

You are requested to attend a meeting of the Executive to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 15 September 2010 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Executive held on 18 August 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Executive are set out in the attachment.
- 5 New Building Regulation Charging Scheme - Effective from October 2010.
Report of the Joint Building Control Manager (attached).
Reporting Officer: Dan Donovan
- 6 Policy to protect the future use of the Gaumont Theatre building, Corporation Street, Taunton
Reporting Officer: Simon Lewis
- 7 Executive Forward Plan - details of forthcoming items to be considered by the Executive and the opportunity for Members to suggest further items (attached)

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 8 Former Nursery Site at Mount Street, Taunton. Report of the Asset Holdings Manager, Southwest One Property and Facilities Management (attached).
Paragraph 3 - Financial or Business Affairs.
Reporting Officer: Adrian Priest

07 September 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Executive Members:-

Councillor J Williams - Leader of the Council

Councillor C Herbert

Councillor K Hayward

Councillor J Court-Stenning

Councillor N Cavill

Councillor J Lewin-Harris

Councillor T Hall

Councillor M Edwards

Executive – 18 August 2010

Present: Councillor Williams (Chairman)
Councillors Cavill, Mrs Court-Stenning, Edwards, Hall and Hayward

Officers: Penny James (Chief Executive), Joy Wishlade (Strategic Director), Shirlene Adam (Strategic Director), Tonya Meers (Legal and Democratic Services Manager), Adrian Gladstone-Smith (Performance and Client Lead), Fiona Gudge (Principal Accountant), Jayne Hares (Community Development Officer), Simon Lewis (Strategy and Corporate Manager) and Richard Bryant (Democratic Services Manager).

Also present: Councillors Bishop, Coles, Henley, Morrell, A Wedderkopp and Mrs Wilson.
Mr Maurice Stanbury, Independent Member of the Standards Committee.

(The meeting commenced at 6.15 pm.)

75. Apologies

Councillors Mrs Herbert and Mrs Lewin-Harris.

76. Minutes

The minutes of the meeting of the Executive held on 14 July 2010, copies of which had been circulated, were taken as read and were signed.

77. Declaration of Interests

Councillor Mrs Court-Stenning declared a personal interest as an employee of Somerset County Council. Councillor Cavill, as someone who owned land at Monkton Heathfield, declared a prejudicial interest and stated that he would leave the room if any discussion took place in relation to this land when the item covered by Minute No. 82 was considered. Similarly, Councillor Hayward, as someone who lived in a property which overlooked land at Ford Farm, Norton Fitzwarren, declared a prejudicial interest and stated that he would also leave the room if any discussion took place on this site in connection with the item covered by Minute No. 82 below.

78. Task and Finish Review into Promoting Cycling in Taunton Deane

Submitted for information, comment and approval the recommendations of the Promoting Cycling in Taunton Deane Task and Finish Group.

The Task and Finish Review had been set up to consider how best to encourage more cyclists to make use of the cycling network. As well as being relatively inexpensive to fund, cycling offered high return benefits in tackling traffic congestion, air quality and improving the health of local residents.

At its first meeting, the Task and Finish Review had agreed that its terms of reference should be as follows:-

- To identify what level of infrastructure existed for cyclists (such as cycle routes, bicycle parking and signage);
- What the take-up was: Who cycled? How many people cycled and why?
- What the genuine need was: What did cyclists need? Who would cycle but did not?
- What Project Taunton and other developments would provide for Cyclists;
- To Identify gaps between provision and need, and to propose solutions to fill these gaps; and
- To make recommendations to the Executive.

Subsequently, the Task and Finish Group agreed that the following additional terms of reference should be included to enable further research to be undertaken and points to be clarified:-

- (1) To carry out the review in two strands – What Taunton Deane could initiate and what Taunton Deane could do in Partnership with Somerset County Council and developers;
- (2) An overview of the effectiveness of travel plans and incentives prepared by employers and schools to encourage cycling;
- (3) An examination of the marketing and publicity material that was currently available and if it was suitable and effective;
- (4) How the promotion of cycling was incorporated in the Local Development Framework (LDF), Core Strategy and NHS Somerset; and
- (5) The type and extent of funding that was available for the promotion of cycling including funding from sources other than the County and Borough Councils.

A series of meetings of the Task and Finish Group had been held and evidence had been collected from a number of sources including Sustrans, Cycle Somerset, Project Taunton, The Road Safety Partnership, officers from Somerset County Council and Mr Carl Smith who had originally proposed the review.

The Task and Finish Group had discussed the recommendations it wished to make to the Executive. These recommendations had initially been considered by the Community Scrutiny Committee on 27 April 2010 when all of the recommendations had been supported.

The Corporate Management Team had received the report during July 2010 to enable officers to comment on the recommendations. These comments were detailed in the report.

The Task and Finish Group's recommendations were therefore as follows:-

Recommendation 1

Future agreement on the maintenance of established cycle way proposals needed to be clearly established from the onset. A policy needed to be in place for these agreements by the end of 2010.

Recommendation 2

That the need for bye-laws regarding cycling, currently in place with regard to Vivary Park, Hamilton Park and Goodland Gardens and all other Taunton Parks, be considered by Taunton Deane.

Recommendation 3

Any future consultants engaged to consider transport issues needed to ensure that the methods for future delivery and maintenance of cycle routes be fully included and explored in their recommendations.

Recommendation 4

The future arrangements for the cycle park facility which previously adjoined the St James Street Medical Centre in Taunton, needed to be formalised to ensure it was available for use or other options explored.

Recommendation 5

That a "wish list" of cycle related requirements be compiled to close the current gaps in cycle provision in Taunton. Additional requirements to be delivered through the LDF, Project Taunton or other transport related Plans.

Recommendation 6

That a joint Taunton Deane and Somerset County Council website be introduced, which would promote the use of cycling and include links to local cycle groups within three months from the date of the agreed final report.

In discussing the recommendations, the Executive felt that Recommendations 1 and 5 should be amalgamated to make the future provision of new routes and improvements to existing cycling facilities more likely to occur.

The following wording for this recommendation was proposed:-

"That although it was recognised that new cycle routes would be delivered over forthcoming years through the LDF, Project Taunton or other transport related plans, Somerset County Council and Taunton Deane Borough Council should jointly identify and maintain a list of future requirements aimed at closing the current gaps in the existing cycle provision in Taunton. Such a list would be used by the County Council to plan future works to the cycle network through its Cycling Strategy and by Taunton Deane's Development Management to ensure intended route improvements were not prejudiced by planning decisions. In addition, it was recommended that when any new routes or improvements were planned, particular regard should be given to their design to encourage usability, and arrangements for their future maintenance should be secured prior to physical works on the ground taking place."

