of the Council sent her best wishes to the Leader, who had been poorly and had sent her apologies for the meeting.

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

No announcements were made by the Deputy Leader.

67. **To receive any questions from Councillors in accordance with Council Procedure Rule 13**

No questions were received in regard to Procedure Rule 13.

68. **Meeting Dates for the 2022-23 Municipal Year**

Resolved that Full Council noted the Meeting Dates for the 2022-23 Municipal Year.

69. **Council Tax Support scheme for 2022/23**

Resolved that Full Council formally agreed that the current Council Tax Support scheme for working age customers be retained for 2022/23.

70. **Review of Voluntary and Community Sector Grants**

During the discussion, the following points were raised:-

- Councillors thanked the Portfolio Holder for Community for his pragmatic approach to the work.
- Councillors queried whether it was possible to ensure that the funding was secured for the first year of the New Council.
The Community Resilience Manager advised that they were looking at ongoing agreements to transfer across to the New Council and that the funding for community groups was on their radar for transfer.
- Councillors requested regular updates on the funding, so that they could feedback to the community groups located in their wards.
The Portfolio Holder for Community agreed and would ensure regular updates were given.
- Concern was raised that money was being taken away from the community groups.

The Portfolio Holder for Community advised that the reallocation of funds was explained in sections 4.16 and 4.17 of the report.

- Councillors thanked the Working Group and Officers for their hard work.

Resolved that Full Council agreed the schedule of grants set out within the table 'Proposed Voluntary and Community Sector Grants 2022/23' in section 6.2 of the report.

71. **Somerset West and Taunton Districtwide Design Guide – Review of Public Consultation and Adoption as Supplementary Planning Document**

During the discussion, the following points were raised:-

- Agenda items 10 and 11 were debated together.
- Councillors highlighted public art within the planning guidance and the significance of public art to the community and that it inspired those who lived in and visited the town.
- Councillors welcomed the documents to help guide the developments in the town.
- Councillors were pleased to see that workshops had been held with Somerset County Council.
- Councillors commended the work carried out on the documents, which would be very useful for those councillors on the Planning Committee.
- Concern was raised on what weight the documents would carry with the developers.

The Portfolio Holder for Planning and Transportation advised that the documents would hold considerable weight, which meant that they could challenge the developers if the guidance was not used.

- Councillors wanted to ensure that affordable homes did not either become unaffordable or fewer in numbers.

The Portfolio Holder for Planning and Transportation did not want to lose any affordable housing and that it would be monitored. He agreed that a good design should not equal a more expensive house.

- Councillors thanked officers for their hard work.
- Councillors were interested to see what feedback was received from the developers.
- Councillors were pleased to support the documents as they wanted to ensure that good quality houses were built in the area.

Resolved that Full Council:-

- 1) Approved the Somerset West and Taunton Districtwide Design Guide for adoption as a Supplementary Planning Document and for endorsement as a material planning consideration for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes within the District.
- 2) Noted the outcomes of the public consultations on the draft Somerset West and Taunton Design Guide, undertaken 3 February to 30 March 2020, 11 December to 5 February 2021 and 5 July to Monday 16 August 2021 as set out in the consultation statement in Appendix 1 of this report.

- 3) Agreed that the Director of Development and Place, in consultation with the Planning and Transport Portfolio Holder be authorised to approve and make minor amendments, prior to the final publication of the Somerset West and Taunton Districtwide Design Guide.
- 4) Agreed the creation and launch of a Districtwide 'Quality of Place' award scheme. This would be linked to the Somerset West and Taunton Districtwide Design Guide, the Taunton Garden Town Vision, and the Taunton Garden Town Design Charter and Checklist.

72. **Public Realm Design Guide for Taunton Garden Town – Review of Public Consultation and Adoption as Supplementary Planning Document**

Resolved that Full Council:-

- 1) Approved the Public Realm Design Guide for Taunton Garden Town for adoption as a Supplementary Planning Document and a material planning consideration in the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes within Taunton Garden Town.
- 2) Having considered the consultation responses, noted the outcomes of the consultations on the draft Public Realm Design Guide for Taunton Garden Town, undertaken 3 February to 30 March 2020, 11 December to 5 February 2021 and 5 July to Monday 16 August 2021 as set out in the consultation statement in Appendix 1 of this report.
- 3) Agreed that the Director of Development and Place in consultation with the Planning and Transport Portfolio Holder be authorised to approve and make minor amendments to the Public Realm Design Guide for Taunton Garden Town Supplementary Planning Document prior to the final publication.

73. **Local Government Reorganisation: Joint Scrutiny Committee**

During the discussion, the following points were raised:-

- Councillors queried what would happen to the district council responsibilities after the elections in May 2022, as the district councils were still sovereign councils until April 2023.
The Legal Adviser told councillors that counsel advice had been sought and once it had been received, the information and guidance would be distributed out to all councillors.
- Some concern was raised on the calculations used for political balance, as not all parties had representation.
- Other councillors highlighted that the political allocations were calculated in the same manner as all our other committees.
- Councillor Mansell proposed the following amendment, which was duly seconded by Councillor Wren:-
2.3 Full Council further resolves to propose an amendment to the Terms of Reference of the Joint Committee in the following form:
 - The membership of the committee be amended to provide for three members from each District Council.

- The membership of the Committee to remain the same in terms of the County Council representation.

2.4 Full Council further resolves that this proposed amendment be sent to each of the four Councils with a view to their Full Councils at the first available meeting considering the proposed amendment and resolving whether to support it or not.

2.5 In the event of the approval by each Council to the amended Terms of Reference as proposed, the Terms of Reference are so amended and fresh nominations for three members are made by each District Council from the relevant Overview and Scrutiny Committee on to the Joint Scrutiny Committee. Such nominations to be in compliance with the political proportionality rules unless these rules are set aside by each Full Council complying with the procedural requirements of the Local Government (Committees and Political Groups) Regulations 1990. On this basis the Joint Committee is reconstituted with three members per District Council but the same membership for the County Council.

- Concern was raised on the county and district allocation on the committee and councillors wanted to ensure that there was appropriate district representation.
- Councillors wanted to ensure that the transition to a Unitary Authority was properly considered for the staff and residents.
- Concern was raised that the amendment would take too much time to go through the democratic pathway.

The Deputy Leader advised councillors on the process that would need to be followed if the amendment was carried and the delay it would cause based on another four Full Council meetings being held because Somerset County Council (SCC) had already approved the recommendations.

- Councillors agreed that scrutiny was an important role.
- Concern was raised that if the district representatives were increased, that so would the county representatives, which would make the committee numbers too high.

The Deputy Leader agreed with the concern raised and was not sure that SCC would accept the changes and would be likely to counter-argue and propose an increase in the county representatives.

- A vote was taken for the amendment, which was lost: eight for, thirty-seven against and one abstention.
- Councillors wanted to ensure that the district representatives were not 'twin hatters'.
- Councillors wanted to ensure that there was plenty of opportunity for district input into the New Council.
- Councillors queried whether substitutes could be used on the Joint Scrutiny Committee.

The Legal Advisor gave the answer that yes, substitutes could be used.

Resolved that Full Council:-

- 2.1 Approved the establishment of a Joint Scrutiny Committee together with the County Council and three other District Councils in Somerset constituted in accordance with and having the roles and responsibilities set

out in the Terms of Reference attached at Appendix 1 (“Terms of Reference”).

2.2 Nominated two (Districts) Members of the relevant overview and scrutiny committee onto the Joint Scrutiny Committee such nominations to be politically proportionate and based upon the political makeup of this council (this would mean at Somerset West and Taunton - 1 Liberal Democrat and 1 Independent Group nominee, as set out in section 4 of the report)

74. **Access to Information - Exclusion of the Press and Public - appendices 3 and 6 only**

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business (agenda item 15, appendices 3 and 6 only) on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

75. **North Taunton Woolaway Project - Authorisation to make a Compulsory Purchase Order in relation to the North Taunton Woolaway Project**

During the discussion, the following points were raised:-

- Councillors thanked the officers for all their hard work on the project.
- Councillors supported the Compulsory Purchase Order to be used as a contingency.

Resolved that Full Council:-

2.1 Resolved, subject to consideration of the matters set out in this Report, to make a Compulsory Purchase Order pursuant to powers under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers as deemed necessary for the acquisition of the private properties in Phases B – D and any new rights for the purposes of securing both a quantitative and qualitative gain in housing by the delivery of the comprehensive redevelopment of the Woolaway properties on the land.

2.2 Delegated authority of all matter relating to this CPO activity to the Director of Housing and Communities in consultation with the Portfolio Holder for Housing and Section 151 Officer. Matters included:

2.2.1 To take all steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (“Order”) including the publication and service of all notices and the promotion of the council’s case at any written representations procedure, public hearing or public inquiry.

2.2.2 To approve the draft Statement of Reasons for making the Compulsory Purchase Order as set out in Appendix 3 in consultation with the Solicitors acting for the Council.

- 2.2.3 To amend the Statement of Reasons referred to in paragraph 2.3.2 above as required in consultation with the Solicitors acting for the Council.
 - 2.2.4 To make any amendments, deletions or additions to the land identified in this Report to be subject to the Order (“Order Land”) as to include and describe all interests in land and rights required to facilitate the carrying out of the redevelopment and regeneration of the Project and surrounding area;
 - 2.2.5 To identify and acquire interests and new rights required to facilitate delivery of the redevelopment and regeneration of the Project and surrounding area either by agreement or compulsorily pursuant to the Order (including pursuant to any blight notices as appropriate) including conduct of negotiations and making provision for the payment of compensation;
 - 2.2.6 To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including where appropriate removing land or rights from the Order, making provision for the payment of compensation and/or relocation;
 - 2.2.7 If the Order was confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including, executing General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of the acquisition of interests in and rights over the Order Land;
 - 2.2.8 To take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Lands Tribunal and/or applications to the courts and any appeals; and
 - 2.2.9 To retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the Order, the settlement of compensation and any other claims or disputes.
- 2.3 Approved the service of a Final Demolition Notice and the demolition of the buildings and structures in Phase B and C(i) as shown in Appendix 2.

76. **Re-admittance of the Press and Public**

77. **To consider reports from Executive Councillors**

The following points were raised on the Portfolio Holder Reports:-

- Councillors queried how many defibrillators were located in the district and where they were stored.
- Councillors requested an update from the Climate Change Implementation Board.
- Councillors highlighted the success of the knitted sprout located in Wiveliscombe.
- Concern was raised on the implementation of The Boulevard in Taunton and that it would impact on the businesses located along Station Road.

- Councillors requested information on parking income.
- Councillors requested an update on the Sandhill Estate.
- Councillors requested an update on what was happening with the Phosphate Funding.
- Concern was raised on the town centres and councillors suggested health checks were carried out.
- Concern was raised on the five-year housing land supply and the risk that the targets for the Taunton area would not be met.
- Councillors highlighted that electric buses could be introduced into Taunton area.

(The Meeting ended at 8.35 pm)

Somerset West and Taunton Council

Full Council – 8 February 2022

Housing Revenue Account (HRA) Revenue and Capital Budget Setting 2022/23 including Dwelling Rent Setting 22/23, MTFP Update and 30-Year Business Plan Review

This matter is the responsibility of Executive Councillor Francesca Smith

Report Author: Kerry Prisco, Management Accounting and Reporting Lead

1 Executive Summary

- 1.1 This report updates Members on the proposed Housing Revenue Account (HRA) Annual Revenue Budget and Capital Programme for 2022/23, including the proposed Rent Setting for 2022/23. This report also provides an update on the 5-Year Medium Term Financial Plan (MTFP) and the 30-Year Business Plan Review.
- 1.2 The proposals included in this report would enable the Council to set a balanced budget for the HRA for 2022/23.

2 Recommendations

- 2.1.1 To approve the HRA Annual Revenue Budget for 2022/23.
- 2.1.2 To approve the increase of 4.1% (CPI+1%) to Dwelling Rents for 2022/23.
- 2.1.3 To approve the HRA Capital Programme for 2022/23.
- 2.1.4 To note the reviewed and updated assumptions in the 5-Year Medium Term Financial Plan (MTFP).
- 2.1.5 To note the reviewed and updated assumptions in the 2021 HRA 30-Year Business Plan.

3 Risk Assessment

- 3.1 Since 2012 the HRA has operated on a 'self-financing' basis, where the income generated from rents and other charges funds the delivery of the social landlord function and maintaining stock. Although 'self-financing' has provided the Council with more flexibility, the HRA is still governed by regulations that restrict full control over income (e.g. increases in rent are capped) and costs (e.g. meeting decent homes standards), and this has brought additional risk. Those risks are primarily concerned with threats to income and expenditure that could compromise the viability of the HRA Business Plan.
- 3.2 The Housing Sector as a whole is currently experiencing the most challenging period in a generation as multiple risks crystallise and competing demands place pressure on the service. From a regulatory perspective the service is facing pressure to respond to

changing building safety and energy efficiency standards and maintaining the quality of our existing housing stock.

- 3.3 This has then been compounded by national and global factors (e.g. the impact of Brexit and COVID) causing the economic operating environment to become significantly challenging and thus placing considerable financial pressure on the Council's HRA. This is causing significant ongoing disruption to supply chains and the labour market resulting in high-cost inflation and ongoing shortages to deliver remedial works, catch up repairs and energy efficiency improvements.
- 3.4 It is evident that financial pressures within the Housing service present a significant risk to affordability of existing plans in the short to medium term. Whilst a balanced budget is being presented to Members this strategy relies on one-off financial measures that are not sustainable. Therefore, the leadership team will need to implement a programme of work to build significant savings into the business and baseline budgets over the next three years (2022/23 - 2024/25) and ensure that adequate minimum reserves are maintained.
- 3.5 The Council regularly monitors its risks via a risk register and below are a number of the ongoing key risks and uncertainty for 2022/23:
- 3.6 **Repairs & Maintenance:** Overall this is a very demand led and reactive service based on the needs of the tenants. There are also a number of uncontrollable variables associated with this service such as the weather (e.g. cold winters causing burst pipes, roof leaks, etc), condition of properties when returned (e.g. void refurbishments), consumer demand on minor internal / external repairs (e.g. broken door or fence) and the type of repair work required. As such the levels of demand do not always follow a recognisable trend. We therefore must caveat the forecasts in these areas to account for fluctuations. The economic operating environment has also been compounded, namely by COVID and Brexit, creating contractor uncertainty and labour market shortages in some key trade areas, and inflating costs of materials and labour.
- 3.7 **Trade Salaries:** We are experiencing a significant increase in construction related salary costs in the sector, with shortages of some key trades, for example electricians. This can mean that some of our salaries are no longer competitive in the market. We have conducted a review of some of our salaries and will be making some changes here, and the cost of this change is incorporated into our MTFP. However, as this review process progresses across all trade areas it may create further revenue pressures that need to be addressed that have not been incorporated into the 2022/23 budget.
- 3.8 **Inflation on Staffing Costs:** The budgets have been set based on 1.75% pay award for 2021/22 and then 2% for 2022/23. The annual pay award negotiations are still taking place.
- 3.9 **COVID-19:** The ongoing impact of the pandemic presents a risk to the Housing Service, particularly in terms of revenue collection as well as the impact on tenant mental health and wellbeing. We have already seen an increase in inflation rates impacting our future income and expenditure. However another significant risk relates to financial hardship for our tenants that could result from the impact of COVID, following the ending of government support such as furlough and the uplift in Universal Credit. If the net result is higher unemployment and much tighter finances for many households, this could impact on their ability to pay rent. Furthermore, there may be an increasing demand and therefore budget implication for support services for tenant households affected by the

impact of COVID. This could present across a range of service demands including increased debt and benefits advice, unemployment support, mental health support, anti-social behaviour intervention, safeguarding and domestic abuse support.

- 3.10 **Unitary Authority:** The Secretary of State has announced his decision on the future of local government in Somerset and has chosen the One Somerset option put forward by the County Council. This means there will be one new unitary council for Somerset replacing the existing five councils. There is a structured timetable to follow for implementing the change so the new Council can come into effect on 1 April 2023.
- 3.11 It is currently unknown what the future potential costs will be as a result of this decision, and what the HRA's share will be, and whether these costs will need to be funded using revenue or capital budgets. From a capital perspective the business plan does provide some headroom to allow £500k of non-right to buy receipts to be used as flexible capital receipts to fund transformation costs. However, this directive ends on the 31 March 2022 and it is unknown if the government will approve an extension, although they have recently signalled this intent. If the costs can only be treated as revenue then we may need to review other expenditure to make this affordable and or consider the use of reserves.
- 3.12 It is also currently unknown what the share of potential savings to the HRA might be of the new unitary Somerset Council of shared operating costs, as well as any savings achieved through combining the two local authority housing stock operations together in the longer term. The current MTFP forecast and Business Plan does not incorporate any financial estimates with regards to this aspect and will be modelled as a separate exercise.
- 3.13 **Right To Buy (RTB) Receipts:** This is a government scheme that enables tenants to purchase their homes at a discount, subject to meeting qualifying criteria. The HRA does not have any control over the number of RTB sales each year and the resulting impact on rental income lost. The capital receipts from the sales retained by the Council can now fund up to 40% of new social housing costs and must be used within five years of receipt, following an amendment to the scheme policy from the 1 April 2021. To date, the Council has successfully spent all of their retained 1-4-1 receipts resulting in no returns being made to the Treasury/DLUHC (previously MHCLG).
- 3.14 **Welfare Reform and Universal Credit:** The impacts of Welfare Reform and Universal Credit remain a risk, with the number and value of rent arrears still under upward pressure as more tenants switch to universal credit. Mitigations are already in place to help support tenants affected by Welfare Reform and Universal Credit such as debt advice, access to discretionary housing payments and an arrears management team with redesigned workflow processes.
- 3.15 **Decent Homes Standard:** The changes to the Regulator of Social Housing's Decent Home Standard as well as higher thermal efficiency standard requirements, which are unsupported by additional external grant funding, will place an additional burden on HRA resources available for elemental investment in homes. Once the detail is known, we will need to adapt to ensure we continue to maintain stock at the Decent Homes Standard and prepare to meet all the evolving expectations, incorporating the financial impacts into the Business Plan.
- 3.16 **Building Regulation and Fire Safety:** The Grenfell Tower tragedy and subsequent Review of Building Regulation and Fire Safety bring a number of operational and

financial risks. These risks have been mitigated with the increases in revenue and capital budgets proposed for 2022/23 for compliance related work. However, the exact costs are currently unclear. There are likely to be other impacts as a result, such as impacts on the repairs budget due to additional work to communal areas, more intensive management of flat blocks and further resilience within teams to respond to the volume and breath of enquiries. We will need ensure continued compliance with these statutory requirements.

- 3.17 **Housing White Paper:** In November 2020 the Government published the Housing White Paper which sets out the changes to how social landlords will operate. It will require a number of changes to home safety, tenant satisfaction measures, complaints handling, a new inspection regime for social landlords and a strengthened role for the Regulator of Social Housing. Many of the new changes in the white paper have already been mitigated in Housing by strengthening our compliance activities, setting up the new Housing Performance Team to be responsible for communications, performance data and engagement but this will need to be kept under review and self-assessment has begun.
- 3.18 **Government Rent Policy Change:** It is not inconceivable that we could see a further change in rent policy from central Government as we have seen before, to perhaps reduce rents or limit increases below current policy. Whilst this will support tenants financially it has a significant impact on our business plan. It also has the effect of a significant saving on the benefit bill for government so speculatively this could be a current consideration for the treasury in light of impact of COVID.
- 3.19 **Retrofit by 2030:** There is a duty for social landlords to improve the energy efficiency of its homes. The national climate change requirements set by government under the Clean Growth Strategy 2017 requires all social landlords to achieve EPC C by 2035. However, the strategy also requires landlords to achieve EPC C by 2030 where tenants are in fuel poverty. Therefore, it is prudent to achieve EPC C by 2030. This will require significant financial investment through the capital programme that will add to the capital financing requirement.
- 3.20 **New Build Homes and Phosphates:** The provision of new affordable housing is a key objective for the HRA Business Plan and the HRA has a significant pipeline of new homes to be delivered over the next 8 years. This will require significant financial investment through the capital programme that will add to the capital financing requirement and cost to the revenue account to finance this debt if funded by borrowing.
- 3.21 These social development schemes inherently carry significant risks. In order to mitigate elements of risk, the Council generally uses design and build contracts which provides clarity of costs when the contract is signed and through this mechanism the Council can ensure it progresses with schemes within budget. In addition to this a bond equivalent of 10% of the contract price has been included within the contracts and each phase will require its own individual contract to cover this aspect of risk.
- 3.22 Of these new build schemes, some of these homes will require phosphates mitigation strategies to gain planning approval. There remains uncertainty on the ability of the Council to mitigate for phosphates. This may result in less affordable housing development and less capital spend.
- 3.23 **Assets as liabilities:** Our assets (e.g. housing stock) can also become a liability and can cause us unforeseen operational and financial pressure to the business. For

example, we have now been faced with a situation that requires immediate resolution to decommissioning a block as it has come to the end of its expected useful life.

- 3.24 **Data Integrity:** We need to improve our data integrity to ensure we have accurate, up to date, complete and consistent data. The Regulator of Social Housing will assess us on this and any failure in this area is seen as indicative of a poor internal controls' assurance framework. We are progressing this through new IT projects however further investment may be required.
- 3.25 **Movement in Business Plan Assumptions:** The HRA Business Plan incorporates many assumptions that contribute to the financial assessment of strategic and operational aspirations over the 30-year period. These include rates in inflation on income and expenditure, rates for new borrowing, minimum reserves levels, projected revenue and capital spend, etc. The direct influence officers have on some of these that could have a big impact is minimal (e.g. rates of inflation and borrowing) and we are at risk of having to react to external political and economic market influences as they occur.
- 3.26 **Borrowing:** The Treasury announcement in the 2020 Spending Review that local authorities with plans to incur capital expenditure acquiring assets primarily for yield will not be permitted to access new PWLB loans for long term borrowing. In response to this, the authority will continue to manage borrowing requirements as a whole through our ongoing treasury management arrangements and will look to other sources for long-term capital finance. The risk is that it may take longer to arrange long term finance and that the rates will be determined by the market. We will continue to explore alternative sources of debt with advice from Arlingclose, our Treasury Advisors. The outcome of this may require further adjustments within the business plan relating to the assumed rate for new borrowing over the 30-year period.

4 Background and Full details of the Report

- 4.1 The HRA is a ring-fenced account used to manage the Council's housing stock of some 5,700 properties, with the Council acting as the Landlord.
- 4.2 In April 2012, under the Localism Act 2011, the HRA (under the administration of Taunton Deane Borough Council (TDBC)) moved away from a national subsidy system (which required an annual payment from the HRA to Central Government) to become 'self-financing'. This enabled the Council to retain all rental income to meet the costs of managing and maintaining the housing stock, as well as meeting the interest payments and repayment of debt. As part of the self-financing agreement, a one-off capital payment of £85.198m was made to Government.
- 4.3 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.
- 4.4 The HRA Business Plan has been reviewed and updated annually since 2012, with a full review undertaken in 2016 and 2020 in response to the changes in national policies and local aspiration. The 30-Year Business Plan has again been reviewed as part of the 2022/23 budget setting cycle and the key changes / updates to the plan are described in section 5 below.
- 4.5 The HRA continues to face a number of risks and issues, many of which could be significant but the actual financial impact is not yet known. These risks and issues are

more significant for us as we proactively drive forward substantial investment in social housing development, with both existing schemes and more schemes planned for the future. These risks and issues are discussed in section 3 above.

5 HRA 30-Year Business Plan Review

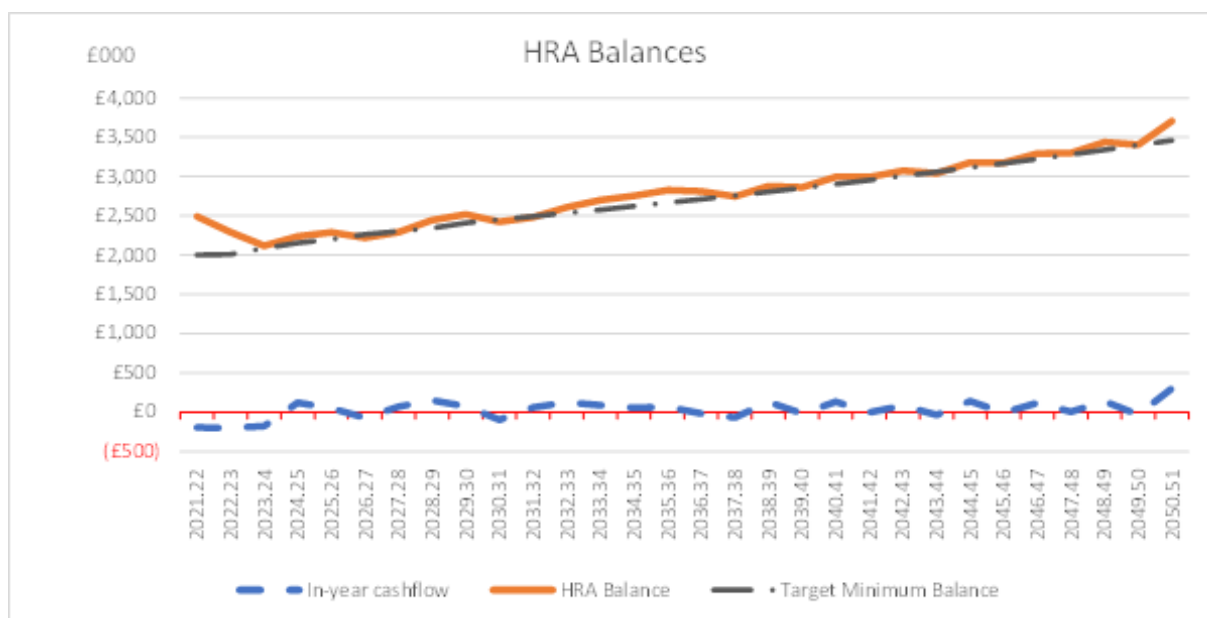
- 5.1 The HRA 30-Year Business Plan (the Business Plan) is updated on an annual basis alongside the budget setting process. This is to ensure that any changing assumptions do not adversely affect the ongoing concern of the business. This review also ensures that significant programmes of work (e.g. social development schemes) are still viable and affordable and gives the business opportunity to flex the delivery of these schemes if required to improve the financial operating position of the business.
- 5.2 The Business Plan has been updated to reflect the Budget Estimates for 2022/23 (see section 6 below) as well as updated assumptions surrounding the current challenging economic environment. These updates have been reviewed by an independent financial housing advisor; Altair.
- 5.3 In summary, the key assumptions and projections are as follows:
- Revenue Budget Estimates for 2022/23
 - Capital Programme for the next 10 years
 - Dwelling Rent increases assumed of 4.1% for 22/23, 4.5% in 23/24 and 3.25% in 24/25. This then reduces to just Consumer Price Index (CPI) thereafter at an estimated 2%.
 - Void loss at 2% of gross rental income
 - Inflation projections that reflect the statistics published in October 2020 by the Office of National Statistic (ONS) (September CPI) and HM Land Registry (HMLR) (August House Price Index (HPI))
 - Interest on new debt at 2% until 2024/25, rising to 2.5% thereafter
 - Minimum reserves position of £2m
 - An estimated allowance for Unitary Council implementation costs
 - Efficiency gains of £650k by 2024/25
 - New capital receipts of £1.75m over 5 years from 2023/24 by delivery of the service Asset Strategy
 - Social housing development programme to include the approved Zero Carbon Pilot, Seaward Way, Oxford Inn and North Taunton Woolaway Project.
- 5.4 The main changes to the Business Plan key assumptions and projections include increased revenue costs, a temporary reduction in rental income, new capital receipts from asset sales, efficiency savings target, inflationary pressures, increased major works and improvement capital programme and a slightly stretched delivery timeframe for the social housing development schemes.
- 5.5 The initial projections presented an unfavourable financial position with significant financial constraints (e.g. falling below the key performance measure of interest cover and no borrowing headroom) which consequently resulted in the requirement to introduce new revenue streams (e.g. initiate components of the asset management strategy) and adjust the timescales for the delivery of some social development schemes (see paragraph 10.12 for further information).
- 5.6 This has been successful in improving the financial position of the HRA during the next 5 years, as shown in the performance measures below, but this relies heavily on new

capital receipts from asset sales and building savings into the business. It is essential that the HRA builds more financial resilience so that it can react to any further financial pressure placed on the business, as emphasised in the sensitivity analysis below (para. 5.12).

5.7 Performance Measures

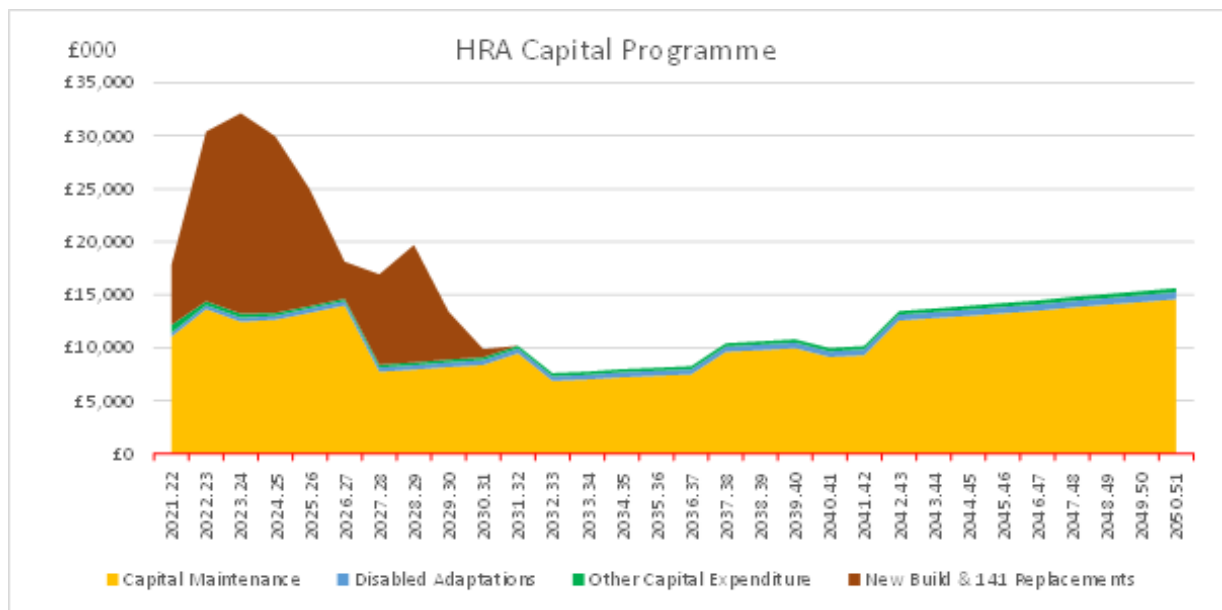
5.7.1 The following measures have been used by Altair to assess the affordability and financial sustainability of our operational aspirations in light of the updated assumptions and projections within our Business Plan.

5.7.2 **Minimum General Reserves Balance:** This is maintained at above the recommended minimum balance of £2m throughout the forecast. This is based on a minimum balance of £350 per property or £2m (whichever is higher) and rises with inflation. The business plan assumes that any “excess” rents generated are made available to repay debt.

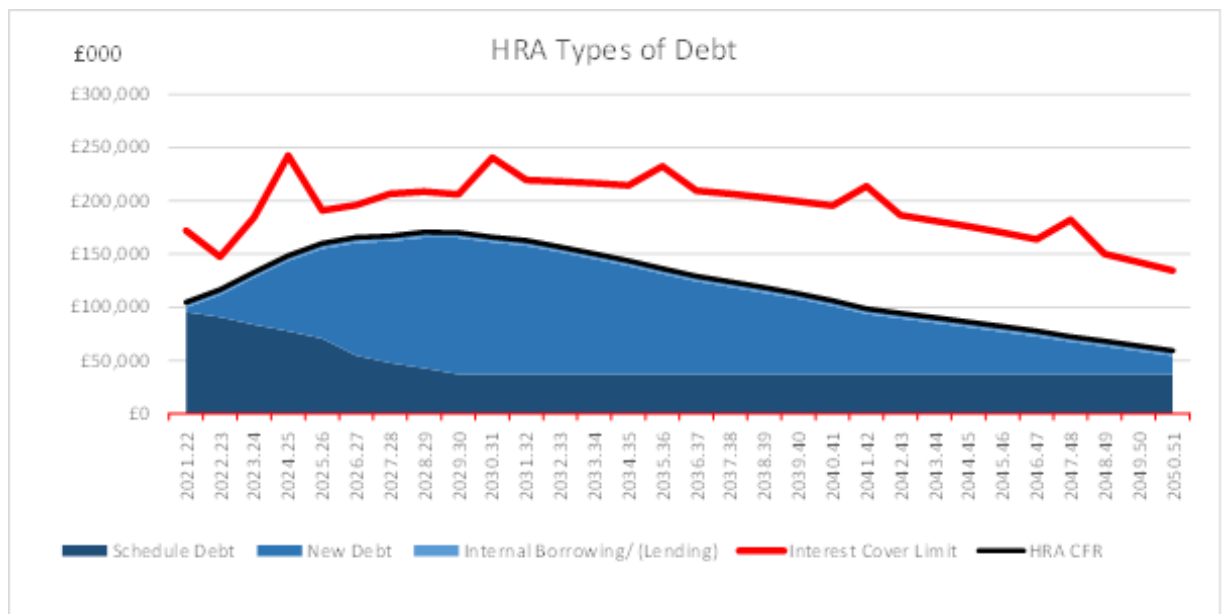


5.7.3 **Capital Programme:** The proposed capital programme enables the HRA to maintain its existing stock (amber area) and allows for the new build / purchase of an additional 347 units by 2029/30 (brown area). This is affordable within the current baseline position. Note that this excludes any additional investment required to meet decarbonisation

targets.

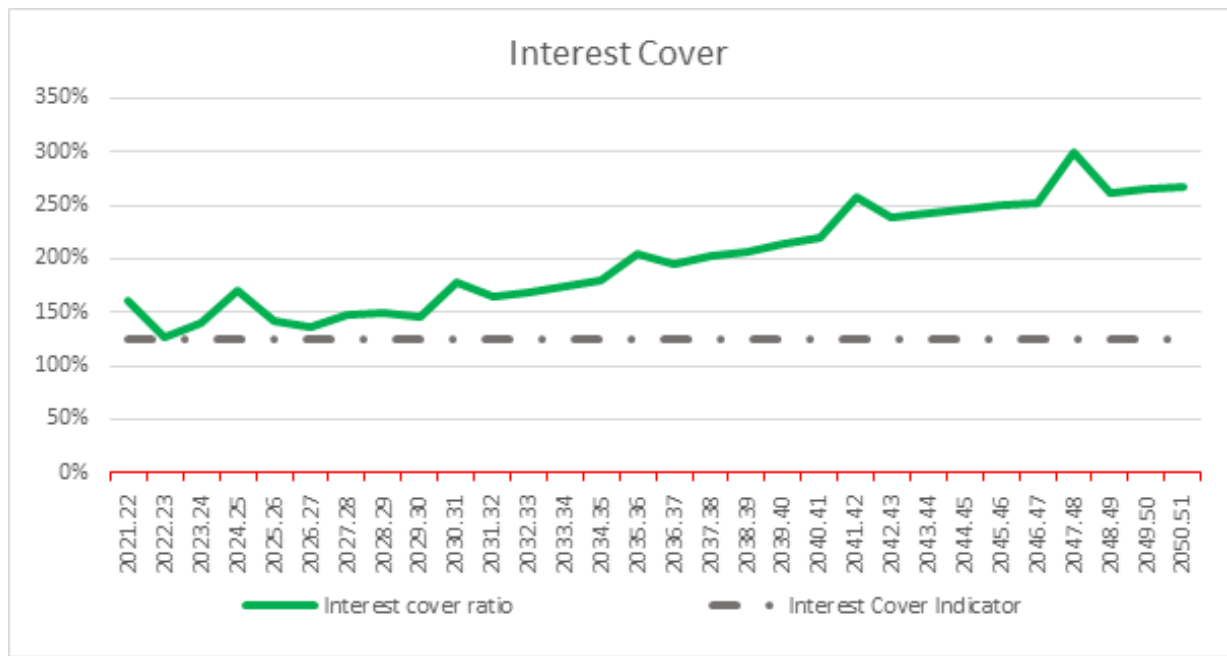


5.7.4 Capital Financing Requirement: There will be a need to take out additional (new) debt to pay for the capital programme and to refinance existing loans falling due. The borrowing requirement increases initially reaching a peak debt of £171m in 2028/29. Revenues streams are strong enough to repay most of this debt over the next 30 years. The HRA is able to reduce debt to a forecast residual balance of £59m at the end of the period.

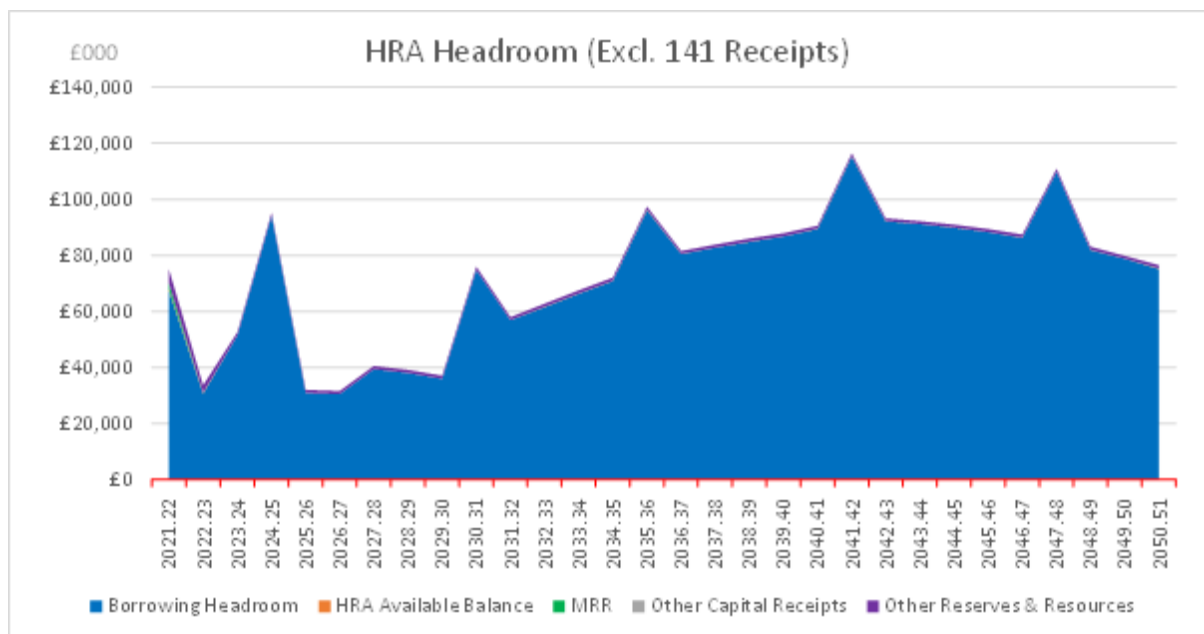


5.7.5 Interest Cover: This metric measures the ability of the HRA to be able to finance the interest payable on debt by 1.25 times or more. This measure is widely used by housing associations and indicates the ability to pay for debt-related costs. The forecast shows that we meet and improve upon this minimum interest cover requirement during the 30-year period. This is reliant upon the assumption that the HRA will implement measures

to improve efficiency and reduce operating costs, while maximising income.

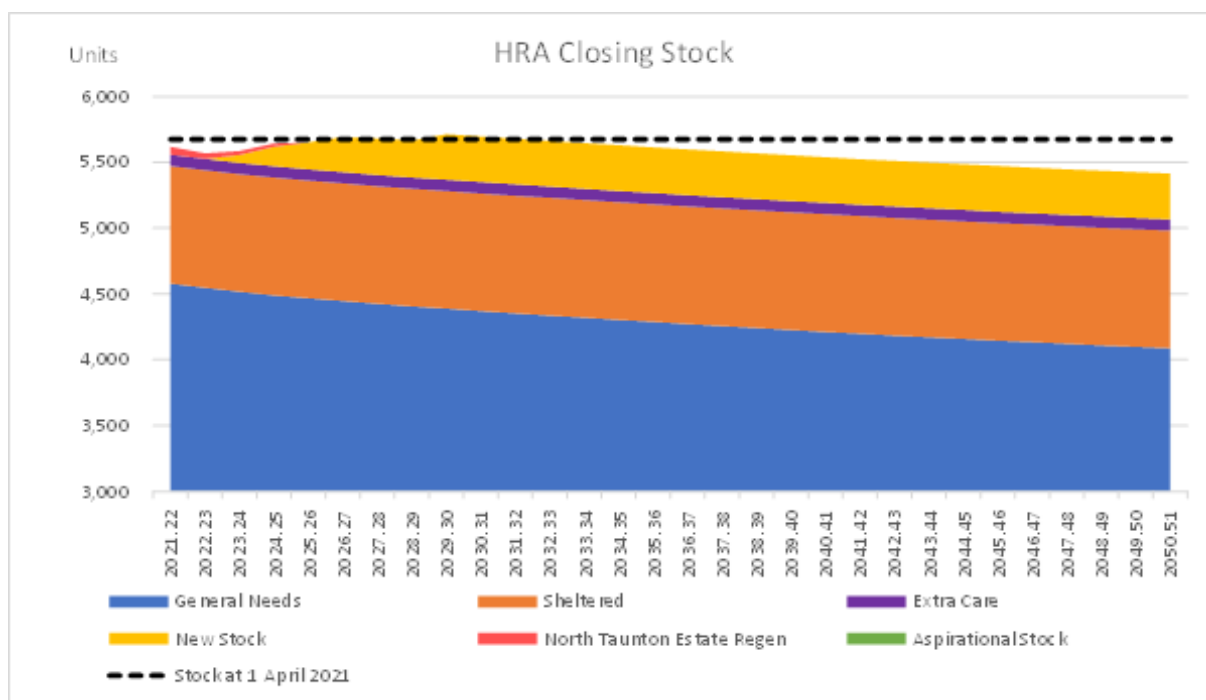


5.7.6 **Headroom:** This represents the additional borrowing capacity available to the HRA without exceeding the interest cover limit. The headroom drops to its lowest of £30.574m in 2026/27, but overall this represents a reasonable level of headroom over the 30-year period. It is important that the HRA always maintains sufficient headroom to be able to react to emerging and / or unforeseen circumstances. It is a measure of affordability, not a target of total for borrowing to be incurred, and as with any long term projection should be regarded with some caution as a guide only.



5.7.7 **Stock Levels:** There is an initial growth in stock numbers (347 units) from the new build social development schemes that are already approved reaching a peak of 5,693 units at the end of 2026/27. Thereafter assumed RTB Sales reduce stock levels to 5,415 units

at the end of the period.



5.8 In summary, Altair have stated that the HRA's baseline presents a reasonable starting position. The HRA is able to deliver a substantial medium term development programme, while maintaining its existing stock and being able to repay the additional debt required to finance the capital programme by the end of the forecast period.

5.9 Altair continue to note that the projections exclude the effects of potentially substantial spending pressures, such as the requirement to decarbonise the authority's housing stock.

5.10 Altair also suggests that there may be scope for the authority to improve on this position further by ensuring it adopts an active approach to managing its costs, while optimising its potential for generating income.

5.11 Therefore, the current approved programme of works is affordable and financially sustainable based on current projections and the current economic climate. Throughout the Baseline forecast the HRA is able to operate within its means, but with minimal headroom available should it need to respond to unexpected changes in circumstances.

5.12 Sensitivity Tests

5.12.1 The following sensitivity tests have been performed on the Business Plan to see what the financial impact would be for a stepped change in any one of our assumptions. These areas of the business have been chosen as they are at risk from regulatory enforcement or are heavily relied upon to deliver either the core business or capital programme. Considering the significant financial challenge faced by the HRA these sensitivity tests are even more paramount this year.

5.12.2 The three sensitivity tests are explained in more detail below. In summary, all sensitivities show (a) a substantial increase in debt at the end of the 30-year period, (b) a substantial reduction in borrowing headroom (with one scenario dropping to zero), (c) a drop below its interest cover key performance metric (the most severe reaction seen from a rent freeze), and (d) require the HRA to borrow more than the baseline position

to deliver its projected programme of development and stock investment.

5.12.3 The outcome of the sensitivity tests emphasise the importance of the HRA maintaining strict cost control over its operating costs and embedding efficiency savings whilst maximising income.

5.12.4 **One Year Rent Freeze:** The assumption that rents were frozen in 2022/23 and remained at the same levels of 2021/22 was modelled. By generating less income the HRA has less money available to repay debt and has to borrow more for a longer period. The impact within the 30-year business plan is that peak debt goes up by £5.378m and debt at the end of the forecast increases by £22.282m. In addition to this, if the HRA generates less income it has less money available to cover its interest payments on borrowings and therefore reduces the amount of money the HRA can borrow. Implementing a rent freeze has the most severe impact on the interest cover metric, with the authority failing to maintain the required level of interest cover reliably until 2027/28.

5.12.5 **Cost of Borrowing Increases:** The assumption is that the cost of new borrowing would increase by 1% from 2023/24 (noting that the baseline assumption is 2% until 2024/25, rising to 2.5% thereafter). This requires the HRA to use more rental income to pay for the debt interest payments instead of repaying the debt itself and means that the HRA has to borrow more for longer. The impact within the 30-year business plan is that peak debt goes up by £3.296m and debt at the end of the forecast increases by £19.859m.

5.12.6 **Increases in Cost:** The assumption is that there will be a 0.5% increase in inflationary costs for five years to deliver services, investment and new homes was modelled, without a corresponding increase in rents. This means that there is less income available to finance and / or repay debt and means that the HRA has to borrow more for longer. The impact within the 30-year business plan is that peak debt goes up by £4.299m and debt at the end of the forecast increases by £23.092m.

