

# South Somerset District Council

*Notice of Meeting*

## South Somerset District Council



*Making a difference where it counts*

### Thursday 19<sup>th</sup> July 2012

### 7.30 p.m.

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil  
Somerset BA20 2HT**

---

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox** on Yeovil (01935) 462462  
email: [angela.cox@southsomerset.gov.uk](mailto:angela.cox@southsomerset.gov.uk), website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Wednesday 11<sup>th</sup> July 2012

**Ian Clarke**, Assistant Director (*Legal and Corporate Services*)



**2007-2008**  
*Neighbourhood and  
Community Champions:  
The Role of Elected Members*

**2006-2007**  
*Improving Rural Services  
Empowering Communities*

**2005-2006**  
*Getting Closer to Communities*

This information is also available on our  
website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTOR IN PEOPLE

---

## Council Membership

**Chairman:** Mike Best  
**Vice-Chairman** Roy Mills

Cathy Bakewell  
Mike Beech  
Dave Bulmer  
John Calvert  
Tony Capozzoli  
Tim Carroll  
John Vincent Chainey  
Pauline Clarke  
Nick Colbert  
John Dyke  
Tony Fife  
Marcus Fysh  
Nigel Gage  
Jon Gleeson  
Carol Goodall  
Dave Greene  
Anna Groskop  
Peter Gubbins  
Brennie Halse  
Henry Hobhouse

Tim Inglefield  
Andrew Kendall  
Jenny Kenton  
Michael Lewis  
Pauline Lock  
Tony Lock  
Ian Martin  
Paul Maxwell  
Nigel Mermagen  
Graham Middleton  
Terry Mounter  
David Norris  
Graham Oakes  
Sue Osborne  
Ric Pallister  
Patrick Palmer  
Shane Pledger  
Wes Read  
David Recardo  
John Richardson

Roslynn Roderigo  
Jo Roundell Greene  
Sylvia Seal  
Gina Seaton  
Peter Seib  
Angie Singleton  
Sue Steele  
Paul Thompson  
Kim Turner  
Andrew Turpin  
Linda Vijeh  
Martin Wale  
Barry Walker  
Lucinda Wallace  
William Wallace  
Nick Weeks  
Colin Winder  
Derek Yeomans

## Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Consultation (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the Council are scheduled to be held monthly at 7.30 p.m. on the third Thursday of the month in the Council Offices, Brympton Way although some dates are only reserve dates and may not be needed.

The agenda, minutes and the timetable for council meetings are published on the Council's website – [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).

The Council's Constitution is also on the web site and available for inspection in Council offices.

The Council's corporate aims which guide the work of the Council are set out below.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

### South Somerset District Council – Corporate Aims

**Our key areas of focus are:** (all equal)

- **Jobs** – a strong economy which has low unemployment and thriving businesses
- **Environment** – an attractive environment to live in with increased recycling and lower energy use
- **Homes** – decent housing for our residents that matches their income
- **Health & Communities** – communities that are healthy, self-reliant and have individuals who are willing to help each other

---

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use.

---

# South Somerset District Council

Thursday 19<sup>th</sup> July 2012

## Agenda

**1. Apologies for Absence**

**2. Minutes**

To approve and sign the minutes of the previous meeting held on Thursday, 17<sup>th</sup> May 2012.

**3. Declarations of Interest**

**4. Public Question Time**

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. The total period allowed for public participation shall not exceed 15 minutes except with the consent of the Council and each individual speaker shall be restricted to a total of three minutes. Where there are a number of persons wishing to speak about the same matter, they should consider choosing one spokesperson to speak on their behalf where appropriate. If a member of the public wishes to speak they should advise the committee administrator and complete one of the public participation slips setting out their name and the matter they wish to speak about. The public will be invited to speak in the order determined by the Chairman. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Council at that meeting.

**5. Chairman's Announcements**

***Items for Discussion***

***Page Number***

<b>6. Chairman's Engagements.....</b>	<b>1</b>
<b>7. Annual Performance Report 2011/12 .....</b>	<b>3</b>
<b>8. Street Naming and Numbering Policy.....</b>	<b>6</b>
<b>9. The Localism Act 2011 – The Amended Standards Regime .....</b>	<b>37</b>
<b>10. Social Housing Tenancy Fraud – Report of the Scrutiny Task and Finish Group .....</b>	<b>91</b>
<b>11. Treasury Management Activity Report 2011/12.....</b>	<b>92</b>
<b>12. Report of Executive Decisions .....</b>	<b>105</b>
<b>13. Audit Committee .....</b>	<b>111</b>
<b>14. Scrutiny Committee .....</b>	<b>114</b>

15. **Motions** ..... 116

16. **Questions under Procedure Rule 10** ..... 117

17. **Date of Next Meeting** ..... 117

Council – 19<sup>th</sup> July 2012

## 6. Chairman's Engagements

### 20<sup>th</sup> May

At the invitation of the Lord Lieutenant of Somerset and the Chapter of Wells, Mike and Liz attended The Somerset Diamond Jubilee Evensong to give thanks for the sixty year reign of Her Majesty the Queen.

### 21<sup>st</sup> May

Mike attended a VIP reception and evening celebration hosted by Taunton Deane Borough Council to mark the Olympic Torch Relay which finished in Taunton on the third day of its relay across the country.

On the same evening, at the invitation of the Mayor of Sherborne Town Council, Roy attended the Mayor Making Ceremony and Reception at the Digby Hall, Sherborne.

### 22<sup>nd</sup> May

At the invitation of the Yeovil Royal Marines and Sea Cadet Corps, Mike attended a Royal Naval Parade which took place at 848 NAS hanger at RNAS Yeovilton.

### 2<sup>nd</sup> June

At the invitation of Yeovil Town Council, Mike and Liz attended the opening ceremony of Music in the Park at Yeovil Recreation Ground.

### 5<sup>th</sup> June

Hardington Mandeville Parish Council invited Mike to attend the opening of Hardington Mandeville Community Field.

### 16<sup>th</sup> June

At the kind invitation of The High Sheriff of Somerset, Mike and Liz attended a Garden Party at Orchard Wyndham, Williton.

Roy and Hilary were due to attend the annual Somerset Schools Folk Dance Festival at St. Cuthberts Church, Wells which was unfortunately cancelled due to the wet weather.

### 17<sup>th</sup> June

Following previous successful dog shows, the Council organised a fun dog show at Yeovil Country Park in aid of the RSPCA which Mike was delighted to attend.

### 21<sup>st</sup> June

At the invitation of Preston School, Roy attended a tour of the new sports facilities at the School.

### 23<sup>rd</sup> June

At the invitation of Commodore Chivers, Mike and Liz attended the annual Air Day at the Royal Naval Air Station, Yeovilton which this year commemorated the 30<sup>th</sup> anniversary of the Falklands Campaign.

### 24<sup>th</sup> June

Roy and Hilary attended Yeovil Town Council's Annual Civic Service which took place at St. John's Church followed by a reception at the Manor Hotel.

**25<sup>th</sup> June**

In Mike's absence, the Leader of the Council, Ric Pallister, together with representatives from RNAS Yeovilton, Somerset Air Training Corps, the Royal British Legion and Agusta Westland along with staff and members of the Council, held a short ceremony where a flag was raised to support Armed Forces week.

**27<sup>th</sup> June**

At the invitation of the Executive Committee of the Scout Council, Roy attended their Annual General Meeting at Holy Trinity Scout headquarters.

**30<sup>th</sup> June**

Mike and Liz attended Bruton School for Girls Speech Day in the morning. They also attended a retirement party in the evening for the Headmaster of the School.

**6<sup>th</sup> July**

To mark Jo Drake's long service award (Community Health and Leisure Department) Mike held an informal presentation.

**8<sup>th</sup> July**

Hinton St. George Village Hall Committee invited Mike to attend the village's Fun Dog Show and Summer Fete. This was arranged to mark the official launch of the new and refurbished equipment in the Recreation Ground, for which the District Council had made a contribution of £4,800 from Area West's Community Grants Fund.

**11<sup>th</sup> July**

At the invitation of Chilton Cantelo School, Mike and Liz attended the Drama Department's end of term play entitled Beyond the Doors of Days Gone By.

**12<sup>th</sup> July**

At the invitation of the Mayor of Yeovil, Mike attended the official launch at the Town House, of the Yeovil Town Guide, a publication produced by the Town Council.

Mike was then attended the Royal Navy's HMS Somerset Affiliates Day in Devonport which included a tour of the ship followed by a reception at the Drake Cricket Pavilion.

**16<sup>th</sup> July**

Mike and Liz were due to attend Wadham School presentation evening held at St. Bartholomew's, Crewkerne.

**19<sup>th</sup> July**

To mark Andrew Blackburn's retirement, Mike was due to hold an informal presentation to celebrate his 43 years service with the Council.

Council – 19<sup>th</sup> July 2012

## 7. Annual Performance Report 2011/12

*Lead Officer:* Sue Eaton, Performance Manager  
*Contact Details:* sue.eaton@southsomerset.gov.uk or (01935) 462565

### Purpose of the Report

This report seeks to present to members the following:

1. the outturn results for the Performance Indicators (PIs)
2. a summary of complaints made to SSDC during the year
3. key achievements for each Portfolio
4. key indicators selected by members for ongoing monitoring from 2012/13

### Public Interest

The Council is accountable for its performance to the local community and we publish performance data to enable us to demonstrate achievements against targets. This report details the annual performance for 2011/12.

### Recommendation

That Council note the 2011/12 performance information at Appendices A, B, C, D.

*(The Appendices are available in the Members Room, Brympton Way, the four area offices and on the website and are not printed with this report).*

### Background

The Performance monitoring framework currently comprises:

- The Corporate Plan 2012-15
- Corporate Performance Indicators
- Service plans
- Key strategies action plans

The new performance structure reflects more of what South Somerset District Council finds useful to performance manage, along with the areas that we have by statute to report.

There have been numerous changes recently affecting what we report, such as the removal of nationally prescribed indicators, the cessation of Local Area Agreement targets, and the need for a new/refreshed Corporate Plan. This means that the structure of what we report in the future will change. Members have recently agreed the refresh of the Corporate Plan and the performance indicators, which will be monitored from 2012/13.

### Report Detail

#### All PI Report – 2011/12

The All PI report includes both LI's (Local Indicators) and NI's (Retained National Indicators). The breakdown is demonstrated below:

Indicator Status	2011/12		2010/11 Comparison	
On or above target	28	63.64%	35	(63.64%)
Within 10% of target	7	15.91%	10	(18.18%)
More than 10% below target	9	20.45%	10	(18.18%)
<b>TOTAL</b>	<b>44</b>	<b>100%</b>	<b>55</b>	<b>100%</b>

During 2011/12 of the 44 indicators for which data is available, 28 indicators (63.64%) were on/above target, which compares to the slightly higher 2010/11 figure of 35 indicators (63.64%).

Trend analysis shows that in 2011/12, 22 indicators improved and 4 remained the same, accounting for 57.78% of the indicators; this is an improvement on the previous year's figure of 51%. The remaining 19 (42.22%) have deteriorated slightly.

See Appendix A for further details. Please note, any indicators with an asterisk next to them have been selected by members for ongoing monitoring in 2012/13. However please refer to Appendix D for the full list, which also contains a handful of new indicators.

### Complaints – 2011/12

During the period 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2012, SSDC received 237 complaints from members of the public, showing a decrease of 3.27% on the previous year.

The majority of cases, 94.51%, have been resolved at stage 1, indicating that the complaints procedure is effective. This is a significant improvement on the 2010/11 figure of 89.20%. Another positive note is that 62.50% of services have either reduced the number of complaints to their service or not increased, on the previous year.

Please refer to Appendix B for a full breakdown.

### Portfolio Achievement – 2011/12

It is not possible to measure delivery against Portfolio Statements as these were not produced for 2011/12 pending the refresh of the Corporate Plan. It is however appropriate to provide a list of the key achievements, which are significant.

See Appendix C for the list of Portfolio achievements.

### Conclusion

This report, while covering different facets, provides members and the public with continued assurance that this council remains focussed on delivering improved performance in all areas important to residents and remains committed to doing so in the most cost effective and efficient manner possible.

### Financial Implications

There are no direct financial implications related to this report apart from any compensation paid on a complaint made to SSDC, however, financial implications may need to be considered for possible actions necessary to address performance in failing areas.

## Carbon Emissions & Adapting to Climate Change Implications

None

## Equality and Diversity Implications

None

**Background Papers:** *New National Performance framework introduced 2008-09*  
*Portfolio Statements and Performance Matters 2009/10 – FC July 10*  
*Portfolio Statements and Annual Performance 2010/11 – FC July 11*  
*Performance Indicator Refresh – DX report May 12*

---

Council – 19<sup>th</sup> July 2012

## 8. Street Naming and Numbering Policy

*Lead Officer:* Ian Case, Principal Engineer  
*Contact Details:* [ian.case@southsomerset.gov.uk](mailto:ian.case@southsomerset.gov.uk) or (01935) 462074

### Purpose of the Report

The purpose of the report is to adopt the appropriate legislation, present the new Street Naming and Numbering Policy and to update the charging regime for this service. The policy was considered by District Executive on 3<sup>rd</sup> May 2012 who agreed the recommendations to go forward to Council.

### Public Interest

The report sets out in detail the function of the Street Naming and Numbering service in the form of the new Policy document and sets out the charges to be made for this service.

### Recommendations

That Council:

- (1) adopt the Public Health Act 1925 - Sections 17 to 19 for the naming of streets and Section 65 of the Towns Improvement Clauses Act 1847 for numbering of houses and buildings.
- (2) approve and adopt the Street Naming & Numbering Policy as attached, to be implemented from 1 September 2012 including the revised charging mechanism.

### Background

South Somerset District Council has the street naming and numbering responsibility for the South Somerset area ensuring that streets are named and properties are numbered or named. Maintaining a comprehensive and high standard for naming of streets and numbering or naming properties is important as it allows:-

- Emergency services to find a property quickly (delays can cost lives and money)
- Mail to be delivered efficiently
- Visitors to find where they want to go
- Reliable delivery of services and products
- Records of service providers to be kept in an effective manner

The service to date has been operating on a variety of good practice developed over the years and this Policy seeks to formally bring together this good practice and the legal framework within which the service operates and introduce charging for the services it provides in line with the practice adopted by other authorities.

The Policy provides a framework for the Council to operate its street naming and numbering function effectively and efficiently for the benefit of South Somerset residents, businesses

and visitors. It will also act as a guide to developers when considering new names for streets and give assistance to parish and town councils when carrying out the consultation process with regard to street names.

Within the Policy are guidelines derived from national good practice concerning acceptable names for streets and properties.

Following comments at District Executive from members, Appendix D has been modified to confirm that the Street Naming Conventions should be followed but there may be some flexibility, if appropriate.

## **Legal Implications**

The relevant legislation relating to street naming and numbering is:-

Towns Improvement Clauses Act 1847 - Sections 64 & 65  
 Public Health Act 1925 - Sections 17 to 19  
 Local Government Act 1972 - Schedule 14 - Part II - paragraphs 23 to 25 of  
 Local Government Act 2003 - Section 93  
 Postal Services Act 2000 – Section 116

The Council as the Street Naming and Numbering Authority for the South Somerset area proposes to adopt the Public Health Act 1925 - Sections 17 to 19 for the naming of streets and Section 65 of the Towns Improvement Clauses Act 1847 for numbering of houses and buildings

These provisions are essentially discretionary and there is a power to charge for discretionary or non-statutory services by virtue of Section 93 of the Local Government Act 2003. However the ability to charge does depend on the authority being able to show that it has formally adopted the provisions mentioned above should evidence be required. As it has not been possible to determine when formal adoption took place, either by this Council or one of its predecessors, and to avoid any legal challenge to the introduction of charges, it would be prudent to now formally adopt the provisions before introducing the new policy and associated charging regime. This will enable proof of adoption to be given should it be requested.

The Assistant Director (Environment) has given the requisite notice to the public and the town and parish councils of the proposal to pass a resolution to adopt the provisions set out in recommendation (1) above in the form and manner required by Local Government Act 1972 Schedule 14 Part II paragraph 25

The notice to the public was by means of an advert in the Western Gazette of 28 June and 4 July 2012. The wording of this notice is attached as Appendix 1.

The notice to the town and parish councils was by means of the notice being served via post with an accompanying letter dated 21 June 2012. A copy of this notice is attached as Appendix 2. This was also sent to each District Council member for information.

No representations have been received in response to the published Notices of intent nor from any town or parish council.

The legislative provisions are not able to come into effect until a date not earlier than one month from the date of the resolution. It is therefore recommended that the Policy is authorised for commencement in line with this timescale and the date of 1 September 2012 has been chosen.

## **Proposed Charges for Street Naming & Numbering Policy**

The charges proposed are as set out in Appendix C of the Policy but in summary it is proposed to charge a rate of £100 (plus £10 for each additional property) for numbering of new properties. The charge for changing the name of an existing property will remain at £100. These charges are not subject to VAT.

The Council is currently responsible for the maintenance and replacement of street nameplates as required and this will not change under the new policy.

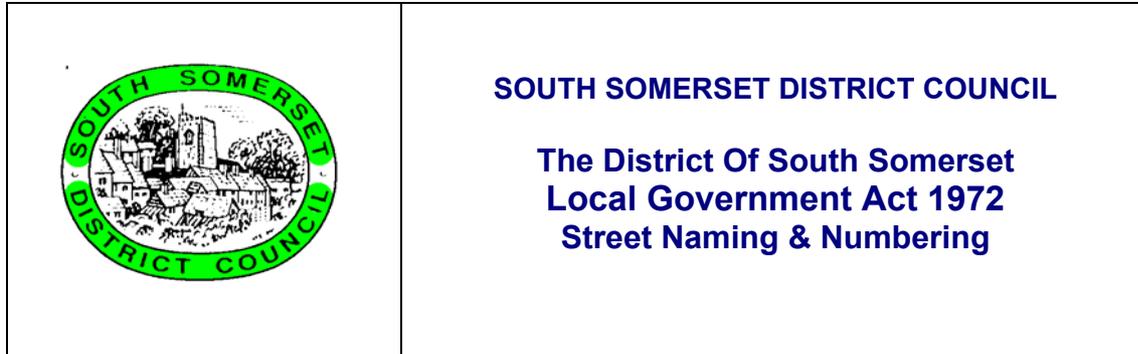
## **Financial Implications**

The proposed chargeable element of this policy is likely to achieve the income budget of £10,000, already included in the 2012/13 budget approved by District Executive in February 2012.

---

## Appendix 1

Wording of advert that appeared in Western Gazette issues of 28 June and 4 July 2012



**NOTICE IS HEREBY GIVEN** that the South Somerset District Council intends to pass a resolution on the 19<sup>th</sup> July 2012 under paragraph 25 of Schedule 14 of the Local Government Act 1972 resolving that the provisions of Sections 17, 18 & 19 of the Public Health Act 1925 for the naming and alteration of street names and Section 65 of the Towns Improvement Clauses Act 1847 for numbering of houses and buildings shall apply throughout the South Somerset area. It is intended that the resolution will take effect on the 1<sup>st</sup> September 2012.