Resolved that the recommendations of the Promoting Cycling in Taunton Deane

Task and Finish Group, as amended above, be accepted.

79. Financial and Performance Monitoring – Quarter 1 2010/2011

Considered report previously circulated, which provided an update on the financial position and performance of the Council to the end of Quarter 1 of the 2010/2011 financial year (as at 30 June 2010).

The monitoring of the Corporate Strategy, service delivery, performance indicators and budgets was an important part of the overall performance management framework.

Reported that a high level summary of successes and/or improvements in Quarter 1 included:-

- The General Fund Revenue showed a potential underspend of £62,000 (0.4%) against the budgeted net expenditure of £14,428,000;
- Progress was largely on course for the objectives and key activities identified in the new Corporate Strategy (especially 'Tackling Deprivation' and 'Affordable Housing');
- Council Tax and National Non-Domestic Rates debit collection rates were on course for the 2010/2011 target and the Quarter 1 results were an improvement on the same period last year;
- The speed of processing planning applications had improved
- 99.5% of calls to the Customer Contact Centre were resolved at the first point of contact;
- The speed of processing Benefits claims (new and change of circumstances) were on course for the 2010/2011 target and an improvement on the same period last year;
- Vivary Park, Victoria Park, French Weir Park and Wellington Park had all achieved Green Flag status, plus Swains Lane Nature Reserve in Wellington had gained a Green Pennant for the first time;
- Four key Council projects were all reported as being on course (Local Development Framework Core Strategy, Housing Inspection Project, Core Council Review and SAP implementation); and
- Staff sickness was on course to achieve the improvement target (9 days per FTE).

Further reported that areas either off course or where objectives were not being met included the Housing Revenue Account which was forecast for a £366,000 overspend for the year, procurement benefits which were behind the original forecast, Environmental Protection Team planned inspections which were only 48% completed in Quarter 1, Planning appeals allowed were 50% (but on low numbers) and swim visits (Tone Leisure) had declined by 2% in Quarter 1 compared to the previous year.

Resolved that the report be noted.

80. Allocation of Housing and Planning Delivery Grant

Reference Minute No 52/2010, considered report previously circulated, concerning the proposed allocation of some of the remaining Housing and Planning Delivery Grant (HPDG) funding.

The HPDG had been given to Local Authorities based on their performance in Development Control, plan making and delivery of housing. The Coalition Government had scrapped the HPDG for future years, so the money that had been received in April 2010 was the last funding allocation through this particular funding stream. The Council sought to allocate this funding to deliver improved planning, forward planning and housing delivery services.

Following the approval of a number of allocations earlier in the year, reported that there was £3,573 capital and £526,828 revenue left unallocated. However, due to a number of underspends from previous years there was currently a total of £11,573 capital and £529,228 revenue which could be allocated.

The allocations now requested were:-

Revenue Items	
Infrastructure Delivery Plan	£30,000
Core Strategy Appropriate Assessment	£17,000
Strategic Housing Market Assessment update (affordable housing viability and thresholds in rural areas)	£9,250
Review of housing growth projections	£6,000
Core Strategy Appropriate Assessment surveys	£600
Development Management efficiency review of planning processes	£7,120
Total	£69,970

If the above were agreed, it would leave £459,258 revenue and £11,573 capital.

Resolved that the allocation of the Housing Planning and Delivery Grant as detailed above, be approved.

81. **Proposed Crime and Disorder Reduction Partnership Merger**

Considered report previously circulated, concerning the proposed merger of the East and West Crime and Disorder Reduction Partnerships (CDRP) into one countywide structure. The aim of the merger was to streamline governance and leadership in the community safety structure, allowing for more effective community engagement at a local level.

The Crime and Disorder Act 1998 (as amended) placed a duty on responsible authorities to work together and with other agencies within the community to tackle crime and disorder and the misuse of drugs.

The legislation had required the formation of a CDRP and the Council had fulfilled this requirement with the formation of the Taunton Deane CDRP. The Police and Justice Act 2006, required minimum standards to be placed on all CDRPs. Details of these standards were submitted.

In light of these minimum standards which placed significant obligations on single authorities, the decision was taken in 2007 for the Taunton Deane CDRP to informally merge with Sedgemoor and West Somerset CDRPs to form the Safer Somerset West Partnership. This Partnership had evaluated its success against the Government's Hallmarks of Effective Partnership and whilst significant progress had been made, there were still areas to be improved on.

Funding allocated to Taunton Deane's CDRP had shrunk markedly over the years so that it now formed part of the area based grant given to Somerset County Council. In the current financial year across Somerset West there was a total of £23,000 revenue funding, which was being used to fund a seconded post from the Fire Service to look at streamlining issues such as how anti-social behaviour and relocatable CCTV systems should be dealt with. Noted that there was also £42,000 of capital funding which was currently unallocated. This was unlikely to be available in 2011/2012.

Further reported that the Safer Communities Group, a sub-group of the Somerset Strategic Partnership, had approved a proposal in January 2009, to carry out a review of the community safety structures in Somerset. The review was carried out by the Community Safety Network (CSN) and its recommendations were submitted to the Safer Communities Group in December 2009.

One of the recommendations made was that the Safer Communities Group should become the CDRP for Somerset as all the statutory agencies already attended this meeting. It was also felt that further work should be undertaken by the CSN to develop the structure beneath, reflecting the need for both tactical and operational local delivery.

Both West Somerset and Sedgemoor District Councils had already agreed to this proposed merger on an informal basis for a period of 12 months

Member representation in the proposed new structure would be at portfolio holder level. This reflected how Members had historically been represented on the CDRP.

Scrutiny of this new group could be achieved through the structure previously agreed by the Community Scrutiny Committee which recommended two Members from each of the districts, Taunton Deane, Sedgemoor and West Somerset, to be co-opted to look at community safety scrutiny issues.

Resolved that:-

- (1) Full Council be recommended to agree and approve the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide Crime and Disorder Reduction Partnership, currently operating as the Safer Communities Group; and
- (2) The proposed merger to be on an informal basis for a period of 12 months, in line with decisions already taken by West Somerset and Sedgemoor District Councils.

82. **Setting Strategic Housing and Employment Targets for the Taunton Deane Core Strategy**

Considered report previously circulated, concerning the need to identify strategic housing and jobs targets for Taunton Deane's emerging Core Strategy, which would deliver growth for the period up to 2026.