5.13 **Zero Carbon Retrofit:** The current Business Plan does not have the capacity to deliver a zero carbon retrofit programme (either within 10 years or 30 years) fully funded by the HRA. The ability of the HRA to manage its statutory duties and local climate change ambitions will depend significantly upon access to a high proportion of subsidy, such as the Social Housing Decarbonisation Fund, and integration with its own component replacement programme through its annual capital programme. As such the HRA is developing a delivery plan to deliver low carbon retrofit along this route.

6 Budget Estimates for 2022/23

6.1 The draft HRA Revenue Budget for 2022/23 is summarised in Appendix A and a HRA Budget Book (where the budgets are presented per cost centre and per category of spend or income) is provided in Appendix D.

6.2 Table 1 below provides a summary of the main proposed changes to the annual revenue budget estimates from 2021/22 to 2022/23.

Table 1: HRA Budget Setting 2021/22 to 2022/23 Changes

	Reference Paragraph	£000	£000
Original Budget 2021/22 - balanced budget			0
Growth in 2022/23:			
Net Staffing Changes and Inflation	6.4	162.5	

Net Interest Payable	6.5	131.4	
Grounds Maintenance	6.6	33.3	
Insurance Premiums	6.7	24.6	
Sewerage Treatment Maintenance	6.8	44.0	
Third Party Compliance Audit	6.9	37.9	
Radon Surveys	6.10	88.1	
Repairs	6.11	1,092.5	
Fleet and Fuel	6.12	78.9	
Waste Disposal	6.13	10.0	
Health & Safety	6.14	59.0	
Street Lighting Surveys	6.15	16.5	
Business Rates	6.16	17.3	
Deane Helpline	6.17	15.1	
Tenancy Profile Survey	6.18	10.0	
Service Charge Review	6.19	15.0	
Low Carbon Retrofit	6.20	60.0	
Other	6.21	23.2	
Total Growth			1,919.3
Savings / Increase in Income in 2022/23:			
Income	6.22	(736.6)	
One Team Expenditure	6.25	(15.0)	
Community and Voluntary Sector Grants	6.26	(51.0)	
Tenancy Empowerment	6.27	(10.0)	
Housing Partnership	6.28	(10.4)	
RTB Valuations	6.29	(20.0)	
Corporate Savings	6.30	(73.6)	
Other		(2.7)	
Total Savings / Increase in Income			(919.3)
Budget Gap			1,000.0
One-Off Adjustment to Revenue Budget for Debt Repayment	6.31		(800.0)
One-Off Funding from General Reserves	6.32		(200.0)
Proposed Original Net Budget for 2022/23			0

6.3 The main changes include:

6.4 **Staffing Changes and Inflation:** the majority of this growth relates to an assumed inflation cost of c£305k for pay of 1.75% for 21/22 and 2% for 2022/23 as well as 1.25% on National Insurance. This also consists of net changes to the establishment including the restructure of the capital investment team, job evaluation of the electrical team as well as additional capacity with a supervisor and an extra electrician, an additional compliance case manager and an increase in capitalisation for the development and regeneration team.

6.5 **Net Interest Payable:** All external borrowing continuing into 2022/23 is based on fixed interest rates for the term of the loan. Therefore, we are able to predict the interest

payment for these elements with a high degree of certainty and will cost £2.681m. An assumption has been made that the HRA will refinance £10m at 2% at the end of 2021/22 adding a further cost of £200k. The remainder of this budget is subject to the year-end capital financing requirement position and the assumption has been made that the HRA will end the year with investment income of £82k.

- 6.6 **Inflation on Grounds Maintenance Contract:** This is the inflationary cost as a direct result of increasing the grounds maintenance service charge by CPI+1% and provides extra budget availability to support this area of service delivery.
- 6.7 **Insurance Premiums:** This assumes a 5% inflation increase on insurance premiums.
- 6.8 **Sewerage Treatment Maintenance:** The budget is being uplifted to reflect more realistic maintenance costs of septic tanks.
- 6.9 **Third Party Compliance Audit:** Third-party audit checks by specialist consultants are required for heating and electrical works.
- 6.10 **Radon Surveys:** This is to deliver a one-off survey and monitoring of properties that fall within a Radon Affected Area as shown on a Radon UK map this is the main indicator of radon being a potential hazard.
- 6.11 **Repairs:** This substantial increase in budget relates in part to (a) a significant increase in inflation nationally driven through concern for materials shortages this year, which has been reflected in longer lead times, higher prices and price volatility, and (b) a rebase of the budget based on levels of activity seen in recent years.
- 6.12 **Fleet and Fuel:** The Council has entered a new corporate contract for the supply of vehicles from 1st October 2021. The anticipated costs to the HRA are expected to increase based on the current budgeted costs and the need to replace vehicles that are nearing the end of their lifetime. This also includes an element of inflation for fuel costs.
- 6.13 **Waste Disposal:** This provides an inflationary increase for the cost of waste disposal from, for example repairs and void works.
- 6.14 **Health & Safety:** This is a one-off cost to support a share of the corporate health and safety work due to be undertaken during the year.
- 6.15 **Street Lighting Surveys:** This is a one-off pressure to undertake a condition survey of HRA street lighting. This may result in repair and / or replacement works.
- 6.16 **Business Rates:** These are updated projections / realignment of the budgets required for 2022/23.
- 6.17 **Deane Helpline:** This relates directly to inflationary increases in cost for this service.
- 6.18 **Tenancy Profile Survey:** This is a tenancy census mailing which is designed to give tenants an opportunity to update their tenancy details for example, contact details, or more detailed information such as, who is living in the house and what disabilities they may have.
- 6.19 **Service Charge Review:** This is a one-off budget provision to support the cost of undertaking a service charge review to ensure that the charges made still accurately

reflect the costs incurred to provide the service.

- 6.20 **Low Carbon Retrofit:** These funds are required to support the Social Housing Development Fund bids and production of the Retrofit Strategy. The bid, if successful, will provide significant subsidy to support the delivery of the zero carbon retrofit programme.
- 6.21 **Other Adjustments:** Various budgets have been reviewed with many minor budget savings being offered up to an amount of £23.2k. These adjustments can be made without impacting service delivery.
- 6.22 **Income:** As per section 8 and 9 below, we are proposing to increase rents and services charges (where applicable) by CPI+1%. We have also assumed a 2% void loss on dwelling rents and service charges.
- 6.23 For temporary accommodation we have reduced the void rate to 10% (from 20% in 2021/22) and applied a newly proposed daily rate (eliminating the service charge). The forecast still incorporates 30 units of standard stock as well as 26 units of temporary stock in the North Taunton area.
- 6.24 For garages there has been a conscious drive to reduce voids from 17% down to an average void rate of 10% for 2022/23 in order to increase income in this area. This will be achieved through better and easier advertising and application process, promotion of sites, etc.
- 6.25 **One Team Expenditure:** The three One Teams have historically had a nominal budget to spend on discretionary activities such as projects in the locality (family activity days, sports days, skateboard activities) plus smaller amounts to assist households (furniture, moving costs, arrears, garden clearances etc). We will require the One Team Leads to work collaboratively to support wider funding bids into the community to manage with a reduced HRA fund, in light of the overall financial pressures faced by the HRA. We are therefore reducing this budget provision to £15k across the three areas.
- 6.26 **Community and Voluntary Sector Grants:** The three-year 'Inspire to Achieve' contract for employment support for our tenants ends this year and we will take the contract value as savings (£41kpa) and refer tenants into the various employment hubs developed by the Economic Development team across our District. A large number of volunteers are being recruited for these hubs and they will be in place by April 2022 and provide a similar service to Inspire to Achieve for those seeking support for CV writing, volunteering, apprenticeships and readiness for work. We also plan to make a financial saving of £10k from the HRA contribution to the Taunton CAB, which reflects the additional investment we have made in providing a second Debt and Benefit Support Officer in the past couple of years. These changes will still leave an ongoing contribution of £120k to Community and Voluntary sector organisations to provide services to directly benefit tenants.
- 6.27 **Tenancy Empowerment-Tenant Action Group:** The Tenant Action Group have access to distribute funding as follows £20k for Children and Young People Grants, £10k for Estate Improvement Grants and £14,300 for training and other costs. Each year the budget has underspent by around £10k therefore the £10k has been offered as a saving on the basis of a remaining extensive budget provision.

- 6.28 **Housing Partnership:** The **Page 30** Private Sector Housing Partnership (Somerset

Independence Plus). SWT contract services from Sedgemoor District Council to deliver disabled facilities and adaptations to housing property and other services to tenants, alongside the work of this service to support private sector residents. This is an adjustment to realign the budget based on estimated costs for this service in 2022/23.

- 6.29 **RTB Valuations:** The right to buy scheme allows tenants the opportunity to “buy back” their home if they meet certain criteria. One of the costs of administering this scheme is to undertake a valuation of the house. This has been procured externally but is being proposed to deliver this service in-house using existing resources and thus producing a cost saving.
- 6.30 **Corporate Savings:** The general fund has agreed a number of additional savings in order to close the budget Gap. Of these the HRA will be able to take its share of the reduced cost.
- 6.31 **One-Off Adjustment to Voluntary Revenue Provision (VRP):** This is a one-off adjustment to fund £800k of the current budget of £1.821m from existing non-RTB capital receipts in 2022/23. This ensures the continued contribution by the HRA to make a voluntary repayment of debt whilst temporarily releasing funds to meet revenue pressures.
- 6.32 **One-Off Funding from General Reserves:** The one-off funding of £200k from general reserves has been included subject to 2021/22 year end balances remaining above at least £2.2m. If this is not feasible then we will need to manage this through the budget monitoring process in 2022/23.

7 **Medium Term Financial Strategy**

7.1 The draft HRA Medium Term Financial Plan (MTFP) is included in Appendix A.

7.2 **Local Government Reorganisation in Somerset**

7.2.1 The County Council and four district councils in Somerset have agreed to form the Local Government Reorganisation Joint Committee (LGRJC) (see SWTC Executive Committee 20 October 2021). The LGRJC will consider the principles and basis for cost sharing and make requests of the five Councils pending the statutory provisions that are due to guide the process.

7.2.2 It is currently unknown if the HRA is expected to make a contribution towards the estimated £16.5m implementation costs as identified in the One Somerset Business Case or to financially support the additional capacity required within Somerset West and Taunton Council to mitigate the impact of transition on ‘business as usual’ service delivery.

7.2.3 The current draft MTFP assumes an estimated £500k allowance over the next 3 years for transitional costs related to implementing the new unitary council for Somerset to be funded from existing flexible capital receipts.

7.2.4 It is anticipated that 2022/23 will be the final budget year for Somerset West and Taunton as a district Council with its assets, liabilities, and functions due to transfer to the new

Somerset unitary council once it is created.

7.3 Medium Term Financial Plan

7.3.1 This MTFP has been based on the continued operation of the HRA within Somerset West and Taunton.

7.3.2 The 2023/24 position is reliant upon the full year delivery of £288k efficiency savings, a net reduction of one-off budgets of £56k seen in 22/23, rents inflating at 4.5%, cost inflation not rising further, new capital receipts of £350k and in year cost control to avoid any further pressure on general reserves. However, the current projection still requires a further £181k of one-off savings to be found.

7.3.3 The 2024/25 position is reliant on the embedding of the prior year savings of £288k and the delivery of a further full year savings of £362k, rents inflating by a further 3.25%, new capital receipts of £350k and continued in year cost control to avoid any further pressure on general reserves. The projected surplus is mainly as a result of a 53rd rental week occurring within the year plus an increase in properties through the social development schemes generating more rental income.

7.4 Efficiency Savings

7.4.1 The initial budget Gap and one-off strategy to close this Gap with temporary measures has required the leadership team to build in an efficiency savings target in order to obtain a more sustainable MTFP. The leadership team have already identified a number of efficiency saving options that will now be explored further to determine the timeframe for delivery and the amount of savings that can be delivered. The target will be to embed savings of £650k within the next three years.

7.4.2 Areas that will be investigated include: our supply chains for example stores and contracts; other service contracts; our development pipeline; a review of service charges and our central support charges; and delivery of our asset strategy as set out below. Along with maximising our income streams for example from garage lettings and grant funding opportunities.

7.5 New Capital Receipts - Active Asset Management

7.5.1 The HRA Asset Strategy sets out those activities to improve or replace properties that have a poor social, economic or environmental performance, because of low demand or high costs, and either improving them or replacing them with properties which are fit for purpose. This approach is standard practice within the sector to replace poorly performing stock with new stock that makes a positive contribution to the business plan.

7.5.2 The MTFP is now reliant upon the HRA actively obtaining new capital receipts of £350k per year for five years from 2023/24. This will enable £350k to be released from the revenue voluntary repayment of provision (debt) to provide further revenue capacity for on-going in-year operational costs. This concept is part of the approved Asset Management Strategy where the business will dispose of poorly performing properties to gain a capital receipt but also reduce excessive costs to bring the property up to decent homes and energy efficiency standards on relet. This approach will result in the disposal of a small number of dwellings, but the HRA also have other land and assets that may be suitable for disposal to generate receipts such as vacant land that could

create a single building plot on the market.

7.6 Asset Transfer

7.6.1 Duke Street car park is owned by the Council and currently held by the Housing Revenue Account, but is effectively operated as any other car park held by the General Fund. The Council is proposing to transfer the car park from the Housing Revenue Account to the General Fund. The appropriation of the car park will be undertaken in line with the latest technical guidance. Duke Street car park was independently valued for the 2019/20 accounts at £358k. The proposal is to delegate authority to the Housing Portfolio Holder and Section 151 Officer to approve the final land transfer value.

8 Dwelling Rental Income

8.1.1 The Government introduced the Welfare Reform and Work Act 2016 Social Rent Reduction, which required all social housing landlords to reduce the rent payable by tenants by 1% each year for 4 years between April 2016 and April 2019 (excluding shared ownership homes and temporary accommodation). This superseded the Government's previous 10 year rent increase policy implemented in April 2015.

8.1.2 On 26 February 2019 the Ministry of Housing, Communities and Local Government confirmed that increases to social housing rents will be limited to the Consumer Price Index (CPI) plus 1% for 5 years from 2020. The September 2021 CPI figure is 3.1% as published by the Office for National Statistics on the 20 October 2021.

8.1.3 The Regulator of Social Housing issued a new Rent Standard for 2020 under the direction of the Government. This new Rent Standard will now apply to all housing associations, whereas previously Local Authorities were excluded from such standards.

8.1.4 A separate Rent Setting Policy, covering the content and those elements proposed to be adopted by the Council from within the Regulator of Social Housing's Rent Standard 2020, was approved by Full Council in February 2020.

8.1.5 The Rent Setting Policy recommends that social rents for existing tenancies will be reviewed annually and any increases will not exceed the limit of Consumer Price Index (CPI) plus 1% for 5 years from April 2020.

8.1.6 Therefore, in accordance with the Regulator of Social Housing's new Rent Standard from April 2020 and our own adopted Rent Policy, it is proposed Dwelling Rents for 2022/23 will increase by CPI+1%. Table 2 below shows the average weekly rent for existing and new tenants.

Table 2: Average Weekly Rents

Tenancy Type		Average Weekly Rent 2021/22 (£)	Average Weekly Rent 2022/23 (£)	Average Change Per Week (£)
General Needs	Existing Tenants	85.77	89.29	3.52
	New Tenants	90.06	93.75	3.69
Sheltered / Supported Housing	Existing Tenants	78.61	81.83	3.22
	New Tenants	86.47	90.02	3.55

Extra Care	Existing Tenants	78.65	81.88	3.22
	New Tenants	86.52	90.07	3.55

8.1.7 For comparison, table 3 shows the average weekly general needs social rent for SWT in comparison with other housing (association) providers in the Somerset West and Taunton area. Please note that this data has been sourced from the Magna website¹ and we have inflated the data based on that applied to SWT rents since 31 March 2020 for comparison purposes. The data suggests that SWT is providing one of the lowest average weekly general needs social rents in the Somerset West and Taunton area.

Table 3: Average Weekly Social Rents in the Taunton Deane Area

Somerset West & Taunton	Average Weekly Rent (£) - 2021/22	Average Weekly Rent (£) - 2022/23
Aster Communities	106.20	110.55
Synergy Housing Limited	106.20	110.55
Yarlington Housing Group	105.84	110.17
Magna Housing Limited	98.42	102.46
Hastoe Housing Association Limited	95.83	99.76
LiveWest Homes Limited	95.69	99.62
Stonewater (3) Limited	95.57	99.49
Stonewater (5) Limited	95.00	98.90
Sanctuary Housing Association	94.88	98.77
Stonewater Limited	92.88	96.69
SWT	85.73	89.25
Places for People Living+ Limited	85.05	88.54

8.1.8 The increase in rental income generated year on year is vital to enable the HRA to deliver its aspirations and maintain business continuity over the long term. The HRA has an ambitious new build social development programme to add zero carbon homes to its housing stock. This will require significant investment and the need to use rental income to fund interest payments on borrowing and the repayment of debt. Income is also required to finance the continued investment in maintaining our existing homes, other assets and neighbourhoods to a high standard with a comprehensive planned programme of expenditure, adaptations and routine repairs in place. The rental income will also enable the HRA to continue providing and improve upon the strong community support offered to tenants providing them with additional support to sustain individual tenancies as well as investing in a range of community based projects and groups.

8.1.9 It is also worth noting that although the September CPI rate used for this calculation was 3.1%, the rate of inflation was actually higher in the preceding month (3.2%) and following month (4.2%). The real term costs of materials for the HRA has been far higher and this increase is needed to help offset these cost pressures. Fundamentally our costs are inflating at a higher rate than our income.

8.1.10 The consequences of freezing rents will impact both the income generated in that

¹ <https://www.magna.org.uk/your-home/rent/how-our-rents-compare>

financial year but also income generated in future years. As mentioned above in para. 5.12, a sensitivity test was undertaken to assume that rents were frozen in 2022/23 and remained at the same levels of 2021/22. This increased peak debt as well as increasing debt at the end of the period. It also reduced the amount of money the HRA could borrow. This would also create a further budget Gap for 2022/23 that would need to be funded.

- 8.1.11 The decision to inflate rents each year is difficult, even more so this year as our communities continue to respond to the challenges placed upon COVID and the economic environment. With 65% of our tenants having their rents funded through benefits, it is the 35% of self-funding tenants we need to particularly consider against the long term impact on the HRA business plan. We have seen a 3% uplift in the number of tenants receiving help with their housing costs over the last 11/12 months.
- 8.1.12 In terms of supporting our tenants who find themselves in hardship we have a range of options to help including debt and benefit advisers to enable tenants to manage their finances and to maximise the income available to them e.g. access to welfare benefits. We also have a dedicated team of officers who monitor arrears and engage frequently with tenants to ensure early intervention if the tenants are experiencing financial difficulties. In addition to this the HRA make grant payments to external agencies such as Citizens Advice and also community support organisations.
- 8.1.13 From April 2022 we will be referring tenants who request support on employment advice / readiness into the new employment hubs that the Economic Development team have facilitated. These employment support services will support tenants in our communities to improve their employment opportunities with advice on job readiness, CVs, links to training and apprenticeships and links to various employers. Further information can be found in the Equality Impact Assessment form in Appendix C.
- 8.1.14 We know approximately 65% (as at December 2021) of our tenants receive benefits that would cover the cost of their rent and service charge. Whilst we know that market rents locally have continued to increase, the Government have recently announced a freeze on the Local Housing Allowance (LHA) rates (the maximum amount that benefits can be paid up to in the private sector). However, none of our accommodation is above the LHA so if our tenants are in receipt of benefits this will be worked out on the full rent and service charge.
- 8.1.15 In November 2021 the Government announced that benefits including state pensions will increase by 3.1% from April 2022, which will help offset the cost of our rent increase and the general pressure on the cost of living. However, there is no increase in the “benefit cap”; for couples and families of £20k and for single people of £13.4k.
- 8.1.16 The £20 COVID uplift of Universal Credit (UC) has now been removed, however there have been changes to the UC taper recently announced that will go some way to mitigate the impact of this. The taper at which earned income reduces UC payments will decrease from 63% to 55%. This means working households claiming UC will get to keep an additional 8p for every £1 of net income they earn over their work allowance. This change doesn't help workers currently on the old legacy benefits such as Working Tax Credit or Housing Benefit. This change will also mean more low income working households may be eligible to claim UC. In addition, work allowances for those with children or have a disability (with limited capacity for work) will increase by £500 per year. For example, a

lone parent would be able to earn £335 net pcm before losing any UC.

9 Non-Dwelling Rental Income and Service Charges Income

- 9.1 This incorporates income from non-dwelling rents (mainly garages but also shops, land access and meeting halls), charges for services and facilities, and contributions to HRA costs from leaseholders and council tenants. This accounts for approximately 10% (c£2.8m) of total HRA income.
- 9.2 These fees and charges can be approved by the S151 Officer under delegated powers set out in the Constitution. The exception is the setting of Dwelling Rents which will still be submitted for Full Council for approval as per section 8 above.
- 9.3 The HRA fees and charges have been approved by the Section 151 Officer for 2022/23. This has generated £107k of additional service charge income for 2022/23.

10 Capital Programme

- 10.1 The draft 10-Year HRA Capital Programme from 2022/23 to 2032/33, that will deliver the capital investment proposed within the Business Plan, is shown in Appendix B.
- 10.2 The proposed budgeted spend in 2022/23 is £30.4m. Of this the social development scheme budgets have already been approved. Therefore, the additional capital budget being requested for 2022/23 is £14.378m as shown in table 4 below.

Table 4: HRA Capital Programme for 2022/23

Capital Investment	Total Cost £000
Major Works	11,051
Fire Safety	2,133
Related Assets	120
Exceptional & Extensive	350
Vehicles	155
Transformation	200
Aids & Adaptations & DFGs	370
Total Proposed HRA Capital Programme 2021/22	14,378

- 10.3 The estimated capital investment per scheme and the scheme itself is explained in more detail below. Whilst Officers have estimated the planned spend based on information currently available to them, these estimates are subject to change depending on contract negotiations, contractor availability, demand on the business, the condition of voids returned to the council and changing business priorities. Therefore, any changes to the profile of spend between schemes will be subject to approval by the Housing & Communities Director and the Housing Portfolio Holder and reported through the quarterly budget monitoring reports.
- 10.4 It is proposed that the HRA Capital Programme for 2022/23 shown above in table 4 will be funded from an appropriate combination of Major Repairs Reserves (from depreciation), revenue contributions, capital receipts, capital grants and borrowing.
- 10.5 A summary of the estimated funding profile for the 2022/23 capital programme is shown in the table 5 below. The final funding profile will be agreed by the Section 151 Officer

as per the financial procedure rules.

Table 5: Capital Investment Funding Estimates

Capital Investment	Total Funding £000
Major Repairs Reserve	9,952
Revenue (RCCO)	0
Capital (RTB) Receipts	0
Capital (Non-RTB) Receipts	0
Capital Grants Receipts	0
Borrowing	4,426
Total Funding	14,378

10.6 Major Works

10.6.1 These schemes will be focusing on ensuring that a decent homes standard is maintained and that the housing stock major components are replaced periodically as per our capital works programme for 2022/23. This will also include unplanned major works on voids where the property is returned in a poor condition and requires a full re-work ahead of the capital works programme.

10.6.2 The Major Works capital programme will be broken down into component schemes, with table 6 below showing the estimated amount to be spent on each scheme.

Table 6: Major Works

Capital Scheme	Total Cost £000
Kitchens	1,922
Bathrooms	507
Roofing	2,500
Windows	1,211
Doors	703
Fasciae and Soffits	192
Ventilation	276
Door Entry Systems	57
Voids Kitchens and Bathrooms	190
Sewerage and Drainage	200
Water	215
Scaffolding	30
Heating for Warmer Homes	1,348
Environmental Improvements	420
Unadopted Areas	150
Electrical Works	670
Insulation	300
Community Alarms	10
Other	150
Total	11,051

10.7 Fire Safety

10.7.1 The Fire Safety capital programme will be focusing on ongoing fire safety works and ensuring all housing stock continues to adhere to the fire safety regulations. The proposed capital investment will be £2.133m.

10.8 Related Assets

10.8.1 The Council also owns a number of related assets in addition to the housing stock. These include garages, meeting / community halls and shops. The proposed capital investment of £120k will ensure that these assets are maintained as required.

10.9 Exceptional Extensive Works

10.9.1 The proposed capital investment of £350k will be used for asbestos removal.

10.10 Disabled Facilities and Aids and Adaptations

10.10.1 This is an annual recurring budget for small and large scale home aids and adaptations in tenants' homes where there are mobility issues. This budget is demand led by requests from tenants or through recommendations by occupational therapists or other healthcare professionals. Applications are made through the Somerset West Private Sector Housing Partnership. The capital investment for 2022/23 will be £370k.

10.11 Vehicles

10.11.1 From October 2021 SWT has entered a new corporate fleet contract for the provision of new / replacement vehicles. From the 1 April 2022, under IFRS 16, the lease costs can be capitalised whilst the maintenance remains a revenue cost. The budget requirement of £155k reflects the estimated lease costs for the vehicles used by the HRA under the new contract for 22/23.

10.12 Social Housing Development

10.12.1 The HRA has four pre-approved social housing development schemes (North Taunton Regeneration Project, Seaward Way, Oxford Inn and Zero Carbon Pilot) which will meet our total spend requirements for 2022/23 under the RTB "1-4-1 Agreement" (explained in section 13 below). The current approved budget is £100m to be spent over the next 10 years (see Appendix B).

10.12.2 Under the programme 347 new low carbon affordable homes will be delivered between 2023 and 2031. This will be in addition to the 66 affordable homes acquired or built by the council since 2019.

10.12.3 The market is currently challenging for developers with multiple challenges including the requirement for phosphate mitigation strategies for development in the East of the District, skills shortages, inflation affecting materials and risk aversion strategies being pursued by contracts. However, two contracts are in place able to deliver 281 affordable homes.

10.12.4 Of the 347 affordable homes in the development pipeline 115 homes will be zero carbon in occupation on the first letting and all other homes will be zero carbon if customers use green tariffs or when the grid decarbonises. All homes will provide

significantly lower fuel bills to customers than other similar sized Council homes.

- 10.12.5 **North Taunton Woolaway Project** is being delivered in four new build phases and one retrofit phase. The building of 47 homes on phase A is taking place and the first home will be let in 2022. Customers are being relocated from Phase B and Ci with demolition commencing in late Spring. Phase E is a refurbishment phase and has been included in the Council's Social Housing Decarbonisation Fund bid which will be announced in December 2021. A planning application has been submitted for Phase E refurbishment and works are anticipated to commence in Spring 2022. Properties are to a low carbon standard which will be zero carbon if green tariffs are used or as the grid decarbonises. The ambition of the council is to decant all existing customers into new homes by April 2026.
- 10.12.6 **Seaward Way, Minehead** is a zero carbon affordable housing scheme is due to start on site in January 2022. The council has a contractor appointed who is currently working under a pre contract services agreement (PCSA). The PCSA will allow the council and contractor to agree a price for the scheme and move into start on site. The scheme and tenants will benefit from a high standard of insulation, photovoltaic panels, air source heat pumps and battery storage. The homes will be zero carbon on first let. The scheme is featured in the Good Homes Alliance case studies and has been presented at a number of national and regional events.
- 10.12.7 **Oxford Inn, Taunton** is a zero carbon scheme and will see a pair of semi detached houses and six apartments built on the site of the Oxford Inn. The scheme currently has a planning application under consideration which includes a phosphate mitigation strategy based on investing in existing septic tanks owned and managed by the HRA in other locations.
- 10.12.8 **Zero Carbon Affordable Housing Pilot, Taunton** is a zero carbon scheme and will see up to 50 houses and apartments built on existing HRA land including some underused garage sites. Five schemes currently have planning applications under consideration which include phosphate mitigation strategies based on investing in existing septic tanks owned and managed by the HRA in other locations. The start date of the pilots has been rescheduled in the business plan for 2024/25 to smooth the delivery pipeline.
- 10.12.9 **Wordsworth Drive Flats and Coleridge Crescent Flats Regeneration** comprises of a shop, fifteen HRA apartments and one leasehold property. The service is decommissioning the block as it has come to the end of its expected life. Surveys have shown that the buildings are uneconomic to bring up to a decent and thermally efficient standard. Should the Council support the decanting of the blocks the tenants will be provided with Homefinder Gold Band status and supported to move over a two year period. Officers will come forward with proposals for the future use of the site.
- 10.12.10 **Oake Woolaway Project** is a programme of substantial refurbishment of Woolaway properties. The works will follow the same low carbon specification as NTWP Phase E and the scheme has also been included in the councils Social Housing Decarbonisation Fund wave one bid. The works are anticipated to commence in late Summer 2022.
- 10.12.11 **Homes First** is an approach used to support high support need single homeless households. The HRA has received RSAP grant to purchase six units of accommodation

and refurbish six existing HRA homes to provide a Homes First offer.

10.12.12 It is being proposed to repurpose existing surplus budget of £6m to be spent on the two schemes: Wordsworth £1.117m and Oake £1.5m. This will leave £3.313m to be returned. No further budget is required.

11 Borrowing

11.1 In 2012 the Council took out additional external borrowing of £85.198m as part of the self-financing settlement with the Government. This meant that the total debt owed by the HRA at the start of self-financing was £99.649m (which included £9m of pre self-financing loans and £5.451m of internal borrowing).

11.2 As part of the self-financing agreement, an individual housing revenue borrowing cap of £116m was implemented for TDBC. This meant that the HRA was unable to exceed capital borrowing of £116m within the HRA Business Plan. Although the Government abolished the HRA Debt Cap in October 2018, it is proposed to maintain a prudent debt cap for the HRA.

11.3 Following the announcement in the 2020 Spending Review the HRA is unable to access new borrowing from PWLB during periods when the Council is also undertaking capital investment in assets primarily for yield, other than for treasury management and debt re-financing purposes. The HRA is still able to refinance debt falling due with PWLB.

11.4 The Section 151 Officer is working with Arlingclose, the Council's Treasury advisors, to explore alternative sources of borrowing to ensure that the HRA is able to take out new borrowing to fund the capital programme as and when required in a way that minimises debt costs and risk. The risk is that this may take longer to arrange long term finance and that the rates will be uncertain as they will be determined by the market.

11.5 The total capital borrowing requirement (debt balance) owed by the HRA at the start of 2021/22 was £109.7m. This is financed by £105.5m of existing external loans, with the balance funded through existing reserves and / or internal borrowing. During the year the HRA has taken out a new external loan of £20m for 50 years secured at 1.89%.

11.6 The Business Plan assumes that there will be a significant increase in new borrowing over the next 10 years to meet the increased ambitions for capital investment. This will result in additional cost pressures to cover the financing of this new investment and refinancing of existing loans.

11.7 The budgeted annual provision of £1.821m for the repayment of debt has been used for many years to repay existing debt, finance any new external borrowings as required or to reduce the year-on-year capital financing requirement.

11.8 Due to the financial challenges facing the HRA, the strategy to balance the budget Gap in 2022/23 is to temporarily release £800k to finance revenue pressures until new efficiency savings can be found. In terms of maintaining repayment of debt within the business plan, this £800k of revenue funding will be replaced with £800k from existing non-right to buy capital receipts. From 2023/24, for five years, the strategy to balance the predicted budget Gap will be reduce this to only £350k and replace this funding with new capital receipts.

11.9 Any surplus funds from the revenue account will be used to protect reserves in the first

instance but will then be used to reduce future capital financing requirements.

- 11.10 The funding and cash flow implications of the Business Plan will be managed in line with the Council's Capital, Investment and Treasury Strategies which is approved before the start of each year.

12 Right to Buy (RTB) Receipts

- 12.1 The RTB scheme is a Government scheme that enables tenants to purchase their homes at a discount, subject to meeting qualifying criteria. The scheme saw the maximum discount increase significantly in 2012 to up to £75,000 followed by a steady increase year on year to up to £84,600 in April 2021.
- 12.2 Taunton Deane Borough Council signed up to a "1-4-1 Agreement" with the Treasury/MHCLG to retain a higher proportion of RTB the additional receipts on the proviso, and agreed that these receipts would be used to fund new social housing. This agreement continues now under SWT until such time as the Council decides to opt out.
- 12.3 The Government introduced new rules in relation to the "1-4-1 Agreement" and RTB receipts in April 2021. The new guidance allows the Council to spend RTB receipts over a 5-year period instead of the previous 3-year period and has increased the RTB subsidy towards new affordable homes from 30% to 40%.
- 12.4 As the Council has embarked on a significant build programme the RTB will be utilised to subsidise new homes rather than acquisitions. The 1-4-1 agreement requires a capital spend of circa £18m by April 2026 and then circa £5.6m pa thereafter. The development programme up to April 2026 is circa £40m providing confidence that the subsidy will be maximised on Council owned new affordable homes.
- 12.5 To date, the Council has successfully spent all of their retained 1-4-1 receipts resulting in no returns being made to the Treasury/MHCLG.

13 Links to Corporate Strategy

- 13.1 The budget proposals for 2022/23 have been prepared in line with the HRA 2021 Business Plan and Corporate Strategy².

14 Finance / Resource Implications

- 14.1 This is a finance report and therefore no further finance comments are required.

15 Legal Implications

- 15.1 The HRA is governed by the following legislations:

- Housing Act 1985 (Part II)
- Housing Act 1988
- Local Government and Housing Act 1989 (section 74)
- Local Government Act 2003
- Localism Act 2011

15.2 The introduction of the Local Government and Housing Act 1989 meant that the HRA was now required to become a 'ring-fenced' account, completely separated from the GF. As a consequence local authorities can only include items in the HRA for which there is statutory provision, and transfers of income and expenditure between the HRA and the General Fund are only allowed in very specific circumstances. In essence, rents cannot be subsidised by transfers from the General Fund, and Council Tax cannot be subsidised by transfers from the HRA.

15.3 The introduction of the Localism Act 2011 reformed local authority housing financing with the abolition of the national subsidy system and a move to 'self-financing' from April 2012. This meant that local authority housing revenue accounts are able to retain all rental income to meet the costs of managing and maintaining their housing stock.

16 Climate and Sustainability Implications

16.1 Through the capital programme, the HRA is improving the thermally efficiency of some homes in advance of the 2023 low carbon retrofit strategy and delivery plan. These are on a small scale and will increase in number after March 2023. The service is moving towards a whole house assessment prior to investment and has a number of live grant funded schemes plus is seeking to participate in Social Housing Decarbonisation Fund wave 1 and wave 2.

17 Safeguarding and/or Community Safety Implications

17.1 The HRA has an ongoing responsibility for the safeguarding of vulnerable people within its communities. There are no changes proposed within this report.

18 Equality and Diversity Implications

18.1 The Housing Specialist has assessed the proposals presented within this report as driven by the Rent Policy and updated Business Plan. An equality impact assessment form can be found in Appendix C. Consultation on the assessment is being undertaken with relevant partner organisations. Any further feedback from them will be reported verbally at the meeting due to the publication date of this report.

19 Social Value Implications

19.1 Our approach to social value will encompass the full procurement and commissioning cycles, service planning and review, decision making and policy development as described in the Council's Procurement Strategy and other relevant corporate requirements where appropriate.

20 Partnership Implications

20.1 The Council's HRA budget includes expenditure on services provided by other key partners such as MIND, citizen's advice, Taunton East Development Trust, North Taunton and Wiveliscombe Area partnership.

21 Health and Wellbeing Implications

21.1 None for the purposes of this report. Any relevant information and decisions with regard to health and wellbeing will be reported as these emerge through the financial planning process.

22 Asset Management Implications (if any)

- 22.1 The revenue and capital budgets for the HRA include provision for maintaining our housing stock in accordance with relevant standards.
- 22.2 The Housing Asset Management strategy also encourages proactive treatment of poorly performing stock from both a financial and social perspective which will be important considerations for the future efficient operation of the service.
- 22.3 This report includes a section relating to the capital programme for 2022/23.

23 Data Protection Implications

- 23.1 None for the purposes of this report.

24 Consultation Implications

- 24.1 Consultation will be undertaken with tenants through the Tenants Strategic Group.

25 Tenants Strategic Group Comments

- 25.1 This report was considered by the Tenants Strategic Group on 14 December 2021. There was an overall appreciation of the challenging operating environment currently being experienced by the service. Questions were asked about the capital works projections in particular roofing replacement requirements, one team and other tenancy support budgets, repairs and maintenance operating efficiency, the impact of voids on rental income and void turnover efficiency and social vs affordable rental income. Overall there was support for the proposals contained in the report.

26 Community Scrutiny Comments / Recommendations

- 26.1 This report was considered, and the recommendations supported by the Community Scrutiny Committee on 7 January 2022.
- 26.2 The main comments and questions related to:
- 26.3 The lack of response from partner organisations with regards to the consultation on the equality impact assessment. This is not unusual and officers will follow this up.
- 26.4 A substantial discussion was had regarding the 4.1% increase in rents. Comments included good value for money compared to other housing associations; concern of affordability to our self-funding tenants in light of other economic cost pressures and that officers will monitor this closely; information regarding the current arrears position in light of COVID and that so far arrears were only showing a slight impact; clarification provided that benefits are paid directly to the tenant however the tenant can request for this to be paid directly to the Council; and reference to the new Household Support Grant that Somerset County Council will be receiving as further options for financial support for our tenants to access.
- 26.5 The significant pressures and challenges faced by the HRA in the report were noted and that they were clearly explained.
- 26.6 The approach to close the budget Gap in 2022/23 was deemed sensible.

- 26.7 The cost reduction in paragraph 6.26 was referred to and further information provided by the Assistant Director of Housing and Communities in light of the contribution made to CAB by the authority as whole.
- 26.8 The financial impact of LGR was challenged in that the HRA should not have to contribute towards this. It is still uncertain on what share the HRA will have to contribute towards this.
- 26.9 The proposed implementation of the asset management strategy was discussed and the reasons behind disposing of poorly performing properties as part of the overall business plan.
- 26.10 Further information was sought on the zero carbon new homes and a response will be sent to Community Scrutiny shortly.

Democratic Path:

- **Community Scrutiny – Yes (6 January 2022)**
- **Executive – Yes (19 January 2022)**
- **Full Council – Yes (8 February 2022)**

Reporting Frequency: Annually

List of Appendices

Appendix A	HRA Revenue Budget and Medium Term Financial Plan
Appendix B	HRA 10-Year Capital Programme
Appendix C	HRA Equality Impact Assessment Form
Appendix D	HRA Budget Book

Contact Officers

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APPENDIX A

HRA Revenue Budget for 2022/23 and Medium Term Financial Plan

	2021.22	2022.23	2023.24	2024.25	2025.26
	£000	£000	£000	£000	£000
Income					
Dwelling Rents	- 24,951	- 25,581	- 26,621	- 28,294	- 28,760
Non Dwelling Rents	- 704	- 767	- 790	- 804	- 816
Service Charges	- 1,623	- 1,649	- 1,915	- 1,959	- 1,998
Other Income	- 389	- 408	- 422	- 431	- 440
Total Income	- 27,668	- 28,404	- 29,749	- 31,488	- 32,014
Expenditure					
Repairs and Maintenance	6,975	8,401	8,248	8,079	8,269
Supervision and Management	3,912	3,857	3,953	4,045	4,134
Rents, Rates, Taxes and Other Charges	147	201	208	213	217
Special Services	1,049	1,100	1,139	1,164	1,188
Bad Debt Provision	180	180	187	199	203
Contribution to CDC	229	229	237	242	247
Transfer to GF	3,216	3,088	3,272	3,346	3,413
Total Expenditure	15,708	17,057	17,244	17,289	17,671
Other Expenditure					
Depreciation - dwellings	7,342	7,410	7,632	7,861	8,097
Depreciation - non dwellings	321	256	264	272	280
Interest Payable	2,669	2,883	3,311	3,565	4,199
Investment Income	-	83	- 53	- 39	- 31
Social Housing Development Fund	-	60	60	-	-
Provision for Repayment of Debt	1,821	1,021	1,471	1,471	1,471
Revenue Contribution to Capital	-	-	-	-	-
Movement in Reserves	- 194	- 200	-	-	-
Total Other	11,959	11,348	12,685	13,130	14,016
Total - (surplus) / deficit	-	-	181	- 1,069	- 327

APPENDIX B

HRA 10-Year Capital Programme from 2022/23

	Approved Budget	2021.22 £000	2022.23 £000	2023.24 £000	2024.25 £000	2025.26 £000	2026.27 £000	2027.28 £000	2028.29 £000	2029.30 £000	2030.31 £000	2031.32 £000
Capital Investment												
Major Works	14,530	£9,524	£11,051	£11,878	£12,030	£12,706	£13,373	£7,124	£7,327	£7,574	£7,785	£8,862
Fire Safety	1,756	£1,087	£2,133	£155	£159	£162	£162	£162	£162	£162	£162	£162
Related Assets	130	£130	£120	£114	£116	£119	£119	£119	£119	£119	£119	£119
Exceptional & Extensive	294	£294	£350	£311	£317	£324	£324	£324	£324	£324	£324	£324
Vehicles	469	£0	£155	£183	£194	£214	£236	£256	£262	£267	£272	£278
IT Programme	746	£746	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Capital Transition Costs	-	£0	£200	£200	£100	£0	£0	£0	£0	£0	£0	£0
Aids & Adaptations & DFGs	370	£370	£370	£383	£392	£399	£407	£416	£424	£432	£441	£450
Sub-Total Majors & Improvements	18,294	£12,150	£14,378	13,223	13,308	13,925	14,621	8,400	8,616	8,878	9,103	10,194
Social Housing Development	100,033	£5,672	£16,028	£18,921	£16,644	£11,001	£3,519	£8,546	£11,089	£4,522	£778	£0
Total Investment	118,327	17,822	30,406	32,144	29,953	24,926	18,140	16,946	19,706	13,400	9,880	10,194
Funding												
Major Repairs Reserve		£12,150	£9,952	£7,896	£8,133	£8,377	£8,664	£8,400	£8,616	£8,878	£9,103	£10,072
Revenue (RCCO)		£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Capital (RTB) Receipts		£1,002	£3,319	£3,670	£2,535	£2,310	£1,171	£3,418	£4,436	£1,809	£311	£0
Capital (Non-RTB) Receipts		£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Social Housing Development Fund		£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Hinkley Point C Fund		£470	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
S106		£58	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Capital Grants Receipts		£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Borrowing		£4,142	£17,135	£20,578	£19,284	£14,238	£8,305	£5,127	£6,654	£2,713	£467	£122
Total Funding		£17,822	£30,406	£32,144	£29,952	£24,926	£18,140	£16,946	£19,706	£13,400	£9,880	£10,194

Appendix C - HRA Equality Impact Assessment



Somerset Equality Impact Assessment

Organisation prepared for	Somerset West and Taunton Council		
Version	1	Date Completed	December 2021

Description of what is being impact assessed

Somerset West and Taunton Council (SWT) Housing Revenue Account (HRA) updated (2021/22) 30 Year Business Plan

The strategic objectives of the business plan are to: Deliver more new homes; Provide great customer service; and Improve existing homes and neighbourhood.

HRA Budget Setting 2022/23

The HRA budget setting report enables the council to set a balanced budget for 2022/23 that reflects SWT’s HRA business plan and takes into account councillor's priorities. The report provides an overview of the finances for the HRA. It covers both HRA revenue and housing capital spending, highlighting the inter-relationships between the two.

Council Housing Rents for 2022/2023

To increase council housing rents to ensure continued investment in the management, maintenance and development of council housing stock to ensure the needs of existing and potential tenants are met and to provide enhanced support for families and communities experiencing hardship.

HRA Fees and Charges for 2022/2023

To increase the fees and charges for 2022/2023 for the HRA to ensure sufficient financial resources are in place to deliver the services.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Data:

- Regulator of Social Housing – Limit on annual rent increases 2022-23;
- Somerset West and Taunton's Full Council decision on council housing rent policy - February 2021; and
- Tenant profiling data.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

Engagement:

- Consultation and regular meetings with the SWT's Tenants' Strategic Board – December 2021;

- As part of our consultation on the proposed changes the Council contacted the following groups, who were identified as having an interest in the proposals for change:
 - Compass Disability Services, Taunton (Disability);
 - Age UK, Somerset (Age);
 - Mind in Somerset, Taunton (Disability);
 - Moving Together in Somerset (Age);
 - RAISE, Somerset (Race); and
 - Caring Minds CIC, Taunton (Carers).

In summary the groups were invited to provide comment and feedback on the following:


- More council homes to be built to zero carbon standards;
- Additional investment in property repairs;
- Additional investment in safety (for example fire safety and electrical safety) works to ensure we meet relevant standards, regulatory requirements, inspection and testing;
- Consumer Price Index (at September 2021) + 1% increase in council housing rent; and
- Consumer Price Index (at September 2021) + 1% increase in council housing fees and charges (for example the grounds maintenance charge).


Specific questions requiring a response:

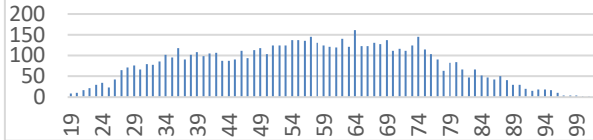
1. Any indication or evidence that any part of the proposed changes could discriminate, directly or indirectly?
2. Any potential for the proposed changes to adversely affect equality of opportunity for all?