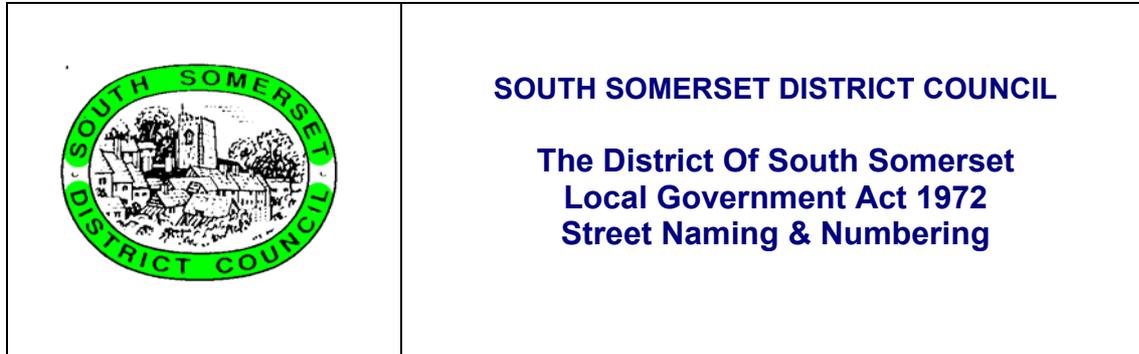
### **Assistant Director (Environment)**

South Somerset District Council Offices, Brympton Way, Yeovil, Somerset, BA20 2HT

**Dated: 22 June 2012**

## Appendix 2

Notice served on all Parish & Town Councils in the South Somerset Area sent by post on 21 June 2012



### NOTICE TO ALL TOWN AND PARISH COUNCILS IN THE DISTRICT OF SOUTH SOMERSET

#### STREET NAMING & NUMBERING

**NOTICE IS HEREBY GIVEN** that the South Somerset District Council intends to pass a resolution on the 19<sup>th</sup> July 2012 under paragraph 25 of Schedule 14 of the Local Government Act 1972 resolving that the provisions of Sections 17, 18 & 19 of the Public Health Act 1925 for the naming and alteration of street names and Section 65 of the Towns Improvement Clauses Act 1847 for numbering of houses and buildings shall apply throughout the South Somerset area. It is intended that the resolution will take effect on the 1<sup>st</sup> September 2012.

#### Assistant Director (Environment)

South Somerset District Council Offices, Brympton Way, Yeovil, Somerset, BA20 2HT

**Dated: 21 June 2012**

**Background Papers:**

---

# South Somerset District Council

## **STREET NAMING & NUMBERING POLICY**

**September 2012**

**RESPONSIBLE MANAGER**

Garry Green, Property & Engineering Services Manager

**DATE LAST REVIEWED**

New Policy

**DATE ADOPTED BY THE COUNCIL**

Date

**VERSION**

2012 – 1d

## **Contents**

- 1. Introduction**
- 2. Royal Mail**
- 3. Purpose of Policy**
- 4. Legal Framework**
- 5. Street Naming and Numbering Charges**
- 6. National Land and Property Gazetteer**
- 7. Street Naming & Numbering (SN&N) Procedure**
  - 6.1 General**
  - 6.2 Street Naming**
  - 6.3 Street Numbering**
  - 6.4 Property Naming and Renaming**
- 8. Street Nameplates**
- 9. Performance Criteria**
- 10. Equality Impact Assessment**
- 11. Policy Review**
- 12. Contact Details**

## **Appendices**

- A: Legislation**
- B: Internal / External Notifications (Relevant Authority List)**
- C: Street Naming and Numbering Charges**
- D: Street Naming Conventions**
- E: Numbering Conventions**
- F: Property Naming Conventions**
- G: Street Nameplate Specification, Installation and Location**
- H: Renaming and/or Renumbering of Streets**
- I: FAQs**
- J: New Development Plan Requirements**

## **1. Introduction**

1.1 South Somerset District Council (the Council) is the street naming and numbering authority for the South Somerset area with the principle responsibility of ensuring that streets are named and properties are numbered or named. Maintaining a comprehensive and high standard for naming of streets and numbering or naming properties is important as it allows :-

- Emergency services to find a property quickly (delays can cost lives and money)
- Mail to be delivered efficiently
- Visitors to find where they want to go
- Reliable delivery of services and products
- Records of service providers to be kept in an effective manner

The Street Naming & Numbering (SN&N) service to date has been operating on a variety of good practice developed over the years and this policy seeks to formally bring together this good practice and the legal framework within which the service operates.

The policy provides a framework for the Council to operate its street naming and numbering function effectively and efficiently for the benefit of South Somerset residents, businesses and visitors. It will also act as a guide to developers when considering new names for streets and give assistance to parish and town councils when carrying out the consultation process with regard to street names.

1.2 Within the Policy are guidelines derived from national good practice concerning acceptable names for streets and properties New street names need to be acceptable to the Council primarily to avoid duplication or confusion arising from use of similar names in the same locality and is particularly important in an emergency situation. For street naming conventions see Appendix D. The Council values local input and, whilst not a requirement, has chosen to consult with the appropriate parish or town council.

## **2. Royal Mail**

2.1 The Postcode Address File (PAF) is maintained under Licence by Royal Mail under Section 116 of the Postal Services Act 2000. As such they allocate postcodes when requested by the Council. Once the Council has carried out its process as detailed in this policy Royal Mail is obliged to alter the address or enter the new address onto the PAF.

2.2 Royal Mail does not publish on its website addresses of properties that are not completed and/or occupied. This means that in certain cases, addresses that have been notified by the Council may not, for a while, be visible to anyone using the Royal Mail website. This may also mean that other organisations using the PAF will also not be able to confirm addresses. In practice Royal Mail on notification from the Council of a new property will hold this address on a 'Not Yet Built' part of the PAF and they do this to avoid problems with undelivered mail. In this instance if the new occupier is experiencing difficulties then they should contact Royal Mail as indicated in Appendix I for activation of the address.

- 2.3 A postal address with postcode is a sorting and routing instruction to postal staff, to enable mail to reach its destination. Therefore it will inevitably throw up anomalies when using Satellite Navigation equipment in a vehicle.

### **3. Legal Framework**

- 3.1 The relevant legislation relating to street naming and numbering is:-

Towns Improvement Clauses Act 1847 - Sections 64 & 65

Public Health Act 1925 - Sections 17 to 19

Local Government Act 1972 - Schedule 14 - Part II - paragraphs 23 to 25 of

Local Government Act 2003 - Section 93

Postal Services Act 2000 – Section 116

- 3.2 South Somerset District Council as the Street Naming and Numbering Authority in the South Somerset area has adopted the Public Health Act 1925 - Sections 17 to 19 for the naming of streets and Section 65 of the Towns Improvement Clauses Act 1847 for numbering of houses and buildings.

### **4. Street Naming and Numbering Charges**

- 4.1 The power to charge falls under Section 93 of the Local Government Act 2003.

The Council does not charge for the naming of new streets but does charge for the numbering or naming of properties including amendments to existing addresses.

- 4.2 The charges cover:-

- Consultation and liaising with external organisations such as Royal Mail.
- The process of naming or numbering of new properties (including conversions & alias).
- Alterations in either name or numbers to new developments after initial naming and numbering has been undertaken.
- Notifications to organisations listed in Appendix B
- Confirmation of addresses.

- 4.3 These charges are to be paid in advance. Changes made without contacting the Council will not be entered onto either NLPG or the PAF and therefore may not be registered with services and organisations listed in Appendix B.

- 4.4 The Scale of Charges for Street Naming and Numbering can be found in Appendix C.

- 4.5 Fees and charges applicable for the street naming and numbering service/s will be annually reviewed during the Council's budget setting process and publicised through the Council's agreed communication channels including the website.

### **5. The National Land and Property Gazetteer (NLPG) and the Local Land and Property Gazetteer (LLPG)**

- 5.1 The National Land and Property Gazetteer (NLPG) is a national (England and Wales) database that provides for the unique identification of land and property. The NLPG

is owned and licensed by the Local Government Information House (LGIH) on behalf of local government. It is an implementation of the British Standard, BS 7666:2006 Parts 1 and 2. The NLPG allows organisations throughout local government and the NLPG user community to link their data to the same high quality source of references that define all types of land and property information and the history of changes that occur at those locations.

- 5.2 The NLPG is the definitive address list that provides unique identification of properties and contains more than 30 million residential, business and non-mailing addresses and is now marketed commercially.
- 5.3 The NLPG is a comprehensive and continually updated database, created by those with local knowledge in each local authority, the body with legal responsibility for street naming and numbering of property. As local authorities are the originators of addressing information an address dataset, developed and maintained at source by users of the data, will inevitably have the highest level of accuracy and completeness.
- 5.4 The Council is committed to this initiative through its own Local Land and Property Gazetteer (LLPG) which, together with the other local authorities in England and Wales, makes up the NLPG. Street naming and numbering is the single most important source of address change intelligence for the Council's LLPG and therefore NLPG.

## **6. Street Naming & Numbering (SN&N) Procedure**

### **6.1 General**

- 6.1.1 In order to provide sufficient time for the process, as soon as full planning consent is obtained (for each phase as appropriate) the developer is advised to contact the SN&N officer of the Council to complete an application. In any event, this application should be made within 3 months prior to the estimated completion date.
- 6.1.2 The street naming and numbering process (or conversions) will not be started until full planning consent, as appropriate, has been obtained and building works have commenced to the satisfaction of the Council. For the avoidance of doubt this generally means the excavation of foundations or the serving of a Commencement Notice.
- 6.1.3 If a scheme is to be developed in phases, the naming and numbering scheme will be issued only for the phases commenced in accordance with this clause.
- 6.1.4 Where a naming and/or numbering scheme is issued, the Council will inform those bodies listed in Appendix B.

### **6.2 Street Naming**

- 6.2.1 The legal framework for naming new streets is set out in the legislation referred to in Section 3 of this policy and the Council has introduced procedures to provide a more modern and community led process, as set out below, for the benefits of all concerned.
- 6.2.2 Where a developer constructs new roads, they may provide road name suggestions to the Council, in accordance with the Naming Conventions contained in Appendix D.

If the new name(s) proposed conform with the conventions then the Council has 1 month to object to the proposals.

- 6.2.3 If the suggestion is found to fall outside of the naming conventions set out in Appendix D, then a written objection will be sent to the developer, informing them of the reasons, together with a request for a further suggestion.
- 6.2.4 The Council has also chosen to consult with the parish and town council as appropriate where the development is taking place and the names proposed by the developers will be sent to these bodies for comments. They will also be requested to suggest names should the developer not offer any proposals.
- 6.2.5 If neither the developer or the parish / town council proposes a name then the Council will allocate a name for the street.
- 6.2.6 Should the parish or town council propose a name that differs from the name suggested by the developer (and conforms with Appendix D) the Council will advise the developer and seek agreement or comments. If the developer objects then the Council will decide which name should be allocated and all parties will be informed of the decision. Under the legislation, the developer has a right of appeal.
- 6.2.7 The costs for the supply and erection of nameplates for new streets will be borne by the developer and they may choose to take up the option of the Council carrying out this service. The cost of this is set out in Appendix C. Maintenance of the nameplates will then be taken over by the Local Authority.

### **6.3 Street Numbering**

- 6.3.1 Numbering of the new streets will be carried out in accordance with the Numbering Conventions contained in Appendix E. Properties on new streets will be allocated numbers only.

### **6.4 Property Naming and Renaming**

- 6.4.1 Where the properties on an existing street are already named (rather than numbered) any new properties will also be named. The developer may propose names in accordance with the property naming conventions contained in Appendix F.
- 6.4.2 Any proposals for renaming a property will also follow the conventions as contained in Appendix F.
- 6.4.3 A check will be made by the Council to ensure that there is no other property in the locality with the same or similar name. A replicated name on the same postcode is not allowed. Similar sounding names within an area should be avoided and will only be allowed at the discretion of the Council.
- 6.4.4 The owner (not the tenant) of a property may request the addition, amendment or removal of a name for their property. An application form should be completed and returned to the Council along with the appropriate fee.
- 6.4.5 The Council cannot formally add or amend a property name where the property is in the process of being purchased. However, on payment of the fee (non-refundable) we will carry out the process but only officially register the change/addition on notification of completion of purchase.

## **7. Street Nameplates**

- 7.1 The Council is responsible for ensuring street nameplates are erected as appropriate.
- 7.2 Where new street/s are created as part of a development, the costs of supplying and erection of new street nameplates will be borne by the developer. The Council also provides this service at a charge, as shown in Appendix C.
- 7.3 All new and replacement nameplates will be constructed and erected according to the Council's specification in Appendix G.
- 7.4 All requests for no through road symbols to be added to street nameplates will only be considered when erecting new nameplates. If the need for a no through road symbol arises and the street nameplate is not in need of replacement, then the request should be forward to the Highways Division of Somerset County Council.
- 7.5 In exceptional circumstances where appropriate, additional information regarding access to other streets may also be added – eg "leading to Pinewood Drive" and each case will be considered on it's merits.

## **8. Performance Criteria**

- 8.1 All requests for property name changes will be dealt within 20 working days. However, to provide the best service to our customers, we will aim to turn requests around within 10 working days.
- 8.2 We will update the Council's LLPG and inform the bodies listed on the distribution list (Appendix B) within 10 days of a naming and/or numbering scheme being issued.
- 8.3 We aim to have all missing and broken street nameplates, repaired or erected within 4 weeks of notification.
- 8.4 We aim to respond to all street naming and numbering enquiries with 5 working days.
- 8.5 In order to provide sufficient time for the process, as soon as full planning consent is obtained (for each phase as appropriate) the developer is advised to contact the SN&N officer of the Council to complete an application. In any event, this application should be made within 3 months prior to the estimated completion date.

## **9. Equality Impact assessment**

- 9.1 An Equality Analysis has been completed on the Equality Objectives and has demonstrated no adverse or negative impacts.

## **10. Policy Review**

- 10.1 This policy will be reviewed every three years, or sooner if a major change in the process is required through the introduction of new legislation for example. Charges will be reviewed on an annual basis during the Council's budget setting process and

publicised through the Council's normal communication channels including the website.

## **11. Contact Details**

- 11.1 The Street Naming and Numbering Section  
Property & Engineering Services  
South Somerset District Council  
The Council Offices  
Brympton Way  
Yeovil  
Somerset  
BA20 2HT  
Tel: 01935 462053  
Fax: 01935 462188  
Email: [denise.wallace@southsomerset.gov.uk](mailto:denise.wallace@southsomerset.gov.uk)

## **APPENDIX A: Legislation**

The Council's powers in relation to street naming & property numbering are contained in four separate Acts:

Sections 64 & 65 of the Towns Improvement Clauses Act 1847

<http://www.legislation.gov.uk/ukpga/Vict/10-11/34/section/64>

<http://www.legislation.gov.uk/ukpga/Vict/10-11/34/section/65>

Sections 17, 18 & 19 of the Public Health Act 1925

<http://www.legislation.gov.uk/ukpga/Geo5/15-16/71/section/17>

<http://www.legislation.gov.uk/ukpga/Geo5/15-16/71/section/18>

<http://www.legislation.gov.uk/ukpga/Geo5/15-16/71/section/19>

Section 93 of the Local Government Act 2003

<http://www.legislation.gov.uk/ukpga/2003/26/section/93>

Local Government Act 1972, schedule 14 – part 11 – paragraphs 23, 24 & 25

<http://www.legislation.gov.uk/ukpga/1972/70/schedule/14>

## **APPENDIX B: Internal/External Notifications (Relevant Authority List)**

The following bodies/authorities that will be informed of all new (and changes to) officially registered addresses :-

### Internal

- Revenues & Benefits (Council Tax)
- Electoral Registrations
- Land Charges
- Local Land and Property Gazetteer Custodian

### External

- Devon & Somerset Fire and Rescue Services
- Avon & Somerset Police
- South Western NHS Trust Ambulance Service
  
- Land Registry
- Valuation Office
- Ordnance Survey (OS)
- Royal Mail (Address Management)
  
- National Land and Property Gazetteer
- Wessex Water (if in their area of operation)
- South West Water (if in their area of operation)
- British Gas (Centrica)
- Wales & West Utilities
- British Telecommunications Plc
- Western Power Distribution (if in their area of operation)
- Southern Electric (if in their area of operation)
- Somerset County Council - Road Records (if new street)
- Somerset Waste Partnership (waste services)

## APPENDIX C: Street Naming and Numbering Charges

### 1. Street Naming and Numbering Charges from 1st June 2012

The charges are set out below:-

Item	Charge
Property Name Additions/Amendments/Removals (incl alias)	£100.00
Naming of New Streets	No charge
Numbering of New Properties First Address For each additional address	£100 £10 per address
Division of Properties – same as numbering of new properties (and based on number of addresses created including the original)	See numbering of New Properties
Confirmation of address to solicitors/conveyance's/occupiers or owners	£25.00
Renumbering of scheme following development changes (after notification of numbering scheme issued)	£100.00 + £10.00 per address
Address issued/confirmed when replacement property built (as the original address will have been removed following the demolition as address may be different to original property) reactivation of address	£100 per property
1st Set of Nameplates erected for each new Street (developers option)	For each street: £200 if one nameplate required
	£125 for each subsequent nameplate required

These charges are not subject to VAT.

Applications and payment can be made on line at [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) or cheques can be forwarded with the appropriate application form made payable to South Somerset District Council. If preferred, an invoice can be raised, and payment can then be made via the methods indicated on the invoice and application form.

### 2. Refunds

- 2.1 Where an application form and fee has been submitted and a scheme has already been issued, no refund of fee will be made. No refund of the street naming fee can be made once a name has been submitted for the consultation process. Where a scheme has not been issued due to lack of relative permissions or no commencement on site, then 50% of the street numbering and street nameplate fee will be refunded on request.
- 2.2 Where a property name addition or amendment application (incl alias) and fee has been submitted and the requested property name is not acceptable, a further name will be requested. If no other property name is suitable and the existing address is to be retained, then 50% of the fee paid will be refunded.

### **3. Street Naming and Numbering in the Absence of Payment of Fees**

- 3.1 The Council will remind developers of new properties of the need for an official address and the process to follow. If payment of fees is not received within 3 months prior to a completion date, the Council may allocate official addresses for emergency services purposes with no further consultation. If the developer or owner requests amendment to the allocated naming or numbering at a later date, the standard street naming and numbering processes and the current fees and charges will apply.
- 3.2 In this case internal notifications will be made for Council business purposes only but no external notifications will be made or Postcodes allocated to the properties.
- 3.3 If payment of fees is not received in relation to adding or amending an existing property, the name will remain unchanged and no internal or external notifications made.

## **APPENDIX D: Street Naming Conventions**

When naming new streets, the following conventions should be considered. This will ensure compliance with the data standard convention BS 7666 and its associated NLPG Reference Manual.

1. Developers are encouraged to preserve any historic link to the land which they are developing, i.e. field names the land may be previously known as, or previous property names located on site such as farm names, or any other associated historic link.
2. Where no historic link to the land can be established for the use of a street name, the developer will be encouraged to have a historic link to the Parish.
3. Suggestions to commemorate past dignitaries or characters from within the Parish. Only the surname will be used as part of the street name. Acceptance in writing from the person's family or estate administrators should be obtained prior to consideration.
4. Full names of deceased persons, famous or locally known, will only be allowed for roads which do not service residential properties. Acceptance in writing from the person's family or estate administrators should be obtained prior to consideration.
5. Street names should not duplicate or be similar (either phonetically eg Churchill Road/Birchill Road or with a different suffix eg Birchfield Road/Birchfield Close) to those currently used in the same locality and/or town. This is not acceptable as it can delay the emergency services to locate a property.
6. Street names should not start with "The".
7. No punctuation in the use of street names will be used. For example "St. Mary's Gardens" will appear in all street naming documentation and street nameplates as "St Marys Gardens" Names that would lead to variations in the use of punctuation are unacceptable.
8. Street names will not end in "s", where it can be construed as either a possessive or plural. For example Bennetts Close will be Bennett Close.
9. New streets with 5 or less properties and where the new street cannot be extended will be numbered into the primary road in which they are accessed.
10. Where a new road is an extension of an existing road, it will not normally be allocated a new street name and the properties will be numbered into the existing road.
11. Street names should not be difficult to pronounce or awkward to spell.
12. The name of a street should not advertise an organisation.
13. Names of living persons will not be allowed.
14. Street names that could be considered offensive or controversial are unacceptable.
15. Names that could be considered or construed as rude, obscene, racist or which contravene any aspect of the Council's equal opportunities policies will not be acceptable.