The abolition of all adopted and emerging Regional Spatial Strategies (RSS) by the Coalition Government had presented both an opportunity and a threat to communities. Although it had handed lower tier authorities the opportunity to establish the scale of housing and jobs they wished to see come forward rather than to plan towards meeting potentially undeliverable numbers, it had also placed the burden of evidencing targets on Local Planning Authorities where previously it had lain elsewhere.

The Draft Revised Regional Spatial Strategy for the South West had identified a requirement for at least 21,800 new homes in Taunton Deane, with at least 18,000 in Taunton. The report also introduced employment land targets. The requirement for employment was 16,500 jobs.

The Council had expressed concern that this Strategy was both undeliverable and unsustainable.

The Council had moved quickly to fill the void left by the abolition of the RSS and the report set out in detail an approach to calculating realistic and deliverable housing targets for the Plan period. These figures would be underpinned by the Council's ambitious plans for delivering jobs-led growth and would be set out within the emerging Core Strategy as well as to make any future calculations about housing land supply.

Prior to the abolition of the RSS, Roger Tym and Partners had been commissioned to undertake masterplanning of the Taunton area to inform the Core Strategy. The company's work had centred upon employment and jobs forecasts.

Through this work, the company had now been tasked with establishing a realistic and deliverable jobs target for the Core Strategy. Although the work was not yet complete, it suggested a target of 11,000 jobs for Taunton Deane between 2008 and 2026.

Although this figure related to Taunton Deane as a whole, in terms of the Economic Strategy the Plan would focus on enabling and providing employment in the Taunton urban area. A significant proportion of economic growth would be around non-traditional forms of employment, including health, retail and education rather than offices and distribution and warehousing.

The Tym's target was considered to be both challenging and realistic and, as such, consideration would need to be given to revisiting specific elements of Taunton Deane's Economic Development Strategy, to ensure consistency across Council documents.

In recognition of the need for future growth in Taunton Deane to be essentially 'job's led', it was felt that a housing target should be based on job creation and should be locally generated. Fordham Research had therefore been commissioned to undertake this task, having previously prepared the Strategic Housing Market Assessment (SHMA) for the Housing Market Area.

Household data had been combined with existing Office for National Statistics population and household projections. The 11,000 jobs target from Tym's work had been factored in to allow a housing target to be formulated. The methodology used was reported.

The result was a target of 15,000 houses for Taunton Deane between 2008 and 2026. However, it was recommended that provision should be made for the phasing of any residualised target between 2011 and 2026. This would allow the Council sufficient latitude to build its way up to what would be a challenging target.

Whilst further work was required, the following phasing bands were suggested:-

- 01/04/2011 – 31/03/2016: proposed target of at least 3,500 (equivalent to 700 dwellings per annum);
- 01/04/2016 – 31/03/2021: proposed target of at least 4,500 (equivalent to 900 dwellings per annum); and
- 01/04/2021 – 31/03/2026: proposed target of at least 5,500 (equivalent to 1,100 dwellings per annum).

Adopting the suggested housing targets and the associated proposed phasing requirements would result in Taunton Deane being able to demonstrate an improved housing land supply.

The Strategic Housing Land Availability Assessment (SHLAA) Review would take a more robust judgement about supply, taking into account the current market conditions. Indications were that the supply of deliverable sites would be markedly reduced from that previously reported in the 2009 SHLAA.

The supply had been reduced to reflect current market conditions and in particular the achievability of such sites. It was therefore appropriate for the Council to adopt a phasing approach to the Core Strategy which reflected the difficulties in delivering large scale growth over the next five years. This approach would not preclude further planning permissions being granted on sustainable sites which met the provision of current and emerging policy and general sustainable criteria.

Reported that in order for the emerging Core Strategy to still come forward in a timely fashion, it was important that the strategic targets were agreed as soon as possible. The Infrastructure Delivery Plan, Retail Capacity Study as well the Urban Initiatives Masterplanning Commission were all dependent on the establishment of strategic targets in order for them to be progressed.

As mentioned above, Fordham's had previously worked on the SHMA and its latest commission provided the opportunity to revisit some of its key findings from 2008,

particularly that new housing should contribute towards a target of 40% affordable housing.

Fordhams had since reconsidered the need for affordable housing, taking into account the Council's significant plans for employment and job creation. The key assumption made was that a significant proportion of the anticipated in-migrant population would be employed: 55% as opposed to 45%.

Reflecting the Council's jobs-led strategy, the company's draft report concluded that 74% of new accommodation should be market, around 16% social rented dwellings and around 10% intermediate housing. This represented a significant step change for the Council and had key implications for the formulation of the affordable housing policy.

The findings in the draft report also reflected that the ageing population would require specialist accommodation - a need for around 1,500 specialist units (of which approximately 48% should be market and 52% affordable).

Noted that the Community Scrutiny Committee had considered this item at its meeting on 17 August 2010. Whilst fully supportive of the recommendations, Members requested that the proposed percentage mix of new accommodation, social rented and intermediate housing be brought back to a future meeting of the Community Scrutiny Committee for further consideration.

Resolved that the following strategic targets for use in the Core Strategy and supporting documents be agreed:-

- (a) 11,000 jobs for the period 2006 – 2026;
- (b) 15,000 homes over the period 2008 – 2026; and
- (c) Appropriate phasing of housing targets between the following five year time bands – 01/04/2011 – 31/03/2016; 01/04/2016 – 31/03/2021; and 01/04/2021 – 31/03/2026.

83. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

Resolved that the Forward Plan be noted.

(The meeting ended at 7.41 pm.)

Usual Declarations of Interest by Councillors

Executive

- **Employee of Somerset County Council – Councillor Mrs Court-Stenning**

Taunton Deane Borough Council

Executive Committee – 15 September 2010

New Building Regulation Charging Scheme – Effective from October 2010

Report of the Joint Building Control Manager

(This matter is the responsibility of Executive Councillor Mark Edwards)

1. Executive Summary

This report concerns the introduction of a new fee scheme for the Building Control function that meets the requirements of The Building (Local Authority Charges) Regulations 2010. The report recommends the introduction of a new charging matrix which is in line with the Local Authority Building Control (LABC) model scheme. Charges are calculated in accordance with guidance contained within the recently published Chartered Institute of Public Finance and Accountancy (CIPFA) document for Building Control.

2. Background

- 2.1 In April 2009, the Department of Communities and Local Government (CLG) consulted on a package of proposals to change the Local Authority Building Control charging regime with the aim of introducing more flexibility, accuracy, fairness and transparency into the regime and improving the standards and environment within which Local Authorities (LAs) and Approved Inspectors (AIs) operate and compete. The proposals also aimed to support the introduction of a risk assessment approach to inspectors of building work, as explained in the *“The Future of Building Control Implementation Plan”* published in September 2009.
- 2.2. The key principles relating to Local Authority Building Control charges remain: the need to fix charges by means of a scheme; full cost recovery of the chargeable Building Regulations work; and, the fact that the user should pay for the actual service that they receive. However, greater emphasis is given to the need to relate charges to the cost of carrying out the Building Control function for individual building projects.