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative Outcome	Neutral Outcome	Positive Outcome
<p>Summary</p>	<p>Every year the housing service reviews rents and service charges as well as sets the budgets that apply to the housing and garage stock. This takes into account inflation and any other financial factors in order to ensure there is enough income to deliver services. When doing so the housing service must observe government legislation and guidance.</p> <p>Increasing rent and service charges and setting budgets by the amounts specified in the report will have a neutral effect on protected groups. The cost rise to tenants itself is a relatively modest one.</p> <p>The housing service has an ambitious new build social development programme to add zero carbon homes to its housing stock. Of the 347 affordable homes in the Council's development programme 115 homes will be zero carbon in occupation on the first letting and other homes will be zero carbon if customers use green tariffs or when the grid decarbonises. All homes in development will provide significantly lower fuel bills to customers than other similar sized Council homes. This development programme will require significant investment and we will need to use rental income to fund interest payments on borrowing and the repayment of debt.</p> <p>Rental income will finance the continued investment in maintaining our existing homes, other assets and neighbourhoods to a high standard with a comprehensive planned programme of expenditure, adaptations and routine</p>			

	<p>repairs in place.</p> <p>The rental income will also enable the housing service to continue providing and improve upon the strong community support offered to tenants providing them with additional support to sustain individual tenancies as well as investing in a range of community based projects and groups.</p> <p>It could be argued that a group such as those with a disability will tend to have a lower average income than non-disabled people and therefore will be disproportionately adversely affected by any rent and service charge rise. However, people on low incomes will (if they fulfil the conditions) qualify for housing benefit or universal credit and will therefore be insulated from negative financial effects. In addition, people who have difficulties with daily activities and or mobility may qualify for Disability Living Allowance or its replacement Personal Independence Payment.</p> <p>It is understood there may be an increase in the level of rent arrears as a result of the continuing shift to Universal Credit, however this risk is being mitigated by the housing service working closely with Citizens Advice to provide advice and support services to Universal Credit claimants. The housing service also has a dedicated team of officers who provide early intervention to support tenants to sustain their tenancy and where necessary assist them to maximise their entitlement to welfare benefits – currently 65% of our existing tenants are in receipt of full or partial help with paying their housing costs i.e. housing benefit or universal credit.</p> <p>The HRA business plan makes provision for an amount of bad debt.</p>			
<p>Age</p>	<p>The graph below provides the number of council tenants by age:</p>			



All tenants will benefit from the overall investment in council housing.

No group is discriminated against in the allocation of council housing (or in the allocation of garages). All groups benefit equally.

Additional housing supply will provide an increased choice of affordable housing type, size and tenure, providing housing options for all age groups.


Improvements in energy efficiency will help to protect tenants, whatever their age or the hardships they experience, from fuel poverty.

The table below provides information on the number of council tenants in receipt of housing benefit (HB) or universal credit (UC) at 07/12/21:

Benefit type	Count of tenancies
UC	1739
Self-funder	1959
HB	1908
Total	5606

Note: Self- funder = Not in receipt of housing benefit or universal credit.


Approximately 65% of our existing tenants are in receipt of help with housing costs i.e. Housing Benefit or Universal Credit.

	<p>Somerset West and Taunton Council makes provision to help residents into employment.</p> <p>Communications on any plans that substantially affect tenants i.e. modernisations or improvement works to their home or estate may disproportionately worry tenants in sheltered or supported housing.</p>			
<p>Disability</p>	<p>Approximately 20% of our current tenants have declared to us that they have a disability. The types of disability declared include for example: dementia, hearing, mobility, visual etc.</p> <p>Again, it could be argued disabled adults are more likely to be living as a low-income household. Additionally, disabled people are more likely to not be working and where they are working, are more likely to be earning less than non-disabled people. It is evident therefore that an increase in rent is likely to specifically impact this protected characteristic. However, we believe our proposed rent increase is modest and the welfare benefit system should be able to protect people. We provide advice, help and support via our specialist officers and through working with Citizens Advice. We are therefore assessing any impact as low.</p> <p>Tenants will benefit from the overall financial investment in council housing.</p> <p>Specific provision for a range of new adapted properties will be made to provide a housing choice for those with a disability.</p> <p>Our ongoing investment of over £300,000.00 in disabled facilities and other adaptations continues and is not affected by the report proposals.</p>			

Gender	<p>The table below provides information on the number of council tenants by gender:</p> <table border="1" data-bbox="495 320 972 552"> <thead> <tr> <th>Gender</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>FEMALE</td> <td>4201</td> </tr> <tr> <td>MALE</td> <td>2482</td> </tr> <tr> <td>OTHER</td> <td>7</td> </tr> <tr> <td>Grand Total</td> <td>6690</td> </tr> </tbody> </table> <p>Tenants will benefit from the overall investment in council housing.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>	Gender	Total	FEMALE	4201	MALE	2482	OTHER	7	Grand Total	6690			<input checked="" type="checkbox"/>
Gender	Total													
FEMALE	4201													
MALE	2482													
OTHER	7													
Grand Total	6690													
Marriage and civil partnership	<p>Tenants will benefit from the overall investment in council housing.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>			<input checked="" type="checkbox"/>										
Pregnancy and maternity	<p>Tenants will benefit from the overall investment in council housing.</p> <p>Within the business plan there is potential for investment in better quality and additional family housing.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>			<input checked="" type="checkbox"/>										

Race and ethnicity	<p>The table below provides information on the number of council tenants by ethnicity:</p> <table border="1"> <thead> <tr> <th data-bbox="488 316 1021 355">Ethnicity</th> <th data-bbox="488 316 1021 355">Count</th> </tr> </thead> <tbody> <tr><td data-bbox="488 355 1021 395">ANY OTHER</td><td data-bbox="488 355 1021 395">6</td></tr> <tr><td data-bbox="488 395 1021 435">ASIAN - BANGLADESHI</td><td data-bbox="488 395 1021 435">5</td></tr> <tr><td data-bbox="488 435 1021 475">ASIAN - INDIAN</td><td data-bbox="488 435 1021 475">2</td></tr> <tr><td data-bbox="488 475 1021 515">ASIAN BRITISH</td><td data-bbox="488 475 1021 515">8</td></tr> <tr><td data-bbox="488 515 1021 555">ASIAN OTHER</td><td data-bbox="488 515 1021 555">14</td></tr> <tr><td data-bbox="488 555 1021 595">BLACK AFRICAN</td><td data-bbox="488 555 1021 595">13</td></tr> <tr><td data-bbox="488 595 1021 635">BLACK BRITISH</td><td data-bbox="488 595 1021 635">2</td></tr> <tr><td data-bbox="488 635 1021 675">BLACK CARIBBEAN</td><td data-bbox="488 635 1021 675">6</td></tr> <tr><td data-bbox="488 675 1021 715">BLACK OTHER</td><td data-bbox="488 675 1021 715">5</td></tr> <tr><td data-bbox="488 715 1021 754">CHINESE</td><td data-bbox="488 715 1021 754">2</td></tr> <tr><td data-bbox="488 754 1021 794">GYPSY</td><td data-bbox="488 754 1021 794">2</td></tr> <tr><td data-bbox="488 794 1021 834">MIXED OTHER</td><td data-bbox="488 794 1021 834">16</td></tr> <tr><td data-bbox="488 834 1021 874">MIXED WB AFRICAN</td><td data-bbox="488 834 1021 874">7</td></tr> <tr><td data-bbox="488 874 1021 914">MIXED WB CARIBBEAN</td><td data-bbox="488 874 1021 914">4</td></tr> <tr><td data-bbox="488 914 1021 962">NOT KNOWN</td><td data-bbox="488 914 1021 962">2037</td></tr> <tr><td data-bbox="488 962 1021 1002">REFUSED</td><td data-bbox="488 962 1021 1002">7</td></tr> <tr><td data-bbox="488 1002 1021 1042">TRAVELLER</td><td data-bbox="488 1002 1021 1042">3</td></tr> <tr><td data-bbox="488 1042 1021 1082">WHITE BRITISH</td><td data-bbox="488 1042 1021 1082">4255</td></tr> <tr><td data-bbox="488 1082 1021 1121">WHITE IRISH</td><td data-bbox="488 1082 1021 1121">33</td></tr> <tr><td data-bbox="488 1121 1021 1161">WHITE OTHER</td><td data-bbox="488 1121 1021 1161">263</td></tr> <tr> <td data-bbox="488 1161 1021 1201">Grand Total</td> <td data-bbox="488 1161 1021 1201">6690</td> </tr> </tbody> </table> <p data-bbox="488 1273 1429 1313">Tenants will benefit from the overall investment in council housing.</p> <p data-bbox="488 1353 1529 1422">Wider tenant participation and engagement will increase the proportion of tenants providing feedback to inform service improvements.</p>	Ethnicity	Count	ANY OTHER	6	ASIAN - BANGLADESHI	5	ASIAN - INDIAN	2	ASIAN BRITISH	8	ASIAN OTHER	14	BLACK AFRICAN	13	BLACK BRITISH	2	BLACK CARIBBEAN	6	BLACK OTHER	5	CHINESE	2	GYPSY	2	MIXED OTHER	16	MIXED WB AFRICAN	7	MIXED WB CARIBBEAN	4	NOT KNOWN	2037	REFUSED	7	TRAVELLER	3	WHITE BRITISH	4255	WHITE IRISH	33	WHITE OTHER	263	Grand Total	6690		<input checked="" type="checkbox"/>	
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	<p>Any proposed re-development of the housing stock could potentially have a negative impact on a specific group of tenants, depending upon the location.</p> <p>Communication about the business plan may not fully reach those for whom English is not their first language.</p>			
Religion or belief	<p>Tenants will benefit from the overall investment in council housing.</p> <p>Developing and supporting staff to provide great customer service will ensure appropriate and sensitive services are delivered to the religious or belief requirements of tenants.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>			<input checked="" type="checkbox"/>
Sex	<p>Tenants will benefit from the overall investment in council housing.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>			<input checked="" type="checkbox"/>
Sexual orientation	<p>Tenants will benefit from the overall investment in council housing.</p> <p>Investment in our communities will ensure information about our services is accessible so that people can benefit from all our activities. Tenants experiencing alarm, distress and harassment will benefit from investment being made into providing great customer services which will be community inclusive.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>			<input checked="" type="checkbox"/>

<p>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</p>	<p>Although the service is proposing a reduction in support for voluntary sector organisations, for example: Inspire to Achieve and Citizens Advice, these have been offset by an increased investment in benefit and welfare staff in the last 18 months and the introduction of a Council employment hub scheme which will therefore replace the existing service provided by Inspire to Achieve. In addition, we will encourage our One Team Coordinators to work with funding agencies to encourage financial bids to provide projects and support for vulnerable tenants to offset the reductions. We know that many of the agencies our One Teams have worked closely with this year were successful in leveraging money and projects into communities. We therefore believe that our offer to tenants will be at least as good as they experienced last year.</p> <p>Property lettings will be allocated via the choice based lettings system - Homefinder Somerset, which has equality and diversity policies in place to ensure protected groups are not disadvantaged.</p> <p>The increase to rent and services charges will be applied across our housing stock. This increase will have a neutral effect on protected groups. The cost rise to tenants is a relatively modest one and will enable the council to continue to provide an excellent range of services.</p> <p>To help support tenants on low incomes the housing service will continue to provide a number of initiatives to enable them to manage their finances and maximise their income:</p> <ul style="list-style-type: none"> • Publish clear information on rent which helps tenants to manage their own finances; • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity for tenants to access direct support to check they are in receipt of the welfare benefits they are entitled to claim. 			
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<p>Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.</p>				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Communications on any complex changes may disproportionately worry tenants in sheltered or supported housing. We will communicate with all tenants to explain any significant changes affecting them.	2022 - ongoing	Supported Housing Specialist.	Regular meetings and wider engagement with stakeholders.	<input type="checkbox"/>
There is potential to alienate specific ethnic groups when housing is identified for regeneration/redevelopment. We will consider the re-supply of appropriate housing to meet the needs of ethnic groups as part of any future regeneration/ redevelopment.	2022 - ongoing	Development and Regeneration Lead	Regular meetings and wider engagement with stakeholders.	<input type="checkbox"/>
Those for whom English is not their first language are not made fully aware of changes. We will offer translation of communication into alternative languages. We will engage with minority groups using existing tenant involvement channels.	2022 - ongoing	Case Management Lead Tenancy Management and Supported Housing Specialist; Housing Performance Team.	Regular meetings and wider engagement with stakeholders.	<input type="checkbox"/>

<p>There is potential to alienate religious or belief groups when housing is identified for regeneration/redevelopment. We will consider the re-supply of appropriate housing to meet the needs of any religious or belief groups as part of any future regeneration/redevelopment scheme.</p>	2022 - ongoing	Development and Regeneration Lead	Regular meetings and wider engagement with stakeholders.	<input type="checkbox"/>
<p>The increase to rent and service charges will be applied across our housing stock. The cost rise to tenants is a relatively modest one and will enable the council to continue to provide an excellent range of services.</p> <p>To help support tenants on low incomes the housing service will continue to provide a number of initiatives to enable them to manage their finances and maximise their income:</p> <ul style="list-style-type: none"> • Publish clear information on rent which helps tenants to manage their own finances; • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity for tenants to access direct support to check they are in receipt of the welfare benefits they are entitled to claim. 	2022– ongoing	Case Management Lead Tenancy Management and Supported Housing Specialist	Regular meetings and wider engagement with stakeholders.	<input type="checkbox"/>

<p>The proposed budgets for rental income in 2022/23 make provision for bad debt.</p> <p>The impact of both investment prioritisation and improvements to service delivery will be assessed in more detail as part of an annual planning process in order to identify more precisely the potential for both negative and positive impacts of the business plan.</p>	<p>2022/23</p> <p>2022 – ongoing</p>	<p>Case Management Lead – Finance</p> <p>Director of Housing</p>	<p>Regular meetings. Annual review of the HRA financial model.</p> <p>Annual review of the HRA business plan.</p>	
<p>If negative impacts remain, please provide an explanation below.</p>				
<p>N/a</p>				
<p>Completed by:</p>	<p>Stephen Boland</p>			
<p>Date</p>	<p>December 2021</p>			
<p>Signed off by:</p>				
<p>Date</p>	<p>December 2021</p>			
<p>Equality Lead/Manager sign off date:</p>				
<p>To be reviewed by: (officer name)</p>	<p>Stephen Boland</p>			
<p>Review date:</p>	<p>31st March 2023</p>			

APPENDIX D

HRA Budget Book 2022-23

	EMPLOYEES	PREMISES RELATED EXPENDITURE	TRANSPORT RELATED EXPENDITURE	SUPPLIES AND SERVICES	THIRD PARTY PAYMENTS	TRANSFER PAYMENTS	SUPPORT SERVICES	DEPRECIATION AND IMPAIRMENT	INCOME	BELOW NET COST OF SERVICES	MOVEMENT IN RESERVES	Total	
Housing & Communities (HRA)	7,684,950	4,517,690	416,720	849,370	75,470	140,160	3,315,090	7,666,400	-	28,467,020	2,980,170	821,000	-
INCOME	-	-	-	-	-	-	-	-	28,404,100	-	-	28,404,100	
SF018H		HRA General Needs							21,068,100			21,068,100	
SF038H		HRA Extra Care							369,300			369,300	
SF045H		HRA Supported / Sheltered Housing							3,753,300			3,753,300	
SF086H		HRA Temporary Accommodation							389,800			389,800	
SF063H		HRA Garage Rents							581,700			581,700	
SF064H		HRA Commercial / Shop Rents							165,790			165,790	
SF065H		HRA Land Access							19,690			19,690	
SF028H		HRA Service Charges							1,405,690			1,405,690	
SF078H		HRA Leasehold Charges for Services							233,000			233,000	
SF089H		HRA Meeting Halls							10,000			10,000	
SF019H		HRA Right to Buy Income							52,000			52,000	
SF029H		HRA PV Income							120,000			120,000	
SF057H		HRA GF Cont to Grds Maint							215,730			215,730	
SF027H		HRA Voids Rechargeable Income							10,000			10,000	
SF079H		HRA Repairs Rechargeable Income							10,000			10,000	
SF085H		HRA Other Income							-			-	
SERVICE EXPENDITURE	7,684,950	4,517,690	416,720	849,370	75,470	140,160	3,315,090	-	62,920	-	-	16,936,530	
Chris Brown	AD - Development & Regeneration	524,360	-	-	425,110	-	-	-	39,250	-	-	60,000	
HS013H	HRA Hsg Dev & Reg Team	524,360			485,110				39,250				
SF021H	HRA Social Housing Development				60,000							60,000	
Shari Hallett	AD - Housing Performance	1,251,770	72,890	6,310	280,580	27,000	140,160	3,305,480	-	-	-	5,084,190	
HS001H	HRA Housing Mgt Team	273,800						41,190				232,610	
HS020H	HRA Housing Performance Team	343,860										343,860	
SF016H	HRA Policy & Management	626,110	15,500	6,000	234,580	27,000	120,160	3,117,670				4,147,020	
SF025H	HRA Tenants Action Group	4,000		100	20,200		20,000					44,300	
SF033H	HRA Tenants Empowerment	4,000			25,800							29,800	
SF030H	HRA Insurance		57,390	210								57,600	
SF040H	HRA Cont to CDC							229,000				229,000	

		EMPLOYEES	PREMISES RELATED EXPENDITURE	TRANSPORT RELATED EXPENDITURE	SUPPLIES AND SERVICES	THIRD PARTY PAYMENTS	TRANSFER PAYMENTS	SUPPORT SERVICES	DEPRECIATION AND IMPAIRMENT	INCOME	BELOW NET COST OF SERVICES	MOVEMENT IN RESERVES	Total
Ian Candlish	AD - Housing Property	4,297,460	2,820,610	410,410	873,140	-	-	9,610	-	-	-	-	8,411,230
James White	Repairs	2,789,620	2,183,690	328,850	268,660	-	-	27,220	-	-	-	-	5,598,040
HS005H	HRA Repair & Maint Mgt Team	473,870	-	-	-	-	-	-	-	-	-	-	473,870
HS006H	HRA Repair & Maint Trade Team	1,340,390	-	-	-	-	-	116,650	-	-	-	-	1,457,040
HS002H	HRA Voids Team	133,810	-	-	-	-	-	-	-	-	-	-	133,810
HS004H	HRA Stores Team	106,090	-	-	-	-	-	18,170	-	-	-	-	87,920
HS008H	HRA Electrical Team	735,460	-	-	-	-	-	71,260	-	-	-	-	664,200
SF026H	HRA Voids	-	777,970	80,120	-	-	-	-	-	-	-	-	858,090
SF059H	HRA Voids - Redecoration Packs	-	12,000	-	-	-	-	-	-	-	-	-	12,000
SF068H	HRA Voids - Rechargeable Works	-	10,000	-	-	-	-	-	-	-	-	-	10,000
SF006H	HRA Housing Repairs	-	887,630	190,620	205,000	-	-	-	-	-	-	-	1,283,250
SF004H	HRA Garage Maintenance	-	-	-	-	-	-	-	-	-	-	-	-
SF020H	HRA Commercial / Shops Exp	-	42,620	-	2,610	-	-	-	-	-	-	-	45,230
SF055H	HRA Air Source Heat Pump Servicing	-	-	-	42,000	-	-	-	-	-	-	-	42,000
SF042H	HRA Electrical	-	351,800	58,110	19,050	-	-	-	-	-	-	-	428,960
SF043H	HRA Underground Drainage	-	37,670	-	-	-	-	-	-	-	-	-	37,670
SF077H	HRA Responsive Sewage	-	54,000	-	-	-	-	-	-	-	-	-	54,000
SF017H	HRA Rechargeable Works	-	10,000	-	-	-	-	-	-	-	-	-	10,000
Laurence Hughes	Capital Investment	266,120	297,590	-	12,040	-	-	-	-	-	-	-	551,670
HS012H	HRA Capital Investment Team	266,120	-	-	12,040	-	-	-	-	-	-	-	254,080
SF090H	HRA Pre Planned Maintenance	-	297,590	-	-	-	-	-	-	-	-	-	297,590
Darren Stone	Assets	301,390	92,850	11,820	26,000	-	-	-	-	-	-	-	432,060
HS011H	HRA Housing Asset Team	301,390	-	-	-	-	-	-	-	-	-	-	301,390
SF037H	HRA Sustainable Energy	-	27,850	-	-	-	-	-	-	-	-	-	27,850
SF056H	HRA SAP EPC & Stock Validation	-	65,000	11,820	26,000	-	-	-	-	-	-	-	102,820
Adam Evans	Compliance	940,330	246,480	69,740	590,520	-	-	17,610	-	-	-	-	1,829,460
HS007H	HRA Gas Team	435,340	-	-	-	-	-	-	-	-	-	-	435,340
HS009H	HRA Asbestos Team	192,090	-	-	-	-	-	-	-	-	-	-	192,090
HS010H	HRA Landlord Compliance Team	312,900	-	-	-	-	-	17,610	-	-	-	-	295,290
SF058H	HRA Heating Expenditure	-	196,480	42,930	10,000	-	-	-	-	-	-	-	249,410
SF003H	HRA Asbestos Expenditure	-	50,000	26,810	-	-	-	-	-	-	-	-	76,810
SF060H	HRA Compliance Expenditure	-	-	-	580,520	-	-	-	-	-	-	-	580,520
	HRA Other Operating Costs & Income	-	-	-	-	-	-	-	7,666,400	-	2,980,170	821,000	11,467,570
LL002H	Financing/Invest Inc & Exp	-	-	-	-	-	-	-	-	-	2,800,170	-	2,800,170
LL008H	HRA Inc/Dec Provsn for Bad Debt	-	-	-	-	-	-	-	-	-	180,000	-	180,000
SF049H	HRA Dep Other Land & Building	-	-	-	-	-	-	-	256,400	-	-	-	256,400
SF083H	HRA Dep Dwellings	-	-	-	-	-	-	-	7,410,000	-	-	-	7,410,000
MM000H	HRA Movement in Reserves (MIRS)	-	-	-	-	-	-	-	-	-	-	200,000	200,000
MM001H	HRA Voluntary Repayment of Provision	-	-	-	-	-	-	-	-	-	-	1,021,000	1,021,000

Somerset West and Taunton Council

Full Council – 8 February 2022

External Auditor Appointment Procurement Process

This matter is the responsibility of Executive Councillor Henley, Corporate Resources Portfolio Holder

Report Author: Paul Fitzgerald, Assistant Director – Finance and S151 Officer

1 Executive Summary / Purpose of the Report

- 1.1 This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24. PSAA is seeking a decision from existing local authorities in Somerset pending the statutory instruments that establish the new unitary council.
- 1.2 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council (initially through decisions of its two predecessor district councils for 2018/19) opted into the ‘appointing person’ national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 1.3 PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. During Autumn 2021 all local government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.
- 1.4 The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:
 - Collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements.
 - If it does not use the national appointment arrangements, the Council (and its successor) will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract.
 - It is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA’s national procurement.

- Supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.

1.5 If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

1.6 All of the S151 Officers for the five authorities in Somerset have been able to agree to make the recommendation that each Council opts in as the most beneficial option available to the current and future council.

2 Recommendations

2.1 The Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

2.2 Delegate authority to the S151 Officer to sign the Notice of Acceptance of the invitation to opt in.

2.3 The Council notes that newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015, which will enable the new unitary council to consider opting in to PSAA scheme or making alternative arrangements when legally constituted.

3 Risk Assessment

3.1 The principal risks are that the Council:

- fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
- does not achieve value for money in the appointment process.

3.2 These risks are considered best mitigated by opting into the sector-led approach through PSAA.

4 Background and Full details of the Report

Procurement of External Audit for the period 2023/24 to 2027/28

4.1 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the council is required to appoint an auditor to audit its accounts for each financial year. The council has three options:

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
- To act jointly with other authorities to procure an auditor following the procedures in the Act.

- To opt-in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

4.2 To opt-in to the national scheme, a council must make a decision at a meeting of the Full Council.

The Appointed Auditor

4.3 The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

4.4 The auditor must act independently of the council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

4.5 The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) employ authorised Key Audit Partners to oversee the work. As the report below sets out there is a currently a shortage of registered firms and Key Audit Partners.

4.6 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.

4.7 Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

Appointment by the council/Authority itself or jointly

4.8 The Council may elect to appoint its own external auditor under the Act, which would require the council to:

- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

4.9 Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

The national auditor appointment scheme

4.10 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

4.11 In summary the national opt-in scheme provides the following:

- The appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023.
- Appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints.
- Managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy.
- Ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period.
- Minimising the scheme management costs and returning any surpluses to scheme members.
- Consulting with authorities on auditor appointments, giving the Council/Authority the opportunity to influence which auditor is appointed.
- Consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk.
- Ongoing contract and performance management of the contracts once these have been let.

Pressures in the current local audit market and delays in issuing opinions

4.12 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

4.13 During 2018 a series of financial crises and failures in the private sector year led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and

effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

- 4.14 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
- 4.15 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 4.16 None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

The invitation

- 4.17 PSAA is now inviting the Council to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor. Details relating to PSAA's invitation are provided in an Appendix to this report.

The next audit procurement

- 4.18 The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:
- Seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies.
 - Continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme).

- Continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5million to relevant bodies and in 2021 a further £5.6million was returned.
- 4.19 PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.
- 4.20 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by CIPFA) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.
- 4.21 There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

Assessment of options and officer recommendation

- 4.22 If the Council did not opt in there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
- 4.23 Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 4.24 These would be more resource-intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect

quality.

- 4.25 The Council and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.
- 4.26 The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other councils to optimise the opportunity to influence the market that a national procurement provides.
- 4.27 The recommended approach is therefore to opt-in to the national auditor appointment scheme.

The way forward

- 4.28 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole), except where the authority is a corporation sole.
- 4.29 The Council then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022).
- 4.30 PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

Local Government Reorganisation in Somerset

- 4.31 PSAA is aware that reorganisations in the local government areas of Cumbria, Somerset and North Yorkshire were announced in July 2021. Subject to parliamentary approval elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.
- 4.32 If for any reason there is uncertainty that reorganisations will take place or meet the current timetable, PSAA has suggested that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.
- 4.33 All of the S151 Officers for the five authorities in Somerset have been able to agree to make the recommendation that each Council opts in as the most beneficial option available to the current and future council.

5 Links to Corporate Strategy

- 5.1 This report addresses a statutory requirement to appoint an external auditor and is not directly linked to the Council's Corporate Strategy.

6 Finance / Resource Implications

- 6.1 There is a risk that current external audit fee levels could increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.
- 6.2 Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large scale collective procurement arrangement.
- 6.3 If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.

7 Legal Implications

- 7.1 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
- 7.2 Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.
- 7.3 Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.
- 7.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

8 Audit and Governance Committee Comments/Recommendations

- 8.1 The Audit and Governance Committee on 13 December 2021 considered the report and supported the recommendations.

Democratic Path:

- **Audit and Governance Committee – Yes (13 December 2021)**
- **Executive – No**
- **Full Council – Yes (8 February 2022)**

Reporting Frequency: Once only

List of Appendices

Appendix A	Invitation to opt into the national scheme for auditor appointments from April 2023
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Contact Officers

Name	Paul Fitzgerald
Direct Dial	01823 217557
Email	S151@somersetwestandtaunton.gov.uk

22 September 2021

To: Mr Hassett, Chief Executive
Somerset West and Taunton District Council

Copied to: Mr Fitzgerald, S151 Officer
Councillor Baker, Chair of Audit Committee or equivalent

Dear Mr Hassett,

Invitation to opt into the national scheme for auditor appointments from April 2023

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at ap2@psaa.co.uk. We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to ap2@psaa.co.uk, and we will respond to you.

Yours sincerely

Tony Crawley
Chief Executive

Encl: Summary of the national scheme

Why accepting the national scheme opt-in invitation is the best solution

Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014.

We have the support of the LGA, which in 2014 worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national body.

We have the support of Government; MHCLG's Spring statement confirmed our appointment because of our "strong technical expertise and the proactive work they have done to help to identify improvements that can be made to the process".

We are an active member of the new Local Audit Liaison Committee, chaired by MHCLG and attended by key local audit stakeholders, enabling us to feed in body and audit perspectives to decisions about changes to the local audit framework, and the need to address timeliness through actions across the system.

We conduct research to raise awareness of local audit issues, and work with MHCLG and other stakeholders to enable changes arising from Sir Tony Redmond's review, such as more flexible fee setting and a timelier basis to set scale fees.

We have established an advisory panel, which meets three times per year. Its membership is drawn from relevant representative groups of local government and police bodies, to act as a sounding board for our scheme and to enable us to hear your views on the design and operation of the scheme.

The national scheme for appointing local auditors

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018.

We will appoint an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.

We aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of our quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

What the appointing person scheme from 2023 will offer

We believe that a sector-led, collaborative, national scheme stands out as the best option for all eligible bodies, offering the best value for money and assuring the independence of the auditor appointment.

The national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency;
- on-going management of any independence issues which may arise;
- access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members - in 2019 we returned a total £3.5million to relevant bodies and more recently we announced a further distribution of £5.6m in August 2021;
- collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships; and
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

We are committed to keep developing our scheme, taking into account feedback from scheme members, suppliers and other stakeholders, and learning from the collective post-2018 experience. This work is ongoing, and we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties.

Importantly we have listened to your feedback to our recent consultation, and our response is reflected in [the scheme prospectus](#).

Opting in

The closing date for opting in is 11 March 2022. We have allowed more than the minimum eight-week notice period required, because the formal approval process for most eligible bodies is a decision made by the members of the authority meeting as a whole [Full Council or equivalent], except police and crime commissioners who are able to make their own decision.

We will confirm receipt of all opt-in notices. A full list of eligible bodies that opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters which may need to be taken into consideration when appointing your auditor.

Local Government Reorganisation

We are aware that reorganisations in the local government areas of Cumbria, Somerset, and North Yorkshire were announced in July 2021. Subject to parliamentary approval shadow elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These Regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.

If for any reason there is any uncertainty that reorganisations will take place or meet the current timetable, we would suggest that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.

Next Steps

We expect to formally commence the procurement of audit services in early February 2022. At that time our procurement documentation will be available for opted-in bodies to view through our e-tendering platform.

Our recent webinars to support our consultation proved to be popular, and we will be running a series of webinars covering specific areas of our work and our progress to prepare for the second appointing period. Details can be found on [our website](#) and in [the scheme prospectus](#).

Somerset West and Taunton Council

Full Council – 8 February 2022

Licensing Policies for the Licensing Act 2003 and Gambling Act 2005

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

1 Purpose of the Report

- 1.1 The legislation which regulates gambling and alcohol, entertainment and late-night refreshment, requires the Council (exercising the functions of the 'Licensing Authority') to publish two separate policies, related to each of these regimes.
- 1.2 The purpose of this report is bring members up to speed with the work that has taken place to re-draft the two policies, with a view to them being formally adopted, in accordance with the Council's constitution.

2 Recommendations

- 2.1 Members approve the two policies proposed at **Appendices 1 and 2**.

3 Risk Assessment

- 3.1 The Corporate Risk Register makes reference to 'national law and policy'; that 'failing to meet an existing legislative requirement or fail to implement new requirements' puts the Council at risk of financial and/or reputational damage.
- 3.2 As this report goes on to explain, failing to re-adopt the Licensing Act 2003 and Gambling Act 2005 policies has the potential to undermine decisions taken by the Council when exercising its functions as the 'Licensing Authority'.

4 Background and Full details of the Report

Licensing Act 2003 Statement of Licensing Policy (SoLP)

- 4.1 The Licensing Act 2003 regulates the supply of alcohol, public entertainment (including live and recorded music, plays, performances of dance, the exhibition of films, boxing, wrestling and indoor sporting events) and the provision of late night refreshment (hot food and drink served between the hours of 23:00 and 05:00 the following morning).
- 4.2 The Council, being the Licensing Authority, is responsible for processing applications for and issuing a variety of forms of authorisation to permit the above mentioned 'licensable activities', which includes premises licences, club premises certificates, temporary event notices (TENs) and personal alcohol licences.

- 4.3 There are four statutory ‘licensing objectives’ which underpin this licensing regime. They are:
- Prevention of crime and disorder;
 - Prevention of public nuisance;
 - Public safety;
 - Protection of children from harm.
- 4.4 Section 5 of the Licensing Act 2003 Act requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. Its main purpose is to provide clarity to applicants, interested parties and designated responsible authorities (such as the Police, Fire Authority, Environmental Health etc.) on how the licensing authority will determine applications.
- 4.5 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Each local authority’s Director of Public Health in England (DPH) or Local Health Board in Wales for an area any part of which is in the Licensing Authority’s area,
 - Persons/bodies representative of local premises licence holders;
 - Persons/bodies representative of local club premises certificate holders;
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.
- 4.6 As part of its SoLP, the licensing authority may exercise certain powers under the 2003 Act in order to manage the supply of alcohol in its district, in particular.
- Publishing a cumulative impact assessment (CIA) – further information can be found between paragraphs 14.24 and 14.48 of the [statutory guidance, published by the Home Office \(web link\)](#);
 - Create an early morning restriction order (EMRO) – paragraphs 17.1 to 17.31 of the aforementioned guidance.
- 4.7 Historically, Somerset West and Taunton’s predecessors did not create CIAs or EMROs.
- 4.8 During the five-year period of the SoLP, the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met.
- 4.9 SWT has yet to publish a SoLP in accordance with the Licensing Act 2003. Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) had each published a SoLP, for the periods 2013 to 2018 and 2014 to 2019 respectively.
- 4.10 The TDBC and WSC SoLPs were/are identical, except where there are references to the authority’s name and in some cases where there are local nuances; for

example, WSC having two planning authorities as Responsible Authorities. Therefore, the SWT SoLP was drafted following that same format. Of the amendments made in the first draft, most represented minor updates; be they contact details for certain bodies or additional words of clarification/advice.

4.11 The consultation began on the 16th of July 2019 and lasted eight weeks. As well as being advertised on the SWT website and social media, the draft policy was sent to the consultees mentioned at paragraph 4.5, along with/including:

- Town and Parish Councils;
- All Responsible Authorities e.g. the Police, Fire Authority, Environmental Health etc.;
- The Taunton and Wellington Pubwatch schemes and National Pubwatch;
- Minehead Business Improvement District (BID);
- High profile licensing legal firms, such as Poppleston Allen and John Gaunt;
- Large retailers and pub chains who have a number of licensed premises in the SWT district, such as Tesco, JD Wetherspoon and Punch Taverns;
- Bourne Leisure (t/a Butlins);
- The British Board of Film Classification (BBFC);
- The Institute of Licensing;
- The British Beer & Pub Association.

4.12 Four responses (excluding simple acknowledgements) to the consultation were received; from Carhampton Parish Council, Minehead BID, the Police and the British Beer & Pub Association. These are attached at **Appendix 3**.

4.13 The Licensing Manager has considered the consultation responses and made some changes to the initial policy prepared. It was re-drafted and taken before the Licensing Committee at its meeting on the 9th of March 2020. The Police CCTV document referred to in the policy is attached at **Appendix 4**. The Licensing Committee resolved that the second draft progress to Full Council.

4.14 Delays over a period of two years resulted in a second, four-week consultation being carried out recently, to ensure the Council can demonstrate the process (of adoption) has been proper and is able to withstand legal challenge. The consultation began on the 13th of December last year and finished on the 9th of January. There was one response to this consultation from the Portman Group, attached at **Appendix 5**. Section 2.9 was added to the proposed policy following that response.

Gambling Act 2005 Statement of Principles

4.15 The Gambling Act 2005 regulates several types of gambling activity. Unlike the Licensing Act 2003, responsibility for licensing is shared between District Councils and the Gambling Commission, who are also responsible for issuing statutory guidance.

4.16 The Gambling Commission is largely responsible for the licensing of operators, the national lottery and online gambling (remote gambling). District Councils then issue premises licences and permits for betting shops, course betting e.g. racecourses, bingo, casinos, small society lotteries (more commonly referred to as raffles), gaming machines e.g. amusement arcades and so on.

4.17 Like the Licensing Act 2003, there are statutory licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.18 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a 'Statement of Licensing Principles' (referred to here on in as SoP) that they propose to apply in exercising their functions under the Act, commonly known as a Policy Statement. The SoP forms the Licensing Authority's mandate for managing local gambling provision and sets out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality. The SoP should be reviewed every three years.

4.19 As with the Licensing Act 2003 SoLP, SWT has yet to replace the TDBC and WSC SoPs, which were last reviewed in 2013. In the time since then, the Gambling Commission has published a code of practice within which there is a social responsibility code, requiring gambling operators to assess the local risks to the gambling licensing objectives posed by facilities they provide at their premises. In the drafting of the revised SoP, several paragraphs were dedicated to setting out this authorities' expectations in terms of local area risk assessments. This aside and other than minor amendments to ensure information with the SoP was up to date, the only other addition of significance was added clarification around clearly defining areas for unlicensed family entertainment centres (UFECs and a type of gaming machine arcade).

4.20 The consultation on the draft SoP took place between the 16th of July 2019 and 23rd of September 2019. Section 349(3) of the 2005 Act requires licensing authorities in England to consult with the following on their policy statement or any subsequent revision:

- the chief officer of police for the authority's area;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

4.21 The consultation was again advertised via the SWT website, social media sites and sent via email to, amongst others:

- The Gambling Commission;
- Town and Parish Councils;
- All responsible authorities, including the Police;
- The British Amusement Catering Trade Association (BACTA);
- Minehead Business Improvement District (BID);
- GamCare;
- NSPCC
- Gamblers Anonymous;
- Large operators such as Rank (t/a Mecca Bingo), Paddy Power and Betfred.

4.22 Four responses (excluding simple acknowledgements) to the consultation were

received from GamCare, HMRC, Carhampton Parish Council and Minehead BID. Responses to that consultation are attached at **Appendix 6**.

4.23 As a result of these responses, further amendments were made to policy proposed. The Licensing Committee, at its meeting on the 9th of March 2020, resolved that the policy progress to Full Council.

4.24 A four-week consultation was carried out for the proposed Gambling Act 2005 SoP, between the same dates and for the same reasons given at paragraph 4.14. Responses to this consultation are attached at **Appendix 7**. Small changes were made to the proposed policy.

5 Links to Corporate Strategy

5.1 The Council has a statutory duty to promote a number of statutory 'licensing objectives' in accordance with the Licensing Act 2003 and Gambling Act 2005, but by providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:

- Support the town centres throughout the district to meet the challenge of changing shopping habits.
- Support the enhancement of arts and culture provision within the district.

6 Finance / Resource Implications

6.1 The revising of the two policies has no financial implications.

7 Legal Implications

7.1 It is a legal requirement that the Licensing Authority publishes and re-adopts, at certain intervals, the two licensing policies mentioned in this report, in order to fully meet the statutory responsibilities. Failure to do so can undermine the authority when exercising its decision making and enforcement functions.

8 Climate and Sustainability Implications

8.1 There are no direct carbon/environmental impacts arising from this piece of work.

9 Safeguarding and/or Community Safety Implications

9.1 As described at paragraphs 4.3 and 4.17, there are statutory licensing objectives which underpin the gambling and alcohol, entertainment and late refreshment licensing regimes. The continued work of the service to achieve and promote these aims, further supports the role of the Council in maintaining community safety and safeguarding vulnerable members of society.

10 Equality and Diversity Implications

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the

authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

12 Partnership Implications

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications

14.1 No asset management implications were identified.

15 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 Consultations on the policies have been carried out in accordance with the requirements of the Licensing Act 2003 and Gambling Act 2005 and associated guidance. A second round of shorter consultations has taken place recently, to ensure that the adoption of the new policies has been undertaken in a robust way.

17 Scrutiny Comments / Recommendation(s)

17.1 The draft policy has been reviewed by the Licensing Committee.

Democratic Path:

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

Reporting Frequency: Once only Ad-hoc Quarterly

X

Twice-yearly Annually

List of Appendices (delete if not applicable)

Appendix 1	Proposed Licensing Act 2003 SoLP
Appendix 2	Proposed Gambling Act 2005 SoP
Appendix 3	Responses to consultation on proposed Licensing Act 2003 SoLP
Appendix 4	Somerset Policing District: Surveillance Camera Systems Within Licensed Premises Operational Requirement Guidance
Appendix 5	Responses to the second consultation on proposed Licensing Act 2003 SoLP
Appendix 6	Responses to consultation on proposed Gambling Act 2005 SoP
Appendix 7	Responses to the second consultation on proposed Gambling Act 2005 SoP

Contact Officers

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Somerset West and Taunton

Licensing Act 2003

Statement of Licensing Policy

2022 - 2027

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Appendix A	Glossary of terminology

Adoption & Contact Details

The full Council of Somerset West & Taunton adopted this Statement of Licensing Policy for the period 2022 – 2027.

This Statement of Licensing Policy became operative from the 8th February 2022.

For further information regarding this document please contact:

Somerset West and Taunton Council PO Box 866 Taunton TA1 9GS	Email: enquiries@somersetwestandtaunton.gov.uk Website: www.somersetwestandtaunton.gov.uk Telephone: 0300 304 8000
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1.0 Introduction

1.1 Background

1.1.1 Somerset West and Taunton Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment within the district:

- premises licences including provisional statements, variations, transfers, interim authorities and reviews
- club premises certificates
- temporary events notices
- personal licences

1.1.2 Unless otherwise stated this licensing policy will not depart from the Secretary of State's Guidance. Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy.

1.2 Aim

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives.

The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

1.3 Purpose

The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment.

1.4 Consultation

1.4.1 Before determining its policy for any five year period, the Licensing Authority will consult the following:

- the Chief Officer of Police
- the Fire Authority
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the Borough

1.4.2 The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals.

1.5 Fundamental Principles

1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the Act. Nothing in the Policy will undermine the right of any individual to apply for permissions and to have any such application considered on its individual merits. Similarly, nothing in the policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provisions have been made to do so in the Act.

1.5.2 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.

1.5.3 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.

1.5.4 It is necessary to consider national guidance in the context of local circumstances. Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of such disturbance to later in the night. The Guidance acknowledges that tighter control may be justified in residential areas and the Licensing Authority considers that this is particularly relevant to parts of its administrative area, always having regard to the individual merits of any application.

1.5.5 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the licensing objectives.

1.5.6 Once people are beyond the control of the individual, club or business holding the relevant authorisation licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in this district.

2.0 General Principles

In all applications relating to premises, the Legislation requires applicants to specify methods by which they will promote the four licensing objectives in their operating schedules. The operating schedule should include reference to the measures the applicant intends to use to promote the licensing objectives. Prior to submitting your application you may find it useful to seek the views of responsible authorities and local community to obtain information on local issues and concerns that you may wish to take into consideration prior to making your application.

2.1 Revisions to Policy.

2.1.1 The Licensing Authority has a duty to review its Licensing Policy and has therefore consulted with Responsible Authorities and other stakeholders since the implementation of the legislation in order to identify topics that may need to be added or removed from the Licensing Policy.

2.1.2 Areas of change have been necessitated through the implementation of the Police Reform and Social Responsibility Act 2011.

- 2.1.3 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they prevent sales of alcohol to persons under 18, minimise glass related injuries and or assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking.
- 2.1.4 Crime Statistics locally have indicated that a last time of entry condition has assisted in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1am.

2.2 Children and cinemas

- 2.2.1 The Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which:
- a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.
- 2.2.2 The Licensing Authority's policy is that the "Responsible Authority" in relation to the protection of children from harm will be Somerset County Council's Children's Social Care at County Hall, Taunton, TA1 4DY.
- 2.2.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, (BBFC) or in specific cases where such certificates have not been granted, the Licensing Authority.
- 2.2.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification.
- 2.2.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published on the Council's website at www.somersetwestandtaunton.gov.uk.
- 2.2.6 We shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee but it is expected that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.3 Immigration

- 2.3.1 The commencement of the Immigration Act 2016 made it a requirement for Licensing Authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
- 2.3.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

- 2.3.3 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.
- 2.3.4 Any application by an individual or partnership will mean the named persons must prove their right to work in the UK unless working for a company which are making said application.

2.4 Licensing Hours

- 2.4.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.
- 2.4.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the licensing objectives. Specifically, the applicant should ensure that the operating schedule for such a premises demonstrates how the licensing objectives will be met. Applicants are strongly recommended to seek the advice of both the Council's Licensing Officers and the Police in this regard.
- 2.4.3 This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.
- 2.4.4 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns and so applications for such premises to operate past midnight are more likely to be successful.
- 2.4.5 The Licensing Authority will pay special regard to the proximity of residential uses to the proposed premises, the parking areas and routes taken by customers when arriving at and leaving the premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential property.
- 2.4.6 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for the premises. Applicants should state in their operating schedule the time they require to clear the premises. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where the applicant can show that an extended period would assist in the promotion of the licensing objectives, the Council will consider permitting longer than 30 minutes.
- 2.4.7 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

2.5 Maximum Capacities

- 2.5.1 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues.

2.5.2 The Licensing Authority believes that some of the problems that may occur in late night licensed premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises can also assist in promoting the following three licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

2.5.3 Conditions specifying maximum capacities will be imposed where it is determined it is appropriate and proportionate in an individual case.

2.6 Late Night Refreshment

2.6.1 The Licensing Authority will expect applicants for licences, in respect of late night refreshment premises, to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

2.7 CCTV systems

2.7.1 Applicants and licence holders are encouraged to read the [CCTV guidance published by the Home Office \(link to webpage\)](#) and Avon and Somerset Constabulary; 'CCTV systems within licensing premises operational requirement guidance' before purchasing and installing a CCTV system.

2.7.2 The licensing authority may at times, when exercising its functions and in cases where it is appropriate and proportionate to do so in an individual case, seek to secure the standard of a CCTV system in a particular premises by referencing the aforementioned guidance in a licence condition.

2.8 Garages and motorway service areas

2.8.1 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas and from premises which are used primarily as a garage, or part of premises used as a garage, being a premises used for one or more of the following:

- The retailing of petrol;
- The retailing of derv (diesel);
- The sale of motor vehicles; and
- The maintenance of motor vehicles.