16. Aesthetically unsuitable names or names capable of deliberate misinterpretation are to be avoided

17. The following is a list of possible suffixes, it is not exhaustive and sometimes other words are more appropriate:

All new street names should end with one of the following suffixes:

- Street (for any thoroughfare)
- Road (for any thoroughfare)
- Way (for major roads)
- Avenue (for residential roads)
- Grove (for residential roads)
- Drive (for residential roads)
- Place (for residential roads)
- Mews (for residential roads)
- Parade (for any thoroughfare)
- Circus/Circle (for a circular road only)
- Crescent (for a crescent shaped road)
- Close (for a cul-de-sac only)
- Court (for a cul-de-sac only)
- Square (for a square only)
- Hill (for a hillside road only)
- Rise (for a hillside road only)
- Ridge (for a hillside road only)

Generally rural locations only

- Lane (for residential roads)
- Vale (for residential roads)
- Dene (for residential roads)
- Mead (for residential roads)
- Drove (for residential roads)

All new pedestrian ways should end with one of the following suffixes:

- Walk
- Path
- Way
- Mall

All new multiple property building names should end with one of the following suffixes:

Lodge  
Apartments  
Flats  
Mansions  
House  
Court (residential only)

For larger numbers of new infill properties, subsidiary names should end with one of the following suffixes:

- Villas
- Terrace
- Row
- Cottages

All high rise residential blocks should end with one of the following suffixes:

- Point (high block residential only)
- Tower (high block offices or residential)
- Heights (high block offices or residential)

## APPENDIX E: Numbering Conventions

- 1 The Council will insist that a new street/development is numbered in the most logical manner, with consideration to potential future development.
- 2 A new road/street will be numbered with odds on the left hand side and evens on the right, commencing from the primary entrance to the street. Where the street is a thoroughfare between two other streets, the numbering shall commence at the end of the street nearest the centre of the town/village.
- 3 A cul-de-sac will be numbered as at 2, however it may be numbered consecutively, at the Council's discretion, usually in a clockwise direction, unless the cul-de-sac can be extended in the future.
- 4 Properties (including those on corner sites) are numbered according to the street in which the main entrance is to be found.
- 5 Additional new properties on extensions of existing streets that are currently numbered will always be allocated a property number.
- 6 Where infill properties are built and insufficient numbers are available in the current numbering scheme, a letter shall be used as a suffix where there are no alternatives and to avoid the renumbering of other properties in the existing street, eg 15A. Wherever possible infill properties requiring a suffix will be given the property number before the infill to maintain a proper numbering sequence. For larger numbers of infill properties, numbered subsidiary names on a named road (eg 1-4 Bluebell Row, Wood Street) will be allowed at the Council's discretion. For a list of acceptable suffixes, see appendix D. Properties built on the site of previously demolished properties will be numbered within the existing sequence if possible, and letter suffixes (e.g. 16A) will be used if necessary. Where a new property is built on the site of a demolished property, the new building will inherit the existing number. If the demolished property was named, the new property can inherit that name or be registered with a different name from the demolished property, but the new name must follow guidelines in Property Naming & Renaming Process.
- 7 Spurs off new streets/roads may be either numbered into the main street or named and numbered separately at the Council's discretion.
- 8 Number 13 is always omitted when numbering new developments, as many people have superstitious beliefs. The Council will only renumber a property where it can be shown that there are consistent delivery problems or issues with emergency services.
- 9 Where a property has a number, it must be used and displayed, and be at least 100mm in height on a contrasting background. They should clearly be visible from the highway and this may mean the numbers being displayed on posts, gates or fences (and not necessarily the door of the property) to aid easy identification of the property, particularly in the event of an emergency.
- 10 If open space or undeveloped areas exist along a length of road, it is possible to leave spare numbers. As a guide one number per 5m frontage in urban areas and 10m frontage in rural areas is used, however open spaces can often allow numbers either side of a road to be brought in line with each other.

- 11 Where two or more properties are combined to form one single property, the property will be numbered using one of the existing numbers and will be based on the location of the main entrance.
- 12 For any dwelling accessed internally through a commercial premises, the accommodation will be given a prefix to match the accommodation type i.e. The Flat. The rest of the address will be the same as the parent property, e.g. where a flat above a public house and is only accessed internally, its address will be The Flat, Name of Public House, Street Number and Name.
- 13 A multiple property building (i.e. flats) will be addressed on the road where the main entrance is. Flats will be numbered into the road, as a preference, or can be numbered internally within the named or numbered building. If the building has entrances in more than one street, each flat will be addressed into the appropriate road.
- 14 Royal Mail will only register properties which have their own entrance and their own secure letter box. If mail for a multiple property building is delivered to a single letter box, and occupants then collect their own mail, Royal Mail class this as a “building in multiple occupation” and will only register the parent building and not individual flat numbering schemes within the building.
- 15 Annexes to buildings (e.g. granny flats, ancillary accommodation or holiday lets) or agricultural land parcels will not be officially registered with Royal Mail
- 16 A business name will not take the place of a number or a building name.
- 17 All of the above conventions apply to both residential and commercial developments/properties.

## **APPENDIX F: Property Naming Conventions**

1. Names that could be considered or construed as rude, obscene, racist or which contravene any aspect of the Council's equal opportunities policies will not be acceptable.
2. If a proposed property name is refused, then the owner will have the option to provide further suggestions or retain the current address.
3. Where a property has a number, it is not possible to replace it with a name. The owner can additionally name their property (known as an alias), as long as it follows the rules etc as above. The name cannot be regarded as an alternative, the property number must still be displayed and referred to. The alias name will be held by Royal Mail on their "alias file" and will not be part of the official address.
4. Where a property is registered with a name or an amendment to a property name is carried out, the Council will inform those bodies listed in Appendix B. Royal Mail are not able to accept new house names or name changes from anyone other than the Council.

## **APPENDIX G: Street Nameplate Specification, Installation and Location**

### **1. Specification**

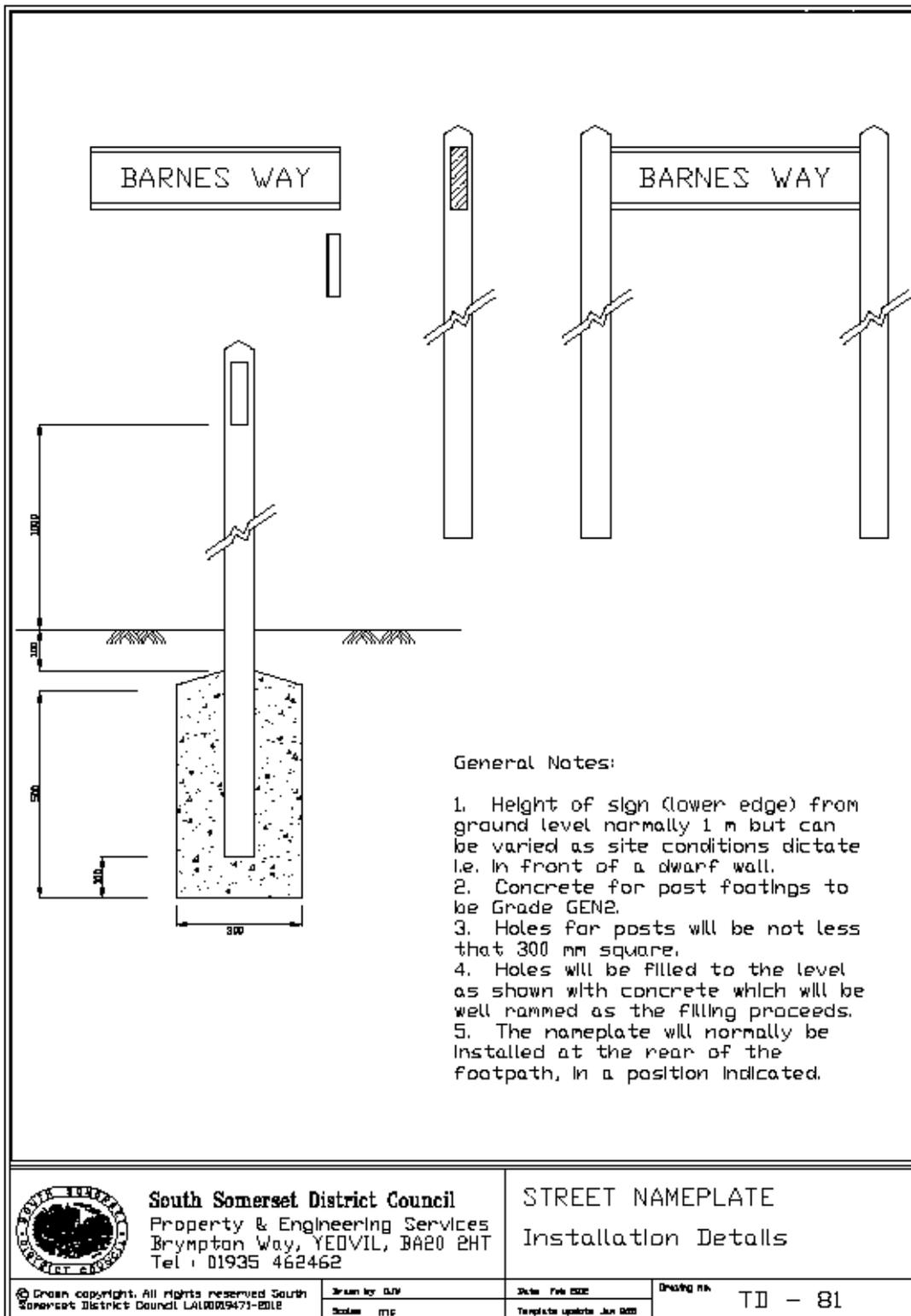
- 1.1 The street nameplate material is to be 3mm UV protected anti-reflective polycarbonate sheet. Background to lettering is to be either the sheet sprayed white using suitable enamel paint, or white class 2 reflective vinyl when requested by the Officer.
- 1.2 Where the nameplate is to be wall mounted on a radius, the material is to be die-pressed aluminium sheet, min. thickness 3mm with radius corners.
- 1.3 Nameplate lettering is to be capital lettering in "Kindersley" style font using black Mactac 9800 series or similar, 3M seven year vinyls max. height:-90mm for initial street name text, 50mm for subsequent lines of text. Other heights may be necessary for signs with multiple street names – to be agreed with relevant officer.
- 1.4 Nameplate borders are to be black vinyl, 13mm wide with 13mm internal radii.  
Note: Wall fixed nameplate borders are to have additional external radii to suit.
- 1.5 In conservation areas, we may request nameplates to have a Forest Green enamel background with plain white vinyl lettering and borders or vice versa. Lettering style and sizes to be as above.
- 1.6 Overall nameplate height is to be 150mm for a single line street name unless otherwise stated.
- 1.7 When requested, the "No Through Road" symbol (816.1 Traffic Signs Regulations and General Directions 2002.) is to be incorporated at the right of the street nameplate.
- 1.8 All sign backing boards and legs are to be smooth finished and manufactured using black recycled plastic materials. Backing boards must have a top and bottom lip or similar security design to prevent forced removal of the nameplate. Backing boards and faceplates are to be secured using U-shaped aluminium channel, powder coated black, (or white where background is green), drilled and secured every 150mm using anti-vandal security screws and slotted into morticed posts to prevent channel being prised up at the edges. The aluminium channel is to be pre-prepared for the powder coating.
- 1.9 Sign legs are to be approx. 75mm square x 1.3 metres long, made from solid plastic, tops to be chamfered, and also to be drilled at the bottom and supplied with anchor pins not less than 6 inches long. Posts to be morticed to accept 30mm black recycled plastic plank, with sign face and capping; depth and length to suit. Plank etc. to be fixed into post slot with 2 no. high strength screws per post.
- 1.10 Nameplates fixed to backing boards are to be secured with double sided high adhesive tape or a suitable adhesive at the top and bottom edge of the nameplate, and capped top and bottom with black powder coated aluminium channels to protect exposed edges of sign face. These should be fixed with anti-vandal black stainless steel screws. Black silicone should be used to fill any gaps between sign plank and post slot for a tidy finish.
- 1.11 If requested, we will supply a list of suppliers of street nameplates.

### **2. Installation and Location**

- 2.1 Street nameplates should be located as near as possible to street corners, so as to be easily readable by drivers as well as pedestrians. The nameplate should normally be within 3 metres of the intersection of the kerb lines, however given some more rural locations this may not be practicable and so may be varied up to a maximum of 6 metres.

- 2.2 Street nameplates should be erected so that the lower edge of the sign plate is approximately 1 metre above ground level at sites where they are unlikely to be obscured by pedestrians or vehicles, and at approximately 2.5 metres where they are likely to be obscured by pedestrians or vehicles. They should not be lower than 0.5 metres or higher than 3.5 metres.
- 2.3 Street nameplates should normally be located at each street corner. At minor crossroads, particularly in residential areas, one street nameplate on the side of the street positioned on the offside of traffic emerging from the road may be sufficient, except where road names join.
- 2.4 Where a street is approached only from one direction, only one nameplate will be erected and this will face the direction of where the traffic will be approaching. Where a road can be approached from both directions, nameplates on either side of the junction will be erected. Nameplates will also be erected at any junction or entrance onto the street.
- 2.5 At T-junctions, the street nameplate should be placed opposite the traffic approaching from the side road.
- 2.6 Where the street name changes at point other than cross-roads, both names should be displayed at the point of change. It has proved useful to include arrows to indicate clearly to which parts of the street the names refer.
- 2.7 On straight lengths of road without intersections, nameplates should be erected at reasonable intervals with priority given to places such as well-frequented areas eg car parks and bus and railway stations.
- 2.8 Where two streets branch off obliquely from a common junction with a third street, plates on fingerpost mountings can be useful, however they must not obscure any traffic sign or cause reasonable vision for drivers.
- 2.9 The nameplates should be located so that there is a clear space of a least 300mm in every direction between them and any other notices, advertisements or other printed or written signs. They should not be incorporated in other direction signs assemblies, but kept distinct and mounted in as standardised manner as possible.
- 2.10 Care should be taken when deciding on the sign location to avoid trees and other plantings that may obscure the sign.
- 2.11 Where possible, nameplates should be located so that they will be illuminated by streetlights, especially at important junctions, provided they remain visible to vehicles on the main carriageway.
- 2.12 Where a street nameplate site is not immediately obvious, the Council can give assistance for the proper and suitable street nameplate position.

### 3. Street Nameplate Installation Details



## **APPENDIX H: Renaming and/or Renumbering of Streets**

1. Renaming and/or renumbering of a street is very time-consuming process and may cause costs or disruption to individual occupiers and owners and wherever possible will be avoided. This is usually only done as a last resort i.e. renaming of a street is normally only considered if consistent problems occur for the Emergency Services and the renumbering of properties may occur when infill development is so great that numbers to the new properties cannot be allocated, then the existing street may be subject to a renumbering scheme.
2. Where an order for renaming of an existing street is made, the Local Authority must display notices at each end of the street or part of the street affected under Section 18 of The Public Health Act 1925 and they must remain in place for at least 1 month before an order changing the name can be made. Any person aggrieved by the intended order may within 21 days after the posting of the notice appeal to the Magistrates Court. If an appeal is made to the Magistrates Court the Local Authority must wait until that appeal is heard.
3. Where a request is received from residents/owners of properties for renaming of a street, the proposed change must have the full backing of every resident/owner affected on the street and a signed letter from each to support this. Reasons for the renaming must also be supplied.
4. Where any order for renaming of a street is made, the Council chooses to consult the local Parish/Town Council.
5. Where an order for renaming of a street is made the proposed name must follow the naming procedures detailed elsewhere in this Policy and must also comply with the naming conventions in Appendix D.
6. Where renumbering and/or renaming is involved, as much warning as is practicably possible will be given. The notice to occupiers will give a specific date on which the new naming or new numbering comes into effect, which will be at least 4 weeks from the date of the notice.
7. Where a re-naming and/or re-numbering scheme is issued, the Local Authority will inform those bodies listed in Appendix B.

## APPENDIX I: FAQs

- Q** How do I check if my address is correct?
- A** Contact the Street Naming & Numbering section at the Council. Denise Wallace on 01935 462053 or [denise.wallace@southsomerset.gov.uk](mailto:denise.wallace@southsomerset.gov.uk).
- Q** Who allocates postcodes?
- A** Royal Mail will allocate a postcode on receipt of the official naming and numbering scheme from the Council but the address, including the postcode, will be held in "reserve" (the not yet built file) until Royal Mail is notified by either the developer or owner that the property is occupied.
- Q** Who do I contact if items and correspondence are being mis-delivered or not delivered?
- A** Complaints should be directed to Royal Mail 0846 011 110 option 3, then option 1 [addressmaintenance@royalmail.com](mailto:addressmaintenance@royalmail.com) or to the relevant delivery company's customer services department. Some delivery problems are as a result of not displaying the correct property number and/or name.
- Q** A company says my officially registered new/amended address does not exist?
- A** Various companies refresh their address sets at different frequencies and from different sources, therefore address additions and changes can take some time to appear in their systems. Refer them to Royal Mail's website to confirm for themselves - [www.royaymail.com](http://www.royaymail.com) or ask them to call Royal Mail on 08456 011 110 option 3 then option 1 to confirm that your address is on their database.
- Q** Why does Ordnance Survey mapping not show a new property or new road?
- A** Updated information can take some time to percolate through to companies products and depends on those companies update regimes.
- Q** Which bodies and/or authorities are notified by the Council of new and amended address information?
- A** See Appendix B.
- Q** Who do I contact if address or routing information for my property is incorrect on Sat Navs?
- A** Firstly, check the address is correct (officially registered) with the Street Naming & Numbering section of the Council. Contact Denise Wallace on 01935 462053 or [denise.wallace@southsomerset.gov.uk](mailto:denise.wallace@southsomerset.gov.uk). If the address is correct, then contact Ordnance Survey - customer service centre on 08456 050505 [customerservices@ordnancesurvey.co.uk](mailto:customerservices@ordnancesurvey.co.uk) and/or the two private mapping companies who take mapping information and add routing information.

Tele Atlas United Kingdom, 20th Floor, Euston Tower, London, NW1 3AS  
0207 3875444 [service.centre@teleatlas.com](mailto:service.centre@teleatlas.com)

<http://www.teleatlas.com/Support/MapFeedback/index.htm>

Navteq, Unit 2 Globeside Business Park, Fieldhouse Lane, Marlow SL7 1HZ  
01628 480 900

<http://mapreporter.navteq.com/dur-web-external/secured/submitDur>.