- 2.3. The guidance also states that LAs should continue to make every effort to keep their costs to a minimum to ensure that charges remain affordable and competitive and do not encourage people to circumvent the building regulations. The Department expects that LAs will always seek to determine their charges appropriately at the outset and so the provisions relating to refunds and supplementary charges will be used sparingly.
- 2.4. The Charges Regulations 2010 authorise the setting of charges for the following prescribed building regulation functions:-
- a) Checking full plans applications
 - b) Inspecting work associated with full plans applications
 - c) Checking/Inspecting work associated with building notices
 - d) Checking/Inspecting work reverting to Local Authority Control
 - e) Checking/Inspecting work associated with regularisation applications
 - f) Providing advice in respect of the chargeable functioning (a) to (e) above, before these functions are carried out or an application/notice is deposited (note: the first hour is non-chargeable).
- 2.5. Regulation 7 Charges Regulations 2010 sets out the following principles that must be followed when calculating charges.
- i) The average hourly rate at which officers are to be charged out calculated in accordance with the CIPFA guidance.
 - ii) The factors that must be taken into account when applicable, in calculating the estimated time that an officer will require to satisfactorily discharge the chargeable function for a particular project as listed below:-
 - the existing use of a building, or the proposed use of the building after completion of the building work;
 - the different kinds of building work described in Regulation 3(1)(a) to (i);
 - the floor area of the building or extension;
 - the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
 - the estimated duration of the building work and the anticipated number of inspections to be carried out;
 - the estimated cost of the building work;
 - whether a person who intends to carry out part of the building work is a person mentioned in regulation 12 (5) or 20B (4) of the Principal Regulations (15) in respect of that part of the work;
 - whether in respect of the building work a notification will be made in accordance with regulation 20A (4) of the Principal Regulations (16);
 - whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;

- whether an application or building notice is in respect of work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
 - whether chargeable advice has been given that is likely to result in less time being taken by the local authority to discharge its chargeable function.
- 2.6. A new provision has been added that allows for the scheme of charges to require the payment of a supplementary charge where the Local Authority deems it necessary to engage the services of a specialist or consultant.
- 2.7. A further new provision requires that the scheme of charges includes details of a complaints procedure. Preferably this should be the Council's existing complaints procedure.
- 2.8. The new scheme of charges must be in place by the 1st October 2010 and it must be publicised seven days prior to this date.

3.0 Proposed Model Scheme for Fee Setting

- 3.1. The main changes in the 2010 Regulations relate to new flexibilities, in particular: the ability for Local Authorities to charge for giving substantive advice related to their building control functions; an increased range of factors to be taken into account in setting charges; the option of setting either standard charges or making individual determinations of charges for individual projects, and being able to give refunds and make supplementary charges. These are intended to make the charging regime more accurate and fairer. New accounting requirements are also included which are intended to make the regime more transparent and accountable. The proposed fees and charges for the Building Control Service are attached in Appendix 1.
- 3.2. Local Authorities need to continue to make every effort to keep their costs at a minimum to ensure that charges remain affordable and competitive.

4. Finance Comments

- 4.1 Previous legislation required that Building Control fees be set in order that the Building Control Service recovered its costs of the fee-earning element of the service over a three-year rolling period. The new legislation also requires cost recovery, albeit on a more accurate individual fee basis so there should be no overall impact on the budget. The proposed fees are set out in Appendix 1 and have been calculated in accordance with the new CIPFA guidance on a cost recovery basis.

5. Legal Comments

- 5.1 The Building (Local Authority Charges) Regulations 2010 were laid before parliament on the 25th February 2010 and come into force on the 1st April 2010. The Council is obliged to make a new charging scheme under the regulations by the 1st October 2010.
- 5.2 The Building (Local Authority Charges) Regulations 2010 extend the devolution of building regulation charge setting to local authorities and introduce more flexibility and discretion to enable local authorities to relate their charges to the actual costs of carrying out their main building regulation functions.
- 5.3 Trading account arrangements are in place in accordance with Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines. Under the current arrangement Building Control must break even on a three year rolling programme.

6. Links to Corporate Aims

- 6.1 **Regeneration** - Working with companies and clients to ensure that all developments meet and achieve the minimum standards required under the Building Regulations and to encourage better design and ensure developments are inclusive and accessible.
- 6.2 **Affordable Housing** - Our role will be to determine Building Regulation applications deliver the provision of quality housing to ensure sustainable and inclusive design in urban and rural developments. The enforcement ensures that developments are controlled and unacceptable developments are prevented or removed.
- 6.3 **Climate Change** - To enable TDBC to play its part in reducing climate change Building Control will continue to ensure that the requirements of the Building Regulations to reduce carbon usage within new developments through the revisions of Part L of the Building Regulations and its links with the code for sustainable homes, BREEAM and renewable energy.

7. Environmental and Community Safety Implications

- 7.1 Building Regulations include requirements for the provision of insulation, low-energy lights, air-tightness of buildings, provision of boilers, water usage, recycling of water, use of grey water in the building, solar and photovoltaic panels, and Energy Performance Certificates. Plans are checked and visits made on site to ensure current regulation standards are achieved. When some maintenance and other works are undertaken, the Building Regulations require the improvement of existing standards to reduce the carbon-footprint of existing buildings.

8. Equalities Impact

- 8.1 Regulation 4 of the Building (Local Authority Charges) Regulations 2010 outlines the principles of the charging scheme in relation to building work solely required for disabled persons. No building regulation charge can be authorised in relation to providing means of access solely to an existing dwelling occupied as a permanent residence by a disabled person or for the provision of facilities and accommodation (including the provision or extension of a room in limited circumstances) designed to secure the greater health, safety, welfare or convenience of such a disabled person. Similarly, no building regulation charge can be authorised in relation to an existing building to which members of the public are admitted in similar circumstances as stated above.

9. Risk Management

Risk	Consequence	Prob.	Impact	Treatment
Trading and income remain flat in 2010/11	Unable to meet normal cost inflation	4	4	Revise fee schedules as proposed herewith
Income fails to match costs	Deficit trading position	3	4	Review and fee increases mid-year; cost cuts where possible
Fees make service uncompetitive	Loss of business, further loss of income	2	4	Monitor position and take preventive action. Potential redundancies

10. Partnership Implications

- 10.1 The Building Control Service is provided jointly with Sedgemoor District Council under shared management and administration, with uniform fees, forms and procedures. The recommendations of this Report will also be made to SDC.