2.8.2 The Secretary of State's guidance refers to a licensing authority deciding if a premises is used primarily as a garage where a relevant representation is made and that it may ask the licence holder to provide further information to help decide. To that effect, in instances like that or where the licensing authority or another responsible authority is making enquiries as to the use of the premises, applicants and licence holders are encouraged to be forthcoming with information and/or data to demonstrate the primary use of the premises e.g. electronic point of sales figures.

2.9 Naming, packing and promotion of alcohol in retail premises

2.9.1 The Secretary of State's guidance states that "The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms." It goes on to identify The Portman Group who, on behalf of the alcohol industry, operate a [Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#). The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered

by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of sale material, until there has been compliance with the decision.

- 2.9.2 Retailers are encouraged to abide by The Code. It is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups.

3.0 Licensing Approach

3.1 Partnership Working

- 3.1.1 The Council recognises that Licensing functions are not the only means of promoting the licensing objectives. Delivery must involve working in partnership with Planning, Environmental Health, the Police, the Fire Authority, the Safer Somerset Group, Pubwatch schemes, Business Improvement Districts (BIDs), Parish and Town Councils, local businesses and residents, Somerset County Council, transport operators and those involved with child protection.
- 3.1.2 The Council recognises that co-operation and partnership remain the best means of promoting the licensing objectives.

3.2 Integrating Strategies

- 3.2.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.
- 3.2.2 Cultural Strategy – The Council will monitor the impact of any decisions on the provision of regulated entertainment. The aim is not to deter live music, but to ensure that the licensing objectives are promoted. The Council will monitor the effect of licensing on the provision of regulated entertainment, particularly live music and dancing, to ensure that any licensing conditions that impose any restrictions, on such events, are proportionate and reasonable.
- 3.2.3 Equality & Diversity – The Council is required by legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people. The impact of these issues on the Licensing Policy will be monitored and amendments will be made as necessary.
- 3.2.4 Enforcement Policy – All licensing enforcement will be conducted in accordance with the Regulators Compliance Code and the Environmental Health Enforcement Procedures.

3.3 Avoiding Duplication

- 3.3.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable Activities and in such cases tailored conditions may be necessary but only if relevant representations are received.
- 3.3.2 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant a licence but only if relevant representations are

received. Applicants, licence holders and notice givers are therefore reminded, in particular, of the need to be correctly registered with the council's food safety function and ensure the appropriate form of planning permission is in place, as these are separate regulatory regimes which are not superseded or overridden by an authorisation under the Licensing Act 2003. The council's website can be consulted for further information on each.

3.4 Conditions

- 3.4.1 Consideration of the licensing objectives and the impact the premises has or does not have on these will promote the need for conditions to be attached. There are already ten mandatory conditions (for alcohol alone) and these should be considered to avoid duplication.
- 3.4.2 Conditions may only be attached if relevant representations are received, any such conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. I.e. what is relevant to that premises not what is relevant to a premises just because it has a licence to supply alcohol licence.
- 3.4.3 However, where it is considered necessary to promote one or more of the licensing objectives the Licensing Authority will consider attaching conditions, if relevant representations are received.
- 3.4.4 Relevant representations must relate to one of the four licensing objectives, refer to the likely effect of the grant of the application on one or more of the licensing objectives and be based on evidence, where appropriate. The Licensing Authority will ultimately decide whether representations are 'relevant'.
- 3.4.5 There is guidance for Responsible Authorities on making representations at: <https://www.gov.uk/government/publications/alcohol-licensing-making-representations/a-practical-approach-to-making-representations-to-a-licensing-authority>
- 3.4.7 There will be circumstances where parties making representations negotiate with applicants and this can result in a compromise being reached and changes to the Operating Schedule are put forward. The Licensing Authority will, in such circumstances, treat this as a change to the Operating Schedule/application and that any representations are withdrawn, meaning a hearing is not necessary and the matter can be dealt with by Officers.

3.5 Enforcement

- 3.5.1 The Council, when planning and carrying out enforcement activities, will always have regard to the principles in the Regulators' Compliance Code.
- 3.5.2 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and any licence conditions. It will also be important to monitor the district for unlicensed Activities that require a licence.
- 3.5.3 The Licensing Authority has established protocols with Avon and Somerset Constabulary, Somerset County Council Trading Standards and Devon and Somerset Fire Authority on enforcement issues to ensure an efficient deployment of Police and Council officers.
- 3.5.4 The majority of enforcement activity will be reactive, based on reports received and information uncovered by the Authority and where breaches are identified, the Authority will generally seek to educate and encourage compliance in the first instance.

3.6 Live Music, Dancing and Theatre

- 3.6.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and, in particular, for children and young people.
- 3.6.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

4.0 Administrative Issues

4.1 Temporary Event Notices

- 4.1.1 The Act requires that a Temporary Event Notice must be given to the Licensing Authority, Avon and Somerset Police and the Council's Environmental Health Service a minimum of 10 clear working days' before the event or in the case of a Late Temporary Event Notice, not less than 5 clear working days before the beginning of the event.
- 4.1.2 The Licensing Authority however recommends that Notices are given at least 28 days before the planned event to allow enough time for the organiser to liaise with the fire authority, the police and the relevant Council officers to ensure that the event passes off safely with minimum disturbance to local residents.

4.2 Applicants for Personal Licences

- 4.2.1 The Licensing Authority places particular emphasis on the role of premises supervisors and licensees and, where the Police object, on the grounds of prevention of crime and disorder, there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.3 Large Scale Events

- 4.3.1 Large Scale events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible Authorities and possibly representatives of other organisation concerned with safety. For such events it is therefore recommended that applicants contact the Licensing and the Council's Safety Advisory Group (SAG) at the earliest opportunity, to discuss their proposals.

4.4 Reviews of Licence or Club Premises Certificate

- 4.4.1 The Licensing Act details that; where a premises licence or club premises certificate has effect, an interested party or a Responsible Authority may apply to the relevant Licensing Authority for a review of the licence. The relevant Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.
- 4.4.2 The Licensing Authority can, on review of licence or certificate, revoke the licence or certificate, suspend the licence or certificate, remove the Designated Premises Supervisor (DPS), reduce hours or licensable activity or add conditions to the licence or certificate.
- 4.4.3 The Licensing Authority recommends that Persons or Bodies considering seeking a review should discuss the matter with the Licensing Team to discuss possible alternatives and to ascertain the correct procedure.

4.5 Administration, Exercise and Delegation of Functions

- 4.5.1 The Council has a Licensing Committee, consisting of 15 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a statement of licensing policy.
- 4.5.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to sub-committees and officers.
- 4.5.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers.
- 4.5.4 The following table sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.
- 4.5.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

Matter to be dealt with	Sub-committee	Officers
Application for personal licence	If an objection is made	If no objection is made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation is made	If no representation is made
Application for provisional statement	If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If a representation is made	If no representation is made
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Application for interim authority	If a police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases

Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

5.0 The Licensing Authority as a Responsible Authority

- 5.1 There is no requirement under the Act for responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. The Council will therefore determine when it considers it appropriate to Act in its capacity as a Responsible Authority based on the individual circumstances of each situation and in accordance with its duties under section 4 of the 2003 Act.
- 5.2 The Licensing Authority would not normally expect to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority considers it reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as Responsible Authority.
- 5.3 The Licensing Authority will normally expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority.
- 5.4 The 2003 Act enables licensing authorities to Act as responsible authorities as a means of early intervention; where it considers it appropriate the Council may do without having to wait for representations from other responsible authorities.
- 5.6 In cases where the Licensing Authority is also acting as Responsible Authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officials within the authority.
- 5.7 In these cases, the Licensing Authority where possible will allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the Licensing Authority) will be a different individual to the officer who is acting for the Responsible Authority. The officer acting for the Responsible Authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the Licensing Authority.
- 5.8 Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, will be made in writing.

6.0 Suspension of licences following non payment of fees

- 6.1 In order to provide a strong incentive for businesses to pay their fees in a timely manner and save the Council the time and cost of pursuing non-payment, the Licensing Authority will use its powers under the Act to suspend licences due to non-payment of fees. Should no contact be received from a licence holder following the issue of an invoice the council will assume the licence has been surrendered and write the licence holder verifying this fact.

7.0 Further Information

- 7.1 Further information about the Licensing Act 2003 and this statement of Licensing Policy can be obtained from:

Somerset West and Taunton Council, PO Box 866, Taunton, TA1 9GS

Tel: 0300 304 8000

Email: enquiries@somersetwestandtaunton.gov.uk

Website: www.somersetwestandtaunton.gov.uk

- 7.2 Information is also available from the Department for Media Culture and Sport

2- 4 Cockspur Street, London SW1Y 5DH.

Tel: 020 7211 6200

Email: enquiries@culture.gov.uk

Website: www.culture.gov.uk

Appendix A – Glossary of terminology

Club Premises Certificate	means a certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.
Entertainment facilities	are defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
Hot food or hot drink	<p>food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <p>(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</p> <p>or</p> <p>(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>
Interested Party	<p>is defined as:</p> <p>(i) a person</p> <p>(ii) a body representing persons</p> <p>(iii) a person involved in a business</p> <p>(iv) a body representing persons involved in such businesses.</p> <p>(v) a member of the relevant Licensing Authority.</p>
Licensable Activities and qualifying club Activities	<p>are defined in the Licensing Act as:</p> <p>(i) the sale by retail of alcohol</p> <p>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</p> <p>(iii) the provision of regulated entertainment</p> <p>(iv) the provision of late night refreshment - for those purposes the following licensable Activities are also qualifying club Activities:</p> <p>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</p> <p>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</p>

	(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
Operating Schedule	means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters: <ul style="list-style-type: none"> • the relevant licensable Activities • the times at which licensable Activities are to take place and any other times the premises are to be open to the public • information about the Designated Premises Supervisor • whether any alcohol sales are on and/or off sales • the steps being taken to promote the licensing objectives.
Personal Licence	authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
Premises Licence	authorises the premises to be used for one or more licensable Activity.
Provision of late night refreshment	is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am or at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.
Regulated Entertainment	is defined as: <ol style="list-style-type: none"> (a) a performance of a play (b) an exhibition of film (c) an indoor sporting event (d) a boxing or wrestling entertainment (e) a performance of live music (f) any playing of recorded music (g) a performance of dance (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the present of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

	(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).
Responsible Authority	<p>is defined as:</p> <p>(i) Chief Officer of Police for any Police area in which the premises are situated</p> <p>(ii) the Fire Authority for any area in which the premises are situated</p> <p>(iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</p> <p>(iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</p> <p>(v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p>(vi) a body which:</p> <p>(a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and</p> <p>(b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p>(vii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated</p> <p>(viii) in relation to a vessel:</p> <p>(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable Activities</p> <p>(b) the Environment Agency</p> <p>(c) the British Waterways Board, or</p> <p>(d) the Secretary of State</p> <p>(e) the Local Licensing Authority</p> <p>(f) Local Health Bodies for the responsible area to include a Primary Care Trust</p> <p>(g) a person prescribed for the purpose of this subsection.</p>
Temporary Event	is defined as the use of premises for one or more of the licensable Activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place.

Temporary Event Notice

a document giving notice to the Licensing Authority of intention to hold a temporary event.

DRAFT

**Somerset West
and Taunton**

**Gambling Act 2005
Statement of Principles**

2022 – 2025

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1. Statement of licensing policy

1.1 Licensing objectives

The Gambling Act 2005 places a legal duty on the Council to aim to permit gambling, in so far as can be considered reasonably consistent with the pursuit of the three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 Introduction

Somerset West and Taunton Council (SWT) is the ‘Licensing Authority’ under the Gambling Act 2005 and is responsible for granting premises licences in Somerset West and Taunton (“the District”) in respect of:

- Casinos;
- Bingo premises
- Betting premises, including tracks;
- Adult gaming centres;
- Family entertainment centres (FECs).

SWT was formed in April 2019 and covers the geographical area of both the former Taunton Deane Borough Council and West Somerset Council. In the four years prior to the formation of SWT, the two councils worked together, joining management and sharing services.

The former Taunton Deane district is a mixed urban and rural area in Somerset covering approximately 178 square miles and with a population of approximately 109,883. The main urban areas are Taunton, the County Town, and Wellington. The remainder of the area is a mixture of villages and

farmland. The population of Taunton is 69,570 and Wellington 14,549 (as of 2011).

The West Somerset part of the district is predominately rural in character with agriculture and tourism being the most important commercial activities. It covers approximately 280 square miles. The population of the district is approximately 35,400 with about one third living in Minehead, which is the principal town. Only the peripheral Towns of Watchet and Dulverton and villages of Dunster, Porlock and Williton significantly interrupt the surrounding countryside.

This 'Statement of Licensing Policy' has been prepared having regard to the provisions of the Gambling Act 2005, guidance issued by the Gambling Commission and responses received during the consultation process. It follows the format of the former West Somerset Council Statement of Licensing Principles document, which is in itself similar to that of other Somerset based local authorities, with whom discussions have been held prior to finalising its draft. It is intended to be a discussion document leading to adoption by SWT as a formal Statement of Licensing Principles, after having due regard to any response from those consulted.

The formal Statement of Principles will be available on the SWT website.

The policy will come into effect on the day of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

1.3 Glossary of terms

Within this Statement of Principles, the following words and terms are defined as stated:

Licensing objectives:	As defined in section 1.1.
Council:	Somerset West and Taunton Council (SWT).
District:	The area of Somerset administered by SWT (shown in map at Appendix B).
Licences:	As defined in section 1.5 below.
Applications:	Applications for licences and permits as defined in section 1.4 below.
Notifications:	Means notification of temporary and occasional use notices.
Act:	The Gambling Act 2005.

Regulations:	Regulations made under the Gambling Act 2005.
Premises:	Any place, including a vehicle, vessel or moveable structure.
Code of practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005.
Mandatory condition:	Means a specified condition provided by regulations to be attached to a licence.
Default condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by SWT.
Responsible authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority (SWT); 2. The Gambling Commission; 3. Avon & Somerset Constabulary; 4. Devon and Somerset Fire and Rescue Service; 5. Planning, SWT; 6. Exmoor National Park Planning Authority; 7. Environmental Health, SWT; 8. Safeguarding Children Board, Social Services, Somerset County Council; 9. HM Revenues and Customs.
Interested party:	<p>For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:</p> <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices. c) Represents persons who satisfy a) or b) above; for example, Residents' and Tenants' Associations. <p>When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the</p>

Gambling Commission's Guidance to Local Authorities.

Operator licence: Is a licence issued to the operator by the Gambling Commission.

Personal licence: Is a licence issued to individuals by the Gambling Commission.

1.4 Types of licence

Within this Statement of Principles, the following words and terms are defined as stated. This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:

1. Premises Licences;
2. Temporary Use Notices;
3. Occasional Use Notices;
4. Permits as required under the Act;
5. Registrations as required under the Act.

1.5 Licensable premises and permits

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

1. Casinos (see section 4.5);
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Licensed Family Entertainment Centres;
7. Unlicensed Family Entertainment Centres;
8. Club Gaming Permits;
9. Prize Gaming and Prize Gaming Permits;
10. Temporary Use Notices;
11. Occasional Use Notices; and
12. Registration of small society lotteries.

1.6 General principles

Nothing in this Statement of Policy will:

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions

applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

When determining an application to grant a Premises Licence or whether to review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either “mandatory” or “default” conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.

The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Council will be able to consider it.

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing

Authority will normally ask them to provide evidence that they are acting as representatives of others.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

GamCare is the leading provider of information, advice and support for anyone affected by problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry. GamCare have developed the 'Safer Gambling Standard'; a voluntary process which comprises of an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. The Council will consider more favourably applications from operators who can demonstrate they are part of the [Safer Gambling Standard scheme](#).

The Council will also consider more favourably applications from members of BACTA, the trade association for the amusement and gaming industry in the UK, on account of their having to abide by [BACTA's Social Responsibility Charter and Code of Practice](#).

1.7 Advisory body for the protection of children from harm

Somerset West and Taunton Council, as the licensing authority, designates the Safeguarding Children Board as the competent authority to provide advice on the protection of children from harm.

The Safeguarding Children Board is the Somerset County Council Child Protection Unit and operates throughout the county of Somerset, covering the district of Somerset West and Taunton and has the specialist knowledge and expertise to fulfil this role.

1.8 Consultees

This Statement of Principles will be subject to formal consultation with:

1. Avon and Somerset Constabulary;
2. Devon and Somerset Fire & Rescue Service;
3. The Local Safeguarding Children Board;
4. Representatives of the holders of the various licences for premises within the district who will be affected by this Policy;
5. Persons/bodies representing the interests of persons likely to be affected by this policy; and
6. Parish and Town Councils.
7. Business Improvement Districts (BIDs)

For further information, see Appendix D.

1.9 Information exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and have established protocols in this respect. In exchanging such information, the Council conforms to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.

Contact details of those persons making representations and the details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

2. Legislation, policies and strategies

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work etc. Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-social Behaviour Act 2003;
6. The Anti-social Behaviour, Crime & Policing Act 2014;
7. Equality Act 2010;
8. Children Act 2004;
9. The Data Protection Act 2017.

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.2 Relationship with planning policies

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

The issue of a Provisional Grant of a Premises Licence is a separate and distinct process to the granting of Planning Permission. Planning and Building

Control permissions will need to be sought and approved before any development takes place.

2.3 National strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local strategies and policies

The Council will consider applications with reference to other adopted local strategies and policies, including the following:

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

2.5 Integrating strategies

By consulting widely prior to this policy statement being published, the Council will endeavour to secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee will therefore receive reports, when appropriate, on the:

1. Needs of the local tourist economy;
2. Cultural strategy for the area;
3. Employment situation in the area and the need for new investment and employment where appropriate;
4. Local crime prevention strategies;
5. Diversity and equality schemes.

The Council recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3. Decision making

3.1 Committee terms of reference

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and

responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers and/or the relevant Specialist, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

3.2 Allocation of decision making responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated

certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

3.3 Licensing reviews

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

1. Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drug crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised criminal activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods.
8. Children and/or vulnerable persons are put at risk.
9. Knowingly permitting unlawful activity.

Due consideration will be given to all relevant representations unless they fit the following:

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence, or to remove, amend or attach conditions on the Premises Licence;

- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A premises licence may also be reviewed by the Licensing Authority on its own volition.

4. Local standards

4.1 Applications and local area risk assessments

An application for a Premises Licence can only be made by a person who either holds an Operating Licence authorising him to carry out the activity in respect of which a Premises Licence is sought, or has made an application for an operating licence which has not yet been determined.

The current Licence Conditions and Codes of Practice (LCCP) published by the Gambling Commission specifies a social responsibility (SR) code. This code requires operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters referred to in this policy document.

Operators are therefore required to undertake a local risk assessment on application for a new premises licence. Furthermore, all currently licensed premises based operators must also have a risk assessment in place at that time. The risk assessments must also be updated:

- When a subsequent application for a variation of a premises licence is made;
- To take account of significant changes in local circumstances (see below); and
- When there are significant changes at an operator's premises that may affect their mitigation of local risks (see below).

The following lists some examples of what the Council considers to be significant changes occurring in the local area. The list is not exhaustive and each premises will be considered on its own merits. Operators must consider whether or not any change in the locality of their premises is one that may be considered significant:

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. The various stages of development regarding the HPC site during the years ahead is the obvious example of a risk to be assessed in terms of the District itself. Other examples affecting the immediate vicinity of a premises, however, will include where new offices,

supermarkets and hotels are either built nearby or developed from existing buildings.

- The building of new educational establishments or any significant changes to an existing facility such as, for example, the expansion of a local college.
- New gambling premises.
- The building of new premises which will be used for delivering services to vulnerable groups. Examples will include: homeless hostels, mental health care facilities and addiction rehabilitation centres.
- The building of new premises/ creation of areas that are likely to attract children. For example, youth centres, play areas, toy shops and cinemas.

The following lists some examples of what the Licensing Authority considers to be significant changes at an operator's premises. As above, the list is not exhaustive and each premises will be considered on its own merits. Operators must consider whether or not any change at their premises is one that may be considered significant:

- Any building work or refurbishment where gambling facilities are relocated within the premises.
- The premises licence has been transferred to a new operator whose policies and procedures differ from those of the previous licence holder.
- The entrance or entrances to the premises are changed. This will include changes in access from one area in a premises to another (e.g. from an Adult Gaming Centre to/ from a Family Entertainment Centre (FEC) and/or unlicensed FEC).
- New gambling facilities are made available on the premises which were not provided previously. For example, handheld gaming devices for customers, Self-Service Betting Terminals, or the provision of a different category of gaming machine.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/ or the provision of late night refreshment (Licensing Act 2003).

The SR provision is supplemented by a further code that requires operators to share these risk assessments with Licensing Authorities on new applications, variations or otherwise at the request of the Licensing Authority.

In view of the above, the Council requires that both new applicants and existing operators (licencees) develop a good understanding of the area in which they operate, or propose to operate. A risk assessment must include the location of all of the following in relation to the site of the premises:

- School
- College
- Other educational establishment (if applicable)
- Play area
- Youth centre
- Leisure centre
- Bank
- Alcohol licensed premises
- Takeaway/ fast food establishment
- Other gambling licensed premises
- Homeless hostel
- Rehabilitation centre
- Hospital/ Mental health services

Operators will also be expected to include reference to:-

- local statistics regarding crime and disorder, including anti-social behaviour;
- whether or not the premises is situated within an area of deprivation;
- any nearby residential areas occupied by a high concentration of families with children;
- ensuring staff levels are appropriate at key times of the day, taking into account nearby premises e.g. schools, pubs etc.;
- any training for staff on identifying vulnerable persons.

The Council requires a copy of the up to date local risk assessment to be kept on the premises and available for inspection on request by an Officer of the Licensing Authority.

Operators must also note that, a local risk assessment will apply to the whole premises/ building if an unlicensed Family Entertainment Centre (subject to a permit) is situated immediately adjacent to an area covered by a premises licence.

There is no mandatory requirement for a Licensing Authority to undertake a specific Local Area Profile and this authority has decided not to do so at the time of producing this policy statement.

This decision will, however, be reviewed should it be felt by the Council that potential or actual risks identified within the District deem it's production necessary. Applicants and existing operators should, therefore, take their own steps to identify risks by, for example, consulting with any relevant responsible

authorities and liaising with other gambling operators in the area where necessary.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

4.2 Assessment of need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

4.3 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. They will be imposed where there is evidence of a risk to the licensing objectives that is not adequately addressed by the policies, procedures and mitigation measures outlined in the applicant's risk assessment. The Council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

4.4 Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:

- The nature of the gambling activities carried out on the premises;
- The location of the premises in relation to schools etc.;
- The procedure put in place by the management to meet the licensing objectives;

- Issues highlighted in the premises local risk assessment;
- The identification of significant changes in the local area.

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of complaint. The District will be monitored for unlicensed premises.

The Council will seek to work actively with the Police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

4.5 Casinos

There is no resolution to prohibit casinos in the District at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos or, if licensed casinos are already operating, resolve not to permit any additional casinos.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given.

4.6 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (UFEC), and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre, the suitability of the premises in relation to their location and issues about disorder.

UFECs are premises which are "wholly or mainly" used for making gaming machines available, in accordance with the Act. The Council will, therefore, not allow a permit to be granted for an entire shopping centre or leisure centre, for example. The Council will also expect gaming machines to be situated in clearly defined areas within multi-purpose premises such as, for example, Motorway Service areas. It would not, therefore, be appropriate to site a gaming machine within a row of multi-purpose machines such as vending machines, ATM machines with no clearly defined area of separation.

In view of the above, the operator will be required to provide a detailed plan of the premises on application/ renewal of an UFEC. If the UFEC area is within a multi-purpose premises, the plan must specify the area subject to the permit application.

A local risk assessment will apply to the whole premises/building if an UFEC is situated immediately adjacent to an area covered by a premises licence.

5. Prevention of crime and disorder objective

The Council will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder arising from gambling activities.

The Gambling Commission, in its Guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” This authority agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council’s Licensing Officers and Avon and Somerset Constabulary before making a formal application.

In considering licence applications, the Council will particularly take into account the following:

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. The likelihood of any violence, public order or policing problem if the licence is granted;
5. The premises local risk assessment.

6. Ensuring that gambling is conducted in a fair and open way objective

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence, both of which are the responsibility of the Gambling Commission.

7. The protection of children and vulnerable persons objective

7.1 Access to licensed premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The Council will consult with the Somerset Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

Where premises are subject to age restrictions and there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

The Council expects that operators would have identified the risks and mitigations in their premises risk assessments.

The 2005 Act provides for a Code of Practice on access to gambling premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.

7.2 Vulnerable persons

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8. Complaints against licensed premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the

first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee considers their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.

9. Further information

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process, including application forms and guidance notes, can be obtained via:

Somerset West and Taunton Council
PO Box 866
Taunton
TA1 9GS

Email: enquiries@somersetwestandtaunton.gov.uk

Website: www.somersetwestandtaunton.gov.uk

Telephone: 0300 304 8000

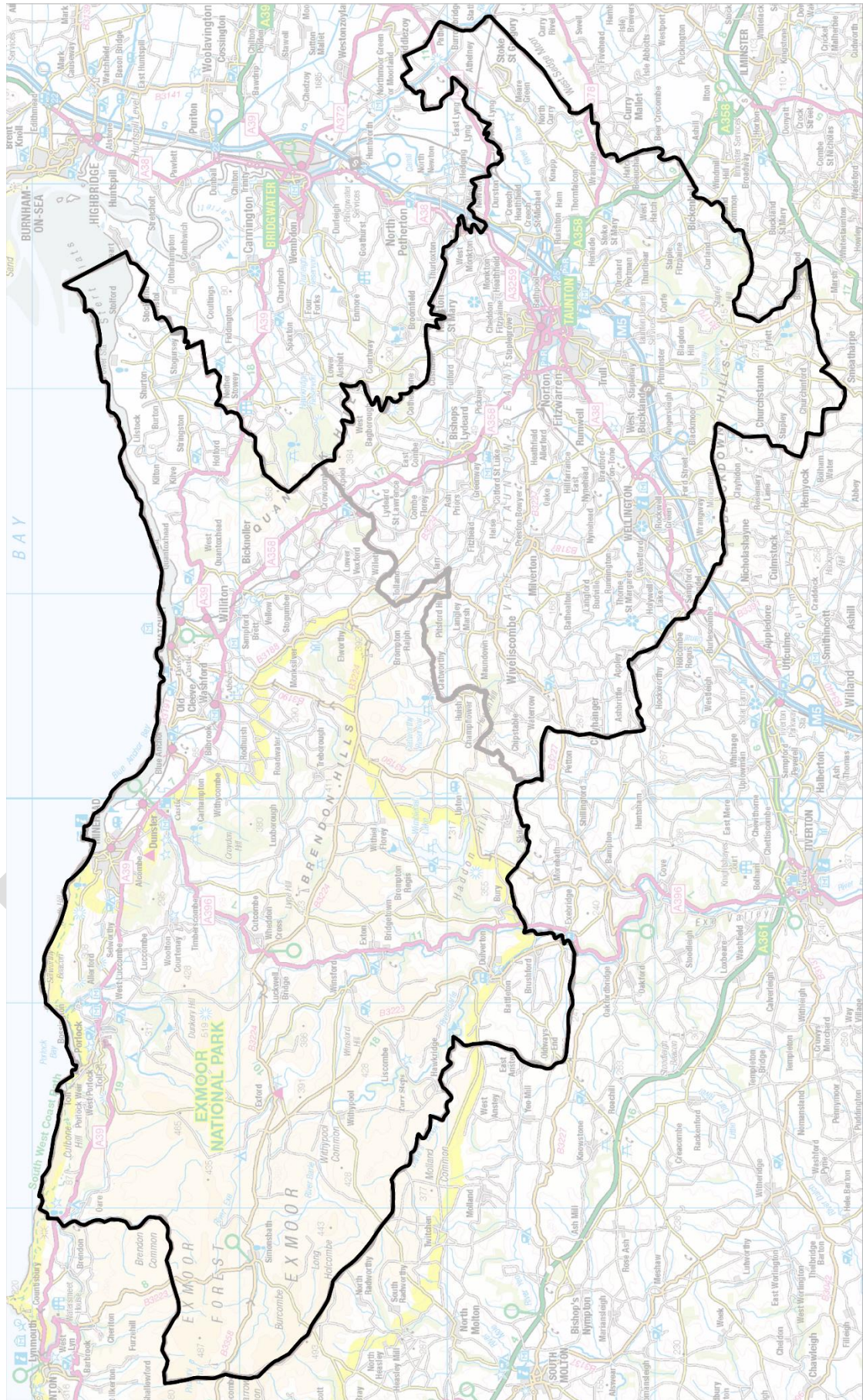
Gambling Commission
Berkshire House
168 – 173 High Holborn
LONDON WC1V 7AA

Telephone: 020 7306 6219

www.gamblingcommission.gov.uk

DRAFT

Appendix A – map of district



Appendix B – delegation of functions

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB-COMMITTEE	OFFICERS
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			✓(to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

Appendix C – relevant authority contact details

RESPONSIBLE AUTHORITY	ADDRESS
Somerset West and Taunton Council - Licensing Authority	PO Box 866 Taunton TA1 9GS
Avon and Somerset Constabulary	Liquor Licensing Bureau PO Box 3259 Bristol BS2 2EJ
Devon and Somerset Fire and Rescue Service	Devon & Somerset Fire & Rescue Service Service Headquarters The Knowle Clyst St George Exeter EX3 0NW
Somerset West and Taunton Council – Environmental Health	PO Box 866 Taunton TA1 9GS
Somerset Local Safeguarding Children Board	PP2 B3W County Hall Taunton TA1 4DY
Somerset West and Taunton Council	Development Control PO Box 866 Taunton TA1 9GS
Gambling Commission	Fourth Floor Victoria Square House Victoria Square Birmingham B2 4BP
HM Revenue and Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom

Appendix D - consultees

Elected Members, Somerset West and Taunton Council
Town & Parish Councils in Somerset West and Taunton
The Gambling Commission
BACTA (The British Amusement Catering Trade Association)
Avon & Somerset Constabulary
Devon and Somerset Fire & Rescue Service
Planning, Somerset West and Taunton Council
Planning Manager, Exmoor National Park
Environmental Health, Somerset West and Taunton Council
Safeguarding Children Board, Somerset County Council
HM Revenues & Customs
LACORS (Local Authorities Coordinators of Regulatory Services)
Association of British Bookmakers
Gamcare
Gambling Aware
NSPCC
Somerset Chamber of Commerce
Lotteries Council
Bingo Association
Gamblers Anonymous
Mecca Bingo/Rank
Paddy Power
Betfred
Butlins

Representatives of the holders of various licences for premises in the District who will be affected by this policy

Members of the public who will be affected by this policy

Note: This list is not intended to be inclusive. Comments and observations will be welcome from anyone who will be affected by this policy.

Appendix 3

Responses to consultation on proposed Licensing Act 2003 statement of licensing policy

Response 1

From: Carhampton Parish Council

Sent: 22 July 2019 08:06

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: Draft Licensing Policy

Good morning Mr Rendell

Before I presented the Draft Licensing Policy to Members of the Carhampton Parish Council for their comments, I thought I had better read it.

I have come across a number of minor what I believe to be errors which you may wish to take on board although not issue a revised Draft at this stage.

Page 3 para 1.1.1 (end of 1st para) and 1.4.1 (end of last bullet point) both refer to "Borough" – I suggest this should be "District"

Page 4 para 1.5.6 (end of para) refers to "Borough" which probably should be "District"

Page 4 para 2.1.1 (1st Line) should read "The Licensing Authority **has** a duty to review **its** Licensing Policy and **has** therefore...." The Licensing Authority is a single body – this is the only place in the document where it suddenly becomes a plural body!

Page 6 para 2.3.4 (2nd line) should read "working for a company **which is** making said....."

Page 6 para 2.4.2 and 2.4.4 – I am intrigued that Activity has a capital letter but assume that this probably follows regulation speak.

Page 10 para 4.4.2 (2nd line) – what does DPS mean please? I cannot find an earlier reference to such an abbreviation.

Page 10 para 4.5.5 Table Heading (2nd column) – in the text of para 4.5.5 there is reference to a Licensing Committee and Sub-Committee but the table heading only refers to Sub Committee. Interestingly in the Gambling Act document the same table has both!

Page 11 paras 5.2 and 5.4 – the word Act has a capital letter but the sense of the sentence does not refer to an Act of Parliament therefore it should be a lower case a. Likewise on the 7th line (para 5.2) Action has a capital A but doesn't need it.

Page 12 para 6.0 and 6.1 – "non payment" should have a hyphen (as it does in the 3rd line but not the second of 6.1).

Hope you find these comments useful

Alan Hemsley

Clerk to the Parish Council www.carhamptonpc.org.uk

Response 2

From: Andrew Hopkins

Sent: 23 July 2019 10:22

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: RE: Consultation on draft of new Licensing Act 2003 statement of licensing policy

Morning John,

Many thanks for including me in this. I have had a read through of your proposed amendments which I agree with, but would suggest the following amend to 3.1.1 – to mention Business Improvement Districts, Parish and Town Councils as you previously mentioned the Town Centre Manager which is a post (as you say) that no longer exists, but I would suggest we would be the organisations that would work in partnership with SWT on activities of this nature as well as local businesses and residents.

I hope this can be included.

See you soon,

Andrew

Andrew Hopkins
Minehead BID Manager

.....

Response 3

From: Nicola Cooper

Sent: 27 August 2019 11:39

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: RE: Consultation on draft of new Licensing Act 2003 statement of licensing policy

Hi John

Quite a brief policy so if I may add some comments as follows:-

1. Do you have a copy of the “Regulators Compliance Code” and “Environmental Health Enforcement Procedures” as referred to under section 3.2.4? Please could you provide me with copies.
2. What are the “established protocols” you have with Police that you refer to in section 3.5.3. Is it such that you would take on any prosecutions for us as the Licensing Authority as is the case with other Authorities in the A&S Area?
3. I think it would be useful to include all of the other Legislation which is applicable as I think it important that applicants are aware and able to consult other legislation to avoid duplication.
4. Are you able to include some regarding the relationship with Planning and how the two Depts. Run separately – again applicants are often not aware of this.

5. Finally, please could you give consideration to including “where there is a need to include a provision of a CCTV Surveillance system in order to promote the licensing objectives when a) offered in the Operating Schedule or b) by agreement with the Police or applied by a Licensing Panel an expectation that the system meets the Avon & Somerset Constabulary Operational Requirement and Home Office Guidance.” Or something similar?
6. It would also be helpful to include details regarding garages and s.176 of the Licensing Act and its requirements. Eg. Footfall figures and information on “excluded premises”.

I look forward to hearing from you.

Nicola Cooper 8820 PLPQ ABII Dip CII
Area Licensing Practitioner – Taunton & West Somerset

Licensing | Avon and Somerset Police

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Response 4

BBPA’s Feedback on Proposed Revisions to the SoLP

Paragraph 2.4.4 – we would suggest that the Council reiterate their guarantee to evaluate each application on its individual merit. We would also suggest that promoting establishments at which alcohol consumption is not the primary activity should not place licensee applications for pubs, or any establishment where alcohol consumption *is* the primary activity, at any disadvantage. The vast majority of pubs are well-run businesses where alcohol can be bought and consumed in a socially responsible environment, and we would not wish to see pubs penalised due to a generic classification.

Section 2.5 – we would suggest that maximum capacities be evaluated on individual merit and may not necessarily assist, or may even hinder, promoting the licensing objectives listed.

Paragraph 2.5.1 & 2.5.2 – we would suggest this paragraph be better placed in section 2.4 and/or 2.6, and that queue management may be better addressed under section 2.5.

Paragraph 3.4.1 – inclusion of a reference to the “ten mandatory conditions (for alcohol alone)” would be helpful.

Section 4.3 – this should presumably say “it is therefore recommended that applicants contact the Licensing Authority and the Council’s Safety Advisory Group (SAG).”

BBPA contact re this response:

Andrew Green, Policy Manager – Pub Operations

Somerset Policing District
SURVEILLANCE CAMERA SYSTEMS
WITHIN
LICENSED PREMISES
OPERATIONAL REQUIREMENT
GUIDANCE



Amended 12/07/2018
Page No

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1 Introduction

Closed Circuit Television, commonly referred to as CCTV, whilst still popular, the term is no longer accurate. Industry standards often use the term video surveillance system (VSS) in preference to CCTV. In this guide, we have used the term surveillance camera system (or “system” for short). A surveillance camera system includes the cameras and all the related hardware and software for transmitting,

processing and storing the data which is captured. A correctly designed, installed and maintained system can be an effective tool in the potential prevention and detection of crime.

This document is intended to provide a **minimum** performance specification for the installation of a system, or the upgrade of an existing system, within licensed premises. The primary objectives of installing a system within such an environment are –

- To seek to influence behaviour of patrons.
- To protect staff and property.
- Where necessary, to provide unequivocal evidence of an incident to assist subsequent prosecution.

An effectively installed and managed system will also help to prevent criminal and anti-social behaviour.

Proposed system installations for licensed premises must comply with the requirements of this guidance. A suitably qualified company should be engaged to design and install the system to ensure compliance.

A system specification will be supplied to the Licensing Authority.

The following guidance seeks to assist the reader in the procurement process. It provides a checklist of criteria which are required for the specification of an effective surveillance system and is, in part, based upon advice published by the Home Office Centre for Applied Science and Technology (CAST) (formally the Home Office Scientific Development Branch (HOSDB)).

There is a requirement for those operating surveillance systems that meet these minimum standards to ensure suitable auditing procedures for the retention of recorded images and that there is a requirement for any surveillance evidence requested by police to be provided

2 Operational Requirement Analysis

What is an Operational Requirement?

“A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped for solutions”.

In its simplest form an Operational Requirement (O.R) makes the reader ask a series of simple questions -

- Why am I installing a surveillance system?
- What do I want it to do?
- Where should I install cameras?
- How should I record the images?

The Home Office Centre For Applied Science and Technology advise the use of the Operational Requirement checklist methodology for a number of reasons including –

- It is relevant to any size of system – Town Centre to Corner Shop.
- It is relevant to any type of system – Analogue or Digital.
- It is relevant at any stage in the system's life – from initial concept to upgrade.
- It identifies the role that the surveillance system will play in the overall security strategy for the premises.

When a client contracts an installer to design a surveillance system the installer will require certain information to enable them to create the specification for an effective system. It is unlikely that the client will have sufficient technological knowledge to specify which equipment is required.

The use of an Operational Requirement approach simplifies the process and reduces the opportunities for confusion, which may lead to a non-complaint installation.

The Operational Requirement should answer the following questions –

Who and/or where is to be observed?

- Customers, Patrons and staff.
- Internal/External use

What activities are of concern?

- Incidence of disorder.
- Assaults.
- Theft of property.
- Damage to property.
- Dealing of drugs.
- Drug abuse.
- Suspicious actions.

Why are the activities being observed?

- To monitor behaviour.
- To recognise and identify offenders.
- To produce physical evidence of incidents, which may subsequently be used in Court?

Picture Quality

The quality of images recorded is of paramount importance. They should therefore -

- Clearly show actions of persons involved in an incident.
- Provide supporting evidence of identity of offenders.
- Show an overall view of the scene.
- Be time and date stamped.
- A basic Operational Requirement covering these points should enable the installer to specify an appropriate system.

3 Equipment

In its simplest format, surveillance systems comprise of one or more cameras, a multiplexer, a monitor, and a means of recording images. If poorly specified, each item has the potential to reduce the image quality. To enable accurate identification from recorded images, the Police Scientific Development Branch recommends that the system should produce an image quality at the monitor of 450 TVL (television lines)

4 Cameras

Image quality is measured against the Human Identification Test developed by the Centre for Applied Science and Technology as a means of auditing the efficiency of a surveillance system.

Human identification test

The purpose of this test is to help system commissioners and auditors to demonstrate the system under review is capable of providing images that can be identified.

The test consists of nine human faces. A random selection is presented to the camera at an appropriate distance. An operator attempts to match the presented face to a reference list. The operator's accuracy is then scored and used to evaluate the capability of the system to record identifiable images at this distance.


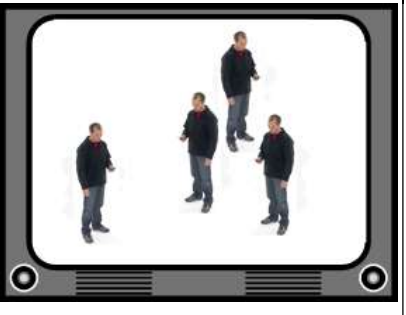
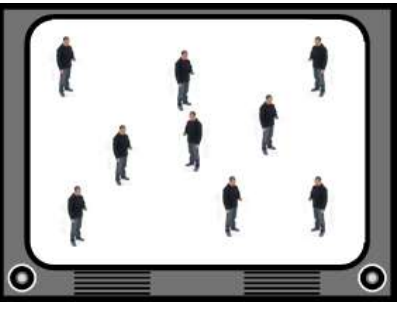
Vehicle registration number (VRN) legibility test

The purpose of this test is to evaluate whether a system can provide images suitable for reading a VRN. The test kit specifies nine segments of VRN characters. A random selection of these segments is shown to the camera at an appropriate distance. An operator attempts to match the presented VRN to a reference list and their accuracy is scored.

Colour rendition test

This test will help to establish whether a surveillance system can provide images with reasonably accurate colour information. The test kit includes a basic colour chart which is presented towards the camera at a suitable distance. The operator can then verify the level of match between the colours on a reference chart and the colours seen through the imaging system.

There are three image standards -

		
<p>Identify 4 mm per pixel or 250 pixels per metre or 100% of the available screen height or 40% Full HD screen height</p>	<p>Recognise 8 mm per pixel or 125 pixels per metre or 50% of the available screen height or 20% Full HD screen height</p>	<p>Observe 16 mm per pixel or 62.5 pixels per metre or 25% of the available screen height or 10% Full HD screen height</p>
<p>Sufficient picture quality and detail to identify an individual beyond reasonable doubt. Must pass HOSDB 'Faces' test.</p>	<p>Viewers can say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before. Same recording quality setting as that used for identify.</p>	<p>Some characteristic details of the individual, such as distinctive clothing can be seen. Must be able to distinguish between individuals.</p>
<p>Screen height is how much space vertically a 1.7m tall figure would occupy, as shown in the diagram above.</p>		

The quantity and location of cameras will be site specific. They must meet the requirements identified within the Operational Requirement procedure in accordance with BS.EN.50132.7. The cameras wide dynamic range must be operational 24 hours at all light levels, not disabled at low light - full colour.

In the case of licensed premises, shops & supermarkets; All external public access doors must be fitted with colour cameras which enable clear, unobstructed images of all persons entering/exiting the premises. Where practicable, these cameras should be mounted internally.

These cameras must be capable of producing CAST Identification standard images (a minimum of 400 TVL resolutions and **100%** screen target height) and monitor.

In particular cases of licensed premises; The exterior of all entrance/exits will be covered by cameras to a radius of 4 metres of that door capable of providing CAST recognition standard images (a minimum of 400TVL resolution at **100%** screen height) at the monitor.

All internal cameras must be capable of producing CAST Recognition standard images (a minimum of 400 TVL resolutions at **50%** screen target height) at the monitor.

For further information regarding this test please see contact details below

Video team
The Centre for Applied Science and Technology
Woodcock Hill
Sandridge
St Albans
Hertfordshire
AL4 9HQ

email: castenquiries@homeoffice.gsi.gov.uk
switchboard: (+44) (0)1727 865051
fax: (+44) (0)1727 816233

Cameras can be susceptible to interference and vandalism. Cameras should be fitted with robust anti-tamper housing to prevent such actions if they are vulnerable.

All cameras must be a minimum standard of 400 TVL. They must have back light compensation, direct drive or amplification capability, and a sensitivity of a minimum of 4 lux.

With advances in Internet Protocol (IP) cameras, ensure adequate security measures are in place to prevent unauthorised web access.

5 **Monitors**

A colour monitor must be provided with the system to view live or recorded images. The monitor must not be located where it can be viewed by unauthorised personnel.

The monitor must be capable of producing minimum of 400 TVL processed images if using older analogue equipment or LED (light emitting diode) a more modern and lower power consumption technology used in flat screen displays. Images displayed on monitors must not be visible from outside the premises.

Certain premises may be advised to install a “comfort” monitor in the vicinity of the external public access doorways(s). This monitor should display images produced by the camera covering the said doorway. It **must not** display images produced by any other camera located within the premises. Patrons entering the premises will be made aware of the fact that their images are being recorded by a surveillance system, enhancing the systems potential deterrent value.

6 **Recording of Images**

As established during the Operational Requirement process one of the main reasons for installing a surveillance system is to produce evidence, which may be used in Court in accordance with BS.8495. The images must therefore be recorded.

Images must be recorded onto the hard-drive of a digital recorder.

7 Digital Recording Systems

The video format utilised must be PAL or PAL/NTSC.

The system must incorporate sufficient build-in hard-drive capacity to suit the number of cameras installed. The system must record at a minimum of **6 frames per second (fps) on all cameras within the premises, however, cameras covering entrance doors must record at 12fps** (*real time equals 25 frames per second so this would record/capture 50% of action*). This can be achieved either by total capacity of the hard-drive or where appropriate, by event controlled recordings, ie alarm activated or motion activated.

The system must have duplex multiplexing facility or greater, to allow for simultaneous image recording and playback. There must be no interruption in recording during the playback process.

The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any windows compatible computer.

The image file should therefore be transferred to a WORM (Write Once Read Many Times) media such as CD-R disc. CD-R must be "finalised" or "closed" in the CD-writer before the disc is removed, otherwise the image file may not be viewable.

The system must produce images, which are watermarked as part of the original recording process. There must be no subsequent watermarking of images (ie at the time of transfer to removable media).