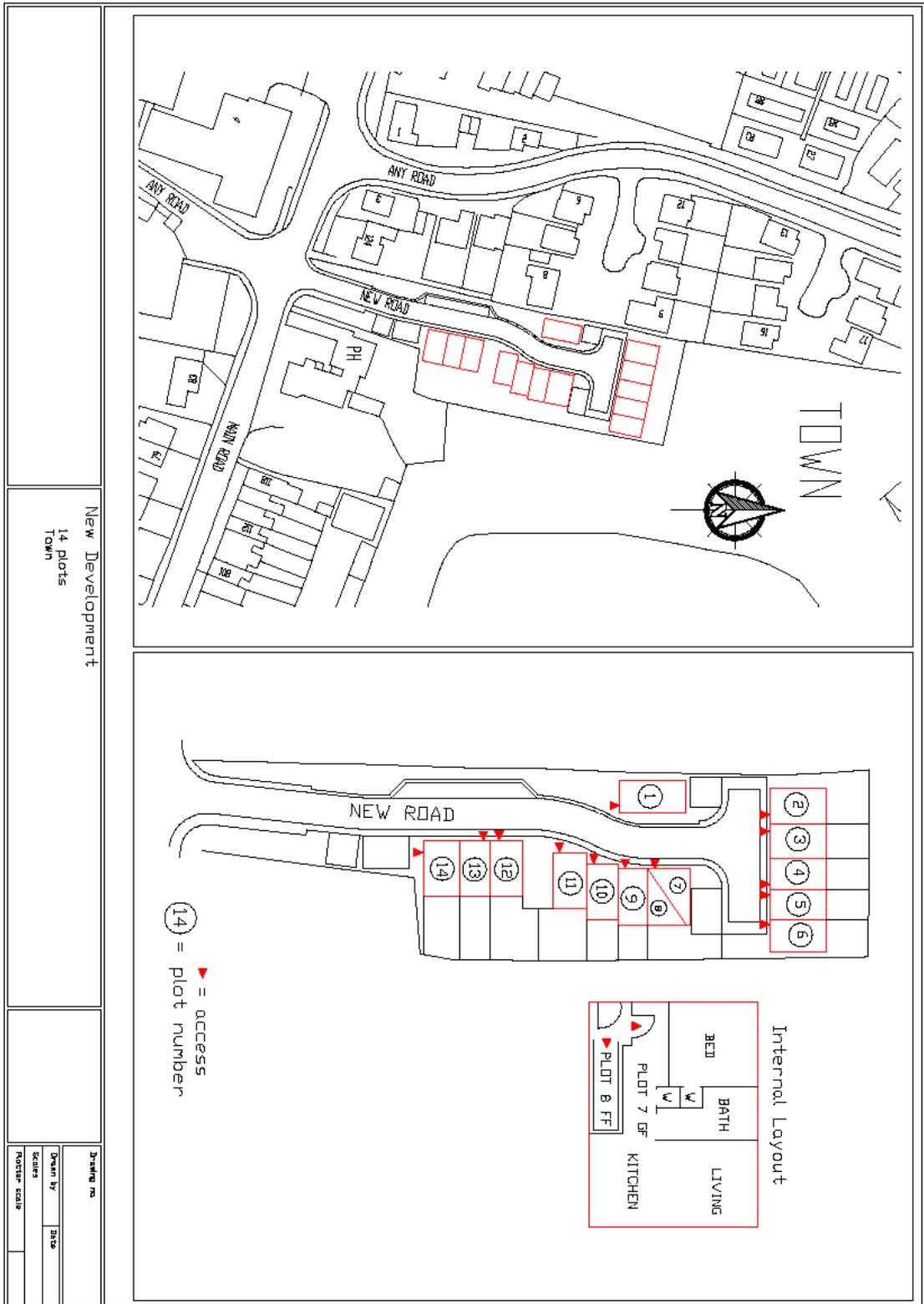
This information has been provided by Ordnance Survey.

## APPENDIX J: New Development Plan Requirements

1. Where available the plans should be supplied in CAD (.dwg) format and can be sent by email or on CD.
2. An overall location plan at 1:1250 to clearly identify the new scheme in relation to any existing streets and means of access and surroundings.
3. A detailed plan of the development at 1:500 to clearly show the items listed below.
  - New building outlines, clearly showing the main entrance point
  - New roads, pavements/footpaths including access paths and parking areas (not parking bays)
  - Plot numbers
  - Fence/wall boundaries for each address
  - North point
  - Development site boundary
  - Surrounding OS detail including existing OS layout detail on separate plan

Separate layers required on the CAD .dwg plan supplied to us

- Surrounding OS detail and north point
  - New building outlines, clearly showing the main entrance point
  - New roads, pavements/footpaths including access paths and parking areas (not parking bays)
  - Plot numbers
  - Development site boundary
  - Pre development site detail
4. An internal layout plan, if appropriate, for developments that are subdivided at unit or floor level e.g. a block of flats/multi-occupancy building. The main entrance to the block shall be clearly marked, as well as access points to each address and plot numbers.



**EXAMPLE OF PLAN to be supplied by developer**

Council – 19<sup>th</sup> July 2012

## 9. The Localism Act 2011 – The Amended Standards Regime

*Lead Officer:* Ian Clarke, Legal and Corporate Services  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or (01935) 462184

### Purpose of the Report

To seek the approval of members to the new code of conduct and associated processes and requirements and also advise members about the changes to the system of regulation of standards of conduct for elected and co-opted Councillors which were made by the Localism Act 2011 and associated regulations.

This report describes the changes and sets out the recommendations from the Standards Committee of the actions required for the Council to implement the new regime. The recommendations follow each part of the report, which outlines the changes and, if appropriate, the options available.

### Public Interest

The public expect a certain standard of behaviour from those it elects to represent them. That standard should be documented and members (councillors) judged against it. There should be the ability to make complaint about a member and that complaint be considered in accordance with a defined process. Until 1<sup>st</sup> July 2012 there was a statutory code of conduct that applied to all authorities. This Code was underpinned by other provisions that dealt with how complaints should be dealt with including the ability to suspend and disqualify members who were found to be in breach of the code. These arrangements applied prior to the enactment of the Localism Act 2011. This Act effectively swept away the old regime and allowed authorities to adopt their own arrangements for dealing with such matters from July 2012. It also reduced the “sanctions” that authorities could impose should a breach of the code be found to have occurred.

### The Localism Act 2011

#### 1 Duty to promote and maintain high standards of conduct

The authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members but how it decides to do this is left to each authority to determine.

#### 2 Standards Committee

There is no longer a requirement for a statutory Standards Committee consisting of 3 SSSDC members, 3 independent (i.e. non councillor) members and 3 parish representatives. As there is still a requirement on SSSDC to deal with standards issues and complaints it makes sense to have a committee (could even be called a “Standards Committee”!) to deal with such matters. It will however now be a normal committee of the council so the “usual” rules that apply to council committees will apply.

2.1 The composition of the Committee will be governed by political proportionality and whilst there is no statutory limit to the number of members of District

Executive that can be on it, the previous Standards Committee felt that it would be appropriate if it was limited to just one member of the District Executive;

- 2.2 The current co-opted independent members of the previous Standards Committee have ceased to hold office with effect from 1<sup>st</sup> July 2012. The Act provides for a new category of Independent Persons who cannot be members of the Council but must be consulted at various stages of the complaints process. Existing co-opted independent members of the previous Standards Committee can be appointed as the new "Independent Persons". The new Independent Persons could be invited to attend meetings of the new Standards Committee but it would not be appropriate for them to be co-opted onto the Committee;
- 2.3 Although the District Council will continue to have responsibility for dealing with standards complaints against members of Town and Parish Councils as well as SSDC members, the current Parish Council representatives will also cease to hold office. However the District Council can choose whether it wants to continue to involve Parish Council representatives and, if so, how many representatives it wants. The council could establish a Standards Committee as a "normal" Committee of the District Council and have co-opted but non-voting Parish Council representatives, or establish a Standards Committee as a Joint Committee with the Parish Councils within the District (or as many of them as wish to participate). Whilst the District Council have seen the benefit of the Parish Council representatives, the nature of the work of the Committee and how its decisions are received depend upon a co-operative and collaborative approach in order to properly work. There are also a large number of Parish Councils in our area and the initial approach is suggested in the recommendations. However it is suggested that a review the arrangements be carried out after they have been in operation for a period of 12 months. The existing Parish Council representatives bring an invaluable local perspective particularly when dealing with complaints against Parish Councils. To maintain continuity it is suggested that the two existing representatives be co-opted onto the new Standards Committee.

### **Recommendation 1**

- a. That the Council establish a Standards Committee comprising 6 elected members of the District Council, appointed proportionally (3 Lib Dems, 2 Cons and 1 Ind);
- b. That the Leader of the Council be requested to nominate to the Committee only one member who is also member of the Executive;
- c. That the Parish Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee but that members agree the two Parish Councillors who served the previous Standards Committee (Cllrs Godfrey Townrow and Liz Glaisher) be co-opted onto the new Standards Committee as non-voting members pending a review being carried out after the new arrangements have been in place for 12 months;
- d. That the terms of reference of the Standards Committee be as set out in Appendix A.

### 3 The Code of Conduct

The current ten General Principles and statutory Model Code of Conduct have been repealed, and members no longer have to give an undertaking to comply with the Code of Conduct although it is proposed that they continue to do so. However, the Council is still required by law to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity i.e. in their official capacity. So a central prescribed common Code has gone but each local authority must still adopt a code.

The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles:-

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council has discretion as to what it includes within its new Code of Conduct providing it reflects the seven principles. However, regulations, made under the Act require both the registration and disclosure of "Disclosable Pecuniary Interests" (DPI). These interests are broadly the same as the current prejudicial interests but there is an important distinction (see below). The code must also contain appropriate requirements for the registration (and disclosure) of other interests.

The Act prohibits members with a DPI from participating in authority business but does not require that they leave the room where the meeting is being held. It would be sensible for the Council to adopt a Standing Order requiring members with a DPI or a prejudicial interest to withdraw from the meeting room. This approach is being adopted by all principal authorities in Somerset.

The starting point for the Standards Committee when the Act came into force was to look develop a single code that could be adopted for Somerset, which would cover members of the County, District and Town and Parish Councils. That would avoid confusion amongst twin-hatted and triple-hatted members and send out a consistent message. The Somerset Monitoring Officers Group in conjunction with Peter Lacey of SALC worked towards this objective. The timescale and other issues meant that although the principal authorities have settled upon a version and it has already been adopted by some, it may well be that the version adopted by the town and parish councils may be a version recommended by their national association instead. Bearing in mind the diverse nature of the local councils in our district this outcome is not unexpected.

The proposed code for the principal authorities has been considered and recommended by the previous Standards Committee for adoption. The final version is attached as Appendix B. It essentially consists of three sections. The first section contains the "General Obligations" e.g. treating people with respect, not using one position improperly. These are generally the same things that were in the statutory code. The second section contains DPI which are the "new" interests that have to be registered and disclosed. The third section contains the definition of what are

personal and prejudicial interests; these are broadly the same tests and rules that applied under the statutory code.

It is suggested that this proposed code is as good as any and at least maintains consistency amongst the principal authorities. As the code is what ever the Council wishes it to be then it will be possible to review the operation of the code in 12 months time to establish whether it is doing the job intended or whether there are blind spots or complications where adjustments could be made.

### **Recommendation 2**

- a. That as from 19<sup>th</sup> July 2012 the Council's Code of Conduct be in the form set out in Appendix B.
- b. That the operation of the adopted code of conduct be subject to an annual review by Council.

## **4 Dealing with Misconduct Complaints**

### 4.1 "Arrangements"

The Council is required to adopt "arrangements" for dealing with complaints of breach of the Code of Conduct both by District Council members and by Parish Council members. As complaints can only be dealt with in accordance with the adopted "arrangements", they should set out the detail of the process for dealing with complaints and the action which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct.

There will no longer be any need for the Assessment, Review and hearings Sub-Committees. The Council can determine its own arrangements and re-balance the process to take account of the rights of the member to whom the complaint relates. The process can include delegation of decisions on complaints to e.g. the Monitoring Officer but in any event the Council will need to delegate appropriate powers to the Standards Committee and to the Monitoring Officer.

The "arrangements" could also reflect that there may be different types of investigation in terms of the amount of resource that is deployed having regard at all times to the lack of sanctions available. It is also important to balance the competing desires namely from the complainant's perspective, that the complaint be treated seriously and from the member complained about, that she/he be given the opportunity to "clear their name". Accordingly an investigation may on one level mean a couple of telephone interviews resulting in a short summary to a situation where a full-blown investigation is undertaken, possibly involving an independent investigator, resulting in a comprehensive report.

### 4.2 Decision whether to investigate a complaint

It is advisable that the system filters out any trivial, minor and tit-for-tat complaints. These could be dealt with by the Monitoring Officer who would decide whether a complaint requires further enquiry or investigation after consulting first with the Independent Person. The Monitoring Officer should have the ability to refer particular complaints to the Standards Committee as

he sees fit. It is important that the Monitoring Officer is given the opportunity to resolve a complaint informally or seek additional information, where appropriate, before taking a decision on whether the complaint merits formal investigation. To reflect this responsibility it would be appropriate that the Monitoring Officer make a quarterly report to the Standards Committee on the number and nature of complaints received and identify areas where training or other preventative action should be taken. This report could also include progress reports in relation to investigations and any costs being incurred.

#### 4.3 “No Breach of Code” finding on further inquiry or investigation

Where further enquiry or investigation finds no evidence of failure to comply with the Code of Conduct, it would be appropriate to delegate the decision to “Take no further action” to the Monitoring Officer after consulting with the Independent Person, but with the power to refer a matter to Standards Committee if the Monitoring Officer feels it would be appropriate. It is also suggested that a copy of investigation reports be provided to the Independent Person so they are able to have an overview of the “activity” and that a summary report of each such investigation be provided to the Standards Committee for information.

#### 4.4 “Breach of Code” finding on investigation

If an investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution should the complainant agree and after the Monitoring Officer has first consulted with the Independent Person. This would avoid the need for a local hearing. This would only be appropriate if the parties agreed and would be recorded as a finding of, “Breach of the Code – Local Resolution – No Further Action Required”. Any cases of local resolution could also be reported to the Standards Committee for information.

If local resolution wasn't suitable or was not agreed then it would be necessary for a sub-committee of the Standards Committee (called a Hearings Panel) to hold a formal public hearing at which the member against whom the complaint has been made could respond to the investigation report and the complainant could also make representations. This Panel, in consultation with the Independent Person would determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result. The procedure for the Panel could be based on the current arrangements but with less prescription and formality.

#### 4.5 Action in response to a Hearing finding of failure to comply with Code

There will be no power in law to impose any real sanctions. The Panel will not be able to disqualify or suspend a member or require them to undertake any training or issue an apology. In essence there is no ability to “punish” the member concerned but the Panel could do the following (in relation to 4.5.4 – 4.5.7 where it involved a Town or Parish Council member it would be the Panel's recommendation to the relevant Council and would not be something that the Panel itself could enforce) :-

##### 4.5.1 Report its findings to Council or Town/Parish Council for information;

- 4.5.2 Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee) ;
- 4.5.3 Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
- 4.5.4 Instructing the Monitoring Officer to arrange training for the member (there would be no effective sanction other than through the Group Leader should the member refuse to undertake such training);
- 4.5.5 Removing from all outside appointments to which he/she has been appointed or nominated by the authority;
- 4.5.6 Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- 4.5.7 Restricting contact to named officers or requiring contact be through named officers; or
- 4.5.8 Excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

#### 4.6 Appeals

The authority is under no obligation to have an appeals mechanism against the decision of the Panel. Having regard to the sanctions available it is not felt worthwhile to have any appeals process. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose. In addition either party could make a complaint to the Ombudsman but that would be on the basis that there had been some procedural irregularity.

### **Recommendation 3**

- a. That the arrangements for dealing with complaints be as set out above and in the following recommendations and as contained in the Guidance and Process set out in Appendix C;
- b. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- c. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation as he deems appropriate. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee as he deems appropriate, and to report quarterly to Standards Committee on the discharge of this function;

- d. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer, after consulting with the Independent Person, be authorised to close the matter but have the authority to refer the matter to the Standards Committee before exercising that power where he deems it appropriate, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
- e. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases. This would only be appropriate if all the parties agreed and would be recorded as a finding of “Breach of the Code – Local Resolution – No Further Action Required”. Any cases of local resolution are to be reported to the Standards Committee for information. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- f. That Council delegate to the Standards Committee in consultation with the Monitoring Officer the authority to determine the process for dealing with local hearings and delegate to the Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
- Reporting its findings to Council [or to the Parish Council] for information;
  - Recommending to the member’s Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
  - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
  - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
  - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or
  - Excluding [or recommend that the Parish Council exclude] the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

## 5 Independent Person(s)

As mentioned previously an Independent Person (or Persons) are, by law, an integral and required part of any “arrangements” adopted by Council.

### 5.1 “Independence”

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just of those present and voting). The rules determine what type of person would not be considered “independent” e.g. they are, or have been within the last 5 years, an elected or co-opted member or an officer of the District Council or of any of the Parish Councils within its area. The rules do allow independent members of the previous Standards Committee to apply and be appointed.

The public advertisement process has already been carried out by the Monitoring Officer and two applications were received. They were from Chris Borland and Peter Forrester who were the independent members of the previous Standards Committee and who have given loyal service to SSDC in that role for a number of years. Their knowledge and experience will help during the transitional period and so the intention would be to appoint both until end of July 2013 and review the position at that time. Both the other members of the previous Standards Committee and the three Group Leaders support their appointment.

### 5.2 Functions of the Independent Person

The functions of the Independent Person(s) are –

- They must be consulted by the authority or Monitoring Officer as appropriate before it or he makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach, or where the investigation finds evidence that there has been a breach, or on any local resolution of the complaint, or on any finding of breach, or on any decision on action to be taken as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may also be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

The fact that the Act allows the member who has been complained about to contact the Independent Person could cause all sorts of issues around impartiality and potential conflict of interest. Clearly it will require careful handling and it would be suggested that the Independent Person make known any contact they have had and provide details of it other than where information is given in confidence. The process by which the Independent Person will manage such contact shall form part of the overall arrangements.

### 5.3 How many Independent Persons?

The Act gives the ability to appoint one or more Independent Persons. In view of their role and that their involvement is a necessary part of conducting the process, it would appear to be prudent that more than one Independent Person is appointed to cover any situation should one of the Independent Persons is no longer able to discharge the function for whatever reason. The previous Standards Committee felt it is appropriate to appoint two Independent Persons initially to ensure cover is available. Most authorities are appointing more than one even though one is referred to as a “reserve”.

### 5.4 Remuneration

The Independent Person will not be a member of the authority or of its Committees or Sub-Committees and any remuneration can therefore be determined without reference to the Independent Remuneration Panel.

The role of Independent Person is likely to be less onerous than the Chair of the Standards Committee but this person will be involved in various stages of the process. Until a proper review of the function is undertaken it is suggested that the allowance paid to each of the Independent Persons is one-half of that paid to the Chairman of previous Standards Committee.

## Recommendation 4

- a. That Chris Borland and Peter Forrester be appointed as this Council’s two Independent Persons until 31<sup>st</sup> July 2013
- b. That pending a review of the function of the Independent Person the initial allowances and expenses for each Independent Person be set at one-half of the rate as was paid to the Chairman of the previous Standards Committee and the review be carried out by the Members Allowances Panel after 12 months has elapsed since the date of the appointment of the Independent Person
- c. That should any vacancy arise for an Independent Person before 31<sup>st</sup> July 2013 the Monitoring Officer be authorised to advertise that vacancy
- d. That a panel comprising the Chair and two other members of Standards Committee (so that there is one Liberal Democrat, one Conservative and one Independent member on the panel) be set up to short-list and interview candidates for any vacancy referred to in recommendation c. above, and to make a recommendation to Council for appointment.