11. Recommendations

- 11.1 The Executive approve the Building Control scheme of charges made under The Building (Local Authority Charges) Regulations 2010 and that the scheme is introduced on 1st October 2010 as set out in Appendix A.
- 11.2 To approve delegation to the Head of Growth & Development, the Portfolio Holder, and Joint Building Control Manager to make minor changes to the scheme to allow it to be consistent with other Somerset Building Control Authorities Charging Schemes.

Contact: Dan Donovan
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Background Papers:

The Building (Local Authority Charges) Regulations 2010
www.opsi.gov.uk/si/si2010/uksi_20100404_en_1

Circular 01/2010: The Building Act 1984, The Building (Local Authority Charges) Regulations 2010: New Provision for Local Authority Building Control Charges

www.communities.gov.uk/publications/planningandbuilding/circular012010

Local Authority Building Control Accounting Guidance for England and Wales (Fully Revised Second Edition 2010) (2010)

<http://secure.cipfa.org.uk/cgibin/>

cipfa.storefront/4bf3b28f07356f06273f3efdf407064d/Product/View/PUBAC086

Risk assessment decision making tool for building control bodies - Final draft risk assessment guidance

www.communities.gov.uk/publications/planningandbuilding/draftriskassesmet

APPENDIX 1

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES AND ASSOCIATED MATTERS

FOR

TAUNTON DEANE BOROUGH COUNCIL

**TO BE READ IN CONJUNCTION WITH
THE BUILDING [LOCAL AUTHORITY CHARGES] REGULATIONS
2010**

Date this Scheme came into effect **1st October 2010**

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

Definitions

The following definitions apply to this Charging Scheme and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:

'building'

means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

'building notice'

means a notice given in accordance with regulations 12(2A) and 13 of the Building Regulations 2000 (as amended).

'building work' means:

- a) the erection or extension of a building;
- b) the provision or extension of a controlled service or fitting in or in connection with a building;
- c) the material alteration of a building, or a controlled service or fitting;
- d) work required by building regulation 6 (requirements relating to material change of use);
- e) the insertion of insulating material into the cavity wall of a building;
- f) work involving the underpinning of a building;
- g) work required by building regulation 4A (requirements relating to thermal elements);
- h) work required by building regulation 4B (requirements relating to a change of energy status);
- i) work required by building regulation 17D (consequential improvements to energy performance);

'chargeable function' means a function relating to the following –

- a) the passing or rejection of plans of proposed building work which have been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- b) the inspection of building work for which plans have been deposited with the council in accordance with the Building Regulations 2000 (as amended) and with section 16 of the Building Act 1984 (as amended)
- c) the consideration of a building notice which has been given to the council in accordance with the Building Regulations 2000 (as amended)
- d) the consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended)
- e) the consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2000 (as amended).

'cost' does not include any professional fees paid to an architect, quantity surveyor or any other person.

'dwelling' includes a dwelling-house and a flat.

'dwelling-house' - does not include a flat or a building containing a flat.

'flat' - means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

'floor area of a building or extension' - is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

'relevant person' means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'

Principles of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building: -
 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Building (Approved Inspectors etc) Regulations 2000, or
 2. In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Building (Approved Inspectors etc) Regulations 2000, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the authority in accordance with Regulation 21 of the Building Regulations 2000 (As Amended)

- **Chargeable advice**, Taunton Deane Borough Council can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (ie before an application or notice is received for a particular case), which is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (ie the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.
- The above charges are payable by the relevant person.
- Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicant and an authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:
 1. The existing use of a building, or the proposed use of the building after completion of the building work;
 2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations 2000 (as amended);
 3. The floor area of the building or extension;
 4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
 5. The estimated duration of the building work and the anticipated number of inspections to be carried out;
 6. The estimated cost of the building work;
 7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations 2000 (As amended) (i.e. related to competent person/self certification schemes);
 8. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
 9. Whether a full plans application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
 10. Whether a full plans application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;

11. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions

- Where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is constructed at the same time as the dwelling.
- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

Exemption from charges

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely-

- a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of-

- a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b) the provision of extension of a room which is or will be used solely-
 - i. for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - ii. for the storage of medical equipment for the use of the disabled person, or
 - iii. to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

- a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.

Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed

Information required to determine charges

If the authority requires additional information to enable it to determine the correct charge, the authority can request the information under the provisions of regulation 9 of The Building (Local Authority Charges) Regulation 2010.

The standard information required for all applications is detailed on the authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use of competent persons or Robust Details Ltd.
- Any accreditations held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

Establishing the Charge

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

If the building work being undertaken is not listed as a standard charge it will be individually determined in accordance with the principles and relevant factors contained within The

Building (Local Authority Charges) Regulation 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of The Building (Local Authority Charges) Regulation 2010. Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulation charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the aforementioned charges regulations it has taken into account in establishing an individually determined charge.

- A reversion charge
- The building work is in relation to more than one building
- Any other building work not shown in Tables A to D

Where more than one standard charge applies to the building work and, with the agreement of the relevant person, the authority will establish the charge by individually determining the charge.

Other matters relating to calculation of charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of **£49.99** has been used. This same rate will be used for charging for chargeable advice in relation to an application that has not yet been submitted.
- Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge. Regularisation and reversion charges are not subject to VAT.
- Charges are not payable for the first hour when calculating an advice charge.
- The authority accepts payment by instalment in respect of all building work where the total charge exceeds £ 5,000. The authority on request will specify the amounts payable and dates on which instalments are to be paid.
- All charges are calculated on the basis of the works shown on the plan being constructed within 1 year of commencement of works. If the project takes longer than this Taunton Deane Borough Council may adjust the Inspection Charge or Building Notice Charge when increased costs have been incurred.

Reductions

The authority shall make a reduction in a standard or individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed

building work, which is likely to result in less time being taken by the local authority to perform the chargeable function for that work.

Where in accordance with Regulation 7(5)(i) of the charges regulations one application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other are submitted at the same time a 50% reduction in the standard plan charge will be made or a 25% reduction in the Building Notice charge will be made.

Where in accordance with Regulation 7(5)(j) of the charges regulations an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority, a 50% reduction in the plan charge or 25% reduction in the Building Notice will be made.

Reduced charges are shown in the tables of standard charges and reduced charges will also be made in relation to individually assessed charges when work, or the relevant part of the work, has been, or is intended to be carried out by a person mentioned in regulation 12(5) or 20B(4) of the Principal Regulations in respect of that part of the work, (*i.e. competent person/self-certification schemes or other defined non-notifiable work*).