The application software required to launch and view recorded images must be either included as part of a standard Microsoft operating system installation or be installed to the recorded media when the data is copied to that media.

The quality of the copied data must be of a high resolution as defined by the PC industry standards, eg 1024 x 768.

The Digital Multiplexer must have the facility to be password protected.

8 Image Quality

The image quality setting of recorded images must be set to the operational requirement rather than to minimise the storage capacity.

The system must be capable of producing images to the CAST Identification and Recognition standards.

The compression standard should be H.263 or H.264, JPEG or MPEG4. The high resolution images should not be heavily compressed therefore providing poor quality playback images.

9 Image Retention

Systems are often set to over-record images after a set period of time. The system should be capable of recording and retaining **31** days of images before over-recording.

10 Time and Date Stamp

Digital recording equipment must record time and date information as part of the image file. The time/date must be accurate.

11 Image Integrity

The integrity of images removed from a hard-drive for evidential purposes is vital. They must be protected at the earliest opportunity to reduce opportunities for challenges in Court. Designating the image as read only can prevent alteration or erasure.

12 Security of Equipment

The monitor and recording equipment should be located in a **secure** room. Where this is not practicable, the recording equipment must be stored in a **secure** cabinet to prevent unauthorised access, tampering, or removal of images.

13 Lighting

When lighting premises, consideration must be taken into account regarding the following factors, which will dramatically reduce the quality of images recorded –

- Excessive shadows.
- Glare into the lens.
- Back-lighting.
- External lighting.
- Impact of rapid changes in light levels from ‘Disco lighting’, lasers etc

Steps must be taken to eliminate or reduce the impact of such factors.

Particular attention must be given to lighting in the area of public access doors. The lighting must produce “white light” to enable clear images and accurate colour retention.

The fields of view of **all** cameras must be sufficiently well lit to enable them to operate as required under normal working conditions.

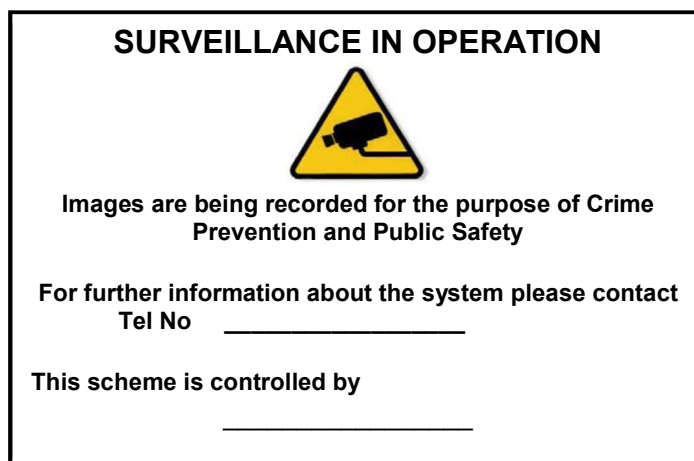
14 **Signage**

Each system installed must include appropriate signage.

The Data Protection Act 2018 requires that signage around the area where surveillance is being used be erected.

The signs should be placed in the proximity of the cameras so that anyone entering a camera zone will be aware that they are entering an observed area. Advice from the Information Commissioner is that signs should be at least A3 size with wording to identify the person or organisation responsible for the scheme, the purpose of the scheme and who to contact regarding complaints about the scheme.

For example –



15 **Surveillance Systems and the Data Protection Act 2018**

All aspects of the system must comply with the Data Protection Act 2018 and registered with the Information Commissioners Office (ICO) at ICO.org.uk The Office of the Data Protection Supervisor has produced guidance in relation to how the Act should be interpreted, including advice on the required signage. For further information please contact – Data protection - GOV.UK

16 **Installation**

All electrical installation works must be carried out to 17th Edition IEE Wiring Regulations BS7671: 2008. A Minor Works certificate for design, construction, inspection and testing must be provided before completion. The contractor will need to satisfy themselves that existing electrical circuits comply with the current 17th edition electrical regulations before commencing the installation.

17 **Commissioning**

The complete system must be fully tested, and commissioned in the presence of a representative of the client. The purpose of this test is to determine whether or not the cameras cover the required areas, and if they are capable of providing images to the required standards. An acceptable certificate will need to be signed to prove the installation meets the specification defined.

18 **Training/Systems Management**

As part of the commissioning procedure, the installer must train the client, or the client's representative, to operate the system and associated equipment effectively. The training must include details of the client's responsibilities in relation to the effective maintenance and management of the system, the provision of user manuals, all relevant handbooks, and technical data. A full workshop manual should be provided.

A separate operator's manual should be provided for system users.

The Client must appoint a trained Data controller who will be responsible for the general administration, operation, maintenance and supervision of the system.

All users must be fully trained in the operation of the system and be made aware of their general legal responsibilities, at all times of operation of the premises there must be a competent person present on the premises capable of replay and export of recordings quickly onto a removable storage medium. Only CD or DVD will be acceptable, the export method must be proportionate to the storage capacity and pictures should be exported in the native file format at the same quality that they were stored on the system in accordance with BS.8495. This master copy will be available at the time on request of an investigating officer.

An operations manual and code of practice must be provided to cover staff training, fault reporting, maintenance management and evidence handling procedures. The management section should identify the person responsible for the system and daily checking.

19 **Service/Management Support**

The system must be regularly serviced by qualified operatives to maintain the quality of images recorded; the system must be "fit for purpose". A record will be kept of all faults, any fault will be "returned to service" within 7 days.

Where any investigating agency becomes aware of three faults within a rolling 12 month period, the system operator will be warned. Where five

faults occur within a 12 month rolling period, the matter will be brought to the attention of the licensing authority for breach of conditions attached to the licence.

Each system installed will require a maintenance contract.

Camera Locations	
All licensed areas must be covered by surveillance system.	
The location of cameras is as important as ensuring that the System installed is of a high standard. Please see the checkpoint areas listed below for camera locations -	
Entrances/exits and lobby areas	
Pavement area immediately outside entrances of premises	
Corridors to toilet facilities	
Designated Drug Search areas inside premises	
Vending Machines/Gaming Machines	
Gaming areas, ie pool tables	
Bar areas	
Corridor areas	
Internal public areas	
Car Parks	
Beer Gardens/Patio areas	
Security offices (safes)	
Storerooms	
Entrances to living quarters	
Delivery areas	

Camera locations may be specified at the discretion of the Avon & Somerset Police / South Somerset District Council / Mendip Council/ Sedgemoor District Council/ Taunton Deane Borough Council/ West Somerset Council –

- *Licensing Officer*
- *Crime Reduction Officer*
- *Crime Prevention Design Advisor*

In respect of any new applications, variations (excluding minor) and premise licence reviews.

Whilst all surveys, reports and recommendations prepared by the Avon and Somerset Constabulary are believed to be accurate and reliable, they are prepared on a voluntary basis without charge. You should note that the Chief Constable, the Avon and Somerset Police Authority and the Home Office will not accept any liability whatsoever, in contract tort (including negligence and breach of statutory duty) or otherwise for any loss, apparatus or materials recommended being found unsuitable, inadequate or defective.

The total elimination of crime cannot of course be guaranteed and in any event is the responsibility of the criminal. However, the range of options mentioned, if implemented, should reduce the opportunity for a crime to be committed.

Crime reduction strategies should be re-assessed on a regular basis.

SURVEILLANCE SYSTEM OPERATIONAL REQUIREMENT CHECKLIST	
1 Name of Premises	
2 Date	3 Sheet No
4 Location within premises	

	Doorway	Corridor	Room	Other
5	Who/What/Where is to be observed?			
6	Which activity is to be observed?			
7	Why is the activity being observed?			
8	Likelihood of an activity occurring - frequency			
	High	Medium	Low	
9	Picture quality achieved			
	25% R Observe	50%R Recognition	100% R Identification	
10	Lighting conditions			
	Natural	Light	Artificial Light	Both
11	White Light Requirement			
	(Public Access Doorway)	Yes	No	
12	Additional comments/Notes			
* A CHECKLIST SHOULD BE USED FOR EACH CAMERA OR LOCATION WITHIN THE PREMISES. PLEASE TICK APPROPRIATE BOXES				

General Data Protection Regulation (GDPR) & Data Protection Act 2018

Compliance Advice

Small User Checklist

Introduction

This checklist is designed to help operators of small systems comply with the legal requirements of the General Data Protection Regulation Act 2018 and the

Data Protection Act 2018; it details the main issues that need to be addressed when operating a surveillance system. When used as part of a regular review process it should help to ensure that the system remains compliant with the requirements of the Act. Compliance is the duty of the owner/operator

It is important that the General Data Protection Regulation Act is complied with because failure to do so may result in action being taken under this Act. Failure to comply with Data Protection requirements will also affect the police’s ability to use the surveillance images to investigate a crime and may hamper the prosecution of offenders.

If you use a system in connection with your business you should work through the checklist and address all points listed. This will help you to ensure that your system remains within the law and that images can be used by the police to investigate crime.

**Small User Checklist
Operation of the Surveillance System**

This surveillance system and the images recorded by it are controlled by _____ who is responsible for how the system is used and for the notifying of the Information Commissioner about the system and its purpose (this is a legal requirement of the Data Protection Act 2018).

The above controller has considered the need for using a surveillance system and has decided it is required for the prevention and detection of crime and for protecting the safety of staff/customers. It will not be used for other purposes.

	Checked / Date	By	Date of Next Review
The controller is aware that notification to the Information Commissioner is			

necessary and must be renewed annually			
Notification has been submitted to the Information Commissioner and the next renewal date recorded			
Cameras have been sited so that their images are clear enough to allow police to use them to investigate a crime			
Cameras have been positioned to avoid capturing the images of persons not visiting the premises			
There are signs showing a system is in operation visible to people visiting the premises and the controllers contact details are displayed on the sign where it is not obvious who is responsible for the system			
The recorded images from this system are securely stored, where only a limited number of authorised persons may have access to them			
The recorded images will only be retained long enough for any incidents to come to light (eg for a theft to be noticed)			
Recordings will only be made available to law enforcement agencies involved in the prevention and detection of crime, and no other third parties			
The operating equipment is regularly checked to ensure that it is working properly (eg the recording media used is of an appropriate standard and that features on the equipment such as the date and time stamp are correctly set)			
The controller knows how to respond to requests from individuals for access to images relating to that individual. If unsure the controller knows to seek advice from the Information Commissioner as soon as such a request is made			

Please keep this checklist in a safe place until the date of the next review

Appendix 5

Responses to the second consultation on proposed Licensing Act 2003 statement of licensing policy

Only response:

From: SharedInfo <SharedInfo@portmangroup.org.uk>

Sent: 15 December 2021 14:43

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: RE: Consultation on proposed Licensing Act 2003 statement of licensing policy

Dear John,

Thank you for contacting us to contribute to the consultation on your licensing policy.

We know that several other authorities have included a brief reference and description of the Portman Group as the regulatory body for alcohol marketing in the UK through our Code of Practice in the main body of the text as well as contact details in their document annexes.

This builds on the UK Secretary of State's initial Guidance on the Licensing Act in 2004 which commended the Portman Group Code: "The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy" - which was subsequently adopted by many local authorities across the UK in their licensing policies.

If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following:

The Portman Group Code of Practice

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups.

I would also highlight the latest edition of the [Code of Practice](#), which was published in 2019 and contains several [new important updates](#) including action to target offensive marketing and associations with illegal behaviour.

I would also highlight the following technical points -

- We have recently moved office and our new address is Millbank Tower, 21-24 Millbank, London SW1P 4QP
- Our new telephone number is - 020 3925 5704

I do hope you find the above useful and if you have any questions, or if you are not receiving our Retailer Alert Bulletins, please just let me know.

Kindest regards,

David

David Saer
Senior Policy and Public Affairs Manager



Appendix 6

Responses to consultation on proposed Gambling Act 2005 statement of principals

Response 1

From: Catherine Sweet

Sent: 16 July 2019 16:55

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: Consultation on draft of new Gambling Act 2005 statement of licensing principals

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.

- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification (now being replaced by our [Safer Gambling Standard](#)) is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications
T: 020 7801 7028



**Click here to sign-up
to our e-newsletter**

Response 2

From: olivia.brady@hmrc.gov.uk [mailto:olivia.brady@hmrc.gov.uk] **On Behalf Of** NRUBettingGaming@hmrc.gov.uk
Sent: 17 July 2019 12:14
To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>
Subject: RE: Consultation on draft of new Gambling Act 2005 statement of licensing principals

Good Afternoon

As one of the responsible authorities quoted in your gambling policy appendices I thought I should let you know our postal contact address is now:-

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

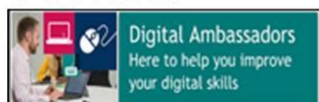
Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk

Kind Regards,

 | **BT & C | Excise Returns Team**
Portcullis House, Glasgow, G2 4PZ

✉ olivia.brady@hmrc.gov.uk

☎ 07870864499



Response 3

From: Carhampton Parish Council

Sent: 22 July 2019 08:18

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: Draft Gambling Policy

Good morning Mr Rendell

Before I presented the Draft Statement of Principles in relation to the Gambling Act 2005 to Members of the Carhampton Parish Council for their comments, I thought I had better read it.

I have come across a number of minor what I believe to be errors which you may wish to take on board although not issue a revised Draft at this stage.

Page 5 “Default condition” last line – “excluded by West Somerset Council” – should this be SWT?

Page 7, 5th main para, last sentence “In determining an application....”. This is repeated in the 2nd para of para 2.2 on page 10 and in para 4.2 on page 16.

Page 8 para 1.7 – both paragraphs have reference to West Somerset or West Somerset Council.

Page 11 para 3.1 The heading is Committee terms of reference but the text starts with “A Licensing Sub-Committee”. I have briefly read SWT’s Constitution and the minutes of the first meeting of the Licensing Committee and find that no sub-committee has yet been established. You may wish to reflect this situation in the text of this paragraph. This comment also applies to para 3.2 (2nd para) on page 12.

Page 18 para 4.6 (3rd para) – suddenly in this document the word “We” appears (2nd and 4th lines). I suspect this should be “The Council”.

Page 21 1st para on that page 2nd line – should read “the Licensing Committee **considers** their valid....”

Hope you find these comments useful.

Alan Hemsley
Clerk to the Parish Council
www.carhamptonpc.org.uk

Response 4

From: Andrew Hopkins
Sent: 23 July 2019 10:35
To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>
Subject: RE: Consultation on draft of new Gambling Act 2005 statement oflicensing principals

Hi John,

With this one, I have spotted the following:

1.7. West Somerset Council is written down rather than SWT

1.8 and Appendix D can a reference to 'Business Improvement Districts' be added?

Many thanks,
Andrew

Andrew Hopkins
Minehead BID Manager

Appendix 7

Responses to the second consultation on proposed Gambling Act 2005 statement of principals

Response 1

From: John Richards

Sent: 13 December 2021 20:11

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: Re: FW: Consultation on proposed Gambling Act 2005 statement of licensing principals

Hi John

Have had a quick read and ONE paragraph stands out as an extreme restrictive trade practice and I believe unlawful.

In an open society the council should not impose restrictive trade practices.

I refer:-

The Council will also consider more favourably applications from members of BACTA, the trade association for the amusement and gaming industry in the UK, on account of their having to abide by [BACTA's Social Responsibility Charter and Code of Practice](#).

I do trust you understand that BACTA is a secular society made up of national amusement machine operators that does not, nor ever has, represented the "rank and file" of gaming machine industry. The majority of small operators refuse to join the organisation as it ONLY represents the views and wishes the national operators. There is plenty of evidence to this effect and for many years there is a separate operators association called "The independent operators association"

The part about abiding by their code is misleading, as ALL operators with a Gambling Commission operators license MUST comply with all the codes and regulations, otherwise their license is likely to be rebuked.

This paragraph needs to be removed for fairness and openness, otherwise it looks like the council is blackmailing people to join an organisation that does not represent them.

This paragraph covers this adequately

The current Licence Conditions and Codes of Practice (LCCP) published by the Gambling Commission specifies a social responsibility (SR) code. This code requires operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters referred to in this policy document.

Otherwise a reasonable and pretty standard document, BUT, the new clauses of a risk assessment SHOULD include a list/example of what you require because a "risk assessment" means different things to different people.

I hope that helps and my observations will be dealt with,

Your sincerely,
John Richards
Free Enterprise Games
Licensed by the Gambling Commission for the supply and repair of gaming machines.

Response 2

GOSSCHALKS

BY EMAIL ONLY
LICENSING SECTION
SOMERSET WEST AND TAUNTON COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4279170
Your ref:
Date: 22 December 2021

Dear Sirs,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019. London's casinos alone contribute over £120 million to the tourism economy each year.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible, and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

This consultation comes at a time when many BGC members with land-based premises are recovering from the devastating impact of the pandemic. Premises were closed for much of 2020 and throughout much of 2021. The casino sector, for example, was closed for over half of 2020 and for over half of 2021 (to date). The pandemic has put an enormous strain on the company balance sheets of casino operators.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of ‘problem gambling’ (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

Figures published by the Gambling Commission in October 2021 show that the rate of problem gambling in the year to September 2021 was 0.3%, having fallen from 0.6% the previous year. The moderate risk rate has also decreased significantly to 0.7% in the year to September 2021 compared to 1.2% in the year to September 2020.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The raft of measures that have been put in place recently both by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act.

Both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased. It has reduced.

In June 2020, the BGC’s five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC also recognises the Gambling Commission’s National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working to deliver new responsible gambling initiatives including technology that tackles problem gambling and increased funding for problem gambling clinics.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting and gaming operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting and operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Considerations specific to the draft Gambling Act 2005 Statement of Principles 2022-2025

On a number of occasions throughout the policy, there are references to the promotion of the licencing objectives and indeed paragraph 1.1 indicates that the council will carry out its various licencing functions with a view to promoting the three licencing objectives. Any reference to promoting the licencing objectives should be amended in order to avoid confusion with Licensing Act 2003 applications. Under Gambling Act 2005, applications for premises licences must be reasonably consistent with the licensing objectives. There is no duty upon any entity to promote the licensing objectives for the Gambling Commission. In the circumstances, these references should be amended.

Paragraph 3.3 contains a list of criminal activities which may result in a review of premises licence. This is unnecessary and this paragraph can be amended by simply indicating that representations may be that criminal activities are taken place upon the premises.

Part 4 of the draft statement of principles explains the Licensing Authority's approach' to local area risk assessments. Within this section is a list of bullet points that the authority may consider significant and which, therefore, would warrant a new risk assessment being undertaken.

This list of bullet points should be redrafted. As only changes which would materially affect risk to the licensing objectives should be considered. The opening of a new pay day loan establishment or pawn brokers shop is not relevant to any assessment of risks to the licensing objectives and therefore this bullet point should be deleted. Similarly, the opening of a new public house or any other premises licence to sell alcohol has no bearing on any assessment of risks to the licensing objectives. This bullet point should also be redrafted.

Thereafter, within the same section, the draft statement of principle contains a further list of bullet points detailing matters that must be taken into account when preparing a local risk assessment. This includes pay day loan/pawn shops and places of worship. For the reasons given above, a pay day loan/pawn shop should be removed as should the installation of a cash machine/ATM and places of worship. Whilst it is accepted that places of worship may attract large numbers of people, there mere existence cannot be relevant to any assessment of risks to the licencing objectives.

Paragraph 4.3 explains the Licensing Authority's approach to the imposition on conditions on premises licences. This section would be assisted by an acknowledgement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation which is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that is not adequately addressed by the policies, procedures and mitigation measures outlined in the applicant's risk assessment.

It is important that these policies, procedures, and mitigation measures are dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks maybe changed very quickly. However, if the mitigation measures are the subject to the premises licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay the implementation of any change and would cause unnecessary expense and administration for both operators and the licencing authority.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Report Number: SWT 15/22

Somerset West and Taunton Council

Full Council – 8 February 2022

Changes to the Constitution

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

Report Author: Kevin Williams – Deputy Monitoring Officer, Lesley Dolan Deputy Monitoring Officer & Marcus Prouse – Governance Specialist.

1 Executive Summary / Purpose of the Report

- 1.1 The matters set out in this report amount to modest changes to the SWT Constitution. This is to achieve, better clarity, the updating of minor changes and procedural refinement. This will ease the interpretation and effectiveness of the Constitution.

2 Recommendations

- 2.1 Full Council resolves to:
- 2.2 Accept the proposals from the Deputy Monitoring Officers (DMOs) and delegates to the DMOs the amendments to give effect to the proposals.

3 Risk Assessment

- 3.1 Failure to update the Constitution could lead to an impact on the way Council operates and makes decisions.

4 Background and Full details of the Report

- 4.1 The Constitution is required to be reviewed on an ongoing basis. It is proposed to make the following changes to the Articles and Chapters of the Constitution.

4.2 SECTION 1 – Terms of Reference for Planning Committee

- 4.3 Appendix A is the current Constitution text. Appendix A1 is the Constitution text with the track changes visible and Appendix A2 is the revised document as is proposed.

- 4.4 The purposes of these changes are as follows:

- To reflect changes in Officer designations
- To provide better clarity within the text by clearer drafting. So, for example, the explanation as to why a Planning Application is referred to the Committee, has

been amended.

4.5 Terms of Reference for the Phosphates Planning Sub-Committee

4.6 Full Council on October 5th 2021 approved the governance and delegated authority arrangements for managing and setting up the subcommittee of Planning Committee to manage the interim strategy to meet the needs of affected development.

4.7 Appendix B sets out terms of reference for the Sub-Committee which will be inserted into the Constitution at Appendix A1 and A2 (subject to Full Council approval).

4.8 **SECTION 2 – Council Procedure Rules**

4.9 These rules provide a framework for the management of Full Council. Various changes are proposed as follows:

- Clarity on definitions of Extraordinary and Special Council meetings.
- Notices of Motion
- Procedure for the consideration of motions and amendments (with and without notice) and rules of debate
- Notification of substitutes
- Addition of a Petitions Scheme

4.10 There are a series of alterations to the rules for Councillors to consider as may be appropriate. The purpose of these amendments is to clarify and improve upon the practical procedures at Full Council, whilst maintaining appropriate Chairperson's discretion.

4.11 Council Petition Scheme

4.12 Information on the procedure for lodging a petition and the Petition Scheme is set out at Article 16 in the Council Procedure Rules (Appendix C)

4.13 This is not up to date and does not provide a detailed facility for the submission of e-petitions. Rather than make small amendments it is easier to insert an up to date Petitions Scheme and appropriate fresh recital in the Constitution (Appendix F).

4.14 Members have a discretion to determine the thresholds in relation to petitions as follows:

4.15 The discretion is underpinned by the Local Democracy, Economic Development and Construction Act 2009. It was originally proposed to set the threshold at 1 percent of the population of the District (1600), which is the same criterion as currently applied by the County Council. This is a matter for Members to consider and the Audit and Governance Committee on 13th December recommended that the petition threshold be left as it currently is (200). The threshold for the Districts and the County are provided below (table 1);

<u>Somerset Local Authority:</u>	<u>Current petition threshold:</u>
South Somerset District Council	8000
Sedgemoor District Council	1100
Mendip District Council	1500
Somerset County Council	1 percent of population (5000)
Somerset West and Taunton Council	200

4.16 Members are referred to:

4.17 Appendix C (current Council Procedure Rules), Appendix C1 (Council Procedure Rules with track changes), and Appendix C2 (Council Procedure Rules as proposed).

4.18 **SECTION 3 – Revision of Key Decisions Financial Threshold**

4.19 The current constitution defines Key Decisions in Article 13 in the Articles of the Constitution (Appendix G). This is set out in the following text:

4.20 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).*

4.21 On Page 89 – Thresholds are defined at 3.3 in the Executive Procedure Rules of the Constitution – (see following page);

Heading	Area	Threshold
Revenue	Supplementary Revenue Budget	Allocations between £150,001 and £250,000. (Allocations £250,001 and above to be approved by Full Council).
	Revenue Virements	£150,001 and above (in consultation with the Section 151 Officer).
Capital	Supplementary Capital Budget	Allocations between £150,001 and £250,000. Approval must also be given by the Section 151 Officer.



		(Allocations £250,001 and above to be approved by Full Council).
	Capital Virements	£150,001 and above (in consultation with the Section 151 Officer).

- 4.23 A report to Full Council on 7th December 2021 provided for a Local Government Reform (LGR) Joint Scrutiny Committee. The Terms of Reference included that the Call-In thresholds for potential Key Decisions of the Joint Scrutiny Committee (of the County Council and the four Somerset Districts) will be fixed for the financial threshold at £500,000. Subject to the establishment of the LGR Joint Committee the consequence would mean that there were two sets of criteria to assess Key Decisions which were not aligned; one for the LGR Joint Committee and Joint Scrutiny Committee and one for the SWT Executive and SWT Scrutiny Committee(s)
- 4.24 It would be sensible at this stage to align the thresholds for Key Decisions for both the Joint Committee(s) and the SWT Executive. This would provide consistency and avoid varying thresholds having to be applied. Also, it would mean that there were varying call-in thresholds for the Joint Committee(s) and the two SWT Scrutiny Committees.
- 4.25 It is therefore proposed that a Key Decision of the SWT Executive shall be amended to bring it into line with the Joint Committee as follows:
- 4.26 Decisions involving significant expenditure as set out in the Financial Thresholds in the Executive Procedure Rules and this shall be £500,000.
- 4.27 13.3b) will thus read that a Key Decision is – *i) 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.*
- 4.28 *In determining the meaning of “significant” for the purposes of paragraphs (b) above, regard shall be had to any guidance for the time being issued by the Secretary of State in accordance with section 38 of the 2000 Act. Following such guidance, the Council has decided that, so far as financial considerations are concerned, for the purposes of (b)i and ii) above, a “key decision” will be those decisions of £500,000 in value or more.*
- 4.29 This is the financial threshold going forward and is expected to be the figure used for the unitary authority. This is to be confirmed by members subject to the approval of the new unitary authority’s Constitution. These amendments will bring alignment to the statutory requirements.
- 4.30 Subject to the approval of this change, the Monitoring Officer will make consequent amendments to the Executive Procedure Rules, Financial Procedure Rules and Contract Procedure Rules to reflect the change.
- 4.31 **SECTION 4 – Revision of Contract and Financial Procedure Rules**
- 4.32 These documents are attached at Appendix D and E and are minor revisions reflecting role title changes.

5 Links to Corporate Strategy

- 5.1 Having an up to date and effective Constitution is a fundamental element of being a well managed Council.

6 Finance / Resource Implications

6.1 None arising from this report.

7 Legal Implications

7.1 None arising from this report.

8 Comments from Audit and Governance Committee

8.1 Audit and Governance Committee considered this report at their meeting on 13th December 2021. The Committee supported all of the proposed changes to the Constitution except the proposed change to the threshold of the number of petitions required to be placed on a Council Agenda, which they felt should remain at 200.

Democratic Path:

- **Audit and Governance Committee – Yes**
- **Executive – No**
- **Full Council – Yes**

Reporting Frequency: Ad-hoc

List of Appendices (background papers to the report) (delete if not applicable)

Appendix A	Terms of Reference for Planning Committee (current version)
Appendix A1	Revised Terms of Reference for Planning Committee (with Track Changes)
Appendix A2	Revised Terms of Reference (as amended)
Appendix B	Terms of Reference of Phosphates Planning Sub-Committee
Appendix C	Council Procedure Rules (current version)
Appendix C1	Council Procedure Rules (with Track Changes)
Appendix C2	Council Procedure Rules (as amended)
Appendix D	Financial Procedure Rules (as amended)
Appendix E	Contract Procedure Rules (as amended)
Appendix F	SWT Petition Scheme
Appendix G	Articles of the Constitution (as amended)

Contact Officers

Name	Kevin Williams
Email	k.williams@somersetwestandtaunton.gov.uk
Name	Lesley Dolan
Email	Lesley.Dolan@mendip.gov.uk
Name	Marcus Prouse
Email	m.prouse@somersetwestandtaunton.gov.uk

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.
- 1.4 Planning Committee meetings should be 4 hours maximum (with the Chair having discretion to conclude an agenda item if part way through).
- 1.5 The Planning Committee shall take regular breaks for 15 minutes every two hours (to be taken off the duration of the Planning Committee meeting).
- 1.6 Where there is a controversial planning application going before the Planning Committee that a single item agenda meeting is held.
- 1.7 Site visits for the Planning Committee will take place for specific reasons only, held prior to the Planning Committee meeting taking place, and will follow the guidance set out in the revised Planning Committee Member's Code of Good Practice (Chapter 21 of the Constitution).

2. Scope

2.1 Neither the Planning Committee nor the Service Lead – Development Management 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 Service Lead – Development Management, and other officers, 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 Service Lead – Development Management 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 Service Lead – Development Management.

4. Delegation to Officers

4.1 The Director of Development and Place, or his/her representative 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 Director of Development and Place is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Director of Development and Place 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 so delegated shall not be dealt with by the Planning Committee whilst such arrangements remain in place.

Planning Committee

a) Membership and Meetings

a.1 The Full Committee

a.2 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of 4 weeks or as required. Members of the Executive will not be eligible to sit on the Planning Committee.

a.3 The Quorum for the Planning Committee shall be 4 voting members of the Committee.

a.4 The Phosphates Sub-Committee

a.5 No more than 5 Councillors to be appointed from the Planning Committee.

b) Scope

b.1 Neither the Planning Committee nor the Assistant Director, Strategic Place and Planning or Service Manager – Development Management or Service Manager Planning Policy and Implementation 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.

b.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, the Assistant Director Strategic Place and Planning and Service Manager – Development Management and other officers as set out below.

c) Terms of Reference – Planning Committee

c.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 Service Manager - Development Management 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 made by or on behalf of 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 proposes a development which if permitted would represent a significant departure from the Council's statutory Development Plan and is recommended for approval.

Criterion 5:

The application is the subject of representations contrary to the officer recommendation (with planning reasons) submitted to the Council by

(a) not less than four individuals; and

(b) at least one of the following:

- i) a Town/Parish Council;*
- ii) a Parish Meeting;*
- iii) a Ward Member*

c.2 Any application which is not referred to Committee by virtue of paragraph 3.1 above, but where representations which are contrary to the officer recommendation have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made, following which the Chair or Vice Chair may decide to refer the application to the Planning Committee for determination.

c.3 The arrangements set out in paragraphs 3.1 and 3.2 above for the referral of applications to the Planning Committee for determination do not apply to

a) applications which seek prior approval which will receive deemed consent after 28 or 56 days; and
b) applications for certificates of lawful development made under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended) as the determination of such applications is based on the assessment and evaluation of facts as opposed to planning policies and material planning considerations

c.4 In addition, the Planning Committee shall authorise all criminal proceedings in relation to alleged offences under planning legislation including but not limited to offences under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 except in cases of expediency where authority is delegated to the Chair of Planning Committee, and either the Assistant Director Strategic Place and Planning or the Service Manager - Development Management.

d) In addition to the delegation arrangements referred to in paragraphs 2 and 3 above, the Assistant Director – Strategic Place and Planning and the Service Manager – Development Management or Service Manager Planning Policy and Implementation may authorise the Council's entry into agreements with

d.1 Town/Parish Councils ,

d.2 Parish Meetings or

d.3 any other third party

where the effect of such an agreement is the allocation to such a party for the purposes of expenditure of financial contributions or other sums received by the Council as local planning authority pursuant to planning obligations under the Town and Country Planning Act 1990 Section 106

PROVIDED THAT (a) such agreement shall ensure that any funds so allocated are only to be expended in accordance with the purpose of such contributions or funds as identified in the relevant Section 106 Agreement/s ; and (b) the agreement shall include arrangements for the reimbursement to the Council of any funds which are unspent or uncommitted so that the Council may meet its own obligations for reimbursement of unspent or uncommitted contributions as contained in the relevant Section 106 Agreement/s

AND PROVIDED FURTHER THAT notwithstanding any other arrangements set out in this Constitution for the signing of documents on behalf of the Council, such agreements may

be signed by the Director of Development and– Place

a) Terms of Reference – Phosphates Planning Sub-Committee

This will be a Phosphates Planning Sub Committee of the Planning Committee.

The Sub Committee will consist of no more than 5 councillors from the Planning Committee.

The Phosphates Planning Sub Committee will have the following responsibilities on behalf of the Local Planning Authority:

- a. To have oversight of the programme and delivery of projects to support a series of interim measures to offset additional phosphates resulting from affected new developments within the River Tone catchment area affecting the Somerset Levels and Moors Ramsar site (as approved by Full Council on 5 October 2021);
- b. To have oversight of the monitoring of the performance of the above interim projects once delivered;
- c. To provide performance reports on (a) and (b) to Planning Committee on a quarterly basis;
- d. To agree the criteria to be used for the allocation of any phosphate credits generated from the above interim projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);
- e. To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Full Council for prior to consultation and for adoption).

Note: for the avoidance of doubt the role of the Phosphates Planning Sub Committee does not include the determination of any planning applications

These terms of reference fall within the Planning Committee's delegated powers i.e. 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.

b) Delegation to Officers

b.1 The Assistant Director Strategic Place and Planning 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.

b.2 The Assistant Director Strategic Place and Planning is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Assistant Director Strategic Place and Planning must keep a register of any such delegations.

c) In consultation with the relevant portfolio holder to respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including draft statements of community consultation, draft scoping reports, draft development consent orders and draft s106 planning obligations received from developers and promoters, other local authorities and other statutory and public bodies.

d) Respond to proposed non-material and material changes to Development Consent Orders including the discharge of requirements and obligations as appropriate

e) **To approve the terms of any proposed Planning Performance Agreement (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council** Delegation to Parish Council

e.1 Where the Council has delegated its powers to determine planning matters to a Town Council or Parish Council, those matters so delegated shall not be dealt with by the Planning Committee whilst such arrangements remain in place.

Planning Committee

a) Membership and Meetings

a.1 The Full Committee

a.2 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of 4 weeks or as required Members of the Executive will not be eligible to sit on the Planning Committee.

a.3 The Quorum for the Planning Committee shall be 4 voting members of the Committee.

a.4 The Phosphates Sub-Committee

a.5 No more than 5 Councillors to be appointed from the Planning Committee.

b) Scope

b.1 Neither the Planning Committee nor the Assistant Director, Strategic Place and Planning or Service Manager – Development Management or Service Manager Planning Policy and Implementation 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.

b.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, the Assistant Director Strategic Place and Planning and Service Manager – Development Management and other officers as set out below.

c) Terms of Reference – Planning Committee

c.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 Service Manager - Development Management 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 made by or on behalf of 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 proposes a development which if permitted would represent a significant departure from the Council's statutory Development Plan and is recommended for approval.

Criterion 5:

The application is the subject of representations contrary to the officer recommendation (with planning reasons) submitted to the Council by

(a) not less than four individuals; and

(b) at least one of the following:

- i) a Town/Parish Council;*
- ii) a Parish Meeting;*
- iii) a Ward Member*

c.2 Any application which is not referred to Committee by virtue of paragraph 3.1 above, but where representations which are contrary to the officer recommendation have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made, following which the Chair or Vice Chair may decide to refer the application to the Planning Committee for determination.

c.3 *The arrangements set out in paragraphs 3.1 and 3.2 above for the referral of applications to the Planning Committee for determination do not apply to*

a) applications which seek prior approval which will receive deemed consent after 28 or 56 days; and
b) applications for certificates of lawful development made under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended)
as the determination of such applications is based on the assessment and evaluation of facts as opposed to planning policies and material planning considerations

c.4 In addition, the Planning Committee shall authorise all criminal proceedings in relation to alleged offences under planning legislation including but not limited to offences under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 except in cases of expediency where authority is delegated to the Chair of Planning Committee, and either the Assistant Director Strategic Place and Planning or the Service Manager - Development Management.

d) In addition to the delegation arrangements referred to in paragraphs 2 and 3 above, the Assistant Director – Strategic Place and Planning and the Service Manager – Development Management or Service Manager Planning Policy and Implementation may authorise the Council's entry into agreements with

d.1 Town/Parish Councils ,

d.2 Parish Meetings or

d.3 any other third party

where the effect of such an agreement is the allocation to such a party for the purposes of expenditure of financial contributions or other sums received by the Council as local planning authority pursuant to planning obligations under the Town and Country Planning Act 1990 Section 106

PROVIDED THAT (a) such agreement shall ensure that any funds so allocated are only to be expended in accordance with the purpose of such contributions or funds as identified in the relevant Section 106 Agreement/s ; and (b) the agreement shall include arrangements for the reimbursement to the Council of any funds which are unspent or uncommitted so that the Council may meet its own obligations for reimbursement of unspent or uncommitted contributions as contained in the relevant Section 106 Agreement/s

AND PROVIDED FURTHER THAT notwithstanding any other arrangements set out in this Constitution for the signing of documents on behalf of the Council, such agreements may

be signed by the Director of Development and– Place

d) Terms of Reference – Phosphates Planning Sub-Committee

This will be a Phosphates Planning Sub Committee of the Planning Committee.

The Sub Committee will consist of no more than 5 councillors from the Planning Committee.

The Phosphates Planning Sub Committee will have the following responsibilities on behalf of the Local Planning Authority:

- a. To have oversight of the programme and delivery of projects to support a series of interim measures to offset additional phosphates resulting from affected new developments within the River Tone catchment area affecting the Somerset Levels and Moors Ramsar site (as approved by Full Council on 5 October 2021);
- b. To have oversight of the monitoring of the performance of the above interim projects once delivered;
- c. To provide performance reports on (a) and (b) to Planning Committee on a quarterly basis;
- d. To agree the criteria to be used for the allocation of any phosphate credits generated from the above interim projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);
- e. To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Full Council for prior to consultation and for adoption).

Note: for the avoidance of doubt the role of the Phosphates Planning Sub Committee does not include the determination of any planning applications

These terms of reference fall within the Planning Committee's delegated powers i.e. 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.

e) Delegation to Officers

e.1 The Assistant Director Strategic Place and Planning 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.

e.2 The Assistant Director Strategic Place and Planning is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Assistant Director Strategic Place and Planning must keep a register of any such delegations.

- In consultation with the relevant portfolio holder to respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including draft statements of community consultation, draft scoping reports, draft development consent orders and draft s106 planning obligations received from developers and promoters, other local authorities and other statutory and public bodies.
- Respond to proposed non-material and material changes to Development Consent Orders including the discharge of requirements and obligations as appropriate
- To approve the terms of any proposed Planning Performance Agreement (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council

f) Delegation to Parish Council

f.1 Where the Council has delegated its powers to determine planning matters to a Town Council or Parish Council, those matters so delegated shall not be dealt with by the Planning Committee whilst such arrangements remain in place.

Terms of reference of Phosphates Planning Sub Committee

This will be a Phosphates Planning Sub Committee of the Planning Committee.

The Sub Committee will consist of no more than 5 councillors from the Planning Committee.

The Phosphates Planning Sub Committee will have the following responsibilities on behalf of the Local Planning Authority:

- (a) To have oversight of the programme and delivery of projects to support a series of interim measures to offset additional phosphates resulting from affected new developments within the River Tone catchment area affecting the Somerset Levels and Moors Ramsar site (as approved by Full Council on 5 October 2021);
- (b) To have oversight of the monitoring of the performance of the above interim projects once delivered;
- (c) To provide performance reports on (a) and (b) to Planning Committee on a quarterly basis;
- (d) To agree the criteria to be used for the allocation of any phosphate credits generated from the above interim projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);
- (e) To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Full Council for prior to consultation and for adoption).

Note: for the avoidance of doubt the role of the Phosphates Planning Sub Committee does not include the determination of any planning applications

The view of SWT Legal Services and Governance is that, these terms of reference fall within the Planning Committee's delegated powers i.e. 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.

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 14, 15 and 16;
- j) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- k) To elect the Chairs of the Scrutiny Committees
- l) To decide which Committees to establish for the municipal year;
- m) To decide the size and terms of reference of those Committees;
- n) To decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- o) To make appointments to Committees;
- p) 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;
- q) To consider any other business set out in the summons;

- r) 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 14, 15 and 16;
- 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 13;

- 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 14, 15 and 16;
- h) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- i) To consider any other business set out in the summons;
- j) To consider any motions in accordance with Council Procedure Rule 4;
- 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 23 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 18;
- 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 5.

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 the Councillor 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 the Councillor 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 11; 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 85 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 4) 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 4 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.

In addition:

- 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 18 (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 or 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 4 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 and Governance Committee	3
The Executive	3
Scrutiny Committees	4
Standards Committee	3
Any other Member body	1/4 of its members, or 2 (whichever is the greater)

26. Agenda and Attendance at Meetings

26.1 A Councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Corporate Scrutiny Committee, the Community Scrutiny Committee, the Licensing Committee, the Audit and Governance Committee, 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 Committees shall not exceed 3 hours in duration except in accordance with Council Procedure Rule 29 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 28(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 28(1) can only be suspended once per meeting. However, the Chair of the Council, Chair of Planning Committee (see 29.4) 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 Rule 28(1) can only be suspended twice per meeting of the Planning Committee (as per 28(6) above), in accordance with 29.2. Planning Committee meetings shall not exceed 4 hours in duration (with the Chair having discretion to conclude an agenda item if part way through).

29.5 Rules 21 and 25 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 and Governance Committee, Standards Committee, Corporate Scrutiny Committee and Community 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;

Unless you have obtained a dispensation from the Council's Monitoring Officer or the 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.

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 14, 15 and 16;
- j) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- k) To elect the Chairs of the Scrutiny Committees
- l) To decide which Committees to establish for the municipal year;
- m) To decide the size and terms of reference of those Committees;
- n) To decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- o) To make appointments to Committees;
- p) 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;
- q) To consider any other business set out in the summons;

r) To authorise the sealing or signing of documents to give effect to any decisions taken.

s) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Scrutiny Committee(s) for debate.

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.

1.3 Ordinary meetings of the full Council will take place in accordance with the programme decided at the Council's Annual Meeting.

2. Extraordinary 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 14, 15 and 16;
- 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 13;
- 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.

3.4 During the course of the municipal year there will be a **ordinary** 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 14, 15 and 16;
- h) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- i) To consider any other business set out in the summons;

- j) To consider any motions in accordance with Council Procedure Rule 4;
- 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' **written** notice **of the actual motion** is needed in order to have a notice of motion included in the summons. This means that written notice **and the wording of the motion itself** 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 23 of these Procedure Rules.

4.11 A motion will not usually be considered at an Extraordinary meeting of Council without the leave of the Chair.

4.12 The proposer of the motion may not exceed 5 minutes subject to the consent of the Chair when presenting the motion to the meeting.

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 18;
- 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 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote after any further debate.

6.6 The ruling of the Chair on whether an amendment satisfies the requirements set out in 6.1 a-c, will be final. To assist the Chair in this respect, notices of amendment, should, where possible, be given in writing

6.7 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.

6.7 Alterations to a motion

(a) A Member may alter a motion of which he or she has given notice with the consent of the Chair. The Chair's consent will be signified without discussion.

(b) A Member may alter a motion which he or she has moved without notice with the consent of both the Chair and the seconder. The Chair's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

6.8 Alternative Budget Motions

If there is to be an amendment to the proposed budget, it should be compliant with the procedure as outlined at 3.2 in the Council Financial Procedure Rules of this Constitution.

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 5.

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 the Councillor 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 the Councillor 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 11; or,
- d) Make a Point of Order or personal explanation.

10.2 Rules of Debate

- a) No speeches until motion seconded
- b) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- c) Right to require motion in writing Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

Secunder's speech

- d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

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 85 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 4) 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 1 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 4 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 4pm one clear working day before the day of the meeting (excluding the day of the meeting itself).

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.

In addition:

- 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 18 (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 or 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 4 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 and Governance Committee	3
The Executive	3
Scrutiny Committees	4
Standards Committee	3
Any other Member body	1/4 of its members, or 2 (whichever is the greater)

26. Agenda and Attendance at Meetings

26.1 A Councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Corporate Scrutiny Committee, the Community Scrutiny Committee, the Licensing Committee, the Audit and Governance Committee, 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.

26.5 Appointment of substitute members of committees

(Note: This Procedure Rule does not permit substitutes by Members not in a political group.)

- a) It is not possible to have substitute Members for Executive.
- b) Substitute Members may speak and vote at Committee meetings if they have been appointed as detailed below (and received mandatory training as required by Licensing Committee and Planning Committee).
- c) The Leader or Deputy Leader of a political group may nominate any named Member of his/her group as the substitute Member for a Committee meeting by notifying the Proper Officer or the Meeting Administrator of the name of the substitute and the details of the meeting at which they will be substituting; such notification must be made at least one hour before the start of the relevant

meeting. Notification by a Councillor purporting to be the substitute Member will not be accepted.

- d) In the event that the substantive Member of the Committee subsequently attends the meeting the substitute Member must take no further part in the meeting.

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 Committees shall not exceed 3 hours in duration except in accordance with Council Procedure Rule 29 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 28(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 28(1) can only be suspended once per meeting. However, the Chair of the Council, Chair of Planning Committee (see 29.4) 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 Rule 28(1) can only be suspended twice per meeting of the Planning Committee (as per 28(6) above), in accordance with 29.2. Planning Committee meetings shall not exceed 4 hours in duration (with the Chair having discretion to conclude an agenda item if part way through).

29.5 Rules 21 and 25 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 and Governance Committee, Standards Committee, Corporate Scrutiny Committee and Community 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;

Unless you have obtained a dispensation from the Council’s Monitoring Officer or the 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.

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 14, 15 and 16;
- j) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- k) To elect the Chairs of the Scrutiny Committees
- l) To decide which Committees to establish for the municipal year;
- m) To decide the size and terms of reference of those Committees;
- n) To decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- o) To make appointments to Committees;
- p) 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;
- q) To consider any other business set out in the summons;

- r) To authorise the sealing or signing of documents to give effect to any decisions taken.
- s) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Scrutiny Committee(s) for debate.