## **6 The Register of Members’ Interests**

### 6.1 The register of members’ interests

The Localism Act 2011 abolishes the legal concepts of personal and prejudicial interests and replaces them with “Disclosable Pecuniary Interests” (DPI). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council’s website. As members will be aware their register of interests are already published on the Council’s website.

The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at our offices and on our website. In addition where the Parish Council has a website, the District Council is required to provide the appropriate data to the Parish Council as they too have to make it available on their website.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify what are DPI – these are broadly equivalent to the current prejudicial interests. The intention was to simplify the registration requirement, but in fact the Act extends the requirement for registration to cover not just the member's own interests, but also those of the member's spouse or civil partner, or someone living with the member in a similar capacity i.e. as their spouse for civil partner.

The provisions of the Act in respect of the Code of Conduct require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. These interests are set out in the draft code as "personal interests".

## 6.2 Registration on election or co-option

Each elected or co-opted member must register all DPI within 28 days of becoming a member. Failure to register is made a criminal offence, but would not prevent the member from acting as a member. The code of conduct proposed for adoption does require these interests (and others) be registered within 28 days of the code being adopted by this Council.

In so far as the draft Code of Conduct requires registration of other interests (i.e. those interests referred to in the code as "personal interests"), failure to do so would not be a criminal offence, but merely a failure to comply with the Code of Conduct.

The draft code also imposes a continuing requirement for a member to keep the register up to date. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

The preparation and operation of the register is no easy task having regard to the number of district, town and parish councillors within the District Council's administrative boundaries. However this will be even more so where different Parish Councils adopt different Code requirements for registration and disclosure of non-DPI interests. There is no provision for the District Council to recover any set up or on-going costs from Parish Councils.

The Monitoring Officer will be reviewing all register of interest forms received from both SSDC members and members of town and parish councils to check for any obvious omissions or anomalies before they are made available for public inspection so as to hopefully lessen the risk of any inadvertent breaches occurring whether in relation to the criminal law or the code of conduct. Whilst this does have a resource implication it is important that this is done as there are potential criminal sanctions for any breaches in relation to DPI.

### **Recommendation 5**

- a. That the new register of members interests set out in Appendix D which complies with the requirements of the Act and the Council's Code of Conduct, be adopted, and ensure that it is available for inspection as required by the Act;
- b. That the Monitoring Officer ensures that all members are informed of their duty to register interests and provide appropriate guidance and assistance;
- c. That the Monitoring Officer prepare and maintain new registers of members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and
- d. That the Monitoring Officer arrange to inform, guide and train (where appropriate or where requested) Parish Clerks on the new registration arrangements.

## **7 Disclosure of Interests and Withdrawal from Meetings**

As mentioned above, DPI are broadly equivalent to prejudicial interests but the rules that relate are different. So –

- 7.1 The duty to disclose and not participate in the discussion or vote arises whenever a member attends any meeting of Council, a committee or sub-committee, or of District Executive or a District Executive sub committee, and is aware that he/she has a DPI in any matter being considered at the meeting.
- 7.2 Where these conditions are met, the member must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). Although the legal requirement to disclose the interest at the meeting does not arise if he/she has already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a "pending notification"), the code of conduct does require the interest be disclosed in all circumstances. If this was not required, members of the public attending the meeting would need to read the register of members' interests, as registered DPI would otherwise no longer be disclosed at the meeting. This would not be in the interests of local transparency and accountability which is why the previous Standards Committee promoted the inclusion in the code a requirement that members disclose all such interests at the meeting irrespective of whether or not they have already been registered or are a pending notification.
- 7.3 If a member does make a disclosure of a DPI at a meeting, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests. The democratic services officer present at the meeting will subsequently liaise with the member to ensure that this legal requirement is met.
- 7.4 If a member has a DPI in any matter, he/she must not –
  - 7.4.1 Participate in any discussion of the matter at the meeting. The Act unfortunately does not define what is meant by "discussion", but it would appear to preclude making any representations. This is a

change as previously under the model code members with prejudicial interests were able to do so. Under the new code members who have a prejudicial interest (which is not also a DPI) will still be entitled to make representations; or

7.4.2 Participate in any vote on the matter,

unless he/she has obtained a dispensation allowing him/her to speak and/or vote.

7.5 The biggest change is that any failure to comply with the requirements in relation to DPI becomes a criminal offence, rather than a breach of the Code. The requirement to register and disclose also extends beyond the member to their partners;

7.6 As has already been mentioned, it is for the Council to determine what interests, other than DPI, are to be included in any code and on any register. In relation to the personal interests set out in the code then the old code rules apply. This means that certain personal interests need to be registered and both those registered interests and any other personal interests (e.g. where the matter impacts upon your well-being or financial position) need to be disclosed at any meeting where an item of business relates to it. That personal interest could also be a prejudicial interest if the business has financial implications or relates to any regulatory matter AND the interest is so significant that a member of the public would conclude that it could prejudice your consideration of the public interest. If you had a prejudicial interest then, providing it isn't also a DPI, you could make representations to the same extent as you could under the old code. It is proposed that you be required to leave the room afterwards and not vote. However under the new code, your membership of any other local authority will never amount to a prejudicial interest. **Other than this change the considerations for the new personal/prejudicial interests are exactly the same as those that applied under the old code.** Any failure to comply with these other requirements would be a breach of Code of Conduct but not a criminal offence.

7.7 The requirement to withdraw from the meeting room can be covered by Standing Orders as well as being in the Code, which would apply not just to Council, Committees and Sub-Committees, but can apply also to the District Executive meetings. A failure to comply would not be a criminal offence but would amount to a breach of Code of Conduct. The meeting could also vote to exclude the member.

### Recommendation 6

That the Council's Constitution be amended to include a Standing Order requiring any and all members to withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI and/or a prejudicial interest except where he/she is permitted to remain as a result of the grant of a dispensation. The Council's Monitoring Officer be given delegated authority to give effect to the above recommendation.

## **8 Disclosure and Procedure in respect of matters to be determined by a Single Member (i.e. Portfolio Holders)**

- 8.1 Certain matters as set out in the Council's constitution or where agreed with the Leader, can be decided by a single Portfolio Holder (member of the District Executive Committee). These decisions are taken outside of a formal committee setting.
- 8.2 When a member becomes aware that he/she will have to deal with such a matter and that he/she has a DPI in that matter –
- 8.2.1 Unless the DPI is already entered in the register of members' interests or is subject to a "pending notification", he/she has 28 days to notify the Monitoring Officer that he/she has such a DPI; and
- 8.2.2 He/she must take no action in respect of that matter other than to refer it another person or body to take the decision. He/she would not be allowed to participate or vote at any meeting which was considering the matter that gave rise to the DPI and as other members with a DPI would be required to withdraw from the meeting room
- 8.3 Standing Orders will provide for the exclusion of this member from any meeting while any discussion or vote takes place on the matter.

## **9 Sensitive Interests**

The previous Code of Conduct contained provisions on dealing with the registration and disclosure of Sensitive Interests. The Act contains very similar provisions and the proposed new code replicates these.

Where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose under the code) at a meeting or on the register of members' interests would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest".

If the Monitoring Officer agrees, the member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

## **10 Dispensations**

- 10.1 The provisions on dispensations are changed by the Localism Act and no longer contain the two grounds i.e. half of the members have a prejudicial interest or the political composition of the meeting is changed as a consequence of prejudicial interests.
- 10.2 In future, a dispensation will be able to be granted in the following circumstances –
- 10.2.1 That so many members of the decision-making body have DPI or prejudicial interests in a matter that it would "impede the

- transaction of the business". In practice this means that the decision-making body would be inquorate as a result;
- 10.2.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- 10.2.3 That the authority considers that the dispensation is in the interests of persons living in the authority's area;
- 10.2.4 That, without a dispensation, no member of the District Executive Committee would be able to participate on this matter (i.e. because the Executive would be inquorate); or
- 10.2.5 That the authority considers that it is otherwise appropriate to grant a dispensation.
- 10.3 Any grant of a dispensation must specify how long it lasts for, but as before up to a maximum of 4 years.
- 10.4 The Act now gives discretion for this power to be delegated to the Standards Committee or a Sub-Committee, or to the Monitoring Officer. Some grounds 10.2.1 and 10.2.4 are relatively straightforward, so it would be appropriate to delegate dispensations on these grounds to the Monitoring Officer. Grounds 10.2.2, 10.2.3 and 10.2.5 are potentially more complex and so it would be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, in both cases after consultation with the Independent Person.

#### **Recommendation 7 – That Council delegate the power to grant dispensations**

- a. on Grounds set out in Paragraphs 10.2.1 and 10.2.4 of this report to the Monitoring Officer in consultation with the Independent Person (with an appeal to the Standards Committee against any refusal), and
- b. on Grounds 10.2.2, 10.2.3 and 10.3.5 to the Standards Committee, after consultation with the Independent Person.

## **11 Transitional Arrangements**

The Localism Act (Commencement No.6 and Transitional, Savings and Transitory Provisions Order) 2012 provides for:

- a. the transfer of Standards for England cases to local authorities following the abolition of Standards for England on 31<sup>st</sup> March 2012;
- b. the determination of any outstanding complaints under the current Code of Conduct and referrals or appeals relating to a decision by a standard committee made before 1<sup>st</sup> July 2012 – these will continue to be dealt with under the new rules;
- c. removal of the power of suspension from 7<sup>th</sup> June 2012.

*Ian Clarke (Monitoring Officer) – Assistant Director – Legal & Corporate Services 01935 462184 Email: [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk)*

*Background Papers: Localism Act 2011*

## APPENDIX A

### STANDARDS COMMITTEE PROPOSED TERMS OF REFERENCE UNDER VOLUNTARY ARRANGEMENTS

To:-

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
  - Reporting its findings to Council [or to the Parish Council] for information;
  - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
  - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
  - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
  - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or

- Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
  - advise on the management of statutory and other registers of interest and gifts / hospitality received;
  - advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards;
-

**Draft MEMBER CODE OF CONDUCT**

**INTRODUCTION AND INTERPRETATION**

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you do not do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

An explanation of the terms used in this Code can be found in Appendix 2.

**1. GENERAL OBLIGATIONS**

When undertaking Council business you must:

- 1.1 treat others with respect;
- 1.2 not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;
- 1.3 when reaching decisions on any matter, consider any relevant advice provided to you by—
  - a) the Council's Chief Finance Officer (S151); or
  - b) the Council's Monitoring Officer,  
in accordance with his or her statutory duties;

- 1.4 give reasons for decisions in accordance with any statutory requirements and the Constitution of the Council;
- 1.5 act in accordance with the Council's Constitution and the policies contained within it and any other relevant Council policies ;
- 1.6 not use Council's resources improperly (including for political purposes);
- 1.7 avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- 1.8 not bully any person;
- 1.9 not intimidate or attempt to intimidate any person who is or is likely to be—
  - a) a complainant,
  - b) a witness,
  - c) involved in the administration of any investigation or proceedings, or
  - d) any other person carrying out the functions of the Council,in relation to an allegation that a member (including yourself) has failed to comply with the Council's code of conduct;
- 1.10 avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- 1.11 not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - a) you have the consent of a person authorised to give it;
  - b) you are required by law to do so;
  - c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

- d) the disclosure is—
    - i. reasonable and in the public interest; and
    - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
  - e) you have consulted the Monitoring Officer prior to its release;
- 1.12 not prevent another person from gaining access to information to which that person is entitled by law; and
- 1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

## 2. INTERESTS

### Disclosable Pecuniary Interests

- 2.1 You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code, and set out in Appendix 3.
- 2.2 You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the District Council's Register of Members' Interests and made available for public inspection including on the District Council's website at: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).
- 2.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's monitoring officer.
- 2.4 Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest whether registered under 2.2 or 2.3 above or not, and you attend any

meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, you must:

- not seek to influence a decision about that business
- disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest under paragraph 2.11
- withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

2.5 Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest. Additionally you must observe the restrictions the Council places on your involvement in matters where you have a Disclosable Pecuniary Interest as defined by the Council and set out in this Code.

### **Other Interests**

**NOTE: It is conceivable that an interest could be categorised as both a Disclosable Pecuniary Interest and a personal or a personal and prejudicial interest. If so you must treat it as a Disclosable Pecuniary Interest and comply with the requirements set out in paragraphs 2.1 – 2.6 inclusive**

2.7 (1) In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, you must, within 28 days of—

- a) this Code being adopted by or applied to the Council; or

b) your election or appointment to office (where that is later),

give written notification to the Monitoring Officer of the details of your other personal interests, as defined in 2.8(1) (i) and (ii) below, for inclusion in the register of interests. The exception to this requirement is if the detail of the personal interest is classified as sensitive – see paragraph 2.11.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any such registered interest, notify the Monitoring Officer of the details of that new interest or change.

### **Personal Interests**

2.8 (1) You have a personal interest in any business of the Council where:

a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body—

(a) exercising functions of a public nature;

(b) established for charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

b) a decision in relation to any business of the Council might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision;

(2) Subject to sub-paragraphs (3) to (5) below, where you are aware of a personal interest described in paragraph (1) above in any business of the Council, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the start of the consideration of that business, or when the interest becomes apparent to you.

(3) Where you have a personal interest in any business of the Council which relates to or is likely to affect a significant person (see paragraph 1 (b) above and Appendix 2 for the interpretation of the term ‘significant person’), you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

- (4) Where you have a personal interest but the interest is not detailed in the Council's register of members' interests because of the sensitive nature of the interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of the Council and you have made an individual decision (as a Executive member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (4) above.
- (6) Any personal interests notified to the Monitoring Officer will be included in the register of interests.
- (7) A copy of the register will be available for public inspection and will be published on the District Council's website.

### **Prejudicial Interests**

- 2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- (a) affects your financial position or the financial position of a significant person (other than another town parish district or county council of which you are also a member); or
  - (b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person (other than another town parish district or county council of which you are also a member).
- (2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—
- (a) You may not participate in any discussion of the matter at a meeting.
  - (b) You may not participate in any vote taken on the matter at a meeting.
  - (c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.

- (3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of—
  - (i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease [not applicable];
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends [not applicable];
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as a Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the proposed decision you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek to influence a decision about the matter.

### **Receipts of gifts and hospitality**

- 2.10 (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality which forms part of your register of interests.

## **Sensitive Interests**

2.11 (1) If you have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest or Personal or Personal and Prejudicial Interest (as the case may be). In such instances any published version of the register of interests will exclude details of the interest but may state that you have an interest, the details of which are withheld.

## **Overview and Scrutiny**

- (1) In relation to any business before an Overview and Scrutiny Committee of the Council (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your Council's Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph a) and you were present when that decision was made or action was taken; or
  - (c) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);
- you may attend a meeting of the overview and scrutiny committee or sub-committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

## COUNCIL'S CODE OF CONDUCT - INTERPRETATION

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them—

- “the Act” means the Localism Act 2011;
- “Disclosable Pecuniary Interest” is as defined in Appendix 3
- “meeting” means any meeting of—
  - (a) the Council;
  - (b) the Executive of the Council;
  - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; whether or not the press and public are excluded from the meeting in question by a resolution of members
- “member” includes a co-opted member and an appointed member.
- “sensitive information” means information relating to a member's interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation
- “bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine
- “disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role

- “significant person” in relation to personal and personal and prejudicial Interests means a member of your family or any person with whom you have a close association; or any body-
  - (1) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
  - (2) exercising functions of a public nature;
  - (3) established for charitable purposes; or
  - (4) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management
- “wellbeing” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner i.e someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people

## DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

### 1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council ) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contract	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) –  (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either –  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **2 Dispensations**

The Standards Committee or Monitoring Officer may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **3 Offences**

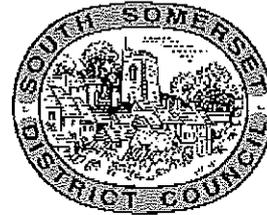
It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As a Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

**Guidance on Bias and Predetermination –This is not part of the code of conduct**

- Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.



# CODE OF CONDUCT FOR COUNCILLORS COMPLAINT FORM

(Before completing this form please read the attached Guidance Notes)

---

## A. Your details

---

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- Members of the Standards Committee
- Monitoring Officer of the South Somerset District Council
- the Town/Parish Clerk (if applicable)

A brief summary of your complaint may also be shared with the councillor(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted councillor of an authority
- An independent co-opted member of the Standards Committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (                    )

---

**B. Making your complaint**

---

The sanctions available to a Standards Committee are governed by law and were significantly reduced by the Localism Act 2011. For a brief summary of sanctions available and other information about the process and time scales, please refer to the attached Guidance Notes.

3. Please provide us with the name of the councillor(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done (with dates / witnesses) that you believe breaches the Code of Conduct. As a result of the Localism Act 2011 local authorities were given the power to adopt their own form of code of conduct so the content particularly amongst town and parish councils may vary significantly. Previous to this there was essentially a single statutory code that applied to all authorities.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Standards Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what it was they said.

- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

---

**C. Confidentiality of complainant and the complaint details**

---

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a

summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have a very good reason to believe that you have justifiable grounds, for example:-

- to believe you may be threatened, victimised or harassed by the councillor(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- may receive materially less favourable treatment from the Council because of the seniority of the councillor against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of complaint details will only be granted in exceptional circumstances. The Monitoring Officer or Standards Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will allow you the option of withdrawing your complaint.

However, it is important to understand that in certain very exceptional circumstances where the matter complained about is very serious, we may proceed with an investigation or other action and disclose your name even if you have expressly asked us not to. We will contact you where this situation arises to discuss the matter first.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**(Continue on separate sheet(s), as necessary)**

---

**D. Remedy sought**

---

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. **Please first see overleaf for details of the only sanctions available to the Standards Committee.**

**(Continue on separate sheet(s), as necessary)**

---

**E. Additional information**

---

6. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, trivial, vexatious and politically or personality motivated tit-for-tat complaints are likely to be rejected by the Monitoring Officer.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

Ian Clarke, Solicitor to the Council & Monitoring Officer  
South Somerset District Council  
The Council Offices  
Yeovil  
Somerset.  
BA20 2HT

Tel: 01935 462462  
Fax: 01935 462666  
E-mail: [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk)

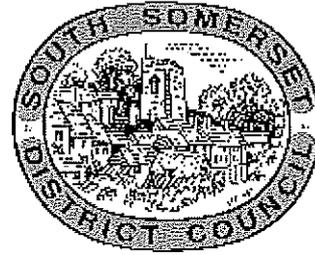
Signed .....

Date .....

## Sanctions available to Standards Committees

The change on the law introduced by the Localism Act 2011 means that the Standards Committee no longer has the power to suspend a member from acting as a councillor for up to 6 months. **The only sanctions now available to the Standards Committee are as set out below.** In relation to the Town & Parish Councils in our area we can only recommend a particular sanction to them but we do not have the power to enforce compliance.