Refunds and supplementary charges

If the basis on which the charge has been set or determined changes, Taunton Deane Borough Council will refund or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated.

In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

Examples where a supplementary charge may be made include where there are major variations to the original project design or where a significant number of increased inspections arise from those which were originally anticipated. The numbers of inspections that a particular project will receive are calculated on the assumption that the builder carrying out the works is competent to do so.

Non-Payment of a Charge

Your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the authority will also pursue any non-payment of a charge

Complaints about Charges

If there is a complaint about the level of charges this should initially raise their concern with the relevant officer. The council has a comprehensive complaint handling process. If the

complaint is not satisfactorily responded to by the officer concerned, details of how to resolve the complaint is available on request and can be viewed on the council's web site
<http://www.tauntondeane.gov.uk/irj/public/council/consultations/consultation?rid=/guid/40549000-aa59-2c10-7984-ac4222585a99>

Transitional Provisions

The Council's scheme for the recovery of charges dated 1st April 2010 continues to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application is made, between 1st April 2010 and 1st October 2010 (inclusive).

STANDARD CHARGES

These standard charges have been set by the authority on the basis that the building work does not consist of, or include, innovative or high risk construction techniques (details available from the authority) and/or the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables, that they are undertaking. If not, the work may incur supplementary charges.

If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the authority then a reduction to the standard charge will be made.

Full Plans Charges

The combined plan and inspection charge are listed in the following tables.

Building Notice Charge

Where building work is of a relatively minor nature the Building Notice charge is the same as the total plan and inspection charge. In relation to more complex work the time to carry out the building regulation function is higher and the resultant additional costs of using the Building Notice procedure results in the higher charge as detailed in the following tables.

Reversion Charge

These charges will be individually determined

Regularisation Charge

The charge is listed in the following tables.

TABLE A

STANDARD CHARGES FOR THE CREATION OR CONVERSION TO NEW HOUSING INCLUDING FLATS AND APARTMENTS

Table A – New Dwellings			
No.	Previous charge from 1st April – 30th September 2010 £ Net	Proposed new Charge £ Net	Variation %
1	596	638	+ 7.00
2	894	936	+4.70
3	1191	1191	0.00
4	1362	1362	0.00
5	1532	1532	0.00
6	1702	1702	0.00
7	1830	1830	0.00
8	1957	1957	0.00
9	2085	2085	0.00
10	2213	2213	0.00
11	2340	2340	0.00
12	2468	2468	0.00
13	2596	2596	0.00
14	2723	2723	0.00
15	2851	2851	0.00
16	2979	2979	0.00
17	3106	3106	0.00
18	3234	3234	0.00
19	3362	3362	0.00

Notes for Table A

1. For 20 or more dwellings or if the floor area of any dwelling exceeds 300m² the charge is individually determined
2. The Building Notice Charge is the sum of the plan charge and inspection charge + 25% (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge)
3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT. (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge +20%)

TABLE B

STANDARD CHARGES FOR DOMESTIC EXTENSIONS & BUILDING WORKS TO A SINGLE BUILDING

Schedule B – Domestic Works			
Type of Work	Previous charge from 1st April – 30th September 2010 £ Net	Proposed Charge £ Net	Variation
Single storey Extension <10m ² (*)	298	298	0.0
Single storey Extension 10m ² - 40m ² (*)	460	409	-11.1
Single storey Extension 40m ² - 80m ² (*)	(**)	443	-
Multi storey Extension <40m ² (*)	460	468	+1.7
Multi storey Extension 40m ² - 120m ² (*)	(**)	545	-
Multi storey Extension 120m ² - 200m ² (*)	(**)	579	-
Loft Conversion >40m ² (*)	460	383	-16.7
Loft Conversion 40m ² - 100m ² (*)	(**)	409	-
Garage/carport <100m ²	(**)	255	-
Garage conversion	(**)	234	-
Partial glazing (up to 6 windows)	64	64	0.0
Total glazing (up to 20 windows)	128	128	0.0
Electrical installation	128	153	+19.5
Renovation of thermal elements, such as wall, floor or roof for work up to £20,000	(**)	153	-

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10% (the charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge)

(**) No equivalent previous charge

Notes for Table B:

1. Where part of an extension is single storey and part is two-storey the charge for a two storey extension will be applied.
2. Where a first floor extension is constructed over an existing single storey structure the charge applied is that for a single storey extension of the same floor area.
3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT. (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge +20%)
4. For domestic work up to £75,000 (but not covered in Table B) refer to Table C

TABLE C

STANDARD CHARGES FOR DOMESTIC ALTERATIONS TO A SINGLE BUILDING

Table C – Domestic work not fall within the above categories			
Estimated Cost £	Previous charge from 1st April – 30th September 2010 £ Net	Proposed Charge £ Net	Variation %
Up to 2,000	128	128	0.0
2,001 – 5,000	191	170	-11.1
5,001 – 10,000 (*)	255	255	0.0
10,001 – 15,000 (*)	319	319	0.0
15,001 – 20,000 (*)	383	383	0.0
20,001 – 25,000 (*)	447	447	0.0
25,001 – 30,000 (*)	510	489	-4.1
30,001 – 35,000 (*)	553	532	-3.8
35,001 – 40,000 (*)	596	574	-3.7
40,001 – 45,000 (*)	638	617	-3.1
45,001 – 50,000 (*)	681	660	-3.1
50,001 – 55,000 (*)	723	702	-2.9
55,001 – 60,000 (*)	766	745	-2.7
60,001 – 65,000 (*)	809	787	-2.7
65,001 – 70,000 (*)	851	809	-4.9
70,001 – 75,000 (*)	894	830	-7.2

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10% (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge)

Notes for Table C:

1. Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000
2. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT. (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge +20%)

TABLE D

OTHER, NON DOMESTIC WORK - EXTENSIONS AND NEW BUILD

Table D – Other Works			
Estimated Cost £	Previous charge from 1st April – 30th September 2010 £ Net	Proposed Charge £ Net	Variation %
Up to 2,000	128	128	0.0
2,001 – 5,000	191	213	+11.5
5,001 – 10,000	255	234	-8.2
10,001 – 15,000	319	298	-6.6
15,001 – 20,000	383	383	0.0
20,001 – 25,000	447	447	0.0
25,001 – 30,000	511	511	0.0
30,001 – 35,000	553	553	0.0
35,001 – 40,000	596	596	0.0
40,001 – 45,000	638	638	0.0
45,001 – 50,000	681	681	0.0
50,001 – 55,000	723	723	0.0
55,001 – 60,000	766	766	0.0
60,001 – 65,000	809	809	0.0
65,001 – 70,000	851	851	0.0
70,001 – 75,000	894	894	0.0

Notes to Table D

- 1 Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000
- 2 The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT. (The charge from 1st April – 30th September 2010 was the sum of the plan charge and the inspection charge +20%)
- 3 Building Notice applications are not appropriate for non-domestic work.