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.

1.3 Ordinary meetings of the full Council will take place in accordance with the programme decided at the Council's Annual Meeting.

2. Extraordinary 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 14, 15 and 16;
- 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 13;
- 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.

3.4 During the course of the municipal year there will be a ordinary 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 14, 15 and 16;
- h) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- i) To consider any other business set out in the summons;

- j) To consider any motions in accordance with Council Procedure Rule 4;
- 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' written notice of the actual motion is needed in order to have a notice of motion included in the summons. This means that written notice and the wording of the motion itself 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 23 of these Procedure Rules.

4.11 A motion will not usually be considered at an Extraordinary meeting of Council without the leave of the Chair.

4.12 The proposer of the motion may not exceed 5 minutes subject to the consent of the Chair when presenting the motion to the meeting.

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 18;
- 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 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote after any further debate.

6.6 The ruling of the Chair on whether an amendment satisfies the requirements set out in 6.1 a-c, will be final. To assist the Chair in this respect, notices of amendment, should, where possible, be given in writing

6.7 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.

6.7 Alterations to a motion

(a) A Member may alter a motion of which he or she has given notice with the consent of the Chair. The Chair's consent will be signified without discussion.

(b) A Member may alter a motion which he or she has moved without notice with the consent of both the Chair and the seconder. The Chair's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

6.8 Alternative Budget Motions

If there is to be an amendment to the proposed budget, it should be compliant with the procedure as outlined at 3.2 in the Council Financial Procedure Rules of this Constitution.

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 5.

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 the Councillor 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 the Councillor 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 11; or,
- d) Make a Point of Order or personal explanation.

10.2 Rules of Debate

- a) No speeches until motion seconded
- b) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- c) Right to require motion in writing Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

Secunder's speech

- d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

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 85 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 4) 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 1 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 4 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 4pm one clear working day before the day of the meeting (excluding the day of the meeting itself).

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 200 or more 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.

In addition:

- 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 18 (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 or 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 4 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 and Governance Committee	3
The Executive	3
Scrutiny Committees	4
Standards Committee	3
Any other Member body	1/4 of its members, or 2 (whichever is the greater)

26. Agenda and Attendance at Meetings

26.1 A Councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Corporate Scrutiny Committee, the Community Scrutiny Committee, the Licensing Committee, the Audit and Governance Committee, 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.

26.5 Appointment of substitute members of committees

(Note: This Procedure Rule does not permit substitutes by Members not in a political group.)

- a) It is not possible to have substitute Members for Executive.
- b) Substitute Members may speak and vote at Committee meetings if they have been appointed as detailed below (and received mandatory training as required by Licensing Committee and Planning Committee).
- c) The Leader or Deputy Leader of a political group may nominate any named Member of his/her group as the substitute Member for a Committee meeting by notifying the Proper Officer or the Meeting Administrator of the name of the substitute and the details of the meeting at which they will be substituting; such notification must be made at least one hour before the start of the relevant

meeting. Notification by a Councillor purporting to be the substitute Member will not be accepted.

- d) In the event that the substantive Member of the Committee subsequently attends the meeting the substitute Member must take no further part in the meeting.

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 Committees shall not exceed 3 hours in duration except in accordance with Council Procedure Rule 29 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 28(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 28(1) can only be suspended once per meeting. However, the Chair of the Council, Chair of Planning Committee (see 29.4) 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 Rule 28(1) can only be suspended twice per meeting of the Planning Committee (as per 28(6) above), in accordance with 29.2. Planning Committee meetings shall not exceed 4 hours in duration (with the Chair having discretion to conclude an agenda item if part way through).

29.5 Rules 21 and 25 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 and Governance Committee, Standards Committee, Corporate Scrutiny Committee and Community 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;

Unless you have obtained a dispensation from the Council’s Monitoring Officer or the 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.

Financial Procedure Rules

1.0 Introduction

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

2.0 Financial Governance

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

3.0 Financial Planning and Management

3.1 Financial Strategy and Medium-Term Financial Plan

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

Budget Strategy

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

Capital, Investment and Treasury Strategy

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

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

- 3.1.9 The Capital, Investment and Treasury Strategy is intended to give a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.
- 3.1.10 The Capital, Investment and Treasury Strategy will be produced and reported in accordance with the annual budget setting timetable and presented to the Executive before seeking the approval of Full Council before the 31 March of the proceeding financial year.

Commercial Property Investment Strategy

- 3.1.11 The Director of Development and Place, in conjunction with the Section 151 Officer, is responsible for the preparation and review of a Commercial Property Investment Strategy (CPIS).
- 3.1.12 The CPIS will set out the governance arrangements and framework for Commercial Property Investments ensuring a consistent appraisal method, clarity on corporate risk and management, and provide the Council with an agile response to investment opportunities.
- 3.1.13 Full Council will be responsible for approving the CPIS. The Strategy will be reviewed and updated on an annual basis. Investment decisions are delegated to the Commercial Property Investment Board (CPIB) up to agreed thresholds, with individual items above this amount subject to Full Council approval. The thresholds are:

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

Budget Setting

- 3.1.14 The Council has a statutory duty to set a balanced budget.
- 3.1.15 The Section 151 Officer is responsible for making the arrangements and issuing the guidelines for producing the Council's Revenue Budget and Capital Programme.
- 3.1.16 Senior Officers are responsible for ensuring that staff adhere to the timetable and requirements set out by the Section 151 Officer for the Budget Setting process, and provide any information and evidence required in relation to this.

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

3.1.18 In accordance with Section 25 of the Local Government Act 2003 a statement from the Section 151 Officer is required to confirm the robustness of the budget process and the adequacy of reserves. Unless in exceptional circumstances or through further approval, expenditure shall not be incurred on behalf of the Council unless it is approved in the Capital or Revenue budget estimates.

Council Tax Setting

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

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

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

Housing Revenue Account (HRA)

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

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

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

Fees and Charges

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

Earmarked Reserves Review

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

Capital Programme

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

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

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

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

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

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

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

3.2 **Alternative Budget Motions**

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

3.3 **Budget Management and Monitoring**

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

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

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

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

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

3.4 Making Changes to the Approved Budget

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

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

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

Threshold	Decision
£150,001 and above	Executive Decision (in consultation with the Section 151 Officer)
£50,001 up to £150,000	Director / CEO and Section 151 (in consultation with Executive Councillors / Portfolio Holders)
Up to £50,000	Assistant Director / Director / CEO (in consultation with the Finance Business Partner)
Any value related to revised budget coding, technical accounting and structural presentational changes not fundamentally changing the use of funds	S151 Officer

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

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

Supplementary Revenue Budget Scheme Table

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

3.4.6 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 depreciation
- Rates and other taxes
- Support Service Recharges
- Insurances

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

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

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

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

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

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

Capital Virement Scheme Table

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

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

Supplementary Capital Budget Scheme Table

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

- 3.4.14 The Section 151 Officer shall ensure that where any capital additions have been approved, these will be included within the performance report presented to the Executive.
- 3.4.15 **Funding Substitutions:** The Section 151 Officer is responsible for approving funding changes.
- 3.4.16 **Growth Programme and Community Infrastructure Levy (CIL):** Full Council is responsible for approving any total budget allocations to the Growth and CIL Programmes. The Executive is responsible for delivering the programmes within the total approved budgets. Allocations to individual projects may be approved in line with the following table.

Threshold	Decision
£250,001 and above	Portfolio Holder
Up to £250,000	Director of Place and Development

3.5 **Budget Monitoring**

- 3.5.1 Directors and Assistant Directors have no authority to overspend revenue or capital budgets, or under-recover income budgets under their control,

and are responsible for monitoring their budgets to ensure this situation does not arise.

- 3.5.2 In preparing any estimates of expenditure and income, Directors and Assistant Directors must give proper consideration to the implications in current and future years.
- 3.5.3 Directors and Assistant Directors shall notify the Section 151 Officer of all significant budget variations including underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets, regardless of whether offsetting savings or additional income have been identified.
- 3.5.4 Directors and Assistant Directors shall ensure that their managers do not enter into commitments / contracts before satisfying themselves there is sufficient approved budget provision.
- 3.5.5 All unauthorised expenditure shall be reported immediately by the Director or Assistant Director to the Section 151 Officer who will advise on the appropriate action.

3.6 Carry Forwards

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

3.7 Budget Monitoring – Capital

- 3.7.1 Once the Capital Scheme has been prepared in detail and the tenders have been obtained, the Director or Assistant Director shall compare the allocation of funds approved within the Capital Programme to the tendered bids and determine if further approval is required.
- 3.7.2 Further approval will be required in line with supplementary budget approval thresholds, subject to affordability being confirmed by the Section 151 Officer.
- 3.7.3 Approval to award a Capital Scheme contract will be as per Contract Procedure Rules.
- 3.7.4 A Capital Scheme must not commence until the relevant funding is in place to meet the approved budget for the Scheme. For example, capital receipts and / or capital grants have been received.

3.8 Leases

- 3.8.1 Directors and Assistant Directors shall ensure that credit arrangements, such as leasing arrangements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- 3.8.2 The Section 151 Officer shall ensure that there is sufficient budget and calculate whether a lease or alternative financing arrangement provides best value and best fit with Capital and Treasury strategies.

3.9 Balances and Reserves

- 3.9.1 The Section 151 Officer shall advise the Executive and Full Council on prudent levels of general balances, revenue reserves and contingencies for the Council.
- 3.9.2 Applying transfers to and from the general balances and earmarked reserves will be the responsibility of the Section 151 Officer in line with the approved budget and any approved changes during the year.

3.10 Budget Monitoring – Reporting

- 3.10.1 The Section 151 Officer will report to the Executive, at agreed intervals, on the revenue and capital budgets and wider financial standing and will make recommendations for varying the approved budget where necessary.
- 3.10.2 Where overspending occurs on delegated budgets that cannot be covered by income, savings or underspending they shall be reported to the Executive and underwritten by balances for financial planning purposes. The Senior Management Team shall determine and report mitigating actions and any related recommendations to the Executive.
- 3.10.3 All service underspend and overspend over £20,000 shall be fully explained by the Budget Holder within the budget monitoring process to the Section 151 Officer with a mitigation plan where appropriate. All those over £50,000 will be reported to the Executive.
- 3.10.4 As soon as practicable after the end of the financial year the Section 151 Officer shall submit the financial outturn position to the Executive. This will include a comparison of budget against actual spending and an analysis of major variances.

3.11 Finance Comments in Reports

- 3.11.1 The responsible Councillor and/or Officer report authors must ensure relevant financial implications are included in any key decision reports, in consultation with the Section 151 Officer, Finance Business Partner or Finance Specialist.

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

3.12 Closing of Accounts and Statement of Accounts

- 3.12.1 The Council has a statutory responsibility to produce a Draft Statement of Accounts, and for these to be audited, approved and published online by the deadlines set within Accounts and Audit Regulations (currently 31 July for Draft Accounts and 30 September for Audited Accounts).
- 3.12.2 The Section 151 Officer is responsible for selecting and consistently applying suitable accounting policies, determining accounting procedures and records, and ensuring compliance with relevant Accounting Codes of Practice.
- 3.12.3 The Section 151 Officer is responsible for making the arrangements for closing the Council's accounts, for ensuring that the Annual Statement of Accounts is prepared in accordance with the relevant Code's, as well as all matters relating for their audit and public inspection.
- 3.12.4 Senior Officers are responsible for ensuring that staff adhere to the timetable and requirements set out by the Section 151 Officer for the closing of the accounts, and provide any information and evidence required in relation to this.
- 3.12.5 The Section 151 Officer shall sign and date the Statements of Accounts, stating his or her opinion in respect of the accounts presenting a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March 2xxx.
- 3.12.6 The Audit, Governance and Standards Committee is responsible for approving the audited Statement of Accounts.

3.13 Treasury Management Framework

- 3.13.1 The Section 151 Officer is responsible for preparing a Capital Strategy, an Investment Strategy, a Treasury Management Strategy and a Minimum Revenue Provision (MRP) Policy in line with the relevant CIPFA codes and statutory guidance, to be presented to Full Council for approval by 31 March of the preceding financial year.

- 3.13.2 The purpose of these reports is to inform Councillors of the recommended strategy for effectively managing the Council's cash resources in accordance with the legislative and regulative frameworks, including the approach to borrowing and investments taking into account prudential borrowing limits and performance indicators.
- 3.13.3 These reports also set out the approach and operating limits that must be applied in treasury management activity.
- 3.13.4 The monitoring of treasury performance is the responsibility of the Audit and Governance Committee, which will receive mid-year and end of year treasury performance reports.
- 3.13.5 All executive decisions on borrowing, investment or financing, and administration shall be delegated to the Section 151 Officer, who is responsible for establishing and monitoring Treasury Management Practices.
- 3.13.6 All treasury management activity shall be undertaken by trained staff only and in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities, the Prudential Code, and the Council's Treasury Management Strategy and Treasury Management Practices.

4.0 Financial Administration, Systems and Procedures

4.1 Introduction

- 4.1.1 The Section 151 Officer is responsible for determining the accounting procedures and records for the Council.
- 4.1.2 All officers working for or on behalf of the Council must follow the financial administration, systems and procedures set out below. These rules and regulations are essential to an effective framework of efficiency, accountability, and control.
- 4.1.3 All accounting systems, procedures and records shall be subject to the approval of the Section 151 Officer. Any changes to existing systems and the introduction of new systems shall also be approved by the Section 151 Officer.
- 4.1.4 All Assistant Directors will embed a culture of financial awareness and ensure that their officers and key partners are made aware of how their activities have a financial impact on the Council, either directly or indirectly.
- 4.1.5 All Officers will ensure that all financial transactions will be made through the Council's Accounting System.

4.2 Accounting

- 4.2.1 All accounting arrangements across the Council shall be in a manner approved by the Section 151 Officer, taking into account best practice guidance issued by relevant external bodies, such as CIPFA and the Government.
- 4.2.2 There must be adequate separation of duties to ensure that no one officer is able to handle any financial transaction from start to finish without there being some mechanism for independent checking. By finish is meant the completion of the accounting for the transaction.
- 4.2.3 All expenditure, income, assets, and liabilities shall be completely and accurately accounted for within the Council's main Accounting System and any exceptions must be specifically authorised by the Section 151 Officer.

4.3 **Income**

- 4.3.1 The Section 151 Officer is responsible for drafting the Council's Income and Arrears Management Policy. Approval of the Policy shall be delegated to the Executive. This will be reviewed and approved by the Executive at least every three years, with any minor changes delegated to the Section 151 Officer in consultation with the Portfolio Holder.
- 4.3.2 The Income and Arrears Management Policy sets out the Council's policy and procedures in relation to the billing, collection and recovery of monies owed to the Council and is to be adopted across all functions within the Council.
- 4.3.3 The policy focusses on key aims and principles, priority of debt, vulnerability, methods of payment, payment arrangements, offsets, performance monitoring, data protection, segregation of duties and review.
- 4.3.4 The Section 151 Officer is accountable for the following, with Directors and Assistant Directors responsible for ensuring compliance within their services for:
- Administering all invoicing, credit notes, income and arrears collection
 - Providing the systems and documentation required for collection and associated debt recovery
 - Ensuring that claims for Government grants and other monies are made properly and promptly
 - Ensuring that all monies received are properly receipted, recorded and banked promptly
 - Administering the process for writing off irrecoverable debts and the monitoring and reporting of write off levels
 - Ensuring that a proper scheme of delegation has been established and it operates effectively

- Notification of all monies due to the Council under contracts, leases or other agreements and the termination of use or change of user affecting this income
- Reporting income management performance information to the Executive

4.3.5 Officers should encourage payment in advance or at point of service delivery wherever possible as per the Income and Arrears Management Policy and minimise the amount of credit given to customers.

4.3.6 The Section 151 Officer may authorise payment by instalments if full payment cannot be obtained immediately, in accordance with the Income and Arrears Management Policy, unless otherwise prescribed in relevant legislation, such as council tax and business rates.

4.3.7 Directors and Assistant Directors must notify the Section 151 Officer of all monies due to the Council under contracts, leases or other agreements and the termination of use or change of user affecting this income.

4.3.8 Any sales made via electronic commerce accounts, for example eBay and Amazon, must have the individual account pre-approved by the Section 151 Officer, and held in the name of the Council and using the Council's banking details. Directors and Assistant Directors are responsible for ensuring that any staff in their areas use these accounts appropriately and in line with financial procedure rules.

Raising of Invoices

4.3.9 Officers responsible for raising invoices must ensure that VAT has been properly accounted for and the correct fee has been charged as per the approved fees and charges report, or any subsequent amendments.

4.3.10 The Directors are responsible for developing a scheme of discretionary discounts, in consultation with the Section 151 Officer.

Credit Notes

4.3.11 Any invoice of £1,000 and over, that requires cancellation via a Credit Note, will require Budget Holder approval. Any invoice below £1,000 will require approval from an Income Specialist.

4.3.12 A clear reason for the Credit Note must be provided, and all evidence must be held on the Council's document management system. This information will be reviewed periodically and action taken to reduce the number of occurrences.

4.3.13 Any Credit Note must not be authorised or processed by the same person who raised the original invoice.

Unallocated Income

4.3.14 All unallocated income shall be dealt with on a daily basis by either allocation to the correct account/invoice, transferred or refunded.

Aged Debt

4.3.15 The Budget Holder will periodically review the outstanding debts pertaining to their functional area and take reasonable action to aid the collection of those debts and / or consider suspending the provision of goods / services to the customer until all payments due have been made.

4.3.16 For any irrecoverable debts, the Budget Holder will put forward a request to write off the debt.

Writing Off Bad Debts

4.3.17 The Section 151 Officer is responsible for the arrangements dealing with write off of irrecoverable debts.

4.3.18 Any write off per debtor greater than £25,000 in any year will be reported to the Executive for information.

4.3.19 Where a debt becomes uncollectable, any debts written off shall be in accordance with the following table:

Threshold	Council Tax & Business Rates, Sundry Income, Housing Benefit Overpayments & Housing Rents
£0.01 to £25.00	Customer Champion
£25.01 to £100.00	Case Manager
£100.01 to £1,000.00	Specialist / Senior Case Manager responsible for income activity
£1,000.01 to £5,000.00	Director or Assistant Director
£5,000.01 and above	Section 151 Officer

4.3.20 All write offs will be reported to the Section 151 Officer on a regular basis, and a summary of write-offs to be reported for information to the Portfolio Holder for Corporate Resources on a quarterly basis.

4.4 Ordering of Supplies, Works, and Services

- 4.4.1 All contracts and purchase orders are subject to the Contract Procedure Rules.
- 4.4.2 Directors must have systems in place to ensure that only authorised officers are allowed to place purchase orders, and that purchase orders are only raised when there is sufficient budget available.
- 4.4.3 Once the purchase has been agreed, the creation of an official purchase order using the Council's Accounting System will be required for all orders unless agreed by the lead Procurement Officer.

Authorisation of Purchase Orders

- 4.4.4 A register of approved authorisers will identify staff authorised to act on the Directors, Assistant Directors or Senior Officers behalf in respect of placing purchase orders and making payment, together with the limits of their authority.
- 4.4.5 A register of approved authorisers and authorised purchasers will be maintained within the Council's Accounting System.

Receipt of Supply

- 4.4.6 The receipt of supplies, works and services will be undertaken within the Council's Accounting System. The receipt will confirm that the supply is as requested and authorises the release of payment.

Payment of Supplier Invoices

- 4.4.7 The Section 151 Officer shall make arrangements for the payments of all monies due from the Council in accordance with the relevant legislative and statutory requirements.
- 4.4.8 Payment to a supplier will only be made on receipt of a valid and appropriately addressed tax invoice.
- 4.4.9 All invoices must reference a valid purchase order number, or customer account reference where a purchase order is not required e.g. for utilities contracts.
- 4.4.10 The Council is required to comply with the Late Payment of Commercial Debt Regulations. Any supplier issuing an invoice in error will be required to re-submit a valid invoice with an amended invoice date.

Payments in Advance

- 4.4.11 The Council will ordinarily only pay for goods, services and works upon receipt or completion.
- 4.4.12 Where such goods, services and works are essential and only available if paid in advance (e.g. e-commerce) then Officers, prior to authorising payments in advance, must undertake a risk assessment of the supplier or service provider defaulting.
- 4.4.13 All payments in advance in excess of £5,000 must be agreed with a Finance Specialist or Procurement Specialist and any in excess of £50,000 must be agreed by the Section 151 Officer.

Payment Methods

- 4.4.14 The Section 151 Officer must approve all banking, purchase and credit card arrangements across the Council, and must be satisfied with the safe keeping of all controlled banking stationery.
- 4.4.15 The Section 151 Officer will maintain a register of all bank and card acquiring contracts.
- 4.4.16 Cheques above certain financial limits set by the Section 151 Officer shall be manually countersigned by those designated officers authorised to do so by the Section 151 Officer.
- 4.4.17 Directors are responsible for ensuring that any staff in their areas that use the procurement Credit / Debit Cards adhere to the requirements of the Purchasing Card Guide and Terms and Conditions.
- 4.4.18 Any purchases made via the internet must be made in adherence to the Council's procurement procedures
- 4.4.19 Any purchases made via electronic commerce accounts, for example eBay and Amazon, must have the individual account pre-approved by the Section 151 Officer, and held in the name of the Council and using the Council's banking details. Directors are responsible for ensuring that any staff in their areas use these accounts appropriately and in line with financial procedure rules.

Petty Cash

- 4.4.20 The Section 151 Officer must approve all banking and Petty Cash acquiring arrangements across the Council and must be satisfied with the safe keeping of all controlled banking stationery.
- 4.4.21 The Section 151 Officer must authorise all Petty Cash accounts and the Petty Cash Account Holder must comply with the rules set within the Petty

Cash Guide and Terms and Conditions as prescribed by the Section 151 Officer.

Taxation

- 4.4.22 The Section 151 Officer is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council.
- 4.4.23 Directors must notify the Section 151 Officer immediately of all new areas of business and of any change of circumstances to ensure the impact on VAT has been reviewed. For example, buying or selling a property and / or undertaking new investment activity.

Planning Obligations Board

- 4.4.24 The Planning Obligations Board shall recommend budget allocations from the Community Impact Mitigation (CIM) Fund and other Hinkley S106 Funds for approval as per the following table.

Threshold	Decision
£250,001 and above	Full Council
Up to £250,000	Executive

4.5 Investments, Borrowing, Capital Financing and Trust Accounts

- 4.5.1 The Section 151 Officer shall ensure that the Council's money is properly managed and controlled in a way which balances risk with return but with the overriding consideration being given to the security and liquidity of the Council's investment.
- 4.5.2 All investments, except bearer securities, controlled by the Council shall be registered in the Council's name or in the name of nominees approved by the Executive.
- 4.5.3 All securities shall be held securely by the Council's bankers, or custodians approved at the Section 151 Officer.
- 4.5.4 The Section 151 Officer shall ensure that all borrowing is made in the name of the Council.
- 4.5.5 The Section 151 Officer shall ensure that all applicable trust funds are registered in the name of the Council.
- 4.5.6 The Section 151 Officer will provide regular monitoring reports to the Audit, Governance and Standards Committee.

4.5.7 The Section 151 Officer will report any breaches or amendments of the Prudential Code to Council.

4.6 **Asset Management**

Asset Register

4.6.1 The Finance Business Partner shall maintain a full and accurate register of all Council fixed assets.

Custody of Deeds

4.6.2 The Council's Solicitor shall have custody of the title deeds and other agreements under seal or hand of all land owned by the Council (together with all deeds and documents held as security for any monies owed to the Council) and are responsible for their safe-keeping.

Security

4.6.3 Directors shall be responsible for the proper security of all buildings, stocks, furniture, equipment and cash etc. within their services. They shall exercise a co-ordinating role on security issues and shall be consulted where it is felt that security is inadequate or in special circumstances.

Valuations

4.6.4 The Finance Business Partner will be responsible for ensuring that a valuation report is produced on an annual basis and used as part of creating the Statement of Accounts.

4.6.5 The Council will carry out a rolling programme of asset valuations to ensure that all Property, Plant and Equipment required to be measured at fair value is revalued at least every five years.

4.6.6 Valuations of land and buildings will be carried out in accordance with the methodologies and bases for estimation set out in the professional standards of the Royal Institution of Chartered Surveyors (RICS).

4.6.7 Valuations of vehicles, plant, furniture and equipment will be based on current prices where there is an active second-hand market or latest prices adjusted for the condition of the asset.

Impairment

4.6.8 The Finance Business Partner is responsible for ensuring that assets are assessed at each year-end as to whether there is any indication that an asset may be impaired.

4.6.9 Where indications exist and any possible differences are estimated to be material, the recoverable amount of the asset is estimated and, where this is less than the carrying amount of the asset, an impairment loss is recognised for the shortfall.

Condition Surveys

- 4.6.10 The Finance Business Partner shall ensure that condition surveys of all buildings and property assets in which the Council has a proprietary interest are carried out at least once every 5 years.
- 4.6.11 Survey details are to be recorded in appropriate systems and work programmes prepared in accordance with priorities set out in the Asset Management Plan.

Maintenance of Assets

- 4.6.12 Directors are responsible for implementing a system for the maintenance of assets, stocks and stores including regular stock checks and write offs when required.

Asset Management Plan

- 4.6.13 The Assistant Director – Climate Change and Assets is responsible for producing an Asset Management Plan. The Plan will be approved by Executive, with the monitoring of the delivery of that Plan delegated to Assistant Director – Climate Change and Assets.
- 4.6.14 The Asset Management Plan looks at how the Council’s assets support achievement of the Council’s objectives and the services it provides.
- 4.6.15 The Plan will set out principles, priorities and actions to ensure the assets are used and managed as efficiently and effectively as possible.
- 4.6.16 The Plan will be reviewed annually to take account of any changes in the Council’s objectives or priorities.

Acquisition and Sale / Disposal of Assets

- 4.6.17 Except for Commercial Investment Properties which will be made in accordance of the Commercial Investment Property Strategy and related authority, all acquisitions and disposals of Council property shall be made in accordance with the approved governance arrangements or otherwise in accordance with the Council’s Capital Strategy and its Asset Management Plan.
- 4.6.18 The Section 151 Officer shall be responsible for the appropriate accounting treatment of any acquisition and sale / disposal of assets.
- 4.6.19 All acquisitions and sale / disposal of assets shall be made in line with approved budgets and in consultation with the Section 151 Officer. The authority to approve acquisitions and sale / disposal of assets, except for Commercial Investment Property, shall be delegated as per the table below.

Threshold	Decision
£250,001 and above	Executive
Up to £250,000	Chief Executive or Director

4.6.20 In respect of receipts from sale of assets where values are less than £10,000: these net proceeds will be credited to the appropriate revenue budget.

4.6.21 In respect of receipts from sale of assets where values are more than £10,000: the net proceeds will be recorded as either capital receipts unless Statutory Guidance permits the use as Flexible Capital Receipts. The net receipts can then be used to fund revenue costs, provided the expenditure meets the requirements for qualifying expenditure under this guidance.

4.7 Payroll

4.7.1 The Head of Paid Service is responsible for producing a Pay Policy to be approved by the Executive by the 31 March of the proceeding financial year.

4.7.2 The Pay Policy sets out the Council's policy and procedures in relation to the payments of salaries and wages to all staff, including payments for other allowances, and for payment of allowances to Councillors, employed by the Council. This is to ensure that the risk associated with the public sector payroll system are managed effectively.

4.7.3 The Section 151 Officer is responsible for all payments of salaries and wages to all staff, including payments for other allowances, and for payment of allowances to Councillors. All payments must be made by BACS once a month through the Council's Payroll System.

4.7.4 Directors and their respective managers must notify central payroll team of all matters relating to the employment (including any changes) of officers so that the appropriate financial entries and payments can be made.

4.7.5 Officers will submit their expenses claims through the Council's Payroll System. The relevant manager will then validate the claim prior to online approval.

4.8 Somerset West Lottery

4.8.1 The Council will be an enabler for the lottery and use the contracted services of a licenced External Lottery Manager (ELM) to operate the lottery as per the Gambling Act 2005.

- 4.8.2 The Council will hold the relevant licence(s) obtained from the Gambling Commission as regulated by the Gambling Act 2005.
- 4.8.3 The Section 151 Officer, Directors and/or Assistant Directors may be registered as the 'responsible officers' with the Gambling Commission.
- 4.8.4 Any arrangements of administering the lottery will be delegated to the Director of Housing and Communities and Portfolio Holder in consultation with the Section 151 Officer.
- 4.9 Grants Paid out to VCS**
- 4.9.1 The authority to award grants will be delegated by the Executive to the Grants Panel, and all decisions will be published.
- 4.9.2 In order to make the most effective use of the Council's grants schemes (as listed below) the Council needs to ensure applicants maximise match funding from other funders for their projects in the district.
- Somerset West Lottery Local Community Fund (SWL LCF)
 - Voluntary and Community Sector (VCS) Partner Grants
 - VCS Small Grants Scheme
- 4.9.3 The Council may choose to outsource this function to an external body to administer on behalf of the Council and present assessed applications to the Council's Grants Panel for consideration and approval.
- 4.10 Insurance**
- 4.10.1 The Section 151 Officer is responsible for maintaining adequate insurance cover for the Council and keeping comprehensive records of all risks covered.
- 4.10.2 Directors must notify the Section 151 Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks.
- 4.10.3 Any incident which could give rise to an insurance claim must be promptly notified to the Section 151 Officer, by the relevant officer, who shall also inform the Police if appropriate.
- 4.10.4 The Section 151 Officer will handle all insurance claims with the insurance company if proceedings are issued.
- 4.11 Financial Inducements, Gifts, Hospitality and Promotional Offers**
- 4.11.1 All staff must comply with the Employee Code of Conduct and Gifts and Hospitality Guidance and Procedures. Further advice should be sought from the Monitoring Officer.

4.11.2 All Councillors and staff must not accept inducements in the process of administering the financial affairs of the Council.

4.12 Declaration of Interest

4.12.1 All officers shall notify their Director and the Monitoring Officer in writing if they have a financial interest (direct or indirect) in any current or proposed contract of the Council. The Monitoring Officer shall record in a schedule to be kept for the purpose, particulars of any such notice given. Failure to disclose a financial interest in a contract is a criminal offence under section 117 of the Local Government Act 1972.

4.12.2 All officers shall advise their Director and the Monitoring Officer, to be incorporated into the schedule mentioned above, of any conflict of interest which has arisen or might arise because they are likely to be required or authorised to do something as a Council Officer, in which they have a personal or private interest.

5.0 Risk Management and Control of Resources

5.1 Risk Management

5.1.1 The Director of Internal Operations is responsible for preparing a Risk Management Strategy as part of the Governance Framework, and ensuring that Councillors and staff consider risk when dealing with Council business and key activities.

5.1.2 The Risk Management Strategy will be approved by the Executive, and reviewed at least every three years.

5.1.3 Risk management and control arrangements are the responsibility of management, and the Director of Internal Operations shall report on risk management arrangements and performance to the Audit, Governance and Standards Committee

5.2 Internal Control

5.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

5.2.2 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

5.2.3 It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

5.2.4 The Section 151 Officer shall undertake an annual review of the effectiveness of the systems of internal control, and key findings and actions reported within the Annual Governance Statement.

5.3 Internal Audit

5.3.1 Directors shall have regard to the principles of risk management, and to the Council's Risk Management Strategy. It is the responsibility of Internal Audit to review the adequacy and effectiveness of the Council's arrangements for risk management.

5.3.2 Under the Accounts and Audit Regulations 2015 the Council has a statutory obligation to have an adequate and effective system of internal audit.

5.3.3 The Section 151 Officer has the delegated authority for providing and maintaining this service.

5.3.4 The Internal Auditor is responsible for providing an internal audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS). They are also responsible for providing an opinion, in support of the Annual Governance Statement, on how the Council's risk management processes identify, evaluate, monitor and report that controls are operating effectively within the Council.

5.3.5 Internal Audit is an assurance function that provides an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

5.3.6 Internal Audit has unrestricted access to all information (including records, computer files, databases, systems, property and personnel) across all functions and activities undertaken by the Council, or partners on the behalf of the Council where council information is held in order to review, appraise and report as may be necessary.

5.3.7 The Internal Auditor shall report to the Audit, Governance and Standards Committee all significant concerns that he/she may have over the adequacy and effectiveness of internal controls and risk management activities within the organisation.

5.4 External Audit

- 5.4.1 The council is responsible for approving the appointment of an external auditor. This shall be delegated to the Audit, Governance and Standards Committee.
- 5.4.2 The External Auditor has a responsibility to satisfy themselves that the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This judgement is based on criteria specified by the National Audit Office.
- 5.4.3 The Section 151 Officer, in conjunction with Directors, must ensure that the Council makes best use of resources, and taxpayers and service users receive value for money.
- 5.4.4 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.
- 5.4.5 The Section 151 Officer is responsible for presenting the Audit Findings Report and the Annual Audit Letter to the Audit, Governance and Standards Committee.
- 5.4.6 The Section 151 Officer must advertise the Public Right of Inspection on the Council's website in line with Accounts and Audit regulations.

5.5 Counter-fraud and Anti-bribery

- 5.5.1 Section 151 of the Local Government Act 1972 requires every Local Authority to make arrangements for the proper administration of their financial affairs.
- 5.5.2 The Section 151 Officer is responsible for advising the Council on anti-fraud and anti-corruption strategies and measures. Approval of the policy is delegated by the Council to the Executive.
- 5.5.3 This policy provides a coherent and consistent framework to enable the organisation's staff and Councillors to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Councillors/ staff and the public/ stakeholders to identify and effectively report a potential breach.

5.6 Money Laundering

- 5.6.1 The Section 151 Officer is responsible for preparing the Council's Money Laundering Policy (MLP) to be scrutinised by the Audit, Governance and Standards Committee and approved by the Executive.

- 5.6.2 The Money Laundering Policy (MLP) will be reviewed on a regular basis, at least every three years, and upon issue of new or updated relevant regulations.
- 5.6.3 This policy will ensure that there are adequate controls in place within the Council to counter money laundering activities and terrorist financing activities, in line with the Money Laundering Regulations 2017.
- 5.6.4 The Executive will appoint a Money Laundering Reporting Officer (MLRO).

5.7 Trading Units

- 5.7.1 It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units, and to determine the arrangements under which these are operated.
- 5.7.2 Directors must observe all statutory requirements in relation to trading accounts, including the maintenance of a separate revenue account to include all relevant income and expenditure, including overhead charged and an annual report in support of the Council's annual financial statements.
- 5.7.3 Directors must ensure that the same accounting principles are applied in relation to trading accounts as for other service units.

6.0 External Arrangements

6.1 Partnerships

- 6.1.1 Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. Where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project, this is not a partnership.
- 6.1.2 The Executive is responsible for approving the operational framework for the Council's participation in all strategic partnerships or joint working arrangements with other local public, private, voluntary and community sector organisations. This includes the arrangements for delegation to officers and the detailed arrangements for the provision of both financial and physical resources by the Council.
- 6.1.3 The Section 151 Officer and Monitoring Officer are responsible for promoting, maintaining and monitoring the same high standards of conduct with regard to legal and financial administration and accounting arrangements in partnerships that apply throughout the Council. They shall also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They shall ensure

that the risks have been fully appraised before agreements are entered into with external bodies. They shall ensure that all partnerships are included within the Partnership Register.

- 6.1.4 The approval of both the Section 151 Officer and the Monitoring Officer must be obtained prior to the Council entering into any formal partnership agreement. The approval of the Section 151 Officer must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership.
- 6.1.5 Directors are responsible for ensuring that appropriate preparation work is undertaken and approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- 6.1.6 A written partnership agreement must be produced that clearly establishes the responsibilities, rights, and obligations of the respective partners for managing the arrangement and the resources made available to the partnership.
- 6.1.7 The agreement must clearly set out the financial arrangements of the partnership including accounting, funding, assets, liabilities, insurances, tax accounting and risk management.
- 6.1.8 The agreement must also set out the arrangements in respect of unspent funding at each year end, unless this is to be returned to the Council as unspent money, and for addressing any overspend.
- 6.1.9 The agreement must also include HR advice in respect of employment rights and obligations including IR35 and TUPE implications.

6.1 External Funding (Including Grants)

- 6.1.1 The Section 151 Officer, in consultation with the relevant Director, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 6.1.2 Directors must advise the Section 151 Officer with details of all bids for external funding, as well as all grant and subsidy notifications by external bodies, as soon as they are received.
- 6.1.3 Directors are responsible for ensuring that the terms and conditions of all grants have been met properly.
- 6.1.4 Directors must not commit expenditure on projects requiring matched funding contributions until the external funding has been confirmed.

6.1.5 Directors are responsible for informing the Section 151 Officer promptly about such funding. Where such income is receivable against a grant claim the relevant Director shall provide written confirmation to the Section 151 Officer that all output and other grant requirements have been properly and fully met.

6.2 Work for Third Parties

6.2.1 The Section 151 Officer is responsible for providing specific guidance to Directors in respect of contractual arrangements for the provision of services to third parties or external bodies.

6.2.2 Work can only be undertaken for third parties where the Council has the legal powers to undertake the work.

6.2.3 Regarding the financial aspects of third party contracts, Assistant Directors will ensure:

- Compliance with any guidance issued by the Section 151 Officer and that appropriate insurance arrangements are made.
- 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.
- The Council is not unnecessarily exposed to the risk of bad debts.

6.2.4 A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement.

6.2.5 Directors will provide information on the contractual arrangements to the Section 151 Officer in order that the appropriate disclosures can be made within the Council's annual statement of accounts.

6.2.6 The Director / Section 151 Officer / Solicitor shall be responsible for approving the contractual arrangements for any work for third parties or external bodies.

6.2.7 The relevant Senior Officer must ensure that any work carried out for third parties is not outside the Council's powers by formally seeking the opinion of the Council's Monitoring Officer before such an arrangement is entered into.

6.2.8 The Section 151 Officer will issue guidance on all financial matters in respect of providing third parties with services.

6.2.9 The relevant Senior Officer must ensure that:

- Proposals are costed properly in accordance with the guidance provided by the Section 151 Officer;

- No contract is subsidised by the Council;
- Appropriate insurance arrangements are made;
- Wherever possible, payment is received in advance of the provision of the service;
- The Section 151 Officer is provided with the appropriate information to enable a note to be entered into the Statement of Accounts; and
- Information held or assets owned by the Council is/are not used to the detriment of the Council.
- There is compliance with GDPR.

6.3 **Alternative Delivery Models**

6.3.1 The Section 151 Officer is responsible for providing specific technical guidance to Assistant Directors and managers / specialists regarding 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 Assistant Directors are responsible for ensuring that necessary approval is obtained before any contract negotiations and/or financial transactions are made, and that all agreements and arrangements are properly documented.

6.3.5 There are various types of alternative delivery model, including, but not limited to:

- Local Authority Trading Company (LATC)
- Joint Ventures - set up as separate corporate entities joining two or more parties for the purpose of executing a business undertaking
- Charitable incorporated organisation - a corporate entity which is regulated by the Charities Commission
- Social Enterprises - businesses trading for social and environmental purposes
- Outsourcing – a contractual arrangement between the Council and a private provider for the delivery of an agreed service
- Social Impact Bonds – contract to achieve agreed social outcomes through a programme of interventions delivered by a number of service providers

- Joint Committee – joint bodies set up, by agreement, to discharge or carry out activities in conjunction with other local authorities
- Unincorporated association

6.4 **Transparency**

6.4.1 To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending and are available to download via the Council's Open data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <https://www.somersetwestandtaunton.gov.uk/open-data/>

Appendix A

List of supporting strategies, policies, plans and reports

- Financial Strategy and Medium Term Financial Plan
- Budget Strategy
- Capital Strategy
- Commercial Investment Strategy
- Revenue Budget and Capital Programme Report including ...
 - Council Tax Setting Report
 - HRA Revenue Budget and Capital Programme Report
 - HRA 30-Year Business Plan
 - Fees and Charges Register
 - Earmarked Reserves Review Report
 - Capital Programme Report
- Performance Reporting
- Statement of Accounts
- Investment Strategy
- Minimum Revenue Provision Policy
- Treasury Management Strategy Statement
- Treasury Performance Reports
- Income and Arrears Management Policy
- Contract Procedure Rules
- Purchasing Card Guide and Terms and Conditions
- Petty Cash Guide and Terms and Conditions
- Asset Management Plan
- Payroll Policy
- Employee Code of Conduct
- Gifts and Hospitality Guidance and Procedures
- Risk Management Strategy
- Governance Framework
- Anti-Fraud and Anti-Corruption Policy
- Money Laundering Policy
- Partnership Working Operational Framework

-End of Document-

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.
 - d) To ensure the Council fulfils its duty of delivering Best Value for its Council Taxpayers 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 Strategic Procurement Specialist or the Assistant Director Finance (S151 Officer). The administration, monitoring, and governance of the application of these Rules shall be the responsibility of the Director of Internal Operations.
- 1.3 If there is any relevant change to English or UK 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.
 - 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.
 - 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 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. [Guidance available here](#)
- j) Life or death – where there is a significant chance that the life or health of Officers, Councilors 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 sole source of supply.
- 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 (Waiver) form and seek the approval of the Strategic Procurement Specialist.

2.5 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 Strategic Procurement Specialist and Assistant Director Finance (S151 Officer).

2.6 The Procuring Officer is responsible for ensuring that the exemption request (Waiver) 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 either the Director of Internal Operations or Assistant Director Finance (S151 Officer) and the Strategic Procurement Specialist.
- 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 27) must also be obtained.

3 Compliance

- 3.1 Every contract entered on behalf of the Council shall comply with:
- a) These Contract Procedure Rules.
 - b) The Council's Financial Procedure Rules.
 - c) All relevant English and UK 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 Strategic Procurement Specialist.

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 Employee Code of Conduct (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 Strategic Procurement Specialist 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 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 Officers and Councillors.

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 Strategic Procurement Specialist or, if they believe there is a governance issue, the Monitoring Officer where necessary to ensure that any applicable Relevant Legislation has been complied with.

7 Responsibilities of Directors

- 7.1 Procurement activity in the Council is devolved to individual Directorates and Services, which are supported in their purchasing activities by the Procurement Team, SHAPE Legal Partnership, Finance Specialists and Case 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 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 Procurement Team must be consulted, and confirmation given that the Council may lawfully access the framework before a purchase. The Procurement Team must be informed of the use of a Framework Agreement.

9.2 To select a supplier for a call-off contract under a multi-supplier Framework Agreement, or to conduct a mini competition, the Procuring Officer in conjunction with the Procurement Team must follow the procedure set out in that Framework Agreement.

9.3 The Procurement Team will keep a record of framework use.

10 Market Engagement (Soft Market Testing)

10.1 Officers may, prior to commencing the procurement process and on the advice of the Procurement Team, 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 Finance Manager and where necessary the Assistant Director Finance (S151 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 supplier with reputable insurance provider(s) and it is renewed as necessary during the contract period.

11.3 The Procuring Officer must consult the Finance Manager or Assistant Director Finance (S151 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 more than £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 Finance Manager or Assistant Director Finance (S151 Officer) concerning whether a parent company guarantee is needed where:
- a) The Total Contract Value exceeds the UK Procurement 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 and HR 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 Strategic Procurement Specialist.
- 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	UK Supplies Goods and Services Threshold (See Table 3)

Contract Value	Procurement Process	Advertising Requirements	Process Guidance
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 UK.</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 UK 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 UK 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	UK Works Threshold (See table 3)

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 UK Works threshold:</p> <p>All relevant registered suppliers on the Approved Select List invited to register interest.</p>	<p>See Rule 21</p> <p><i>Procurement processes requiring Invitations to Tender</i></p>

Threshold	Non-Select List Rules	Select List Rules	Process Guidance
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 UK Works Threshold	See Rule 22. Procurement processes over <i>the UK Threshold</i> .

Table 3

UK Thresholds (From 1st January 2022)

	Threshold
Supply and services contracts (local authorities, universities, academies, emergency services)	£213,477
Works or services concession contracts (all)	£5,336,937
Utilities Contract Regulations (Supplies and Services)	£426,955

16 The Procurement Sourcing Strategy

- 16.1 For procurement processes with a Total Contract Value more than the UK Threshold the Procuring Officer must seek approval from the Strategic Procurement Specialist or Assistant Director Finance (S151 Officer) prior to procurement and must consult with the Procurement Team to develop a procurement sourcing strategy.
- 16.2 From 1st January 2022 When calculating the estimated value of the contract to determine whether the value will exceed the procurement threshold and regulations apply, the contract value estimation should be inclusive of VAT (where applicable)

Example

Estimated Goods and Services contract value excluding VAT £178,000 + VAT @ 20% £35,600 = Total contract value £213,600 is over threshold.

17 Specification

- 17.1 Each procurement must be appropriately scoped and specified by either the nominated Contract or Project Manager, 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 scoped and specified by reference to published UK national standards. 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 Procurement Team) 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, in the first instance, consult with the Procurement Team.

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 Strategic Procurement Specialist, 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 based on 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 ProContract Procurement Portal.
- 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 Approved Supplier List (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 Procurement Portal, or the relevant ASL.
- 20.6 If no suitable candidates can be found on the Procurement Portal, the Procuring Officer may also place an open advertisement in the Procurement Portal 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 Strategic Procurement Specialist prior to proceeding 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 as opposed to a single one-off supply 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 UK Threshold, the Procuring Officer must seek the advice of a procurement Officer.
- 21.2 The Procuring Officer is required to invite tenders from all qualified candidates by advertising the opportunity via the Procurement Portal 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 Procurement Portal.
- 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 UK Threshold

- 22.1 The procuring officer must obtain approval from the Strategic Procurement Specialist or Assistant Director Finance (S151 Officer) before beginning a procurement exercise in respect of any contract at and above the relevant UK Threshold.
- 22.2 For contracts at and above the relevant UK Threshold, the Procuring Officer is required to invite tenders from any and all qualified candidates by advertising the opportunity via the Procurement Portal, in Contracts Finder and publish the opportunity on the UK Find a Tender site.
- 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 Strategic Procurement Specialist in conjunction with, where applicable 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 Find a Tender (or elsewhere in accordance with UK 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 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 the Strategic Procurement Specialist. 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 ProContract Procurement Portal.
 - 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 12:00:00hrs.
 - c) Submissions shall be verified and opened by authorised Procurement officer on the Procurement Portal.