- Report its findings to Council or Town/Parish Council for information;
  - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee) ;
  - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to arrange training for the member;
  - Removing from all outside appointments to which he/she has been appointed or nominated by the authority;
  - Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or
  - Excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
-



# Guidance and Process Relating to

How to make a

# Complaint

about the behaviour of a  
local authority Councillor  
in South Somerset

# **CODE OF CONDUCT FOR COUNCILLORS: INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS**

## **The new complaints regime**

The law and arrangements for dealing with complaints against elected or co-opted councillors was changed as from 1<sup>st</sup> July 2012. Whilst the responsibility for considering written complaints against elected or co-opted councillors of South Somerset District Council and the town and parish councils within our administrative area for breach of the Code of Conduct for councillors still sits with this Council's Standards Committee, the rules have changed and there is no longer one statutory code that applies to all councils. In addition the regulatory body, Standards for England, has been abolished and the focus now is on local solutions to local problems. The sanctions available to the Standards Committee have also been constrained and are set out later in this note.

The complaints process and related matter is overseen by the Standards Committee of South Somerset District Council. This Committee is a group of councillors appointed by South Somerset District Council to help maintain and promote high ethical standards. In addition to councillors from South Somerset District Council, independent and Parish Council representatives will also be co-opted onto this Committee.

## **Is this a complaint that can be dealt with?**

The points listed below will help you decide whether this is something that can be dealt with by the Standards Committee. You should speak to the Monitoring Officer if you are not clear if the Standards Committee can consider your complaint.

Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

The Monitoring Officer or the Standards Committee (as appropriate) will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered by the Assessment Sub-Committee.
- Your complaint must be about one or more named councillors of the authorities listed on the attached Schedule A.
- Your complaint must be that the councillor(s) has, or may have, breached the relevant Council's Code of Conduct.
- The alleged breach must have occurred when the councillor was acting in their "official capacity". What a councillor does in their private life is not a matter for the Code of Conduct

- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures or decision making do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.
- **Your complaint must be in writing.** If a disability prevents you from making your complaint in writing then please let us know and we will provide you with appropriate assistance.

It is important to note that not every complaint that does fall within the jurisdiction of the Standards Committee will be referred for investigation. The Monitoring Officer or the Standards Committee (as appropriate) must decide whether this is appropriate. The Monitoring Officer will endeavour to resolve complaints without the need for a formal investigation. The factors to be taken into account in reaching a decision are:-

- Whether a substantially similar allegation has previously been made by you to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
  - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
  - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the councillor complained about is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether a simple apology, training or conciliation would be the appropriate response;
- Whether a reasonable offer of local resolution is offered by the councillor the subject matter of the complaint but is rejected by you.

## **What happens once you submit your complaint?**

When you submit your complaint we will write to you to let you know we have received it, usually within 5 working days. We will also notify the councillor to whom the complaint relates with details of the complaint and invite them to make representations. These must be received by the Monitoring Officer within 10 working days of receiving the notification. The Monitoring Officer may also contact the clerk of the Town or Parish Council, where appropriate.

The Monitoring Officer will contact you with their initial assessment of the complaint. You and such other persons as the Monitoring Officer feels appropriate may be required to provide additional information in order that they can complete this assessment. On the completion of this initial assessment the Monitoring Officer will contact you to advise you whether your complaint relates to a breach of the code of conduct and what action is proposed. The councillor will be similarly informed. This will all happen within an average of 25 working days of the date we receive your complaint or additional information (where requested). Before making any decision, the Monitoring Officer will discuss your complaint with an "Independent Person". This is an individual who is not a councillor and who South Somerset District Council is required to appoint to assist it in dealing with complaints against councillors.

If the Monitoring Officer or Standards Committee considers that an investigation is required to establish the facts then the Monitoring Officer or someone acting on their behalf will undertake this.

If the investigation reveals no failure to comply with the code then the Monitoring Officer, after consulting with the Independent Person is authorised to close the matter and issue his report to the complainant and the councillor complained about. The Monitoring Officer can also refer the matter to the Standards Committee before exercising that power.

If the investigation reveals a failure to comply with the code then the Monitoring Officer in consultation with the Independent Person is authorised to seek a local resolution of the complaint providing all parties agree. If a local resolution is not appropriate or not agreed by the parties then the outcome of the investigation will be reported to the Standards Committee or a Hearings Panel for a local hearing. This hearing will be held in public and although will be conducted on a relatively informal basis, both parties will be able to make representations and call witnesses. At the end of the Hearing the Panel, after consulting with the Independent Person will decide whether, on the balance of probabilities there has been a failure to comply with the Code of Conduct and what "sanction" or "sanctions" should be imposed. Although there is no right of appeal against the decisions of the Monitoring Officer or Panel, if you are unhappy with the outcome then you are still entitled to complain to the Local Government Ombudsman or challenge an decision through the Courts by way of Judicial Review.

The procedure the Council has adopted is designed to be proportionate, timely and fair to both sides. Its overriding objective is to seek to provide pragmatic local solutions to local problems wherever possible.

## **What happens if the complaint is to be investigated?**

The complaint will be investigated by the Monitoring Officer or investigators appointed by him. The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of an investigation, the Monitoring Officer will issue a draft report and invite comments which must be received within 10 working days. The Monitoring Officer will send a copy of the final investigation report to you, the Standards Committee, the councillor complained about, the Independent Person and the Clerk to the Town/Parish Council (where relevant). If a hearing is required and reaches a finding that there has been a failure to comply with the Code then there is a limited range of sanctions available as set out below. There is no longer the ability for the Standards Committee to suspend a member and neither is there any ability to refer a complaint to another body as previously was the case when Standards for England existed.

## **How should I set out my complaint?**

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered. If a complaint does not contain sufficient information it may not be dealt with.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about has breached the Code of Conduct.

## **I am the complainant but I don't want my identity revealed**

If you ask for your identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

As a matter of fairness and natural justice, the councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold your identity if on request from you, or otherwise, they are satisfied that you have reasonable grounds for believing that you or any witness relevant to the complaint may be at risk of physical harm, or employment may be jeopardised if your or their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with their or your identity being disclosed.

If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with your identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identity withheld.

### **What you should do if you wish to submit a written complaint**

- Get a copy of the code of conduct for the relevant council to see whether the behaviour you wish to complain about is covered by their code. **If it is not covered by the relevant code then it is unlikely we will be able to deal with it.**
- Talk to / raise the matter with the Council's Monitoring Officer for general advice before submitting a formal complaint.
- Fully complete the attached complaints form (or ensure your letter of complaint addresses, in full, all of the issues covered in the complaint form).
- Submit the written complaint by post, e-mail or fax to the address set out below, as soon as possible after the date of the alleged breach.

### **Address for submission of a written complaint**

Ian Clarke, Solicitor to the Council & Monitoring Officer  
South Somerset District Council  
PO Box 25  
The Council Offices  
Yeovil  
Somerset.  
BA20 2HT

Tel: 01935 462462  
Fax: 01935 462666  
E-mail: [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk)

**If you would like this document translated into other languages or into Braille, large print, audio tape or CD, please contact:**

** 01935 462462**

Dokument ten jest na życzenie udostępniany w językowych polskim.

Este documento encontra-se disponível em Português, a pedido.

## **Schedule A**

### **List of Authorities subject to South Somerset District Council's Standards Committee's Jurisdiction**

South Somerset District Council  
Abbas & Templecombe  
Aller  
Ash  
Ashill  
Ansford  
Babcary  
Barrington  
Barton St. David  
Barwick  
Beercrocombe  
Bratton Seymour (PM)  
Brewham  
Broadway  
Bruton  
Brympton  
Buckland St. Mary  
Cary Moor (Grouped - Alford, Lovington, North and South Barrow)  
Castle Cary  
Chaffcombe  
Chard  
Charlton Musgrove  
Charlton Mackrell  
Charlton Horethorne  
Chillington (PM)  
Chilthorne Domer  
Chilton Cantelo (PM)  
Chiselborough  
Closworth (PM)  
Combe St. Nicholas  
Compton Dundon  
Compton Pauncefoot (PM)  
Corton Denham  
Crewkerne  
Cricket St. Thomas (PM)  
Cucklington (PM)  
Cudworth  
Curry Rivel  
Curry Mallett  
Dinnington (PM)  
Donyatt  
Dowlish Wake  
Drayton  
East Chinnock  
East Coker  
Fivehead

Hambridge & Westport  
Hardington Mandeville  
Haselbury Plucknett  
Henstridge  
High Ham  
Hinton St. George  
Horsington  
Horton  
Huish Episcopi  
Ilchester  
Ilminster  
Ilton  
Isle Abbots  
Isle Brewers (PM)  
Keinton Mandeville  
Kingsbury Episcopi  
Kingsdon  
Kingstone (PM)  
Kingweston (PM)  
Knowle St. Giles (PM)  
Langport  
Limington (PM)  
Long Sutton  
Long Load  
Lopen  
Marston Magna  
Martock  
Merriott  
Milborne Port  
Misterton  
Montacute  
Muchelney (PM)  
Mudford  
North Cadbury (Grouped - North Cadbury and Yarlington)  
North Perrott  
North Vale (Grouped - North Cheriton, Maperton and Holton)  
Norton-Sub-Hamdon  
Odcombe  
Pen Selwood  
Pitcombe  
Pitney  
Puckington (PM)  
Queen Camel  
Rimpton  
Seavington (Grouped Parish of Seavington St. Mary & Seavington St. Michael)  
Shepton Beauchamp  
Shepton Montague  
Somerton  
South Cadbury  
South Petherton  
Sparkford  
Stocklinch  
Stoke-Sub-Hamdon  
Stoke Trister

Tatworth & Forton  
Tintinhull  
Wambrook (PM)  
Wayford  
West Camel  
West Chinnock  
West Coker  
West Crewkerne  
Wincanton  
Whitelackington (PM)  
Whitestaunton  
Winsham  
Yeovil Without  
Yeovil Town  
Yeovilton

(PM) = Parish Meeting

## **Behaviour covered by the Code of Conduct**

You can complain about a councillor breaking any part of their authority's Code of Conduct. As each authority can adopt their own code there is no longer a standards code of conduct that applied to all local authorities. This means you need to have seen the code of conduct relating to the councillor about whom you wish to complain and that the behaviour you wish to complain about is covered by the code. The Standards Committee cannot consider any complaints that fall outside of the relevant code of conduct.

The code that relates to members of South Somerset District Council covers the following areas:-

- unlawfully discriminating against someone
- failing to treat people with respect
- bullying any person
- intimidating any person involved in any investigation or proceedings about someone's misconduct
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to register financial or other interests
- failing to reveal a personal interest at a meeting
- taking part in the discussion or making a decision where they have a "disclosable pecuniary interest" or an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')
- improperly influencing a decision about a matter in which they have a "disclosable pecuniary interest" or prejudicial interest

- Failing to register any gifts or hospitality (including its source) that they have received in their role as a member worth over £25.

Any breaches in relation to requirements around “disclosable pecuniary interests” are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council’s Monitoring Officer first as they should be able to advise you whether or not it is a matter for the Police.

Although we have encouraged the Town & Parish Councils to adopt similar provisions they are not required to do so. Accordingly their code may look quite different so you do need to see a copy. The Clerk to the relevant Town or Parish Council should be able to provide you with a copy. The code of conduct adopted by South Somerset District Council is on our website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

## Sanctions available to Standards Committees

The change on the law introduced by the Localism Act 2011 means that the Standards Committee no longer has the power to suspend a member from acting as a councillor for up to 6 months. **The only sanctions now available to the Standards Committee are as set out below.** In relation to the Town & Parish Councils in our area we can only recommend a particular sanction to them but we do not have the power to enforce compliance.

- Report its findings to Council or Town/Parish Council for information;
- Recommending to the member’s Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee) ;
- Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to arrange training for the member;
- Removing from all outside appointments to which he/she has been appointed or nominated by the authority;
- Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- Restricting contact to named officers or requiring contact be through named officers; or
- Excluding the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

# REGISTER OF MEMBERS' INTERESTS

## GENERAL NOTICE OF REGISTRABLE INTERESTS

South Somerset District Council's Code of Conduct adopted 19<sup>th</sup> July 2012

I, Councillor .....

a Member of South Somerset District Council (the Council') give notice that

### Either

I have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

### Or

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any disclosable pecuniary interests under sections 29 to 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I have no such interests under any heading.

#### Note:

- 1. Where you consider that information relating to any of your interests is a 'Sensitive Interest' you need not include that interest provided you have consulted with the Monitoring Officer and he agrees that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
- 2. Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*
- 3. This form gives general guidance, but is not comprehensive. The District Council's Code of Conduct gives precise requirements. The Localism Act and the Regulations named above should be referred to where necessary. Continuation sheets should be used where needed and clearly marked.*

### 1. Employment, Office, Trade, Profession or Vocation

- 1.1 You should disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.

.....

.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**2. Sponsorship**

- 2.1. You should declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

*Note - This includes any payment or financial benefit from a trade union*

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**3. Securities**

- 3.1 You should detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the District of South Somerset and **either** the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, **or** one hundredth of the total issued share capital of any class of shares issued.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**4. Contracts**

4.1 You should detail any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**5. Land, Licences and Corporate Tenancies**

5.1 Land

You should detail any beneficial interest in land (and this includes your house) with the District of South Somerset (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

5.2 Licences

You should detail any licence (alone or jointly with others) to occupy land in the District of South Somerset for a month or longer.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

5.3 Corporate Tenancies

You should detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.

.....

And any such tenancy of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

**6. Membership of other bodies**

6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

.....

.....

.....

6.2 Any body exercising functions of a public nature (e.g. another local authority) of which you are a member or in a position of general control or management.

.....

.....

6.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

.....

.....

6.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

.....

.....

## 7. Disclosure of Gifts and Hospitality

- 7.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

*You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by completing a continuation sheet which may be obtained from Democratic Services (Angie Cox ext 2148).*

## 8. Changes to Registered Interests

- 8.1. I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council's Monitoring Officer.
- 8.2. I recognise that it is a breach of the Council's Code of Conduct to:
- (1) omit information that ought to be given in this notice;
  - (2) provide information that is materially false or misleading;
  - (3) fail to give further notices in order to
    - bring up to date information given in this notice;
    - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Standards Committee.

8.3 I understand that failure (without reasonable excuse) to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

**Signed:** ..... (Councillor)

**Date:** .....

**Received:**

**Date:** .....

**Signed:** .....

**Monitoring Officer  
South Somerset District Council**

## Relevant Extracts from the Localism Act 2011

### 30 Disclosure of pecuniary interests on taking office

(1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

### 31 Pecuniary interests in matters considered at meetings or by a single member

(2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(6) Subsections (7) and (8) apply if—

(a) a function of a relevant authority may be discharged by a member of the authority acting alone,

(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

(c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

Council – 19<sup>th</sup> July 2012

## 10. Social Housing Tenancy Fraud – Report of the Scrutiny Task and Finish Group

*Lead Officer:* Emily McGuinness, Scrutiny Manager  
*Contact Details:* emily.mcguinness@southsomerset.gov.uk or (01935) 462566

### Purpose of the Report

To present the final report of the Social Housing Tenancy Fraud Task and Finish Group and to provide Council with the opportunity to debate the issue. The report is enclosed under separate cover.

### Recommendation

That Council receives a presentation from Councillors John Calvert and Cathy Bakewell, outlining the work of the Scrutiny Task and Finish Group into Social Housing Tenancy Fraud and debates the findings of the Scrutiny review.

### Background

This Task and Finish Group was established in November 2011, to ascertain whether South Somerset District Council had adequate policies and practices in place to deter and detect social housing tenancy fraud.

The members on the Task and Finish Group carried out a thorough review of the topic and sought evidence from a number of sources including SSDC officers and Executive members, Housing Providers and national 'expert witnesses'. Based on the information gathered, the Task and Finish members are confident that the recommendations contained in their report represent a realistic way forward.

Members of the Task and Finish Group were mindful of the need to keep their final report concise but felt it was important that the evidence base for their recommendations was also included. Therefore, there are a number of appendices to the main report.

Members of the Scrutiny Committee endorsed the recommendations of the Task and Finish review in June 2012 and agreed that the Chair of the Task and Finish Group (Councillor John Calvert) along with a member of the Task and Finish Group (Councillor Cathy Bakewell) would present the final report to the next available Council meeting. In doing so, the Scrutiny Committee hope to provide all members of the Council with an opportunity to debate this important topic as well as raise the profile of the work of the Scrutiny function.

A further, short report will be submitted to District Executive in due course to capture any decisions that may be required to be taken.

**Background Papers:** *Social Housing Tenancy Fraud report*

Council – 19<sup>th</sup> July 2012

## 11. Treasury Management Activity Report 2011/12

Chief Executive: Mark Williams  
 Assistant Director: Donna Parham – Finance and Corporate Services  
 Service Manager: Amanda Card - Finance  
 Lead Officer: Karen Gubbins, Principal Accountant - Exchequer  
 Contact Details: Karen.gubbins@southsomerset.gov.uk or (01935) 462456

### Purpose of Report

1. To review the treasury management activity and the performance against the Prudential Indicators for the 2011/12 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Strategy and Annual Investment Policy and Treasury Management Practices.

### Recommendations

2. Council is requested to:
  - Note the Treasury Management Activity for the 2011/12 financial year;
  - Note the position of the individual prudential indicators for the 2011/12 financial year;
  - Note the outlook for the investment performance in 2012/13

### Background

3. The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year. The Council reports six monthly to Full Council against the strategy approved for the year. The scrutiny of treasury management policy, strategy and activity is delegated to the Audit Committee.
4. Treasury management in this context is defined as:
 

"The management of the local authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks".
5. Overall responsibility for treasury management remains with the Council. No treasury management activity is without risk; the effective identification and management of risk are integral to the Council's treasury management objectives.

### Summary of Investment Strategy for 2011/12

6. The Council's strategy for investments was based upon minimising risk and safeguarding the capital sum. There was a reliance on the investment income receivable in maintaining a balanced revenue budget and therefore the long-term strategy was to maintain stability by having a significant amount invested in fixed rate of return investment instruments.

7. Our Minimum rating is A+ long term (or equivalent). Although Natwest does not meet the minimum credit criteria of A+ (or equivalent) long term, it is the Council's bank and will still be used for operational purposes. Balances of smaller amounts (less than £300,000) will be kept within our Natwest Account to ensure operational and contingency purposes are maintained.
8. From April until early September, where cash-flow permitted the Council followed a cautious investment strategy of a rolling programme of 12 month deposits with named counterparties for a proportion of its investments. Arlingclose have since reduced the limit of new investments on two separate occasions. On the 11<sup>th</sup> August, Arlingclose reigned in maturity limits to a maximum of 6 months on new investments and again on 11<sup>th</sup> November to 3 months (as previously reported). The Council maintained a rolling programme of deposits with named counterparties within these restrictions.
9. As previously reported, following the growing problems facing peripheral Europe, the Council responded to the growing stress by scaling back maturities for new investments on the advice of the Council's treasury advisors. Limits for European banks have been temporarily suspended for new investments. Limits for UK banks, Australian, Canadian and US banks have now been temporarily reduced to 3 months except for Santander UK plc which is now restricted to overnight deposits.

The ratings of most of the UK banks, Nationwide Building Society and non-UK banks were either downgraded or placed on review for possible downgrade. For the UK banks, the downgrades largely reflected the reassessment by the agencies of the extent of future systemic support that would be forthcoming from the sovereign. For Eurozone banks, the worsening sovereign debt crisis and poor growth outlook led to pressure on sovereign ratings and consequently on bank ratings. The downgrades resulted in the long-term rating of several UK institutions (Barclays, NatWest/RBS, Bank of Scotland/Lloyds TSB Bank, Clydesdale Bank and Nationwide BS) falling below the Council's minimum criteria of 'A+'. Even though there are no solvency issues with these institutions, they were temporarily suspended as counterparties for new investments until the new Treasury Management Strategy Statement came into effect from 1<sup>st</sup> April 2012 as approved by full Council in February 2012.