Taunton Deane Borough Council

Executive – 15 September 2010

Policy to protect the future use of the Gaumont Theatre building, Corporation Street, Taunton

Report of the Strategy Manager

(This matter is the responsibility of Executive Councillor Norman Cavill)

1. Executive Summary

1.1 The Gaumont Theatre Building (currently the Mecca Bingo Hall) has been identified as a potential building in the future for expanding Taunton's cultural offer as a Centre for Arts and Entertainment, including use as a Theatre, by offering an excellent site as a live performing and touring venue. The Council is therefore recommending it states these cultural ambitions in its Cultural Strategy, Town Centre Area Action Plan (when reviewed) and Core Strategy to add weight to future planning decisions, were this opportunity to arise.

2 Background

2.1 A presentation was made to members by the 'Project Gaumont' group at Community Scrutiny on 2 March 2010 to explore the prospects of one day returning the Gaumont Theatre building back into use as a Centre for Arts and Entertainment. The aspiration was also supported by representatives from The Theatres Trust and the Cinema Theatre Association.

2.2 The building is currently owned by Rank and is used as the Mecca Bingo Hall, a popular venue in Taunton, serving a local community membership of around 1,300 people per week.

2.3 Representatives at the meeting stated that the Listing Building status did not afford the building adequate protection from future re-development and that additional policies were needed to provide further protection.

2.4 The 'Project Gaumont' group described the cultural and economic advantages that bringing the building into use as a Centre for Arts and Entertainment could bring to the town and they suggested that both the Brewhouse Theatre and the Gaumont Theatre could be run concurrently.

2.5 The recommendation of the Community Scrutiny Committee was:
"Resolved that the Executive be recommended to support the long term use

of the Gaumont Theatre for performance and to take any steps that it could to support its long term use for performance, through planning policy.”

3 Existing Planning Status

3.1 The current use for this building is D2 – “Assembly and Leisure’ (includes Cinema, Concert Hall, Bingo Hall, Dance Hall, Swimming Bath, Skating Rink, Gymnasium, or area for indoor or outdoor sports and recreation, not involving motor vehicles or firearms”. This provides significant planning protection to ensure that the building is only used for D2 purposes. Any change to the established use of the building would require a planning application and the required justification for that change of use. The recommendations of this report are that the case for its future use as a Centre for Arts and Entertainment / Theatre is strengthened by policy statements from the Council, stating this as a Council aspiration for the building.

3.2 Planning Policy Statement 4 (PPS4) ‘Planning for Sustainable Economic Growth’ encourages a diverse range of cultural, leisure and recreation facilities in appropriate existing centres where sites or buildings for conversion are or are likely to become available within the plan period. This can be applied to the Gaumont Theatre adding further weight for this building to continue to be used in future for D2 purposes and ideally as a Centre for Arts and Entertainment or as a Theatre.

3.3 The building already has significant protection of its exterior and interior due to its listed status. Any physical changes to the building that affects its special architectural significance will require Listed Building Consent. This provides further protection from changes including subdivision.

3.4 The Council can only provide a policy steer and describe its cultural aspirations for the Gaumont Theatre. This would then be considered during any future sale of the building or planning application.

4 Proposals to strengthen policies on the building

4.1 That the Council should publicly declare its cultural ambitions by updating its Cultural Strategy to include reference to the continued use of the Gaumont Theatre as a Class D2 building and its ambition to protect and promote the building as a Centre for Entertainment and Arts with potential future use as a theatre. Proposed wording for this is shown in Appendix A.

4.2 The aspirations for the Gaumont Theatre building be formalised in the Town Centre Area Action Plan when this is reviewed in 2012.

4.3 To include a statement in the Council’s Core Strategy reinforcing our cultural ambitions and the wish to support theatres in Taunton and Taunton Deane

and to identify and support suitable buildings. The Core Strategy is a high level strategic document and it would not be appropriate to include a single building policy.

5 Finance Comments

5.1 The proposals of this report are policy proposals only and have no financial impact on the Council.

6 Other Comments

6.1 The Strategy Manager sent a copy of this draft report with a letter asking for comments, to the following organisations:

- Davina Warden, Manager of Taunton Mecca Bingo Hall
- Tony Robinson, Rank Director of Property
- Mark Price, Planning and Heritage Adviser, The Theatres Trust
- Paul Birch, Chair of Brewhouse Theatre
- Ian Franklin, Project Taunton

Comments have been attached as Appendix B

7 Links to Corporate Aims

7.1 Protection of this building will ensure cultural entertainment remains in the town and will make a major contribution to the vitality of the town centre, supporting growth and regeneration.

8 Equalities Impact

8.1 Any future change of use to the building would be required to consider equalities and access legislation.

9 Recommendations

9.1 The Executive is requested to approve the proposed policy measures identified in paragraphs 4.1, 4.2 and 4.3.

Contact:

Simon Lewis, Strategy Manager

Direct Dial No 01823 356397

e-mail address: s.lewis@tauntondeane.gov.uk

Appendix A

Proposed wording to include in Council's Cultural Strategy:

"The Council has considered the long-term future of the Gaumont Theatre, currently used as a bingo hall (Class D2). It is an ambition and strategic objective of the Council to protect and promote the building for Entertainment and cultural use and potentially as a theatre."

"The Gaumont Theatre has been identified as a suitable building for expanding Taunton's cultural offer as a live performance and large touring venue to accompany the Brewhouse. A large touring venue such as this along with the Brewhouse, meet the Council's cultural aspirations and provide an environment for a sustainable community, offering social, cultural, environmental and economic benefits as well as regeneration. These buildings would make a major contribution to the vitality of town centres, helping attract and retain well-qualified people and businesses and with visiting audiences providing regular custom for local bars and restaurants outside normal working and shopping hours. This is only possible if potential sites are identified and become available, which is why the Council has declared its support for the Gaumont Theatre as such a site."

Website link for Cultural Strategy:

http://sومersetcultureonline.co.uk/Local_Authorities/Taunton_Deane

Appendix B

Comments received from stakeholders

The following organizations were written to with a copy of this draft report and a request for their comments. Letters were sent on the 30th July 2010, with reminder letters sent on 24th August.