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 Strategic Procurement Specialist and Procurement Team 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 Procurement Team 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 UK 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 Award Notice must be placed by the authorised procurement officer on the appropriate contract finder publication.
- 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 Strategic Procurement Specialist and Procurement Team 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 Strategic Procurement Specialist and Assistant Director Finance (S151 Officer).

27 Authorisations

Authority to Procure a Contract

- 27.1 A Director may authorise a procurement exercise in respect of contracts of any value if:
- 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.
 - d) Where the contract value is above the relevant UK Threshold the approval of the Assistant Director Finance (S151 Officer) or Strategic Procurement Specialist must be 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 4.
- 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 Director or Assistant Director for the service responsible for the procurement will determine what a politically sensitive contract is for the purposes of Table 4 however, where the contract value is £1,000,000 or above, the Director or Assistant 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 A Director may sign contracts in respect of procurement within their services.
- 27.7 Directors 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 4

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, Assistant Director, Section 151 Officer, Monitoring Officer
Over £1,000,000* and politically sensitive		Key Decision to be made by the Executive.	Chief Executive, Director, Section 151 Officer, Monitoring Officer
Over Threshold 3		Chief Executive, Director, Assistant Director, or the Section 151 Officer	Chief Executive, Director, Assistant Director, Section 151 Officer, or Monitoring Officer
Over £50,000 but less than Threshold 3	Over £150,000 but less than Threshold 3	Strategic Procurement Specialist, K-grade Approved Procurement Practitioner (across function).	Chief Executive, Director, Assistant Director, 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, Assistant Director, 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, Assistant Director, Service Manager, Lead Specialist (K grade), Section 151 Officer, Monitoring Officer.
Up to £1,000	Up to £1,000	Any Grade having completed the Procurement e-learning training	Chief Executive, Director, Assistant Director, Service Manager, Lead Specialist (K grade),

Total Contract Value		Approval to Award	Approval to sign Contracts
			Section 151 Officer, Monitoring Officer.

*See Contract Procedure Rule 27.4 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 more than £5,000 must be authorised by a Finance Specialist.
 - b) Payments in advance more than £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 Strategic Procurement Specialist and Procurement Team.
- 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 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 Director or, in the case of a procurement valued at £100,000 or more, the Director and Strategic Procurement Specialist. A letter of intent must not be issued unless approved by the Director or Assistant Director Finance (S151 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 Strategic Procurement Specialist.
- 32.3 Variations to contracts must be approved and signed by the relevant officers in accordance with Table 4 at Rule 27.
- 32.4 Extensions of contracts may only be made where:
- a) There is budgetary provision.
 - b) Best Value can be clearly demonstrated, and that the extension will not contravene any legal requirement.
 - c) The extension is within the scope (description of Goods, Services or Works, duration, and Total Value) of the original Contract

And for Contracts below the UK 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 UK Threshold.
- 32.5 For contracts at or over the UK Threshold, the original Contract Notice advertised, and the contract permits the extension.
- 32.6 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.
- 32.7 Extensions to contracts must be approved and signed by the relevant officers in accordance with the approval levels set out in Table 4 in section 28.
- 32.8 For contracts with a Total Contract Value exceeding the UK 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 Director for the service area to which the procurement relates and the Monitoring Officer.
- 32.9 For contracts with a Total Contract Value exceeding the UK 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.

- 32.10 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 UK Threshold must have in place:
- a) A contract operation 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, because of the expiry, or early termination, of the contract.
- 33.3 For any contract with a total value below the relevant UK Threshold, where supplier failure would have an adverse impact on the Council's service delivery the requirements of 33.2.c and 33.2.d 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 Strategic Procurement Specialist 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) Subsidy.
 - k) Development agreements.

35 Amendments to These Contract Procedure Rules

- 35.1 The Monitoring Officer and Executive shall be empowered to review the Contract Procedure Rules from time to time and as often as may be necessary in consultation with the Assistant Director Finance (S151 Officer) and Strategic Procurement Specialist and Portfolio Holder responsible for Finance and Procurement and, following formal approval by Full Council, shall publish details

of any amendments.

Somerset West and Taunton Council Petition Scheme

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement upon receipt of the petition.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. Petitions can be posted to us or handed into reception at the Council offices.

Petitions can also be presented during public question time at most public meetings of the Council or any of its Committees, providing the subject of the petition is within their remit.

Paper petitions can be sent to:

Governance Team
Somerset West and Taunton Council

X

X

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take;
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. The Council will contact the organiser to explain how we will respond to the petition, so it would be helpful to include telephone and email contact details as well.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petitioner upon receipt of their petition. This will set out what we plan to do with the petition. We will provide a full written response to the petitioner within 20 working days of this acknowledgement being issued, if this isn't possible, we'll explain why it might take longer. The petition will also be shared with the local Councillor and the relevant Executive Member with responsibility for the service involved.

The acknowledgement will clarify what we plan to do with the petition and when the petitioner can expect to hear from us again. If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will then be closed. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

The status details of a petition received will be published on our website, including the expected response date and if possible, all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- referring the petition to an appropriate decision maker* for response
- undertaking research or holding an inquiry into the matter
- holding a public meeting with petitioners
- referring the petition for consideration by the council's Scrutiny Committee*
- considering the petition at a Full Council* meeting

*The Executive is the main decision making body of the council and Executive members and the Leader of Council are responsible for the majority of the council's functions, supported by the Chief Executive and other council employees. The Scrutiny Committees of the council do not make decisions, but seeks to influence decision-makers.

The full Council has four scheduled public meetings each year. Its main purpose is to agree a budget and policy framework within which the Leader of Council and their Executive operate and council services are provided.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible, will work with them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here www.somersetwestandtaunton.gov.uk

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to another council and informing the petitioner of this as part of the initial acknowledgement but could involve other steps. In any event we will always notify you of the action we have taken.

E-petitions

The council welcomes e-petitions which can be submitted through a number of free online tools such as www.change.org/start-a-petition and www.ipetitions.com. E-petitions must follow the same guidelines as paper. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months. Guidance on how to use the free online tools are included on the respective websites.

When you create an e-petition, you may want to include an email address so that we are notified that a petition is live and so that you can easily send it to us for action once closed. Is so, please use the governance email address.

When your e-petition has closed for signature and is submitted through our governance email address, the team will ensure that it is forwarded to an appropriate decision maker. In the same way as a paper petition, you will receive an acknowledgement upon receipt. If you would like to present your e-petition to a meeting of the council, please contact us within 10 working days of receipt of the acknowledgement.

The acknowledgment and response will be published on the Council website.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's two Scrutiny Committee's review the steps that the council has taken in response to your petition. It is helpful to everyone, and

can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The Scrutiny Committee(s) will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. If your petition includes a request for a senior council officer to give evidence at a public meeting and has at least 800 signatures (0.5% of the local population) a specific senior officer or Executive member (as decided by the Committee) will be required to attend the meeting and participate.

Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council Executive and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Full council debates

If a petition contains more than 1600 signatures (1% of the local population) the petition organiser can request a further escalation to a meeting of the County Council.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will normally consider the petition at its next meeting. The petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors, normally for a maximum of 15 minutes. The Chair of Council will decide whether the petition organiser may make a supplementary statement during the debate.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which the Executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

More information

For more information about the council's petition scheme or to present your petition, please contact:

Governance Team

X

Email: x
Tel: x

Articles of the Constitution

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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 Council.

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. The Councillor 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 the Councillor 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 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 and Social Care 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) Electing the Chair of the Council and appointing the Vice-Chair.
- u) Confirming the appointment of the Section 151 Officer and Monitoring Officer.
- v) Designating an officer to be the Returning Officer and Electoral Registration Officer.
- 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.

4.1.2 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 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 – Scrutiny Committee(s)

6.1 Terms of Reference

6.1.1 Scrutiny refers to all the Scrutiny functions within the Council and is used in this Constitution as a collective term for all individual Scrutiny Committees, sub-committees and scrutiny panels and all references to Scrutiny are to be interpreted accordingly, except where otherwise expressly stated.

6.1.2 The Council will appoint at least one 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 Scrutiny Procedure Rules. Specific terms of reference for the Scrutiny Committee(s) are found in this Constitution.

6.1.3 The Council has a Corporate Scrutiny Committee and Community Scrutiny Committee (please refer to the Scrutiny Committees – Terms of Reference for more information).

6.2 General role

6.2.1 Within their terms of reference, 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 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 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 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 Scrutiny Committee(s) may:

- A) exercise overall responsibility for the finances made available to them.
- B) scrutinise the overall Council Budget as part of its preparation.

(d) Annual Report

6.3.4 The Scrutiny Committee(s) must report annually to Council on their work.

6.4 Proceedings of Scrutiny Committees

6.4.1 The Scrutiny Committee(s) will conduct their proceedings in accordance with the 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) the Councillor resigns from the office; or
- b) the Councillor is suspended from being a Councillor under Part III of the Local Government Act 2000 (although the Councillor may resume office at the end of the period of suspension); or
- c) the Councillor 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) the Councillor resigns from the office; or
- b) the Councillor 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) the Councillor is no longer a Councillor; or
- d) the Councillor 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) the Councillor resigns from office; or
- b) the Councillor is suspended from being a Councillor under Part III of the Local Government Act 2000 (although the Councillor may resume office at the end of the period of suspension); or
- c) the Councillor is no longer a Councillor; or
- d) the Councillor 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 Audit and Governance Committee and Standards Committee

8.2.1 The Council will appoint one or more committees that between them will undertake (a) the role of an Audit and Governance Committee, (b) Standards Committee and (c) 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 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 in Chapter 25 of this Constitution (Management Structure).

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 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 Officer 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 Scrutiny Committee(s)

13.6.1 Subject to the principles of natural justice and respecting Human Rights, the 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, having received legal advice, 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 ensure that a copy of this Constitution is available 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.

Full Council Meeting – 8 February 2022

Report of Councillor Federica Smith-Roberts – Leader of the Council and Communications

Local Government Reorganisation

Local government reorganisation continues to move at pace with the Structural Change Order, the legal mechanism to implement change, making its way through the Houses of Parliament. Assuming the Structural Change Order passes through the House, and there is no suggestion it will not, our understanding is that it will come into effect sometime in March 2022. That is a landmark as it formalises the structures to ensure the new council comes into being with effect 1 April 2023. It will also clarify the timing of Parish and Town Council elections and confirm the elections for a Taunton Town Council can take place in 2023. Over the coming months I have asked for specific Member briefings to be planned and I hope to see you there for the up to date view of the programme.

As we draw closer to vesting day on 1 April 2023 more of our officer time will be drawn into setting the conditions for a successful new council, whilst also ensuring we close Somerset West and Taunton Council in good order. Our ambition is to ensure that we hold Somerset West and Taunton as an example of 'what good looks like'.

Budget Update

I am pleased to highlight the work we have progressed on the 2022/23 Budget. Despite the significant reduction in general funding and increasing cost pressures we have a balanced budget for next year. COVID continues to have a significant impact on our finances, both directly and indirectly. For example, demand for off-street parking remains much lower than before the pandemic and we have reduced the income budget by £1.5m as a result. The impact on the economy and availability of labour and supplies are driving inflationary and market-driven cost increases.

Our strategy seeks to protect and support ongoing service delivery and provide additional capacity where need it to provide a stable footing as we transition to a new unitary council for Somerset.

We have included £1.375m in the Budget to fund our contribution towards the £16.5m implementation budget for establishing the unitary council as well as funds to employ extra help if needed to ensure business as usual services are maintained and the implementation goes smoothly.

We continue to invest in our key priorities including climate change, with £1.5m allocated over three years to help deliver. And we are proposing a £300k Environmental and Leisure Improvements Fund to support various initiatives to enhance the district amenities and public spaces.

Our commercial investment strategy is working and is expected to contribute net income of £4.5m next year. This is vital funding to fund the services we deliver to our communities, businesses, and visitors.

We are proposing to increase Council Tax by 2.95% which is £5 on a Band D property, to contribute to total costs of our services. 63% of properties in the district are in Bands A-C and accordingly will see a smaller increase on their bills.

We are presenting a fully funded balanced budget for the final year of Somerset West and Taunton with prudent reserves supporting financial resilience as we transition to unitary. A positive position as we look to the future.

Country Park

Somerset West and Taunton Council has agreed a 125-year lease with Cheddon Fitzpaine and West Monkton parish councils to manage Monkton Country Park, known locally as Maidenbrook Country Park. The Council's Executive Committee approved the joint lease agreement for the site at Yallands Hill between Taunton and Monkton Heathfield.

Monkton Country Park was acquired by the former Taunton Deane Borough Council from the Crown Estate in October 2018. The freehold asset will remain with SWT so the country park remains in public ownership. The agreement to lease the land jointly to Cheddon Fitzpaine Parish Council and West Monkton Parish Council for a 125 year period at £1 per annum rent will enable them to manage the park on behalf of SWT with clear delineation of responsibilities.

I am delighted that we have been able to reach this lease agreement. It has been a long held ambition of both SWT and the parish councils to secure this country park and protect its green open spaces for the future and long term benefit of our communities.

As well as being a valued community space, the country park is an important component of Taunton's status as a garden town.

It will provide green links to encourage greater use of pedestrian and cycle routes from the planned garden communities to the east (Monkton Heathfield) and west (Nerrols), as well as a north/south route improving connections with Hestercombe House, the Quantock Hills AONB and the Taunton urban area.

Communications

It continues to be a busy time for communications with lots of Council initiatives, messages and events to publicise.

Throughout the festive period there were a number of incentives to support our traders including the free parking offer; the 3D animation in North Street, Taunton; the boost to traders in Taunton's independent quarter; and the enhanced high street cleaning programme in partnership with cleansing contractor, Idverde, covering town

centres and other high footfall areas in Minehead, Taunton, Watchet, Wellington and Wiveliscombe.

Early this year we have been keeping people up to date with our plans for a twelve-month trial enforcement scheme as part of the ongoing commitment to help keep our streets and public spaces free of litter; the discretionary grant scheme to provide financial support to businesses in the hospitality sector; and our budget setting for the coming financial year - the last ahead of the creation of a new unitary authority in April 2023.

Most recently Somerset West and Taunton Council received two of the iconic benches being placed around the country in a campaign encouraging people to talk about grief. The benches gifted by the Campaign Against Living Miserably (CALM) and Netflix to mark the launch of the third and final series of the hit show After Life have been installed by our open spaces team at our green flag award winning parks in Blenheim Gardens, Minehead, and Vivary Park, Taunton.

SWT continues to work with the other district councils and the county council to issue communications on joint initiatives. Recently we have reported on the dedicated helpline set up to provide a single point of contact for Somerset residents at the start of the coronavirus pandemic which has now taken more than 17,000 calls; and work the districts have achieved with the Centre for Sustainable Energy (CSE) to secure funding to deliver energy efficiency improvements to park homes across Somerset.

Communications are also issued by SWT for various partnership projects such as the Health and Safety talks discussing dangers on building sites, being delivered by the Council and construction contractor ENGIE at local primary schools; and our work with Social Enterprise lender, Lendology, to provide low interest loans to homeowners wishing to increase their energy efficiency.

All press releases issued by the Council are followed up with social media posts and we share content from partner organisations including the district and county councils, the Somerset Waste Partnership, the NHS and Public Health as a matter of course.

Our social media specialist has continued working with teams throughout the council to support a range of projects, helping to create content for sharing externally.

The Civic Office has been supporting the Mayor of Taunton and the Chair of SWT to carry out a variety of engagements including:

- The Mayor's Carols Around the Bandstand which raised just over £740 for the Mayor's Charity, Cancer Research UK - Taunton Branch. The event was supported by Taunton Concert Band, Let's Sing, Taunton Deane Male Voice Choir and the West Somerset Singers.
- The Mayor's traditional Christmas Visits on Christmas Eve leaving gifts with the Emergency Services, the Samaritans, the Rectory Care Home and Musgrove Park Hospital. A teddy bear was left in the care of the midwives on duty to present to the first baby born on Christmas Day on the Mayors behalf.

Community events are beginning to pick up as COVID-19 restrictions ease and the Civic Diary is starting to look busy.

Planning is underway for this year's Platinum Jubilee commemorations. Although in its early stages, the Mayor and Chair will be taking part in the national Civic Tree Planting / Plaque unveiling on 11 March.

As well as the ongoing regular tasks, Internal Communications has been raising awareness of the work of Council staff focusing recently on the Business Analyst Team; and keeping staff informed of Council priorities, as well as changes to Covid regulations, HR and public health messages.

It has helped with several campaigns during December and January including the Nutrition Programme, the Leadership Development Programme, and wellbeing campaigns such as 'Get Outside this January'. Internal communications is currently supporting the launch of the Excellence Framework and working on staff engagement and feedback regarding the new Intranet.

Full Council Meeting – 8 February 2022

Report of Councillor Derek Perry – Deputy Leader and Sports, Parks and Leisure

Play equipment

1. All play area inspections have now been completed on schedule. The 2021 / 2022 replacement programme is now underway with some equipment already having been installed and others soon to be installed. The table below sets out an indicative timetable.

Play Area and Planned work	Parish	Planned Completion
Streamside P/A Double Flat Swings	Blackbrook & Holway	February 2022
Blenheim RD P/A Double Spring Rocker	Halcon & Lane	February 2022
Farriers Grange P/A See Saw	West Monkton & Cheddon Fitzpaine	February 2022
Wellington Rec P/A Accessible Roundabout	Wellington North	February 2022
Vivary Pk P/A Accessible Roundabout	Vivary	February 2022
Showell Park K/G Slide/Swings	Norton Fitzwarren & Staplegrove	January 2022
Showell Park P/A Slide/Swings/Chain Bridge/Climbing Unit	Norton Fitzwarren & Staplegrove	January 2022
Lyngford K/G Slide/ Multi Unit	Priorswood	January 2022
Burrough Way P/A Balance Walkway	Wellington South	February 2022
Viridor Green P/A Basket Swing Replacement	Halcon & Lane	January 2022
Hamilton Play Area Additional Inclusive Equipment.	Halcon & Lane	January 2022

Double Swings Inclusive Seats, Inclusive Rocker, Inclusive Roundabout			
Celandine Mead Slide/Roundabout/Swings/Climbing Frame	Blackbrook & Holway	January 2022	

A swimming pool site for Minehead

2. By the time of publication of this report, members will have seen the release confirming the decision to set aside a parcel of land in Minehead as a site for a swimming pool. This is an early but important step on the road to the provision of a new pool which will serve the town and the wider area.

Green Flag Awards

3. Green flags were officially raised in January in the parks and open spaces which were successful in the 2021 process. Submissions for the Green Flag Awards for 2022 are being completed for Blenheim Gardens, Wellington, Vivary, Victoria and French Weir and Comeytrowe parks, as well as Swains Lane Nature Reserve.

Afterlife Benches

4. Members will hopefully be aware of the recent installation of the “Afterlife” benches in Vivary park and Blenheim Gardens. These benches were donated by Netflix to mark the third and final series of the eponymous series and were designed and commissioned in collaboration with the Campaign Against Living Miserably (CALM). Netflix donated 25 of these benches nationwide and so were we are delighted that they chose to site two of them within our district.

Leisure (Everyone Active)

5. Membership numbers have continued to recover across all sites with ambitious targets for the January period looking likely to be achieved. This is obviously very good news given the level of concern that existed a month or so ago in respect of the Omicron variant.

Full Council Meeting – 8 February 2022

Report of Councillor Chris Booth - Community

One Teams

- In Halcon, we have been supporting skate sessions through Halcon Skate club. These are free Skateboarding Session suitable for beginners and those still learning (most suited to ages 6- 13 years)over a period of six weeks from mid-January. Skateboards and helmets can be provided and this is free to access at All Saints Church Hall on Thursday evenings.
- We have also been working with Neroche Woodlanders on Wild Explorers, aimed at getting Parent and Toddler Groups more active and outside.
- We continue to work with partners to drive down youth-related antisocial behaviour and violence across east and north Taunton.
- In Wellington, a multi-agency approach to young people will see the introduction of counselling sessions as well as access to the Resilience Voyage 'drugs bus', which aims to educate about risks and harms in drug use as well as discussing other social issues. The bus is also being deployed in West Somerset.

Youth Unlimited

In North Taunton we have been able to provide support to youth outreach sessions through the SCC funded youth resilience fund. This will help to ensure that the most at risk young people are helped to access employment hubs and training opportunities as well as being able to discuss mental health issues with trained youth workers from Youth Unlimited. This will be starting again in the next few weeks as nights get lighter and continue through the summer.

Minehead Eye

In Minehead, similar opportunities are being offered through the Minehead Eye project and will again be helping young people to access employment and training as well as giving access to wider youth facilities and guidance.

Somerset Art Work

Project working with young parents(target age 18-29), enrichment art activities with signposting to other services alongside. Will work with schools and health visitors to identify. Planning for at least 10 sessions. Church Hall and artist booked with a proposed start date of 4th March.

Somerset Skills & Learning

Halcon & North Taunton have jointly procured Somerset Skills and Learning for a 4 week online course for young unemployed. Despite widespread publicity, the take up was poor.

Food Pantries

The Local Food Pantries are starting to grow and we now have interest in new Pantries in Wellington, Minehead, Wiveliscombe and Watchet. These take some time to get off the ground and may not be running until later in the spring. We are grateful however for the support of our first pantry at Rowbarton in Taunton, who

have been able to facilitate visits and provide practical support and answers to questions that the potential new providers have. More information is available here:
Email: TheLocalPantry@somersetwestandtaunton.gov.uk

Full Council Meeting – 8 February 2022

Report of Councillor Dixie Darch – Climate Change

Electric Vehicle Charge Points

Somerset West and Taunton car parks and fleet vehicle charging points have started to be installed across our district, with 2 x 22kw double headed charging units going live in the Belvedere Road car park w/c 17th January 2022.

The charge points can be accessed by the Swarco E-connect app or RFID card and are publicly accessible 24hrs a day. They are also visible on electric vehicle apps such as Zap Map, the UK-wide map of charging points. The current price is set at 30p per kwh.



We have also installed 7kw fleet vehicle charging points for use by our pool cars in the Deane House staff car park. Further fleet chargers will be installed at the Wellington Depot and Kilkenny over the next couple of months.

The Instavolt charging units were installed and went live during 2021: the monthly stats show how they are being used and the resulting greenhouse gas savings

Site Name	Month/Year	Energy (kWh)	No. of Sessions	GHG Savings (kg)
ALEXANDRA ROAD	01/07/2021	542.9	23	501.0966855
ALEXANDRA ROAD	01/08/2021	4710.6	165	4347.883674
ALEXANDRA ROAD	01/09/2021	3810.1	138	3516.722198
ALEXANDRA ROAD	01/10/2021	4628.4	171	4272.013077
ALEXANDRA ROAD	01/11/2021	3017.1	104	2784.78322
ALEXANDRA ROAD	01/12/2021	2492.4	89	2300.485134
		19201.5	690	17722.98399
BLACKBROOK	01/05/2021	75.02	10	69.239
BLACKBROOK	01/06/2021	1010.43	55	932.633

BLACKBROOK	01/07/2021	2844.9	177	2625.841
BLACKBROOK	01/08/2021	4507.91	234	4160.801
BLACKBROOK	01/09/2021	3341.08	154	3083.822
BLACKBROOK	01/10/2021	3567.32	182	3292.643
BLACKBROOK	01/11/2021	2765.25	123	2552.321
BLACKBROOK	01/12/2021	2427.82	106	2240.87
		20539.73	1041	18958.17
DEANE HOUSE	01/11/2021	1234.52	57	1139.461
DEANE HOUSE	01/12/2021	2369.29	89	2186.852
		3603.81	146	3326.313
EXMOOR HOUSE	01/07/2021	61.5	10	56.76449836
EXMOOR HOUSE	01/08/2021	1678.2	67	1548.978555
EXMOOR HOUSE	01/09/2021	1244.6	54	1148.765767
EXMOOR HOUSE	01/10/2021	1457.6	64	1345.364761
EXMOOR HOUSE	01/11/2021	708.9	31	654.3146811
EXMOOR HOUSE	01/12/2021	587.6	28	542.3547843
		5738.4	254	5296.543047
	Totals	49083.44	2131	45304.01004

We will be relaunching our 'Electric Vehicle Charge Point Grant Fund' for Town and Parish Councils in February. The scheme will be open to all Town and Parish councils who would like to install an electric vehicle charging point. Somerset West and Taunton Council will offer match funding of up to £1,500 for the installation of a new charge point.

EScooter Trial

The trials in Taunton and Minehead continue to be successful with no major incidents to report. We continue to have monthly contract meetings with our operator (Zipp) and Avon & Somerset Police and disability group representatives.

We are still awaiting the interim report from the Department of Transport which we are expecting any time soon.

Taunton stats. up to 16th January 2022, with estimated carbon reduction of 21.2 tonnes:

	This Week	Last week	Cumulative
Total Number of rides	1,077	1,031	74,715
Total distance travelled	1,648 miles	1,500 miles	154,488 miles
Average trip length	1.53 miles	1.46 miles	2.45 miles
Average trip duration	0:13:23	0:12:53	0:16:18
Average Speed	6.86 mph	6.78 mph	9.02 mph
Total time spent on scooters	240 hours	221 hours	20307 hours
New users	73	29	10,861

Minehead stats up to 16th January 2022, with estimated carbon reduction of 3.4 tonnes.

	This Week	Last week	Cumulative
Total Number of rides	215	120	15,003
Total distance travelled	244 miles	140 miles	24,407 miles
Average trip length	1.14 miles	1.17 miles	1.77 miles
Average trip duration	0:12:14	0:21:55	0:16:32
Average Speed	5.57 mph	3.19 mph	6.43 mph
Total time spent on scooters	43 hours	43 hours	4133 hours
New users	29	16	5,499

Queen's Green Canopy

We have taken delivery of the trees for our Taunton, Wellington and Minehead Queen's Green Canopy schemes this week. Planting at Taunton and Minehead will start later this week with official opening ceremonies taking place in March.



Water Refill Stations

The third and final water refill station will be installed in Wellington in February. Continuing with our collaboration with Wessex Water, we are looking at ways we can create a comms campaign that engages people to look at their water usage with a view to reducing water wastage in their homes.

Recycling on the Go

The schools' poster campaign has been extended to 31st January to allow time for more schools to take part. Following the installation of our new segregated recycling bins across the district, our post installation waste audit is taking place w/c 17th January. The data recorded will identify how well members of the public are using the new bins within the first few weeks of installation. Data gathered will help inform any future decisions regarding a wider rollout.



Exmoor National Park – Bye Wood, Woodland Creation

Somerset West and Taunton have previously committed to support the Exmoor National Park and their woodland creation at Bye Wood, by providing £8,000 funding towards the purchase of trees. This weekend (18th January) Exmoor National Park held their second volunteer tree planting event and officers from the Somerset West and Taunton Climate Change Team took part, helping to plant over 500 trees in total on the day.



Trees Call to Action Funding Bid

Working in partnership with the Somerset Wildlife Trust, Exmoor National Park, Somerset County Council, and the other District Councils within the county we have submitted a bid to the 'Trees Call to Action' fund, to produce a strategy for the creation of Somerset Forest. The closing the date for all applications was 20th January 2022.

Building Decarbonisation

We are progressing the recommendations within our previously commissioned strategy report.

We have pledged to support the Brewhouse by funding a whole building decarbonisation strategy.

Our CNCR budget is also supporting remedial works at Wellington Sports centre, including the replacement of air handling units which will reduce energy used by 60%.

Corporate Emissions

When we declared our Climate Emergency in 2019, we appointed Exeter University to carry out a baseline audit of our corporate emissions; this information was used to inform our Carbon Neutrality and Climate Resilience action plan. We are now recording the data for Year Two and carrying out an in-house assessment using the tools widely available to local authorities.

Ecological Emergency Vision and Action Plan

Somerset West and Taunton declared an Ecological Emergency in October 2020 and have recently appointed a project manager to produce an Ecological Vision and Action Plan. Our project manager started in October 2021 and work on the vision and action plan is progressing well. Somerset West and Taunton Cllrs have recently attended an all-Member briefing session to discuss the approach and have been invited to take part in further workshops to develop the plan.

We will keep you updated on progress of this extremely important work.

Funding Bid Writer

Our new funding bid writer started in September 2021 and has already started to make significant impact across the council, in supporting applications to the 'Social Housing Decarbonisation' fund at the end of 2021 and more recently the 'Trees Call to Action' fund. We will keep you updated of progress, and hopefully we will be able to share our successes soon.

Full Council Meeting – 8 February 2022

Report of Councillor Caroline Ellis - Culture

Cultural Development Team – progress update

The Cultural Development team has been created to support and deliver the Cultural Strategy - which aligns with the SWT Corporate Strategy. This firmly states the intention to raise the importance of Arts and Culture within our District.

- **Cultural Forum** - The Cultural Forum is an arena and opportunity for our trusted stakeholders and partners to come together to network, support and ensure that Arts and Culture is firmly on the agenda for our District going forward. The forum presents the space to collaborate, share ideas as well as giving SWT the opportunity to present essential updates and information relating to the sector.
 - A re-launch meeting of the SWT Cultural Forum was held on Thursday 2 December 2021 and was well attended with 60+ internal and external stakeholders.
 - A robust action plan has since been developed based on input and feedback.
 - We aim to hold these meetings quarterly, with the next one being planned for early March 2022
 - The team will also facilitate the creation of thematic sub-groups with external stakeholders to inform and develop the Cultural Strategy, e.g. Creative People, Employment and Skills etc
- **Communications and Engagement plan** – the Cultural Development Team is now fully established, with an on-going priority of communicating and engaging with external organisations, as well as internally with other related parts of SWT – for example:
 - through the creation of internal working groups/taskforce – I.e., Planning/Garden Town, Community Engagement, Events, Employment and Skills, and linking in with Jo O’Hara re: Heritage and creating an assets list of all SWT Arts and Culture assets.
 - A new cultural development newsletter has been established and updates uploaded to the SWT website
- **Cultural funding support** – the team is now proactively liaising with potential projects where funding and support is sought
 - A National Lottery Jubilee Funding Application (requested £50k) has been submitted – we will hear March/April whether this has been successful
 - A Funding Workshop for external stakeholders is planned for February (delivered by the SWT Cultural Development Specialist, Andrew Knutt, and will be hosted at CICCIC)
 - The team will be introducing and developing a tool to capture data on SWT funded projects for future planning and to ensure delivery and monitoring on the SWT cultural strategy

- **Events** – the Cultural Development team works closely with the SWT Events Co-ordinator and Town Centre Resilience and Transformation Officer to ensure the SWT events calendar links in with Cultural Strategy:
 - Supporting the roll out of the new SWT ‘What’s on Events and Things to Do’ portal. A Webinar is organised for organisations 10 February
 - Involved with events and Civic relating to Queens Platinum Jubilee
 - Working with and supporting SCC with the 500th Anniversary of the Municipal Buildings and prospect of commissioning a piece of Public Art in and around Castle Green Area.
 - We have supported bringing the **Museum of the Moon** to Taunton in March 2022.
- **Local Government Re-organisation (LGR) Programme** – the SWT Strategic Lead for Culture is now engaged with the ‘Culture and Universal Community Services’ workstream of the county-wide LGR programme. Alongside this programme, consideration is being given to a new Somerset county-wide Cultural Strategy.

Cultural Liaison and Events attended by the Portfolio Holder – Cllr Caroline Ellis

Public Art: Our Arts Taunton/SWT Liaison meeting in December 2021 focused on Public Art. We discussed how Public Art fits within the new Design Guide and Arts Taunton shared early thinking on a Public Art strategy. Exploratory and high level discussions have since been held with Arts Taunton and the Museum of Somerset towards a new Public Art project for Castle Green.

We will soon have a register of Public Art across the whole district logging, with photos and details of how/when/why the 100+ artworks ranging from memorials to mosaics, sculptures, murals, bridges, tapestries, statues were created and by whom. There are many hidden or forgotten gems out there and it has been fascinating tracking down some of the creators and/or guardians of said artworks to find out exactly what the stories are behind their commissioning/creation.

New public art in the offing includes the ‘Taunton’s Historic Timeline’ artwork commissioned by the Town Centre Manager and produced in conjunction with Museum of Somerset/Somerset Heritage which will be affixed to the Debenhams hoardings soon (by end February) and new artworks planned for Minehead which will double up as plastic recycling (think Goby the fish only better as designed by local metal artist). There is interest from street artists too in doing more work in Taunton town centre.

Events: Go Create delivered a fantastic Taunton’s Got Talent competition this year as part of the Winterfest festivities – so many talented young singers from across the district performed.

Along with many fellow councillors and council colleagues I attended the East Quay Celebratory Party in Watchet at the end of November 2021 – a chance to catch the Shift exhibition - key local artists working with Somerset Wildlife Trust on theme of somerset coast, meet a range of artists from across West Somerset and listen to

how East Quay is and will continue to strive to deliver cultural justice – relevant cultural/creative opportunities for all no matter who they are and where they are from.

Carols around the Bandstand in Vivary Park was an awesome evening – thousands gathered, safely, with Taunton Concert Band Taunton Deane Male Voice Choir, The West Somerset Singers, Taunton Street Pastors and the Mayor of Taunton for a magical, festive celebration. Taunton Town Centre had great markets over the festive period too with live music from the local Rock Choir and an amazing 3D festive light projection wishing shoppers Merry Christmas.

Tacchi Morris Arts Centre's pre-Christmas panto was Beauty and the Beast by Reamba productions with a chorus of local talented youngsters, an absolute joy and performances were sold-out.

Taunton Brewhouse AGM at the end of November was a chance to reflect on the challenges the Brew has successfully overcome in the past year to deliver a rich and exciting programme of comedy, film, art, performance, dance and artist/writer development and to look ahead to plans to boost audiences and community engagement in 2022. CEO Amy Bere, Brewhouse Chair, Val Hammond and their team have done a simply outstanding job. To round off the year their fantastic in-house production of the Wind in the Willows, which saw professional actors performing alongside local children and young people and a range of engagement and art projects running alongside, won massive plaudits and exemplified the triumph of community spirit over adversity. It was so good I went back for a booster.

It has been a great winter for art so far with the unmissable Brian Rice exhibition at the Museum of Somerset and Hestercombe's Changing Atmospheres (showing till 27 February) which got my creative juices going. I was really thrilled to meet local artist Uttam Karmaker in December at his first solo exhibition in the UK at Taunton Library, a brilliant abstract, expressionist artist whose work has previously graced the Venice Biennale.

Engagement with artists and creatives has reiterated the need for affordable artist studios in Taunton (Watchet has amazing studios at East Quay and Wellington benefits from the wonderful Old Brick Workshop but there is a very problematic Taunton gap); discussion has taken place with Go Create and the Creative Industries Centre to attempt to remedy this and provide more community art opportunities into the bargain.

Full Council Meeting – 8 February 2022

Report of Councillor Ross Henley – Corporate Resources

Customer

The services in customer are currently heavily engaged with preparations for the move to the new unitary council and for implementing the year-end processes for Council Tax, Business Rates, Benefits and Rents. In addition, we have been developing processes for the new Omicron Hospitality & Leisure Grant scheme announced by Government just before Christmas. This scheme went live on 18 January 2022.

Day-to-day service delivery continues to largely be delivered within our performance targets. We have, however, experienced high volumes of calls since the start of the calendar year. This combined with vacancies and a loss of skilled staff within our Customer Services team is meaning that we are not hitting our performance targets in that area at times. The vacancies have been recruited to and new staff will be starting in February.

Finance and Procurement

Staff from both finance and procurement teams are directly engaged in the LGR Finance Workstream to progress the work of the Programme with transition to the unitary Council. A significant proportion of this service's time and capacity will be prioritised towards the LGR programme activity in the year ahead whilst maintaining good financial controls within SWT operations.

In December the Audit and Governance Committee received the external Auditor's Annual Report. This reports on their extensive work reviewing our arrangements for governance, financial sustainability, and improving economy, efficiency, and effectiveness. The report includes one key recommendation around managing commercial investment risk plus five more minor improvement recommendations, which have been considered and will be addressed in the months ahead (no urgent recommendations were included).

We have made excellent progress with the Budget for 2022/23, presenting balanced budgets for both the General Fund and Housing Revenue Account. This is despite an overall reduction in funding of £2m compared to the current year for the General Fund, and significant cost pressures in Housing.

The Draft Budget for the General Fund went to Corporate Scrutiny on 26 January before seeking approval by the Executive Committee on 9 February and Full Council on 24 February 2022. The HRA Draft Budget is presented for approval at Full Council on 8 February 2022, following consultation and review through the Tenants Strategic Group and then Community Scrutiny on 6 January, and recommendations supported by the Executive on 19 January.

Corporate

People Team Update

Recruitment

During the last quarter, SWT budget was for 660 full-time equivalent (FTE) staff. The actual average for the period was 581 FTE with 76 FTE vacancies.

	Starters	Leavers	Turnover
August	3	6	1.04%
September	9	3	0.52%
October	7	2	0.34%

Sickness Absence

The level of reported sickness absence during the quarter was 3.89% compared to 3.34% in the previous quarter:

Personal and work-related stress continues to account for the largest amount of absence, making up 30% of all sickness, an increase from 25.43% last quarter. Following sessions with MIND, Wellness action plans have been rolled out and we have re-engaged MIND for further support.

Service Development - People, Projects & Key Achievements

- A new Job matching process has been implemented to resolve legacy JE queries and a market factor review is under way.
- A new DBS process has been implemented and embedded as BAU
- IR35 status determinations are underway and the process agreed
- An updated OH process has been agreed and implemented
- A new recruitment approval process and induction process has been agreed
- All policies and guidance have been reviewed to go live on the new intranet by the end of November

ICT Services

Infrastructure Team - People, Projects & Key Achievements

Reviewing Disaster Recovery Planning

Implemented automated security vulnerability scanning.

Service Desk Team - People, Projects & Key Achievements

Upgraded iTop IT Service Desk system now in place, supporting Service Level Agreements, with initial data now flowing through.

Performance indicators now reported monthly to Internal Operations Performance board.

Applications Team - People, Projects & Key Achievements

Projects

- Open Housing project ongoing
- Digital Modernisation project onboarded.
- Intranet project involvement

Upgrades

- NDL Robotics
- PTC
- Multiple Open Revenue upgrades

Governance Team

The Community Governance Review for Taunton is continuing to progress well and has completed public consultation on the first stage, which ran until 12th January 2022.

Officers and Members of the Working Group were pleased to be able to support discussions at many of the Parish Council's/ Charter Trustees within the scope of the review in December. Thank you to everyone who sent in their comments and feedback which will be fully analysed and presented to the Community Governance Review Working Group in the first instance for them to consider and have regard to when deciding on a preferred option to go forward for Stage 2 of the Consultation. The responses and analyses will also be available for the public to consider as part of the Council report on a preferred option, which will now be in March 2022. Due to the pre-election period now confirmed to be commencing on 21st March 2022 which would have had a slight overlap, following legal advice the timetable for the review has been agreed to be amended and the second stage of consultation will now commence in May 2022. The review is still however well on track to complete by the twelve month deadline of November 2022. Please keep an eye on our webpage on the CGR for the latest information and updates regarding this key corporate priority.

Change Projects

Current projects and achievements:

Information Management

- 14 new training videos published to support users of SWT's new document management system, the 'Corporate FilePlan'
- Preparations are gearing up for shutting down shared network drives from 31st January 2022, replaced by the Corporate FilePlan
- New Information and Records Management Policy reviewed by the Director of Internal Operations

New Intranet for staff

- System is being managed by the Internal Communications Team (business as usual). Project Board meets 11th and 14th January 2022 to discuss closing the project down.

Power Platform

- The second outcome from this project is now live, allowing the easy reporting and management of Safeguarding cases utilising the tools available through our Microsoft 365 platform.
- The analysis work has started to understand the benefits that these solutions bring.

Business Analysis and Firmstep development

Since December 2021 through to January 2022 the Business Analysis team have taken the lead and supported the delivery of the following solutions:

- HMO (Houses in Multiple Occupation) Licensing form
- Hospitality Grant form

- Deane Helpline Referral form
- Trade staff scheduling AS-IS process defined and mapped
- Freedom of Information AS-IS process mapped
- Repairs online - final stages of testing and issue resolution throughout January. Making the solution available to the public in early February

Health & Safety

H & S Strategy

During December the H & S Improvement Programme was successfully presented and approved by the Audit & Governance Committee. The programme encompasses all aspects of the internal and external audits completed during 2021 and all necessary workstreams have been allocated a lead officer. All recommendations and actions are now tracked within a newly implemented 'Consolidated H & S Action Plan, to improve progress reporting, appoint ownership and accountability and to allow transparency and visibility. The H & S Improvement Plan is now included in the PMO schedule and will be tracked and reported accordingly.

H & S Committee

A key recommendation from the SWAP Audit (Aug 2021) was to improve the mechanisms of the existing H & S Committee; subsequently a three tier structure has now been implemented and incorporates involvement and reporting mechanisms through all management levels: -

- Tier 1 – Members and SMT
- Tier 2 – Corporate Management Group (steering)
- Tier 2 – Consultative and Reporting (required under Safety Representative and Safety Committee Regulations and includes UNISON representation)
- Tier 3 – H & S Directorate Groups (x4)

During December and January, Tier 2 and 3 meetings have commenced and attendees are gaining good pace and momentum within the new committee structure rhythm. Tier 1 Committee will fall in line with the Governance Programme moving forward.

Dashboard Reporting

Significant development of H & S dashboards has delivered new Directorate Scorecard that are presented at the monthly Tier 3 groups. The scorecards provide useful H & S data for the groups to identify trends, discuss observations and make recommendations/raise improvement actions.

Risk Management

Following the Risk Management Scoping Exercise, each Directorate has a development action plan and an accessible centralised Risk Management area within the Corporate File Plan. Tier 3 Groups are responsible for monitoring progress and significant H & S support time has been programmed in to support Task Managers to achieve the improvement targets.

Communication

Work is underway to develop the H & S communication plan; this will involve a series of H & S campaigns, regular intranet news updates and a schedule of employee

questionnaires, to establish the impact of the H & S Improvement Plan against exist H & S culture.

Organisational Development & Learning

Current Projects

- Leadership Development Programme – this project has now been officially launched and we are taking bookings for the first round of training to begin in March. Further sessions will run in the autumn.
- Digital Eagles training is now complete, and we are moving to the next phase of the programme, including monthly forums to look at organisational digital improvement ideas and the Eagles logging their 'Digital Helps'. December saw 18 Digital Helps logged, with Paula Kirby being our Eagles of the month.
- Corporate Team Awards have now been expanded to the whole of Internal Operations, and the first round is now open.
- Onboarding and Induction. Induction package is complete, and now creating a process that enables new starters to access information prior to start date.
- Learning and Development data storage improvements and compliance and mandatory training completion reporting improvements.

New Projects

- Forming our OD&L Plan for 2022/23 ready for SMT sign off in February. This plan forms part of the wider people strategy.
- As part of wider work on LGR preparedness and our OD&L Planning for 2022, we will be doing another push on performance management.
- Organisational TNA – this will direct our learning and development support for all employees throughout 2022 and ties into wider support planning as part of LGR preparedness.
- Apprenticeship levy – review and reflect on 2021/22 and work with learning providers further to ensure the remaining levy is used effectively.
- Learning Pathways campaign
- Using LMS product to create further opportunities via L&D site.

Key Achievements

- Launching the Leadership Development Programme.
- Digital Eagles training complete.
- Launched new L&D Site which will be a central point for all development opportunities

Full Council Meeting – 8 February 2022

Report of Councillor Marcus Kravis – Asset Management and Economic Development

Major and Special Projects Update

Coal Orchard

Nationwide materials and labour shortages continue to cause difficulties for the contractor Midas, which is affecting the completion of the public realm that surrounds the Wharf and Jetty buildings.

The temporary footpath through the site from early December and through the Christmas period was popular and well used, which is an exciting indicator as to how the scheme will enhance and improve the area when completed. Lights, Christmas trees, maps and signage were put in place to help encourage footfall to all areas.

Marketing of the residential properties and commercial units began in the summer and at the time of writing 35 of the 40 apartments are reserved or let. With the handover of The Quay contracts can now be exchanged, and we hope to see the first owners moving in early in the New Year, with the Wharf and Jetty as soon as it is safe and practical to do so. Interest in the commercial units continues with regular viewings and enquiries received by the commercial agents.

Firepool

NHS Vaccination Centre move to Firepool

The NHS continued to provide vaccinations from the Firepool site, having successfully mobilised and assembled modular buildings in August and September. The site is expected to be used until the end of March 2022. SWT are actively working with the NHS to locate a longer term site for the continuing programme. A staggering 100,000 jabs have been delivered at Firepool since October 2021.

GWR building / cycle path

The GWR Building is now being used as a site office by the Innovation Centre contractor site management team. As significant civil works are now underway, the temporary cycle path has been closed in order to maintain safe working distances from machinery and material movements. The path will be re-opened whenever it is possible to do so for significant periods, subject to agreement with the Innovation Centre contractor, Wilmott Dixon.

Digital Innovation Centre

SWT are continuing to work in collaboration with SCC on delivery of a 2400m² Digital Innovation centre on the Firepool site, with construction activity now in progress. Civil and decontamination works started in October 2021, with a delivery programme of circa 18 months.