10. The sum invested in longer dated securities at fixed rates of interest at the end of March represented 18.5% of the total portfolio. The sum invested in longer dated securities at variable rates of interest at the end of March represented 15.4% of the total portfolio. Investments made in longer dated securities comprise EuroSterling bonds and World bonds; these investments have all been made in conjunction with advice from our treasury advisors, Arlingclose.
11. The Treasury Management Strategy Statement and Annual Investment Policy were both approved by Council on 17th March 2011. The strategy identified that the overall investment portfolio should, subject to current economic conditions, include investments in the following ranges:-

	%
Fund Managers and pooled managed funds.	0% - 25%
Term deposits (up to 2 years).	0% - 75%
3 – 5 year cash deposits.	0% - 25%
1 – 5 year callable deposits.	0% - 15%
1 – 5 year EuroSterling/Corporate Bonds.	10% - 75%

12. The table below compares the investment portfolio at 31st March 2012 to the investment strategy:-

	£'m	%	Strategic aim
Pooled Managed Funds and business reserve accounts	3.71	9.53	0% - 25%
Term deposits (up to 2 year)	22.00	56.54	0% - 75%
3 – 5 year cash deposits.	0	0	0% - 25%
1 – 5 year callable deposits.	0	0	0% - 15%
1 – 5 year EuroSterling/Corporate/World Bonds.	13.20	33.93	10% - 75%
	<b>38.91</b>		

The above table shows that the current investment portfolio broadly reflects the strategy.

### Interest Rates 2011/12

13. Base rate began the financial year at 0.5% and this has been maintained throughout 2011/12.
14. Our advisors are forecasting that the outlook is for official interest rates to remain low for an extended period, as shown below:

	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15
Official Bank Rate													
Upside risk				0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk		-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25

### Investment Portfolio

15. The table below shows the Council's portfolio of investments at the start and end of the 2011/12 financial year;

	Value of Investments at 01.04.11 £	Value of Investments at 31.03.12 £	Fixed/ Variable Rate
<b>Investments advised by Arlingclose</b>			
Euro Sterling Bonds	7,537,881	4,182,407	Fixed
Corporate Bonds	5,194,979	0	Fixed
World Bonds	0	3,035,190	Fixed
Treasury Bills	0	0	Variable
Euro Sterling Bonds	<u>6,000,000</u>	<u>5,985,000</u>	Variable
<b>Total</b>	<b>18,732,860</b>	<b>13,202,597</b>	

**Internal Investments**

Short Term Deposits (Banks)	16,000,000	8,000,000	Variable
Short Term Deposits (Other LAs)		14,000,000	Variable
Short Term Deposits (DMADF)		0	Variable
Money Market Funds & Business Reserve Accounts	4,000,000	3,710,000	Variable
<b>Total</b>	<b>20,000,000</b>	<b>25,710,000</b>	

**TOTAL INVESTMENTS**

<b>38,732,860</b>	<b>38,912,597</b>
-------------------	-------------------

**Returns for 2011/12**

16. The returns to 31st March 2012 are shown in the table below:

	<b>Actual Income £'000</b>	<b>% Rate of Return</b>
<b>Investments advised by Arlingclose</b>		
Euro Sterling Bonds (Fixed)	395	
Corporate Bonds	140	
World Bonds	9	
Treasury Bills	1	
Euro Sterling Bonds (Variable)	53	
<b>Total</b>	<b>598</b>	<b>3.06%</b>
<b>Internal Investments</b>		
Short Term Deposits	314	
Money Market Funds & Business Reserve Accounts	55	
<b>Total</b>	<b>369</b>	<b>1.15%</b>
<b>Other Interest</b>		
Miscellaneous Loans	52	
<b>Total</b>	<b>52</b>	
<b>TOTAL INCOME TO 31<sup>st</sup> MARCH 2012</b>	<b>1,019</b>	<b>1.81%</b>
<b>PROFILED BUDGETED INCOME</b>	<b>800</b>	
<b>SURPLUS</b>	<b>219</b>	

17. The table above shows investment income for the year compared to the profiled budget. The figures show a surplus over budget of £219,000.

18. Following the crisis in the eurozone we have sold some of our Eurobonds on the advice of Arlingclose. This has contributed towards the surplus in the current financial year but will have an effect on next financial year's estimates. This will result in us having to draw on the Treasury Management Reserve should there be any shortfall.

19. The outturn position is affected by both the amount of cash we have available to invest and the interest base rate set by the Bank of England. Balances are affected by the timing of capital expenditure and the collection of council tax and business rate.
20. The original Treasury Management budget of £799,620 was derived by forecasting an average rate of return of 1.78%. The actual interest rate received for the year was 1.81%.

**Investments**

21. The graph shown in appendix B shows the performance of the in-house Treasury team in respect of all investments for the quarter ending 31st March 2012 in comparison to all other clients of Arlingclose.
22. The graph shows that SSDC is in a very good position in terms of the risk taken against the return on investments.

**Borrowing**

23. An actual overall borrowing requirement (CFR) of £9.4 million was identified at the beginning of 2010/11. As interest rates on borrowing exceed those on investments the Council has used its capital receipts to fund capital expenditure. As at 31st March 2012 the Council had no external borrowing.

## Prudential Indicators – 2011/12

### Background:

24. In March 2011, Full Council approved the indicators for 2011/12, as required by the Prudential Code for Capital Finance in Local Authorities. The Local Government Act 2003 allows local authorities to determine their own borrowing limits provided they are affordable and that every local authority complies with the code.

### Prudential Indicator 1 - Capital Expenditure:

25. The actual capital expenditure incurred for 2011/12 compared to the original estimate is:

	2010/11 Outturn £'000	2011/12 Original Estimate £'000	2011/12 Outturn £'000	2011/12 Variance £'000	Reason for Variance
Approved capital schemes	5,812	5,341	3,837	(1,504)	The variance is due to slippage within the capital programme from 2011/12 to future years. The 5 largest projects being: Birchfield Sewer Pollution Easement Works (£188k), Enhancements to Princes St - Phase II Implementation (£110k), Reckleford Gyratory (Eastern Gateway) (£97k), Yeovil Crematorium (£94k) and Disabled Facilities Grants (£85k)
Capital Investments	0	0	(5,000)	(5,000)	Corporate Bond Matured in November 2011
<b>Total Expenditure</b>	<b>5,812</b>	<b>5,341</b>	<b>(1,163)</b>	<b>(6,504)</b>	

The figures in brackets reflect that actual expenditure was less than budgeted.

### Prudential Indicator 2 - Ratio of Financing Costs to Net Revenue Stream:

26. A comparison needs to be made between financing capital costs and the revenue income stream to support these costs. This shows how much of the revenue budget is committed to the servicing of finance.

Portfolio	2010/11 Outturn £'000	2011/12 Original Estimate £'000	2011/12 Outturn £'000	2011/12 Variance £'000	Reason for Variance
Financing Costs	(1,084)	(674)	(801)	(127)	Increased income on investments and a gain on selling some Eurobonds within the year.
Net Revenue Stream	20,716	17,345	17,861	516	Carry Forwards approved from 2010/11 and incorporated within the budget for 2011/12
<b>%</b>	<b>(5.2)</b>	<b>(3.9)</b>	<b>(4.5)</b>		

27. The financing costs include interest payable and notional amounts set aside to repay debt less interest on investment income. The figure in brackets is due to investment income outweighing financing costs significantly for SSDC but is nevertheless relevant since it shows the extent to which the Council is dependent on investment income.

### Prudential Indicator 3 - Capital Financing Requirement:

28. The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. The year-end capital financing requirement for the council is shown below:

	2010/11 Outturn £'000	2011/12 Original Estimate £'000	2011/12 Outturn £'000	2011/12 Variance £'000	Reason for Variance
Opening CFR	9,461	9,415	9,415	0	
Capital Expenditure	5,812	5,341	3,837	(1,504)	See Prudential Indicator 1 above.
Capital Receipts*	(2,734)	(3,971)	(2,706)	1,265	Due to the reduction in capital spend in 2011/12, financing through capital receipts was reduced.
Grants/Contributions*	(3,078)	(1,370)	(1,131)	239	
Minimum Revenue Position (MRP)	(208)	(126)	(177)	(51)	Additional leases have incurred additional MRP
Additional Leases taken on during the year	162		268	268	New leases relating to 5 x Multi functional Devices, 5 x ride on mowers and 7 x Tippers (Vehicles)
<b>Closing CFR</b>	<b>9,415</b>	<b>9,289</b>	<b>9,506</b>	<b>217</b>	

\*Figures in brackets denote income through receipts or reserves.

#### Prudential Indicator 4 – Net external Borrowing compared to the medium term Capital Financing Requirement:

29. The Council is also required to ensure that any medium term borrowing is only used to finance capital and therefore it has to demonstrate that the net external borrowing does not, except in the short term exceed the total of capital financing requirements over a three year period.

	2010/11 Outturn £'000	2010/11 Quarter 3 Actual £'000	2011/12 Outturn £'000	2011/12 Variance £'000	Reason for Variance
Net Borrowing	(37,936)	(46,434)	(39,551)	6,883	The actual was used as an estimate for 2011/12. The estimate was based on 2010/11 quarter 3 balances which reduced in February and March due to no council tax collection but payments being made to the major preceptors
CFR	9,415	9,289	9,506	217	See explanations for indicator 3 above

30. The figures above in brackets described as net borrowing actually represent net investments. Our net borrowing is forecast to remain as net investment for the foreseeable future and therefore will not at any time be in excess of the capital financing requirement.

#### Prudential Indicator 5 - Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure:

31. The Council must set three years of upper limits to its exposure to the effects of changes in interest rates. As a safeguard, it must ensure that its limit would allow it to have up to 100% invested in variable rate investments to cover against market fluctuations. For this purpose, term deposits of less than 365 days are deemed to be variable rate deposits. Fixed rate deposits are investments in Eurobonds, Corporate Bonds and term deposits exceeding 365 days.

	2010/11 Actual %	2011/12 % Limit	2011/12 Actual %	2011/12 Variance %	Reason for Variance
Fixed	32.9	80	18.6	(61.4)	Within limit
Variable	67.1	100	81.4	(18.6)	Within limit

32. The Council must also set limits to reflect any borrowing we may undertake.

	2010/11 Actual %	2011/12 % Limit	2011/12 Actual %	2011/12 Variance %	Reason for Variance
Fixed	0	100	0	100	SSDC currently has no borrowing
Variable	0	100	0	100	SSDC currently has no borrowing

33. The indicator has been set at 100% to maximise opportunities for future debt as they arise.

#### Prudential Indicator 6 - Upper Limit for total principal sums invested over 364 days:

34. SSDC must also set upper limits for any investments of longer than 364 days. The purpose of this indicator is to ensure that SSDC, at any time, has sufficient liquidity to meet all of its financial commitments. The following table summarises the position:

Upper Limit for total principal sums invested over 364 days	2010/11 Actual £'000	2011/12 Maximum Limit £'000	2011/12 Actual £'000	Variance £'000	Reason for Variance
Between 1-2 years	3,218	25,000	9,020	(15,980)	Within limit
Between 2-3 years	6,000	20,000		(20,000)	Within limit
Between 3-4 years	1,174	10,000		(10,000)	Within limit
Between 4-5 years		10,000		(10,000)	Within limit
Over 5 years		5,000		(5,000)	Within limit

35. The table above shows that the Council adopts a policy of safeguarding its investments by minimising investments that are redeemable more than five years ahead.

#### Prudential Indicator 7 - Actual External Debt:

36. This indicator is obtained directly from the Council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities (this represents our finance leases). This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

Actual External Debt as at 31/03/2012	£'000
Borrowing	0
Other Long-term Liabilities	389
<b>Total</b>	<b>389</b>

#### Prudential Indicator 8 - Authorised Limit for External Debt:

37. This limit represents the maximum amount that SSDC may borrow at any point in time during the year. If this limit is exceeded the Council will have acted ultra vires. It also gives the Council the responsibility for limiting spend over and above the agreed capital programme. A ceiling of £12 million was set for each year.

	2010/11 Actual £'000	2011/12 Original Estimate £'000	2011/12 Actual £'000	2011/12 Variance £'000	Reason for Variance
Borrowing	0	11,000	0	(11,000)	SSDC currently has no borrowing
Other Long-term Liabilities	301	1,000	389	(611)	Within limit
<b>Total</b>	<b>301</b>	<b>12,000</b>	<b>389</b>	<b>(11,611)</b>	

#### Prudential Indicator 9 – Operational Boundary for External Debt:

38. The operational boundary sets the limit for short term borrowing requirements for cash flow and has to be lower than the previous indicator, the authorised limit for external debt. A ceiling of £10 million for each of the next three years was set.

	2010/11 Actual £'000	2011/12 Original Estimate £'000	2011/12 Actual £'000	2011/12 Variance £'000	Reason for Variance
Borrowing	0	9,200	0	(9,200)	SSDC currently has no borrowing
Other Long-term Liabilities	301	800	389	(411)	Within limit
<b>Total</b>	<b>301</b>	<b>10,000</b>	<b>389</b>	<b>(9,611)</b>	

#### Prudential Indicator 10 - Maturity Structure of Fixed Rate borrowing:

39. This indicator is relevant when we borrow, then we can take a portfolio approach to borrowing in order to reduce interest rate risk. This indicator is shown as the Council has set limits in anticipation of future borrowing.

Maturity structure of fixed rate borrowing	2011/12 Upper Limit %	2011/12 Lower Limit %	2011/12 Actual %	2011/12 Variance %	Reason for Variance
Under 12 months	100	0	0	Not applicable	
12 months and within 24 months	100	0	0	Not applicable	
24 months and within 5 years	100	0	0	Not applicable	
5 years and within 10 years	100	0	0	Not applicable	
10 years and within 20 years	100	0	0	Not applicable	
20 years and within 30 years	100	0	0	Not applicable	
30 years and within 40 years	100	0	0	Not applicable	
40 years and within 50 years	100	0	0	Not applicable	
50 years and above	100	0	0	Not applicable	

**Prudential Indicator 11 - Incremental Impact of Capital Investment Decisions:**

40. SSDC must show the effect of its annual capital decisions for new capital schemes on the council taxpayer. Capital spend at SSDC is financed from additional receipts so the figure below actually shows the possible decreases in council tax if all capital receipts were invested rather than used for capital expenditure.

<b>Incremental Impact of Capital Investment Decisions</b>	<b>2010/11 Actual £</b>	<b>2011/12 Original Estimate £</b>	<b>2011/12 Actual £</b>	<b>2011/12 Variance £</b>
Decrease in Band D Council Tax	0.11	0.20	0.20	0

**Prudential Indicator 12 - Adoption of the CIPFA Treasury Management Code:**

41. This indicator demonstrates that the Council has adopted the principles of best practice.

<b>Adoption of the CIPFA Code of Practice in Treasury Management</b>
The Council approved the adoption of the CIPFA Treasury Management Code at its Council meeting on 18 <sup>th</sup> April 2002.

**Conclusion**

42. The council is currently within all of the Prudential Indicators and is not forecast to exceed them.

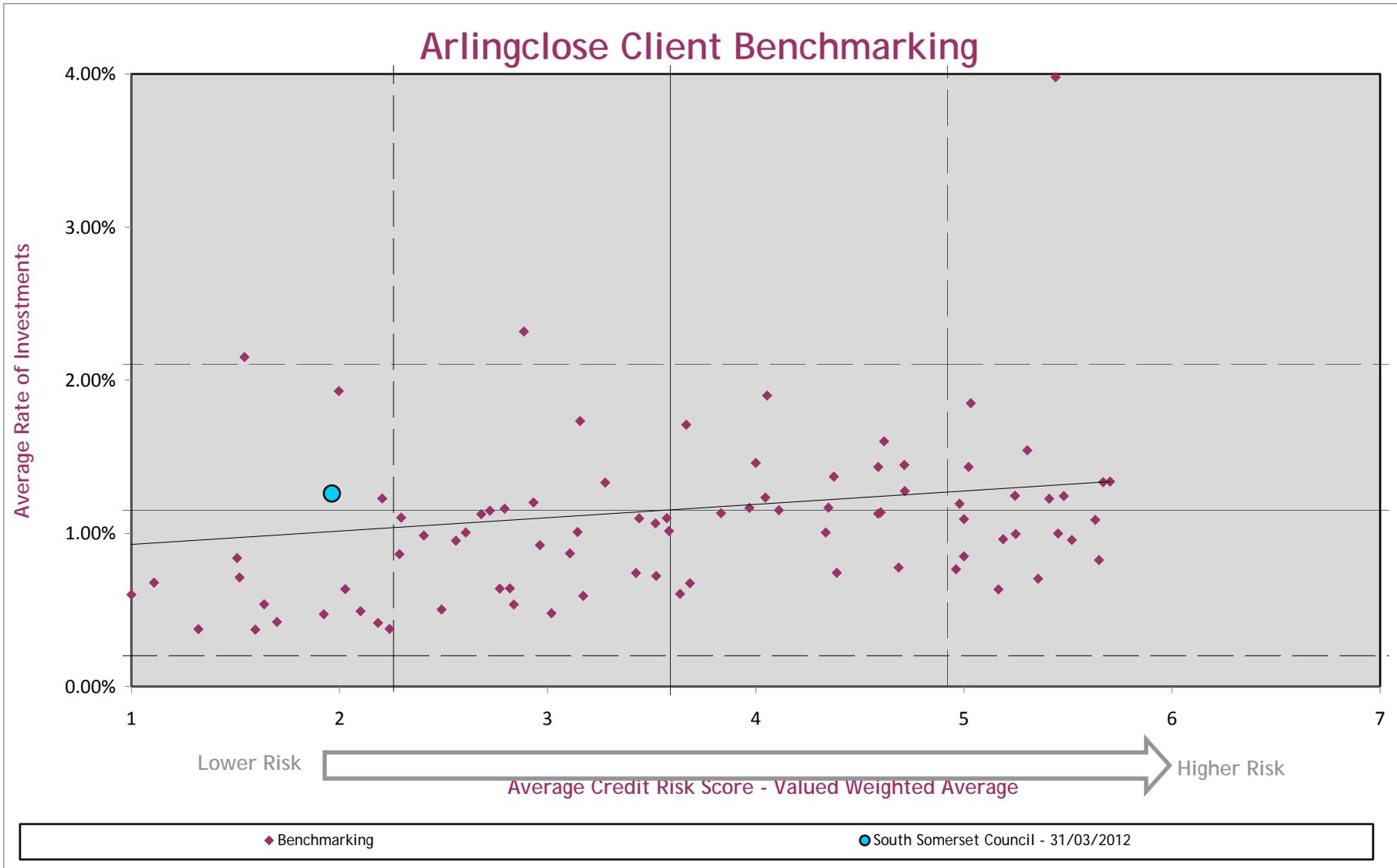
Background Papers: Prudential Indicators Working Paper, Treasury Management Strategy Statement 2011/12

**Appendix A****Breakdown of investments as at 31<sup>st</sup> March 2012**

<b>Date Lent</b>	<b>Counterparty</b>	<b>Amount</b>	<b>Rate</b>	<b>Maturity Date</b>
14/04/11	Nationwide Building Society	1,000,000	1.44%	13/04/12
07/06/11	Nationwide Building Society	1,000,000	1.41%	06/06/12
04/11/11	Barclays Bank Plc	1,000,000	1.21%	04/05/12
12/07/11	Nordea Bank	2,000,000	1.40%	12/07/12
15/07/11	Nordea Bank	2,000,000	1.38%	13/07/12
06/10/11	Nationwide Building Society	1,000,000	1.18%	10/04/12
30/12/11	Salford City Council	3,000,000	0.39%	08/05/12
31/01/12	Nottingham City Council	2,000,000	0.80%	29/01/13
15/02/12	Mid Suffolk District Council	2,000,000	0.37%	15/05/12
15/02/12	Birmingham City Council	2,000,000	0.40%	15/08/12
13/02/12	Mid Lothian Council	2,000,000	0.35%	14/05/12
13/03/12	Corby Borough Council	2,000,000	0.80%	12/03/12
07/03/12	Lancashire County Council	1,000,000	0.50%	07/06/12
	Ignis Money Market Fund*	1,710,000		
	Prime Rate Money Market Fund*	2,000,000		
	Eurobond Fixed Rate	2,091,203	5.72%	6-Jun-12
	Eurobond Fixed Rate	2,091,204	0.78%	6-Jun-12
	International Bank for Reconstruction and Development (the World Bank)	2,023,460	0.84%	10-Dec-13
	International Bank for Reconstruction and Development (the World Bank)	1,011,730	0.71%	10-Dec-13
	Eurobond Floating Rate Note	5,985,000	SONIA+ 0.35%	18-Mar-14
		<b>38,912,597</b>		

\* Note: Money Market Funds are instant access accounts so the rate displayed is a daily rate

(SONIA – Sterling Overnight Investment Average)



Council - 19<sup>th</sup> July 2012

## 12. Report of Executive Decisions

*Lead Officer: Angela Cox, Democratic Services Manager*  
*Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148*

This report is submitted for information and summarises decisions taken by the District Executive and Portfolio Holders since the last meeting of Council. The decisions are set out in the attached Appendix.