1. Manager of Mecca Bingo Hall, Taunton
2. Director of property, Rank
3. The Theatres Trust
4. Chair of Brewhouse Theatre
5. Project Taunton

Responses Received:

Mecca Bingo Hall

No response received

Rank

No response received

The Theatres Trust

“Thank you for sending the Trust a copy of the report. I think it is very well written and I am pleased that Taunton Deane Borough Council is taking this approach with the protection and promotion of the Gaumont.”

Brewhouse Theatre

“The Board of Trustees of the Brewhouse Theatre and Arts Centre support any and all moves to expand and enhance the provision of culture in Taunton. The Gaumont Theatre building offers the potential of a venue that would be able to host arts and entertainments that no other venue in Taunton can. Since the building has a capacity many times that of the Brewhouse it would complement the Brewhouse, whether in our existing 350 seat or in an expanded state. So far as we know Rank have no plans to vacate the building but we welcome the notion of protecting the site should they choose to do so in the future. There are some structural limitations to the building and there are some concerns over the business viability of operating such a large venue at a profit in a regional market. That said, we would offer our full support to anyone choosing to try.”

Project Taunton

Ian Franklin responded with the following observations:

“A study has been carried out to see how feasible it would be to convert the building into a theatre to replace the Brewhouse. As a result of the listing both inside and out it would be almost impossible to split it into smaller performance

space and the 1600 seat capacity is just too big for a theatre or a multiplex cinema. The basement floods quite badly and the Theatre Development Study shows the cost of conversion into even an inappropriate theatre would be prohibitive.

Our view is that the existing use is not making the best of the building. We will probably need to re-house the library when the retail scheme goes ahead and we like the idea of investigating a free standing structure in this building which could provide library and other public space, and this could incorporate a gallery, without compromising the interior listing.

This is such a difficult building to redevelop or refurbish that I would not recommend being over protective of its future.”

Project Taunton also sent an extract from the Taunton Theatre Development Study which looked at the feasibility of developing the Gaumont building into a theatre to replace the Brewhouse Theatre.

Extract from TAUNTON THEATRE DEVELOPMENT STUDY, Options Appraisal and Feasibility Study January 2008. Produced by Alun Bond of Artservice.

5.3 Option 3 Development of Another Building

This option depends on the existence and availability of an alternative building and, in particular, the former Gaumont Cinema (now a Mecca bingo hall). No other buildings of suitable scale or location have been identified. Our research has revealed that the building is currently leased by Mecca (which sold it to a commercial owner about 18 months ago) until 2021 and there are no firm plans to replace the building, despite local management being keen to re-locate to another site.

Furthermore, the bingo market is experiencing a downturn and Mecca would be reluctant to invest £3.5m, the cost of setting up a new bingo hall, in a replacement facility at present. It is not impossible that Mecca might surrender the lease if an attractive commercial deal could be arranged, though this might require a major payment to the company.

The Gaumont is a Grade II listed building and was a 1725 seat entertainment and cinema venue and retains many of its original features. Stage width is 74 ft with a depth of 21 feet (which is too shallow for major touring shows, musicals, opera etc). It also has a fly tower (this may not be full height). It is estimated that up to £10m would need to be invested in the building to return it to its role as a live venue. Despite this there would be commercial interest in such a venture given the seating capacity. We have already spoken to the three main regional commercial theatre operators, two of whom were interested in the venue in principle.

In our view the Gaumont would not be a suitable replacement for the Broomfield. Its main auditorium is too large for the range of programme currently presented and is most suitable for rock and pop music events and other types of large-scale commercial entertainment. The auditorium is listed and in our view conversion into separate smaller spaces would be inappropriate and unlikely to achieve planning permission.

The Gaumont should therefore be viewed as a potential distinct and separate scheme to be taken forward in partnership with the private sector. This might be considered in the context of other developments and opportunities in the Castle Green area and in relation to the adjacent Michael Paul House (currently occupied by the Inland Revenue).

13/10/2010, Report:Firepool Compulsory Purchase Order

Reporting Officers:Joy Wishlade

13/10/2010, Report:Annual Scrutiny Report of the Task and Finish Reviews

Reporting Officers:Erin Taylor

13/10/2010, Report:Southwest One Procurement Strategy

Reporting Officers:Paul Harding

13/10/2010, Report:County-wide Civil Parking Enforcement Project

Reporting Officers:John Lewis

13/10/2010, Report:Employment land off Bindon Road, Taunton

Reporting Officers:Adrian Priest

**13/10/2010, Report:Taunton Deane Core Strategy - Affordable Housing
Position/Target**

Reporting Officers:Nick Bryant

10/11/2010, Report:Review of Essential Users and Car Allowances

Reporting Officers:Martin Griffin

10/11/2010, Report:Quarterly Corporate Performance/Finance Update (Quarter 2)

Reporting Officers:Dan Webb

10/11/2010, Report:Control of parking on TDBC Public Spaces

Reporting Officers:Joy Wishlade

**10/11/2010, Report:Approval of Supplementary Planning Document for High Street,
Taunton area**

Reporting Officers:Tim Burton

10/11/2010, Report:Review of Housing Propert Service

Reporting Officers:James Barrah

10/11/2010, Report:Taunton Town Centre Supplementary Planning Document

Reporting Officers:Tim Burton

01/12/2010, Report:Proposed publication of the Taunton Deane Core Strategy

Reporting Officers:Ralph Willoughby-Foster

**01/12/2010, Report:Treasury Management Update 2010/2011 and Minimum Reserve
Position for 2010/2011**

Reporting Officers:Lizzie Watkin

01/12/2010, Report:Fees and Charges 2011/2012

Reporting Officers:Maggie Hammond

01/12/2010, Report:savings Delivery Plans 2011/2012

Reporting Officers:Maggie Hammond

07/12/2010, Report:Proposed Regeneration of the Halcon Area of Taunton

Reporting Officers:Lesley Webb

19/01/2011, Report:Council Tax Base 2011/2012

Reporting Officers:Paul Fitzgerald

16/02/2011, Report:Quarterly Corporate Performance/Finance Update (Quarter 3)

Reporting Officers:Dan Webb

16/02/2011, Report:Corporate Strategy - Refresh

Reporting Officers:Mark Leeman

16/02/2011, Report:General Fund Revenue Estimates 2011/2012

Reporting Officers:Paul Fitzgerald

16/02/2011, Report:Housing Revenue Account, Revenue Estimates and Rent Levels and Deane Helpline for the 2011/2012 Financial Year

Reporting Officers:Paul Fitzgerald

16/02/2011, Report:Capital Programme 2011/2012 onwards

Reporting Officers:Paul Fitzgerald

16/02/2011, Report:Council Tax Setting 2011/2012

Reporting Officers:Paul Fitzgerald