Infrastructure, Utilities and Flood work

Detailed applications for the Infrastructure work is under consideration from the LPA and is expected to be determined in Feb '22.

Phase 1 of flood defence work at Firepool Lock is due to be completed in Q1 2022, in collaboration with the Environment Agency and Canals and Rivers Trust.

Master Planning

The Councils' development team continue to work closely with the Local Planning Authority to develop a revised masterplan for the whole site.

Bus Station

SWT continue to work with Somerset County Council and bus service providers on proposals for the future of the site whilst decisions on grant funding (Bus Service Improvement Project and Changing Places) are awaited.

West Somerset Employment Land Sites

Following successful feasibility work, further detailed assessment work is being undertaken. Reports to Scrutiny and Full Council have been paused whilst further information and analysis of the proposal is completed.

Heritage Assets

Fox's Field

Lease discussions have progressed with the WMCIC for the site at Fox's Field to deliver community amenity space as a community forest garden. The WMCIC have already undertaken some work on the field to cut the grass and create a better walking space for the community as well as planning and securing trees for the forest garden, which they will start planting from December.

Dulverton Weir

SWT continues to work with the Dulverton Weir and Leat Conservation Trust and other stakeholders to investigate future options for the repair and long-term future of the site. We received SRA funding for technical work and the Trust have organised and number of community events including an archaeological dig and garden party.

Norton Hillfort

The site has now been transferred to the South West Heritage Trust for long term guardianship. The site was formally removed from the Heritage at Risk Register at the start of November and was featured prominently in Historic England's press release. A number of successful volunteer events have already taken place.

Hinkley Point C

The delivery of existing work and S106 funds, approximately £2.5m (11%) is left to spend. Activity is progressing well in all remaining active areas: Economic Development, Skills, Tourism and Housing.

Except for a planning role until 2024/25, the funding for the majority of posts will end in March 2023 under the current agreement. However, due to the HPC project being behind time, the Councils have agreed to extend some posts, including a member of staff in the ED team until 2024/25. This will be crucial in terms of delivering the remaining activity funds in current plans. The Housing post is secured separately through Housing funding until March 2024.

Workforce Uplift

In addition to this the Councils have now reached agreement with EDF on a comprehensive package of mitigation measures to manage the impacts of the workforce uplift. This includes key strategic interventions by EDF to increase campus and caravan accommodation, plus funds for SWT and SDC to continue with Hinkley Housing Initiatives and the extension of the joint Community Safety Officer post.

The latest workforce survey shows workforce numbers at 6,656 with 36% of workers home based and 64% non-home based. There has been a 4% increase in home based workers.

We are now moving in to the final stages of the workforce uplift. The aim is to agree to changes to the relevant management plans in April. Before doing this officers will be seeking member approval of the proposals via a key member decision in Feb/Mar 2022. Work is currently going on to finalise topic papers and crucially seek legal advice on the mechanism by which proposed changes can be delivered, and the decision-making process being followed. Papers will be ready for briefing exec members in mid Feb, prior to the key member decision starting.

Economic Development update

Town Centre Resilience and Transformation

Town Centre Resilience and Events

With the extension of the grant funding until the end of March 2022 work across the town centres in our District continues under the Welcome Back Fund and the Town Centre Recovery Fund.

Town Centre Activity (All)

- Pop Up Santa's Post Box have been well received with hundreds of letters being posted by Children and enhancing the town centres over the festive period

Town Centre Activity (Taunton)

- Winterfest was a success with nearly 100K impressions recorded in Taunton Town Centre
- Five new electric charging points for Taunton have received planning permission

- Work continues to look at permanent and improved lighting infrastructure on the market house
- 3D video animation projector (as part of the welcome back fund) which when posted online, received 30,267 impressions and support Taunton's late-night offer
- Taunton's Festive Footfall for December 2021 was up on 2019
- £15K Grant fund has been awarded to the Somerset Museum to support the Sunday operating hours.

Events

In December 2021 – in spite of rising concerns at the time over the Omicron COVID variant – the Council's very popular 'Carols around the Bandstand' event in Vivary Park was implemented safely and with great success. Between 2,000 and 3,000 people attended, gathering in their own small groups to bring light, music and song to the park whilst the Taunton Concert Band played carols and popular Christmas tunes.

More people attended the 2021 event than in 2019, and it was made safe through adherence to the advice and Government guidance provided by Somerset's county-wide COVID Support Events Officer.

Events being planned for some of SWT's parks and open spaces in 2022 include:

- Charity 'Firewalk' on Castle Green on the 17 March 2022, to raise money for the Children's Hospice South West
- Taunton Armed Forces Day at Vivary Park on the 2 July
- Sound of the Streets music festival at Castle Green from 8 – 10 July
- Taunton Pride on 16 July
- Fake Festival music festival at Longrun Meadow on 23 July
- Taunton Flower Show at Vivary Park on 5 and 6 August
- Live in Somerset music concerts in Vivary Park from 26 – 28 August

Discussions have commenced around how the District can best celebrate the Queen's Platinum Jubilee, and it is anticipated that SWT's parks and open spaces will be utilised to full effect by community groups and the public, with a focus on street parties and town centre decorations over the four-day bank holiday weekend (2 – 5 June). A grant application has been made to the National Lottery for funding to support Jubilee celebrations.

This March, the 'Museum of the Moon' – a touring artwork by UK artist Luke Jerram – will be installed at St Mary Magdalene church from around the 18 March - 1 April 2022. Over its lifetime, the Museum of the Moon will be presented in a number of different ways - both indoors and outdoors - so altering the experience and interpretation of the artwork as it travels from place to place: About (my-moon.org).

The installation will coincide with and support the granting of Minster status for the church.

Visitor Economy Recovery and Growth

The county wide Visitor Economy Support Programme (VESP) to aid the recovery of the visitor economy strand 1 & 2 activity continues. The VESP strands are funded by the Joint Councils' Business Rates Retention Grants. Strand 3 will concentrate on marketing and positive messaging for the visitor economy. Strand 4 is set to launch a grant scheme aimed at innovation within the visitor economy.

The Hinkley Tourism Action Partnership (HTAP) continues to support the Visitor economy with continued activity as part of their phase 4 action plan. The HTAP digital online business support workshops (supporting SMEs) ran 6 'BOOST' Tourism Toolkit workshops between supported 125 businesses. The 6 England Coast Path and walking workshops supported 70 businesses. There are a further 6 'BOOST' Tourism Toolkit webinars planned between February and April 2022.

The HTAP Tourism Innovation Grant Scheme (supporting SMEs) has awarded 14 grants to a diverse range of projects across Sedgemoor and the West Somerset area to boost and widen the tourism offer as follows:

- new accessibility facilities to attract the purple pound
- adapting an indoor play area and introduction of new Freedom gaming pods (first within the UK)
- a few E- bike schemes aimed to create new visitor experiences for mental wellbeing aimed to boost the active market. One of the E-bike projects is also creating new GPS trails and circular routes to beauty spots and places of interest for visitors
- creation of new and unique innovative events and a strategic marketing plan
- open wildlife garden to the public aimed to attract more visitors
- tailored mental wellbeing tourism itineraries
- weatherproofing a traditional barn to extend the season and creation of farm-to-table experiences and 'foodie' events
- creation of a new drink product
- Augmented Reality technology aimed to attract new audiences and digital interaction
- shared business facility and spa to support local jobs

Through the ERDF Welcome Back Fund delivery of a sustainable central event platform has been completed. The portal enables local people and visitors to find out about events, what's on and things to do in the District. Visit Exmoor and Visit Somerset are running a social media campaign to their 100,000 combined followers to also raise awareness of the portal. We have also been promoting to organisers

who are now able to promote their live events at <https://www.visit-exmoor.co.uk/somerset-west-and-taunton-events/>. The Welcome Back funded marketing campaign continues and includes the development of a suite of marketing products. This initiative is aimed to market and promote the whole area to local people and visitors and promote the work of the Town Centre Working Groups.

Food mapping work

Following the appointment of consultants a piece of work mapping our District's food and drink producers has been completed. The draft report is with Officers to consider the findings and to look into ways to support the sector moving forward.

Additional Restrictions Grant Funds

In early December we were poised to launch a scheme for future business resilience, focusing on innovation and carbon reduction. However, with the advance of the Omicron variant, the resilience scheme was withdrawn as it became clear that funds needed to be made available for more urgent business support.

Therefore, a further round of Additional Restriction Grant has been launched with support targeted at businesses which have been most affected by Government advice to limit social contact. At the time of writing over 200 applications had been received.

We have also received a third top-up payment from Government of £305,000. This may allow us to widen the criteria for the scheme slightly.

To date, £6.06m has been received in total. We are on target to have distributed all but the third top up amount by the end of January and are expecting this to be fully-distributed shortly afterwards.

Inward Investment

As part of the Marketing and Communications plan for Inward Investment, work is now underway on a marketing campaign which will launch in April 2022. Leading up to the launch, work is progressing on re-styling of the invest Taunton website and engagement of Business Ambassadors. Taunton will also feature in the next edition of Commercial Property monthly, the article focussing on the area as an Innovation District.

Innovation District

Approval has been granted by our procurement team to proceed to appoint the Connected Digital Catapult to work with SWT and the Innovation Leadership Group from January to April 2022.

Work will also commence with the LEP and other Districts on establishing a steering group to oversee the shaping and development of a Research and Innovation Conference aimed for September 2022 receiving financial support through the business rates pilot and the LEP.

Employment and Skills

Somerset West and Taunton Community Employment Hubs (CEH) have:

- Provided individual support to 75 Clients since January 2021
- Recruited 15 Volunteers to support the operation of the hubs on a face to face basis
- Engaged with approaching 40 external partner organisations to support employment and skills in our District
- CEH social media advertising the service and other opportunities is updated on a daily basis now with 1036 followers.

The inhouse SWT online survey for employees facing redundancy to help identify support needs has been finalised and used successfully to support the employees of Service Graphics. To date 8 employees have taken advantage of this tool and been supported to access tailored advice and guidance.

From the end of January 2022, the Employment Support contract with Abri will not be renewed and the CEH will support all SWT housing tenants

West Coast 360 video has been commissioned and is being designed to promote hospitality as a career of choice using apprenticeship/students from YMCA (the Beach Hotel), Foxes Academy and Wimbleball Reservoir. Arrangements for filming are being made to start at the end of January 2022.

Dulverton Hub – looking at Dulverton School as possible CEH venue. Plans being discussed to recruit and train volunteers. Underspend from year 4 WSOA SWT funding allocation agreed to be used for purchase of furnishing the hub for student/adult and business use.

Employment and Skills officers are working with:

Wiveliscombe - exploring the potential of a CEH to be set up in the town. Discussions and evidence gathering are underway to identify need and the funds to support the concept. We are also working with the business group on a skills needs survey that we hope will produce information to better support businesses filling their vacancies and future proofing their business skills requirements.

Somerset Strategic Partnership – Workforce and Recruitment. Using employment and skills experience to explore the training, recruitment and development of the SCC workforce to support the new Strategic Partnership model (delivering Children's Homes, High Needs Fostering and Therapeutic Education)

SCC and other Districts working on the delivery of the Community Renewal Fund project - Step into Mobile Outreach project. The aim of the to provide advice, signposting support on employment, skills, and digital information across Somerset to our more rural communities via an outreach vehicle

Minehead JCP and Butlins meeting to start arrangements for 2022 WS Careers Fair to be held at Butlins on the 9 March 2022.

Ongoing membership and attendance at SCC Education Business Partnership, HPC Workforce Development Strategy group and West Somerset Opportunities Area year 5 Legacy working group

Employment and Skills Events:

Somerset Foundation Trust – A Meet the Employer event is planned for 25 January 2022 between 11am - 12pm and 7pm - 8pm. Organised in partnership between SWT and SDC Employment and Skills teams. The aim is to encourage recruitment for the max vaccination programme and NHS jobs across Somerset. This event will be offered to all four districts following a planning meeting.

West Somerset Kite Project launch event 13 January which I attended. The aim of the project is for local organisations led by Minehead Eye and Homestart to work collaboratively with families in West Somerset to develop and improve their children's well being, engagement and aspiration via the creation of a one stop shop offering continuity and access to a range of support services. The CEH will form part of the service and Employment and Skills will be part of the board of members. Following the showcase presentations from some of West Somerset's leading family service providers the event was opened up to the public to find out more.

Winter Readiness Support webinar held by SCC for health and care professionals, paid staff and volunteers on support available for people and communities who may be more vulnerable in Somerset this winter. The event gave an overview of who is more vulnerable in winter and how to signpost to the range of support available in Somerset, with a view to minimising pressures on health and care services. Follow on will be Trigger Training delivered by the Centre for Sustainable Energy for hub coordinators and will form part of the volunteer training to help volunteers identify flags in relation to debt, housing, and other types of support

External Ops/Assets update:

- Completion of sale of land at Liddymore Farm, Watchet with a capital receipt of £675,000 plus fees.
- Completion of Blenheim Gardens Café lease documents and commencement of tenant works.
- Setting up the management of Block A (The Quay), Coal Orchard following the letting of part to Plymouth University.
- Completion of a further short term lease for Bus Layover spaces at Tower Street Former Bus Station.
- Completion of lease renewal at Unit 3 Roughmoor Enterprise Centre with a 10% rent increase.
- Specification and tendering for remedial works at Goodlands Gardens and Wellington Sports Centre, including replacement of air handling unit which will reduce the energy used to heat air by 60%. A percentage of this work will be funded by the Council's CNCR budget.
- Progression of lease for a catch fence to facilitate works to the church wall at St Andrew's Stogursey.
- The new wall at East Quay, Watchet is complete and the new road and railings that run along East Quay are also now complete.

- The transfer agreement relating to the new playing field at Norton Fitzwarren has been completed and the deed of easement has also been signed and sealed. We have a final design completed and are now at tender stage seeking a suitable contractor to deliver the project in spring 2022.

Full Council Meeting – 8 February 2022

Report of Councillor Mike Rigby – Planning and Transportation

A358 Taunton to Southfields dualling scheme National Highways Consultation

The public consultation exercise for the proposal to improve and dual the A358 between the Southfields Roundabout in Ilminster and junction 25 of the M5 motorway, ended on 22 November 2021. The Council submitted its response as part of this process. This response highlighted in particular that the draft scheme does not adequately demonstrate how it is responding to the climate emergency and the Climate Change Act and recommended that further consideration should be given to opportunities to reduce, mitigate and offset emissions. We also highlighted the need to deliver a fast and direct strategic cycle route.

National Highways is now processing and analysing the feedback from their consultation exercise and will consider re-designing and/or amending the proposals accordingly. During this period, National Highways will hold many stakeholder and interest group sessions in order to continue to inform the design process. This will include, but not exclusively:

- The Community Liaison Forum;
- The Communications Working Group;
- The Technical Working Group; and
- The Business Liaison Forum.

Officers of this Council are involved in all of the relevant forum and groups and will continue to influence the design of the proposal in the best interests of our communities and the wider Council ambitions in general. The next meeting of the Community Liaison Forum, is due to in February. It is intended that this meeting will include the latest project updates and news, with a focus on sharing an overview of views expressed during the Public Consultation Exercise. National Highways has agreed to issue an information bulletin to Local Councillors before that meeting so that they are properly informed of progress.

The next significant project 'milestone' for the Council will be to produce a 'Statement of Common Ground' with National Highways and the other affected Councils (Somerset County Council and South Somerset District Council) and the three authorities are working on this collaboratively.

It is now expected that National Highways will be in a position to formally submit their application for a Development Consent Order in about August 2022.

In the meanwhile, the Council continues to support improvements to the A358 between Taunton and Southfields. The improvement of the A358 will provide important enhancements to the accessibility of Taunton as a high quality multifunctional sub-regional service centre and thereby further increase its attractiveness and success, helping it to realise its potential. The Council also

recognises that this road improvement scheme is part of a much wider project that will bring extensive benefits to the south-west peninsula as a whole. For these reasons, the Council's existing statutory planning policy supports the provision of a Henlade Bypass, traffic calming and improved junctions as part of A303/A358 improvement package.

Connecting our Garden Communities – active travel infrastructure for Taunton Garden Town

The Taunton Local Cycling and Walking Infrastructure Plan (LCWIP) has now been published on the Somerset County Council website. It identifies a series of strategic routes to be delivered across the town and is intended to be regularly updated. SWT continue to work with colleagues in Somerset County Council on refining and prioritising schemes within the LCWIP with the intention of developing detailed project delivery proposals. Work has now begun exploring how the garden communities will link into the strategic routes prioritised in the LCWIP and how other missing links can be delivered. The project is looking at how and where modern, futureproofed walking and cycling routes should be delivered in order to better integrate the Garden Communities of Staplegrove, Comeytrowe, Monkton Heathfield, Nexus 25 and Firepool. The intention is to link to the strategic routes identified in the LCWIP, connect the communities to key services and facilities beyond their site boundaries, and address associated links which may have been missed by the LCWIP, whilst delivering against strategic green infrastructure opportunities.

An initial, informal engagement exercise has recently concluded with relevant ward members, parish councils and Taunton Area Cycling Campaign. This has aimed to introduce the project and gather initial community thoughts, aspirations and ideas at an early stage in the process to help inform the exploration of route options.

The process of auditing existing route options is now under way. The intention is to use the outputs of these audits, further evaluations and further technical and community stakeholder engagement to prioritise and justify routes for inclusion and produce an evidenced network plan which builds on the LCWIP, has broad community support and shows our ambition for connecting the garden communities across the town.

This network plan and supporting evidence will inform the forthcoming Garden Town Delivery Plan and provide a pool of projects to take forward for more detailed consideration as and when funding and opportunities arise. It will provide a key resource in negotiation on future developments and in future funding bids. In the first instance we intend to have more detailed concept plans developed for some of the priority routes over the next few months, taking some of the priority routes a significant step closer towards delivery once resources and opportunities allow.

Strategic Solution to Phosphates

The wider project is being led by policy officers in SWT on behalf of the Somerset authorities and in collaboration with other partners. As previously advised,

consultants were appointed in March 2021 to support the work with a number of elements to this project.

As previously advised, the complexities of water movement on the Levels have led to delays on producing a definitive map of the catchment area. This work is expected to be completed by the end of January 2022.

As Members are aware, on 5 October 2021, Full Council approved a Mitigation Programme of Interim Measures. A Planning Phosphates Sub-Committee has been set up to manage this programme. They are due to consider a number of officer reports on various matters and updates on the interim programme at their first meeting which is due to take place on the 10 February 2022.

Neighbourhood Planning

West Monkton and Cheddon Fitzpaine (WM&CF) parishes have submitted a Revised Neighbourhood Plan to the Council. This is an update of their current Made Neighbourhood Plan. The Plan has been subject to public consultation. The Council and Parish Council have jointly appointed an experienced Independent Examiner, Ann Skippers, to assess if the proposed changes to the Plan are substantial and if this is the case examination of the Plan will begin in January 2022. The Parish Councils of West Monkton and Cheddon Fitzpaine have revised a number of policies in the Plan with the aim of: increasing the climate and ecological robustness, conforming with Taunton Garden Town Vision, supporting the Declarations of Climate and Ecological Emergency, and updating Local Green Space designations.

Planning Policy Updates

SWT Local Plan 2040

In light of the decision on a new unitary authority for Somerset the focus has been on evidence based studies and elements of the future preparation of the Local Plan which will also help inform a new Unitary Development Plan. The team has been focussing on the implementation of a number of placed based and other priority projects including phosphates work, Wellington Station, Firepool, climate change and funding bids. Officers are in discussions with the other district planning authorities to develop a work programme to agree a timeline and programme for a new unitary plan.

Town Centres health check

To provide evidence for Plan making, the Council went out to tender during November 2021 for consultants to produce:

A report on Town Centre Health Checks, Retail Area Boundary Reviews and consideration as to whether an Article 4 Direction should be made. This commission will comprise:

- Town Centre Health Checks for Taunton, Wellington, Minehead, Williton and Watchet
- Retail Area Boundary Reviews for the town centres of Taunton, Wellington, Minehead, Williton and Watchet

- A Recommendation Report on whether an Article 4 Direction to remove permitted development rights regarding the change of use from class E use (commercial, business and service uses) to C3 use (dwellinghouses) should be made by the Council for any or parts of Taunton, Wellington, Minehead, Williton and Watchet town centres and define its extent

Should the Council decide following the report to make an Article 4 Direction (s) for any of the town centres, the consultants would lead on the public consultation process.

The Planning Policy team aim to appoint consultants in January 2022 for the project to commence on 1st February 2022.

Taunton Garden Town Infrastructure Delivery Plan

Following procurement Ove Arup and partners were commissioned in October 2021 to produce three outputs:

- i. *The Production of an Infrastructure Delivery Plan for Taunton Garden Town*
The IDP will explain how the Council will deliver on its strategic ambitions. It will set out the necessary governance, partners, funding, and a programme of projects and initiatives to implement the ideas set out within the Garden Town Vision. It will also establish the mechanisms by which the progress and success of the Garden Town can be measured. It will be designed as a living document and will include an updated infrastructure schedule and delivery programme, consider developer contributions and collection mechanisms.
- ii. *The Production of a Stewardship Report*
The report is to advise on options for the ongoing long-term management and maintenance of community facilities and open space within Taunton Garden Town.
- iii. *An Online Infrastructure Engagement Platform*
The online infrastructure engagement platform is seeking to provide up-to-date information about strategies, projects and activities and allow the public to identify, suggest and comment upon new infrastructure. Work is initially focussed on scoping the requirements of the platform and potential cost before finalising the commission of this third output subject to funding.

Completion of the IDP element is anticipated for March 2022, with work on stewardship and an online infrastructure engagement platform following on.

Taunton Garden Town – Funding

Bids were submitted to Homes England in December 2021 for Garden Town capacity funding 2021/22 and capital funding to support small scale infrastructure projects, either through their delivery or project development work. It is likely that the outcome of these bids will not be known until March 2022.

Wellington Station

Following the funding announcement in in October 2021, the Steering Group have been working closely with Network Rail and the Department for Transport (DfT) to finalise next steps in relation to the new stations at Wellington and Cullompton.

The £5 million of funding announced will enable the project to advance significantly through the next stage of project development and design, following the submission of the Strategic Outline Business Case early last year. The £5m will be administered by Network Rail as part of the Restoring Your Railway, Rail Network Enhancements budget.

The promoters, Somerset West and Taunton Council (SWT) and Mid Devon District Council (MDDC), have provisionally agreed with DfT that Network Rail will lead on the project from this point onwards, with support from their alliance partner Great Western Railway. It is felt that this will bring significant benefits to the project. The promoters are working with DfT and Network Rail to finalise the remit for the next stages; agree roles and responsibilities; and governance arrangements going forward.

Firepool

The LPA and Developer teams continue to meet regularly with regards to the development of a new Masterplan and Design Guidance for Firepool to resolve key issues and move things forward with a view to the LPA approving it as a material consideration in the assessment and determination of relevant planning applications. A series of workshops with key stakeholders are currently in train to help support refinement of the Draft Masterplan which will be reported to members in due course ahead of public consultation. Planning applications for Block 3, levels and drainage across the site, and for the Trenchard Way access have now been validated, consultation undertaken and planning officers are assessing them. All three applications will be determined by the Planning Committee with the access application due to be considered on 3 February 2022 with the other two applications to follow shortly thereafter.

5 Year Housing Land Supply (5YHLS)

On 23 November 2021 SWT published an addendum to the Strategic Housing Land Availability Assessment (SHLAA) stating the former West Somerset Council area has a 10.1 years of housing land supply. From that date the Council can use the Governments Standard Method (SM) for calculating the housing requirement instead of the housing figures in the West Somerset Local Plan. Under the SM, which is calculated annually, the local housing requirement is 99 dwellings per annum (94 + 5% buffer) as opposed to 199 dwellings per annum (155dw WSCLP + previous years shortfall + 5% buffer). The buffer figure was set by the Housing Delivery Test Measurement (HDT) published in February 2020; and was a “pass” at 107% so a 5% buffer is added. Information on the large sites (10+ dwellings) that SWT consider to be deliverable and developable has been updated for the addendum. The total supply of deliverable plots is 1,000 over 5 years providing 10.1 years housing land supply.

These figures will be recalculated along with those for the former Taunton Deane area to take account of the recently published Housing Delivery Test figures for 2021. It is proposed to keep the calculations separate for the two former authorities as allowed for in the regulations. We currently estimate that the former West

Somerset area will continue to have in excess of 5 years land supply, but the former Taunton Deane area may drop below 5 years.

An element of the 5YHLS calculation is the Housing Delivery Test (HDT) Measurement. On 14 January 2022 the Government published the latest HDT Measurement for 2021. The SWT figure is 76%. This requires SWT to add a buffer of 20% to its housing requirement. The past three years have seen a significant decline in delivery of sites across SWT, primarily as a result of the phosphates issue. There is therefore a risk that future HDT Measurements will be below the 75% threshold which would trigger the presumption in favour of sustainable development (NPPF 2021 para 11).

Net Zero Carbon Toolkit and Climate Positive Planning

The Net Zero Carbon Toolkit and update to Climate Positive Planning are nearing completion. The intention is to circulate a briefing email on these documents to all members in February and for both documents to progress to Portfolio Holder Decisions and be published soon after this.

SWT publications

1. SWT Authority Monitoring Report 2020-2021 was published in December 2021 and can be accessed via the Council's website:
<https://www.somersetwestandtaunton.gov.uk/planning-policy/evidence-base-and-monitoring/authority-monitoring-report-amr/>
2. SWT Infrastructure Funding Statement 2020-2021 was published in December 2021 and can be accessed via the Council's website:
<https://www.somersetwestandtaunton.gov.uk/planning-policy/cil/>

Development Management Update

Recruitment

The Senior Planning Officer vacant post has been filled and a new officer will join the team in January 2022. There is currently one vacant Senior Planning Officer post which was advertised in 2021 and no applicants were received. A further officer has handed in their notice, both posts will be advertised asap.

Performance

Workloads remain high due to the change in officers and increased amount of applications being submitted. An agency planning officer has joined the team and will focus on working through the backlog of applications.

Active Travel Projects

East St.

In 2020, SWT Members asked officers to consider options for enabling more active travel and public realm activity whilst considering the needs of all users. Successful stakeholder working groups took place in July 2021, with friendly collaboration between bus and taxi reps, local cycling group TACC, Taunton Chamber of Commerce and Somerset Disability Engagement forum. The working groups

resulted in concept designs that were presented to SWT Members in October 2021. Work continues to evidence compliance with the Equalities Act 2010 before progressing to public consultation.

Future High Street Fund cycling and walking schemes.

The active travel element of this grant allocation is in the final stages of procurement, with consultants to be appointed by Feb '22. These cycling improvement schemes focus on delivering an enhanced cycle route between Taunton Railway Station, through the Firepool and Coal Orchard developments to Vivary Park with additional cycle parking in several locations. Pace of delivery remains a key consideration, with all FHSF spend required by March '24, ability to deliver to these tight timescales is a core requirement of the successful consultant.

Consultation with local cycling groups has been undertaken to progress the cycle parking element as soon as possible.

Feasibility work - Cycling schemes

SWT are continuing to work towards feasibility studies with local cycling groups and other stakeholders on cycling infrastructure projects in the District.

- Wellington to Taunton

Collaborative links have been established with key stakeholder groups, including TACC, Citizens UK, Somerset County Council, Wellington Town Council and other community groups. A dedicated committee working on the route has been meeting since March 2021. SWT has committed officer time to oversee the development of this project and the planning stage is underway. Route mapping, assessment of constraints and landowner boundaries are being actively explored; an understanding of available funding is still needed.

The route, to be formally agreed, is subject to numerous land ownership and planning issues, therefore it will likely come forward in sections.

- Bishops Lydeard – Cotford St Luke – Taunton

Initial meetings of a working group between Quantock Eco and SWT have taken place, with a route exploration undertaken via railway flat bed carriage, courtesy of the West Somerset Railway.

Similar to the Wellington to Taunton project discussed above, SWT has dedicated officer time to undertake initial planning, mapping, constraint assessment and exploration of funding.

An initial route is to be identified and as above, a section by section delivery plan established to ascertain costs, opportunities and obstacle of each. Funding and application for financial support and grants from various bodies will also be key, once costs are established.

Steam Coast Trail

Progressing in spring 2022, the Steam Coast Trail will see the development of two further links. Fully funded by Friends of the Steam Coast Trail, the cycling network between Minehead and Williton will be two steps closer to completion.

The hugely popular trail provides places for people to walk, cycle, run, scoot or wheel, and recorded a phenomenal 165,000 trips in 2021, roughly 20% of which are cycle trips.

Local Cycling and Walking Infrastructure Plan

Somerset County Council published the Taunton LCWIP in late 2021 and has recently announced a second round of funding for one LCWIP per district for smaller towns. SWT offered this opportunity to Minehead Town Council and Wellington Town Council, with the latter accepting and formalising on 10th Jan 2022.

The Wellington LCWIP will provide a plan for how best to increase walking and cycling for the town, whilst assessing key origins and destinations for connections, such as the Wellington to Taunton cycle path (above) and the proposed Wellington Railway Station. Ownership of an LCWIP significantly increases access to DfT funding for active travel infrastructure, so SWT welcomes Wellington's enthusiasm for the initiative.

Heritage at Risk Update

Tonedale Mill

The S48 Repairs notices have been served and discussions continue with the owners on their response to the notices and the emergency works required on site.

Toneworks

Phase 2 works are now on site for the next phase of targeted repairs using grant funding from Historic England.

Sandhill Park

SWT continues to work with the new owners of Sandhill Park towards the necessary urgent works and long-term plans for the building's future.

Full Council Meeting – 8 February 2022

Report of Councillor Fran Smith – Housing

Housing Development and Regeneration Team (Chris Brown)

HRA New Homes

- North Taunton Woolaway Project (NTWP) Phase A is progressing and enjoyed a visit from the Executive in January. Block work continues and units are starting to benefit from some of the low carbon features to floors and floor and wall details. Equans/Engie have reprofiling works to minimise delays caused as a result of material supplies and highway permissions. Discussions are progressing with phase Ci tenants, preparing them for decant. Phase Ci will be placed in the second contract package for the NTWP which is timetabled for demolition and then construction to commence in May 2022. A planning application has been submitted for Phase E which is the refurbishment phase and a Social Housing Decarbonisation Fund grant application has been submitted which if successful will help support the costs of the retrofit. It is hoped to appoint contractors for phase E in April and for works to start in May.
- The 54 home zero-carbon development at Seaward Way, Minehead, commenced in January. The zero-carbon exemplar scheme which has been featured in as a case study in the Good Homes Alliance good practice guide will be complete by October 2024.
- Planning applications for the zero carbon affordable housing schemes, on various sites in Taunton, have been submitted to the local planning authority. These schemes include a phosphate mitigation strategy which has also been submitted to Natural England and the Environment Agency. If the mitigation strategy is approved the service believe it could repeat the mitigation strategy to support circa 600 new homes directly or through credits to private house builders.
- The service is progressing at pace a low carbon retrofit strategy and delivery plan. The strategy will be considered by the Council late 2022/2023 however the principles will influence SWTs social Housing Decarbonisation Fund wave 1 & 2 grant applications. The three pillars of the emerging strategy are engaging and supporting our customers, fabric first and then overtime replacing fossil fuels with renewable heat and power provided via onsite, communal or grid-based systems.

Housing Strategy and Enabling

- The Single Homeless and Rough Sleeper Accommodation Strategy and delivery plan was approved by Full Council in October and Development Officers are supporting the delivery of new homeless bedspaces through a number of partners and direct council supply.
- The council is in the process of purchasing 2 new homes funded from Homes England and DLUHC (Department of Levelling Up, Homes and Communities) Rough sleeping accommodation programme grant which was awarded

recently. The service is also progressing with homeless service colleagues the lease, purchase or newbuild through modular approaches for circa 50 other homes.

- New affordable housing in the district is set to see a higher-than-average number of properties completed this financial year. The pipeline of new units is currently at its strongest in the west of the district, which is unaffected by the phosphate mitigation planning requirements.
- The Housing Enabling team are preparing the District for the impact of First Homes which is a Government initiative to increase low-cost home ownership.
- We continue to deliver the Hinkley Point C Housing Programme, working with partners to drive forward 11 key areas of work, providing new bed space and support to vulnerable customers. A housing needs assessment has recently concluded which will support the parish of Stogursey develop actions to increase affordable housing in the area. The service has appointed the Citizens Advice Service to extend its debt and money management service throughout the district and increase its outreach work.

Housing Property Team (Ian Candlish)

Responsive Repairs and Void Repairs

- Emergency and non-emergency responsive repairs are being undertaken.
- Emergency jobs are being delivered within our defined timescale (24 hours from logging).
- There remains a backlog of non-emergency jobs. This is reducing following the use of external contractors, and we are continuing with procurement of further external support.
- Void repairs are also being undertaken, although returning the properties back to our Lettings team promptly remains a challenge. This is primarily due to delays in asbestos surveys and works, and the availability of electricians.
- We are also investigating software options to schedule and plan void works to help us improve efficiency in this area.

Property Safety Compliance

- All property safety compliance checks and works continue to be undertaken. These include gas safety checks (LGSR's), water risk assessments and remedial works, electrical inspections (EICR's), asbestos surveys and re-inspections, fire risk assessment and remedial works, fire safety checks, and lift and stair-lift checks and remedial works.
- Additional contractors have been engaged to undertake further electrical inspections (EICR's) and associated remedial works.
- Property safety compliance procurement activities also continue, with recent tenders including further electrical inspections (EICR's), and additional asbestos management surveys.
- Weekly review meetings are being held to carefully monitor and manage all these safety critical areas.

Capital Programmes

- Capital Work programmes continue to be undertaken, with recent contracts commencing including roofing and ventilation.
- Procurement activities also continue with recent tenders including fire-safe flooring to flat block communal areas.
- Recruitment for vacant staff positions is underway, with one role now recruited to and shortlisting undertaken for another.

Asset Management

- Following the Open Assets module of our Capita software system going live, post-work is now underway, including the further development of a suite of bespoke reports and testing of data and functionality following additional data-loading from stock condition and energy surveys.
- Accelerated programmes of Stock Condition Surveys and Energy Assessments continue to take place.
- Capital work programme planning (for both the 2022/23 financial year and forward plans) is being undertaken in conjunction with the Capital programme team.

Housing and Communities Team (Simon Lewis)

Extra Care Housing (Fiona Davies)

- Green Days (volunteers with learning disabilities) are now planned to do regular litter picks across both Kilkenny Court (Taunton) and Lodge Close (Wellington). They are also hoping to plan some coffee mornings and craft/activity sessions with tenants, when Covid allows.
- Furniture and kitchen items which are passed their best are being replaced, to make the shared lounge areas more welcoming to tenants when they are able to join in activities together.
- At Kilkenny Court, tenants who have the 'assist to dine' are now able to have these meals within the shared lounge, albeit socially distanced. At Lodge Close, this service is still being provided to tenants within their homes.
- Two tenants, who have learning and physical disabilities, from within our sheltered and general needs housing, have been successfully rehoused at Lodge Close, with a care package which supports and enables them to continue living independently. Both tenants (and dogs!) are really thriving in their new homes.

Sheltered Housing (Fiona Davies)

- All grit boxes were checked and either tidied up and refilled or replaced (where damaged) on all our sheltered schemes prior to Christmas.
- The meeting halls have continued to be open for groups to meet in, following the government advice for people to decide for themselves whether they want to socialise/mix with others.
- Regular estates checks continue on our sheltered schemes.

- The team has been impacted by Covid and seriously ill older family members, so delivery is concentrating on key tasks; sign ups, leaving wells, the daily Deane Helpline rota, estates and H&S checks, responding to low level ASB and unexpected incidents and completion of the annual reviews.

Lettings (Tony Knight)

- The Lettable Standard document has now been to HMST and is being discussed with Tenants Action Group on 21st January 2020. This will include discussions around Tenants Action Group viewing void properties when they are returned to SWT, prior to them being relet. Training will be required for Tenants Action Group members on health and safety.
- 273 properties have been re-let year to date (April to December).
- Customer satisfaction (year to date) is running at 98. Slight drop from previous month. 16 properties were re-let in December, 13 of those were contacted to get their views on satisfaction of the properties 13 responded and were satisfied, 2 remarked that they were dissatisfied with aspects of the property when they moved in, those tenants have been contacted, visited and the matters raised addressed. One satisfied tenant remarked " this is not what we expected - Its far more than we could ever have hoped for thank you"
- The Home Moves Plus project has now achieved the 100 bedroom spaces target which was set out at the commencement of the scheme this is 4 months early.
- Working in partnership Fiona Davis and her team in Sheltered housing the lettings team have matched tenants in need of support and adapted properties to properties that match their needs. This has improved the lives of those tenants who have contacted Fiona to express their thanks One such compliment was tenant "has been able to regain her confidence and is now able to get out and about more and her confidence and mental health have greatly improved. She is very grateful to have been able to stay within the scheme"

Income (Michaela Mullen)

- We have had 2 agency members off staff leave, one has been replaced and the other role is currently being covered by existing members of the team until a new person starts on 7th February. These changes with the agency staff have continued to cause disruption within the team, however the team are working extremely hard to cover this work.
- We have reduced the number of void garages by 14.5% since end of October, we will continue to work on this to reduce the number further.
- Post have been put on social media advertising the available garages in the Priorswood area of Taunton

Tenancy and Estates (Julie Sabey)

- We are now about to go out to recruit for two permanent posts within the team. Interviews are taking place on the 20th January and we are hopeful that this time around we can recruit permanent staff to these positions.

- I am now also looking to revise the current tenant's handbook and hoping to have a draft by the end of January/early February.

Anti-Social Behaviour (ASB)

- We have now introduced satisfaction survey's on closed ASB cases. We have sent 23 surveys out and had 3 responses this month.
- The three responses were negative – we have now amended the survey so that they can include contact details should they wish to discuss anything further. We will continue to monitor closely the responses that we receive.
- We currently have 66 open cases that we are working on some of which moving to legal.
- We are also busy with testing the ASB module on open housing and we pleased with the results

Housing Options (Louisa Hill/Sarah Richards)

- The new online self-referral system has been in place since mid-November, where customers are able to apply through the website and upload their supporting documents in advance of speaking to an officer. This system has enabled officers to prepare more tailored advice and assistance to customers at the first point of contact. We have seen a reduction in customers chasing applications through telephone contact. The number of homelessness applications remains constant with 84 received in October, 77 in November and 59 December (up to 24/12/21)

Rough Sleeper Provision

- The Rough Sleeper Team continues to work to its operational target of having no more than 5 rough sleepers sleeping out in the district. The team carries out fortnightly street counts in order to monitor numbers and engage with those who remain out. We currently have 7 rough sleepers in the district, two of whom are due to be relocated to their local areas of origin.
- The Department of Levelling Up, Housing and Communities (DLUHC) Has launched the Protect and Vaccinate scheme with the objectives of increasing vaccination amongst people sleeping rough and providing emergency accommodation to keep people safe. SWT has received £115k in funding to increase vaccine uptake among people who are homeless and sleeping rough, to support those who are hesitant about getting their vital booster jabs and to provide bespoke accommodation solutions to bring the most entrenched people into accommodation. The RSI team are working with the Open Door Centre in Taunton, YMCA DG, Arc, local GPs and Homelessness Outreach Nurses to provide vaccination events at Lindley House, Canons Grove and the Open Door Centre and increase access to information to encourage take up.

Home finder

- The Home finder team continues to tackle the backlog of work. Response times in all workflows continues to reduce with applications being processed in 20 days which is a great achievement in addition to the delivery of a new system; and is in-line with wait-times in the other districts.
- We have taken further steps to integrate the work of Home finder with the Housing Options team with members of the Home finder team supporting customers who have a full housing duty accepted to them to bid on appropriate properties on Home finder. This has resulted in several families receiving offers of permanent accommodation allowing them to move out of temporary accommodation.

Somerset Independence Plus (SIP) (Christian Trevelyan)

- Through the Local Authority Delivery scheme (LADS) 1A funding of £518k and £800k for LADS 1B SIP has assisted the Social Housing Providers with 17 installs for LADS 1A and a planned 213 installs for 1B, with 13 owner occupiers included. The benefits will be felt by Homes in Sedgemoor, SHAL, Somerset West & Taunton tenants as well as owner occupiers across Somerset. The funding is on target to deliver within excess of 300 retrofit measures to households by the end of the scheme. The ECOFLEX scheme, SIP has signed declarations for over 2,000 households since September 2020. Working with the other Districts in Somerset, Sedgemoor is responsible for signing the declarations which enable retrofit contractors working in the Somerset area to fit installations to homeowners who agree to having work done.
- The Warm Homes Fund, which was a joint bid, submitted by SIP and the Centre for Sustainable Energy valued at £1.3 million towards first time gas central heating, air source heat pumps and fuel poverty advice. To date the scheme has assisted 21 owner occupied households across Somerset to have heating installed and insulation fabric. By the close of the scheme in May 2022, SIP will have assisted 275 households with their installs across both Somerset West and Taunton Council housing and owner-occupied housing across the County. There have been 6,000 households given fuel poverty advice since February 2020 (over 30% in SW&T), with a target in the bid of 3,800, over 87.9% of which were found to be in fuel poverty which is above the national average. 1,628 households received funds from the Warm Homes Fund to assist with their fuel bills to avoid defaulting on payments. The value of benefits to those households helped added up to £823,569. SIP is exploring the social impact of continuing the funding of the two Energy Advisors, South Somerset CAB Officer and Social Housing Officer beyond the end of the May deadline due to the value of the roles. SIP and the CSE have been approached by Public Health to assist with the Cold Weather Plan this Winter and have since been awarded £100,000 in additional support funding to grow the service. SIP Commissioning – Working up new tender frameworks for minor works and ramping contracts, hosted and managed by SIP in collaboration with SCC.
- The Partnership Manager is concluding negotiations with South Somerset to include South Somerset work into SIP. The Service Level Agreement is being signed by South Somerset. The service will be looking to recruit three additional ILO's, one in South Somerset, one in Somerset West and Taunton

and one in Mendip, bringing the compliment to six posts. The Partnership Manager is also leading on the Local Government Reorganisation alignment workstream with regards to SIP.

Housing Performance Team (Shari Hallett)

- Our Senior Complaints Case Manager has started reviewing our procedures for complaints handling.
- Two new Case Managers have started in post, replacing the four staff who have gained promotion to new roles. We will continue to recruit to the two remaining vacancies.
- Submitted 2020-21 House mark Pulse data so that we can benchmark with other housing providers.
- Continuing to develop a “reporting a repair” online form. Currently in the draft stages with our business analysts.
- The “damp and mould” for tenants has held it’s second meeting.
- During January our work with the HQN (Housing Quality Network) on policy review will commence.

Full Council Meeting – 8 February 2022

Report of Councillor Andy Sully – Environmental Services

It gives me great pleasure to present my report to Full Council on the varied activities of the Environment Services Portfolio.

Parks and Open Spaces

- Programme of work
 - The winter grounds maintenance programme is in progress.
 - Over 35k Bulbs, were planted in Hankridge and others areas around the district.
 - The planting of over 600 trees started in January with planting works on Minehead Sea Front to be completed by the end of February.
 - The winter stream clearance works have been completed.
 - HRA sites will have hedge reduction works and pruning winter pruning works undertaken in the next few weeks.
 - All Green Flag applications will be completed by February the 14th.
 - We are completing the works to ensure the Tender for Vivary Parks path repairs, this will be completed by 14th of January.
 - The Netflix bench has been installed at Blenheim Gardens Minehead and Vivary Park Taunton.



Street Cleansing

- Litter and Dog Bins Replacement

The first 30 of the 130 new litter / dog waste / recycling bins were delivered and installed in December. The second delivery of 30 bins and installation is in

progress. This batch will complete Vivary Park in Taunton, Castle Green area in Taunton and some of the Parade area of Taunton, before moving to the West Somerset area. The remaining bins are expected to be delivered and installed by the end of February.



Refuse (Somerset Waste Partnership)

- **RecycleMore**

The new RecycleMore service has now been operating since the 1st November 2021 in the Taunton Deane area. Earlier indicators show an increase in recycling and a reduction in overall waste as seen in other phases. The collection crews have completed the Christmas excess waste and catch up collections working incredibly hard with only minor disruption due to COVID related absences.

The final and 4th phase of the project to incorporate the old West Somerset and Sedgemoor areas is still on schedule to roll out at the end of February / beginning of March with the first and second leaflets being posted and the delivery of blue bags to all households. Communal flats in these areas will be added to the scheme latter in the year.

Bereavement Services

- **Baby Memorial Garden**

Work within the baby memorial garden will start in January replacing the small grass areas with stone chipping and a personalised memorial will be offered for all graves. This change will remove the need to move personal items each month to cut the grass in this highly sensitive area.

- **Café**

The new café at the crematoria site has been open now for a number of months and has been a welcome addition for visitors.

- **Heating System**

A new heat exchanger plate is due to finish being installed imminently allowing the site to be self-sufficient with its heating and providing both cost savings and a reduction in use of fossil fuels.

Harbours and Coastal Protection

- **Blue Anchor Coastal Protection Works**

The consultation period required for the Marine Management Organisation permissions has ended and we have responded to the questions raised and now

await formal granting of permission. An order for the rock armour will then be placed.

The design process is ongoing with final designs expected week beginning 24/1/22. Planning permission will be sought at this point. We remain on course for a spring commencement.

- Watchet Harbour

The dredging of the Watchet Harbour is complete for the year – over 6000m³ of silt has been removed.

Dredging within the marina continues, and more than 50% of vessels are now afloat at low water. The marina is expected to be fully watered by April.



I would like to give personal my thanks to all the Officers in the various teams that make up the portfolio who are delivering exceptional services and are always very helpful to me in my role on the Executive.