A Meeting of the District Executive was held on 7<sup>th</sup> June and 5<sup>th</sup> July 2012.

Members are invited to ask any questions of the Portfolio Holders.

***Background Papers:*** All Published

*Ric Pallister, Leader of the Council*  
*Angela Cox, Democratic Services Manager*  
*angela.cox@southsomerset.gov.uk or (01935) 462148*

---

## Appendix

Portfolio	Subject	Decision	Taken By	Date
Finance & Spatial Planning	Castle Cary and Wincanton Car Parks – Change to Compensation Scheme	The Portfolio Holder agreed:- <ol style="list-style-type: none"> <li>To amend the reference to a 'three-year agreement' in the District Executive resolution of February 2012 to a 'rolling three year agreement' as requested by Castle Cary Town Council and Ansford Parish Council.</li> <li>To amend the reference to a 'three-year agreement' in the District Executive resolution of March 2012 to a 'rolling three year agreement' should this be requested by Wincanton Town Council.</li> </ol>	Portfolio Holder	25/05/12
Leisure & Culture	SSDC Partnerships	District Executive: <ol style="list-style-type: none"> <li>Noted that the annual review of each of the partnerships on the Partnership Register had been completed;</li> <li>Agreed to the Somerset Armed Forces Community Covenant Partnership being added to the Partnership Register.</li> </ol>	District Executive	07/06/12
Finance & Spatial Planning	Car Park Strategy Scoping Report	District Executive: <ol style="list-style-type: none"> <li>Approved the aims and scope of the revised Car Parking Strategy as detailed on page 13 of the Agenda Report;</li> <li>Endorsed the work as contained in Table 3 on page 14 of the Agenda report;</li> <li>Agreed to instruct the Assistant Director (Economy), with support from key officers, to proceed to complete the revised Car Parking Strategy by December 2012.</li> </ol>	District Executive	07/06/12
Finance & Spatial Planning	2011/12 Capital Outturn Report	District Executive: <ol style="list-style-type: none"> <li>Approved the revised capital programme spend as detailed in paragraph 6;</li> <li>Noted the progress of individual capital schemes and the lead officers comments as detailed in Appendix A;</li> <li>Noted the spend of £2,564,377.18 on capital for the 2011/12 year and approve the financing of the capital programme (paragraphs 7 and 10);</li> <li>Approved the virements between projects of £17,000 as detailed in paragraph 9;</li> </ol>	District Executive	07/06/12

Portfolio	Subject	Decision	Taken By	Date
		<ol style="list-style-type: none"> <li>5. Reviewed the projects which had a delayed start in excess of one year totalling £462,000 and agreed that they remain in the capital programme (paragraph 15);</li> <li>6. Approved the return of the under spend of £100,000 on completed projects to capital balances (paragraph 18);</li> <li>7. Noted the outstanding balances on loans in paragraph 19 and 20;</li> <li>8. Noted the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 21;</li> <li>9. Noted the total land disposals to registered social landlords as detailed in Appendix B;</li> <li>10. Noted the balance collected of £1,999.374.06 of S106 deposits by developers held in a reserve as detailed in Appendix C;</li> <li>11. Noted the post completion reports on the completed schemes as detailed in Appendix D.</li> </ol>		
Finance & Spatial Planning	2011/12 Revenue Outturn Report	<p>District Executive:</p> <ol style="list-style-type: none"> <li>1. Noted the outturn position of £16,851,161 including the LSP (an under spend of £932,129) and explanation of variances from budget holders for the 2011/12 financial year as shown in paragraphs 7-11;</li> <li>2. Approved the carry forwards listed and recommended for approval by Management Board in Appendix B into the 2012/13 budgets;</li> <li>3. Approved all overspends are funded from general balances;</li> <li>4. Noted the use of the specific reserves in paragraph 21 and general fund balances in paragraph 23 and approve the set up of two new reserves for Into Somerset &amp; Planning Obligations Admin;</li> <li>5. Noted the transfers to and from balances outlined in paragraph 26;</li> <li>6. Noted the position of the Area Committee balances in paragraph 29;</li> <li>7. Approved the virements reported in paragraph 32.</li> </ol>	District Executive	07/06/12

Portfolio	Subject	Decision	Taken By	Date
Leader, Strategy & Policy	SSDC Workplace Nursery	District Executive approved the recommendations in the report.	District Executive	07/06/12
Yeovil Vision/Market Towns	High Street Innovation Fund	The Portfolio Holders: <ol style="list-style-type: none"> <li>noted the award of £100,000 funding from the Department for Communities and Local Government (DCLG) High Street Innovation Funding (HSIF) and agreed to its distribution to the Yeovil Vision Board and the Market Towns Investment Group in order to ensure that it is used effectively for its intended purpose.</li> <li>agreed to report back in due course to the relevant Committees on how the fund has benefitted South Somerset High Streets.</li> </ol>	Portfolio Holder	15/06/12 Executive Bulletin No. 528
Deputy Leader, Finance & Spatial Planning	Phone & Pay Car Parking Service	The Portfolio Holder has agreed to implement the 'Phone and Pay' additional choice of payment method in South Somerset District Council owned car parks where pay and display charges apply, as soon as possible.	Portfolio Holder	22/06/12 Executive Bulletin No. 529
Regulatory & Democratic Services	Agreement of the Food & Safety Unit Service Plan 2012-2013	The Portfolio Holder agreed the Food & Safety Unit Service Plan for 2012-13 on behalf of SSDC in accordance with the Framework Agreement between the Local Government Association (LGA) and the Food Standards Agency (FSA).	Portfolio Holder	29/06/12 Executive Bulletin No. 530
Leader of the Council	Establishment of Avon and Somerset Police and Crime Panel	The Portfolio Holder: <ol style="list-style-type: none"> <li>agreed to the approach being proposed by the Leaders Joint Selection Panel for the establishment of the Avon and Somerset Police and Crime Panel, as detailed in the appendices.</li> <li>noted that the Leaders Joint Selection Panel would meet as necessary to finalise the Panel Arrangements and Procedure Rules documents in the light of further Government regulations and advice.</li> <li>noted that Bristol City Council would make appropriate arrangements for the involvement of Leaders in the appointment of the co-opted non-elected members of the PCP.</li> </ol>	Portfolio Holder	29/06/12 Executive Bulletin No. 530

<b>Portfolio</b>	<b>Subject</b>	<b>Decision</b>	<b>Taken By</b>	<b>Date</b>
Strategy & Policy	Affordable Housing Development Programme: Great Western Road, Chard, Phase II	The Portfolio Holder approved an allocation of £460,000 from the affordable housing reserve to Raglan Housing Association to develop an additional nine properties for rent at Great Western Road, Chard, subject to full planning consent being obtained.	Portfolio Holder	06/07/12 Executive Bulletin No. 531
Strategy and Policy	Annual Performance Report 2011/12	District Executive noted the 2011/12 performance information at Appendices A, B, C and D.	District Executive	05/07/12
Strategy and Policy	Somerset Tenancy Strategy	District Executive formally adopted the proposed Somerset Tenancy Strategy.	District Executive	05/07/12
Finance & Spatial Planning	Replacement Cash Receipting System	District Executive approved the allocation of £41,175 from the ICT Capital Reserve to upgrade the cash receipting system.	District Executive	05/07/12
Property and Climate Change	Funding for Internet Connection at Lufton Depot	District Executive approved up to £10,000 for one year to establish an additional internet connection at Lufton Depot and that £5,000 one off revenue costs is found from general fund balances for the connection and supporting equipment.	District Executive	05/07/12
Finance & Spatial Planning	Investors in People Award	District Executive noted the report and the successful retention of the core national standard with all criteria within that standard being met. Members endorsed the recommended areas for continuous improvement and the planned actions to progress them.	District Executive	05/07/12
Regulatory & Democratic Services	Emergency funding for urgent works to a dangerous listed building at Ash House, Angel Lane, Wincanton	District Executive noted that the Chief Executive agreed under emergency powers to fund £14,175 to secure the building adjacent to Angel Lane, Wincanton and allow the lane to be reopened to the public.	District Executive	05/07/12
Finance & Spatial Planning	Commercial Property Disposal – Winsham Allotment	District Executive approved the freehold transfer of the former Winsham Band Hut and neighbouring allotment site at Bakersfield to the Parish Council at less than best consideration, with suitable overage provisions. The Parish Council will be responsible for all legal and professional costs incurred as a result of this transaction.	District Executive	05/07/12

Strategy and Policy	Affordable Housing Development Programme: Great Western Road, Chard Phase II	The Portfolio Holder approved an allocation of £460,000 from the affordable housing reserve to Raglan Housing Association to develop an additional nine properties for rent at Great Western Road, Chard, subject to full planning consent being obtained.	Portfolio Holder	06/07/12 Executive Bulletin 531
---------------------	--	--	------------------	------------------------------------

---

Council – 19<sup>th</sup> July 2012

### 13. Audit Committee

This report summarises the items considered by the Audit Committee on 24<sup>th</sup> May and 28<sup>th</sup> June 2012.

#### Internal Audit Plan – Review of 2011/12

The Group Audit Manager from the South West Audit Partnership (SWAP), who provide the internal audit service for the Council, summarised their Internal Audit Plan Review of 2011/12, which gave an update on the position of the Internal Audit Plan at the end of 2011/12 and provided Internal Audit's overall opinion of the Council's systems of internal control.

During the ensuing discussion, the officers responded to a number of members' questions, details of which are included in the minutes of the meeting.

In conclusion, it was noted that only four reviews had received partial assurance and the Committee was informed of the latest position in each case. Issues raised had been or were being addressed.

It was noted that the Council had held up well with Governance Audits and that the good practice in relation to the Annual Governance Statement used by the Authority had been shared as an example with other partners within the SWAP group.

The Chairman thanked the Assistant Director (Finance and Corporate Services) and her team for their commendable work.

The Committee was content to note the Internal Audit Annual Report and Opinion.

#### Review of Internal Audit

The Committee was informed of the recent review of the effectiveness of the delivery of internal audit through the South West Audit Partnership (SWAP) during 2011/12.

Members noted that the Assistant Director (Finance and Corporate Services) (the Council's Section 151 Officer) had undertaken the review and the findings had been reported to the Corporate Governance Group as part of the overall evaluation and supporting evidence for the Annual Governance Statement. It was found that overall the team performed well and that this view was supported by the comments of external auditors and client satisfaction. The Assistant Director stated that in her opinion and that of the Corporate Governance Group, the system of internal audit was effective.

It was noted that although the number of audits carried out had increased, the costs for the internal audit service were reducing.

The Assistant Director (Finance and Corporate Services) referred to the actions to be completed in 2012/13 and reported that the Devon Audit Partnership had been requested to carry out a quality review but the assurance statement was still incomplete and the Assistant Director reported that she would bring that and the action plan to the Committee's meeting in July 2012.

The findings of the review were noted by the Committee.

## **2011/12 Annual Governance Statement**

The Assistant Director (Finance and Corporate Services) asked members to approve the Annual Governance Statement. It was noted that as a local authority the Council was required to demonstrate compliance with the underlying principles of good governance and that a framework existed to demonstrate this, one of the requirements being to produce an Annual Governance Statement, a copy of which was attached to the agenda.

The Assistant Director (Finance and Corporate Services) highlighted the necessity to always look for improvements and it was noted that staff were to have training and be made aware of the Bribery Act 2010 and Anti Money Laundering.

The Chairman suggested that members should also be given the opportunity to have further awareness training and his suggestion that it could take place after Audit Committee meetings to tie in with items on the forward plan was noted.

The Committee approved the 2010/11 Annual Governance Statement.

## **Forward Plan**

The Committee has agreed its forward plan for 2012/13.

## **2011/12 Treasury Management Activity Report (also see separate report on this agenda)**

The Committee reviewed the treasury management activity and the performance against the Prudential Indicators for the 2011/12 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Strategy and Annual Investment Policy and Treasury Management Practices.

During the ensuing discussion, the Assistant Director (Finance and Corporate Services) and Principal Accountant – Exchequer responded to members' questions and comments regarding the treasury management process.

Members noted the treasury management activity for the 2011/12 financial year, the position of the individual Prudential Indicators for the 2011/12 financial year and the outlook for the investment performance in 2012/13.

The Committee also recommended the 2011/12 Treasury Management Activity Report to full Council, which is included in a separate report on this agenda.

## **Follow Up Report – Risk Management Update including Partnering (Suppliers, Other Agencies etc.)**

The Procurement and Risk Manager updated the Committee on the status and nature of the partnering risks logged on the Council's risk register making particular reference to the processes used for monitoring any risks associated with commercial partners.

Details of the diagnostic tools available to assist in the monitoring process were referred to in the Committee's agenda report, illustrations of which were shown by the Procurement and Risk Manager at the meeting. The Committee also noted that further training would be given to staff to help with their understanding of what constituted a contract and its implications.

The Procurement and Risk Manager responded to members' questions and comments on points of detail and the Committee was content to note the current position. The Committee asked that a further update be submitted at its meeting in September 2012.

*Cllr Derek Yeomans  
Chairman of Audit Committee*

---

Council – 19<sup>th</sup> July 2012

## 14. Scrutiny Committee

This report summarises the work of the Scrutiny Committee since 17<sup>th</sup> May 2012.

### Items considered at 6<sup>th</sup> June 2012

The Scrutiny Committee continue to consider all reports contained in the District Executive Agendas and to submit relevant comments for further consideration.

#### Work Programme Selection

Members considered the list of topics that had been suggested for inclusion in the Scrutiny Work Programme. The agreed scoring methodology was used to decide which items should go onto the Work Programme and the most appropriate way of addressing each topic. Members agreed that the following items be added to the Scrutiny Work Programme:

- Yarlington's community initiatives, funding and debt work
- Identifying additional income streams
- Localism – relationship between tiers of local government
- Countryside Service
- Joint working / shared services
- Innovation Centre – occupancy levels

#### Social Housing Fraud Task and Finish Group – Final Report

Members endorsed the recommendations contained within the report, and that the report be made to the next Council meeting for full discussion, with a summary of any decisions arising to be submitted to District Executive.

### Items considered at 3<sup>rd</sup> July 2012

#### Temporary Accommodation Strategy

Members received an update report on the progress made on actions set out in the Temporary Accommodation Strategy since it's adoption.

#### Portfolio Holder Presentation

Councillor Jo Roundell Greene – Portfolio Holder for Environment and Economic Development attended the meeting and updated members on the challenges and opportunities facing those services within her Portfolio area.

#### Scrutiny Work Programme

A request for a report from the Yeovil Vision Board and the Market Towns Investment Group regarding what work they have done or intend to do with their share of the funding from the Department for Communities and Local Government (DCLG) High Street Innovation Funding was supported by members of the Scrutiny Committee.

Members agreed to a Task & Finish review of the Market Towns Investment Group, as recommended by the Partnerships Task and Finish review Group, to assess its structure, reporting, resources and ability to deliver.

The annual Budget Scrutiny Event would be held on Wednesday 12<sup>th</sup> December 2012. The Budget Scrutiny Event will be an opportunity for Portfolio Holders to discuss proposals for the 2013/14 budget as well as considering performance against budgetary targets for 2012/13.

## **Scrutiny Task and Finish Reviews**

### **Council Tax Reduction**

The Task and Finish review group have commented on all options that have been put before them and have agreed a set of principles that they feel should underpin the new localised scheme and inform the consultation. A very successful member workshop was held after Scrutiny Committee on 3<sup>rd</sup> July 2012 to:

- Bring all members up-to date with the project across the county
- Provide an overview of the work of the SSDC Task and Finish group.
- To seek members' thoughts and comments on the draft principles before any external consultation takes place
- Aid members to make a decision later in the year

### **Employment Support Allowance**

A report will be submitted to the September meeting of the Scrutiny Committee.

### **Gypsy and Traveller Health Inequalities**

SSDC has been selected by the Centre for Public Scrutiny to become a Health Development Area looking at health and equalities faced by the gypsy and traveller community. A report will be submitted to the next meeting of the Scrutiny Committee.

### **Student Engagement**

The Student Engagement Task and Finish Review will commence in October 2012.

### **Outside Organisations**

The Task and Finish Review Group continue to meet and are currently reviewing the remainder of the outside organisations.

Sue Steele, Chairman of Scrutiny Committee  
Jo Gale/Emily McGuinness, Scrutiny Managers

Council – 19<sup>th</sup> July 2012

## 15. Motions

The following motion was submitted by Councillor Andrew Turpin:

Promoting sustainable transport in South Somerset – progressing an accredited evaluation of sustainable transport needs within the district at little or no cost to this Council, by devolving such a consultation (with enabling support) to our parishes / Parish Councils.

### Proposal

With advice from the Department for Transport, that a ‘task and finish’ group, involving South Somerset District Councillors and County Councillors within the District be set up to establish a consultation / evaluation template for establishing sustainable transport needs within the district that is recognised and valued by stake holders.

Sustainable economic development and effective, sustainable transport provision are intrinsically linked. A presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) and the emphasis on local partnership working in the Localism legislation, makes such a proposal apposite.

### Supporting extract from NPPF

29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
31. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.

*(Such a survey would assist the role of the County Council)*

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
  - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.
35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
  - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
  - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
  - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
  - consider the needs of people with disabilities by all modes of transport.
36. A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a travel Plan.
- 

## 16. Questions under Procedure Rule 10

None received.

---

## 17. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday, 20<sup>th</sup> September 2012** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 7.30 p.m.

---