

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 24 March 2016 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Executive held on 9 March 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disposable Pecuniary Interests and personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Executive are shown in the attachment.
- 5 Land at Creedwell Orchard Housing Estate, Milverton Option Agreement - Proposed extension of the Trigger Date. Report of the Principal Estates Surveyor (attached).

Reporting Officer: Adrian Priest

- 6 Executive Forward Plan - details of forthcoming items to be considered by the Executive and the opportunity for Members to suggest further items (attached)

Bruce Lang
Assistant Chief Executive

17 March 2016

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Executive Members:-

Councillor M Edwards	(Business Development and Asset Management and
Communications (Deputy Leader))	
Councillor J Warmington	(Community Leadership)
Councillor R Parrish	(Corporate Resources)
Councillor P Berry	(Environmental Services & Climate Change)
Councillor T Beale	(Housing Services)
Councillor J Williams - Leader of the Council	(Leader of the Council)
Councillor R Habgood	(Planning Policy and Transportation)
Councillor C Herbert	(Sports, Parks and Leisure)

Executive – 9 March 2016

Present: Councillor Williams (Chairman)
Councillors Beale, Berry, Habgood, Mrs Herbert, Parrish and
Mrs Warmington

Officers: Shirlene Adam (Director – Operations), James Barrah (Director – Housing and Communities), Lucy Clothier (Housing Accountant), Jo Humble (Housing Development and Enabling Manager), Tim Child (Asset Manager), Simon Lewis (Assistant Director – Housing and Community), Angela Summers (Housing and Community Project Lead), Christine Gale (Strategy Officer) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge and Coles
Anne Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 6.15 pm.)

11. Apology

Councillor Edwards.

12. Minutes

The minutes of the meeting of the Executive held on 4 February 2016, copies of which had been circulated, were taken as read and were signed.

13. Declarations of Interest

Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Parrish declared a personal interest as the District Councils' representative on the Somerset Pensions Committee.

14. Housing Revenue Account Business Plan Review

Considered report previously circulated, which sought to update Members on the progress of the Housing Revenue Account (HRA) Business Plan Review

The Business Plan contained the aims and objectives for the HRA and was first put in place in 2012. Annual reviews had since been reported to Members and tenants.

Since its introduction, there had been a number of significant changes to the Business Plan, both internal to the Council, and external. A comprehensive review

was now needed to ensure that the HRA continued to meet the needs of tenants within the financial constraints.

The Business Plan Review included:-

- Refreshing and reviewing the baseline financial position, including a health check of the stock investment data;
- Undertaking sensitivity and stress testing of the Business Plan to support the modelling of future decision making in areas such as rent policy, the major works programme, the housing development pipeline and regeneration projects, changes in Government Policy and demographic changes ahead;
- Reviewing the Business Plan priorities and objectives;
- Updating the Business Plan document, financial modelling and debt profiling;
- The development of a new Asset Management Plan to set a refreshed course based on the performance of the Council's existing stock; and
- A Development Strategy that would provide the future direction for new build volumes set against the regeneration of our non-traditional stock.

Noted that the company Savills had been appointed to provide external support and challenge for this work. The intention was for the Business Plan Review to refresh the priorities of the HRA and financial position over a new 30 year period – from 2016/2017 through to 2045/2046.

Further reported that a discussion paper prepared by Savills, in conjunction with officers, had been circulated with the report for the information of Councillors.

The paper contained details of the updated financial position, performance against the Business Plan priorities, and proposals for new objectives and an updated action plan. It also included five key areas of discussion as follows:-

- (1) What should be the core business of the Housing Service, and were the priorities in the draft action plan appropriate to deliver this?
- (2) What priority should be given to improving the customer experience of Housing Services, and which were the most effective and efficient actions to achieve this?
- (3) How should limited financial resources be prioritised to support sustainable investment in each of the following:-
 - Capital spend – investment in existing stock;
 - New build programme; and
 - Revenue spend - including wider community priorities.
- (4) Should the Council consider products that were closer to the market such as Intermediate or Affordable Rent in order to generate additional income?
- (5) What was the Council's appetite for repaying or increasing its debt?

The discussion paper had been considered in detail at the recent meeting of the Community Scrutiny Committee and consultations had also been undertaken with the Tenant Services Management Board, the Tenants Forum and all staff members in the Housing and Communities Directorate.

Although a detailed summary of the key points and responses received was circulated with the report, the main conclusions which could be drawn from those responses were as follows:-

- The Council's core business should be social rented housing for the most vulnerable in our communities;
- The proposed new objectives were appropriate;
- Much could be done to improve the customer experience of the Housing Service;
- Subject to certain continuing commitments regarding repairs and maintenance service standards, on balance it would be acceptable to prioritise new build over some maintenance spend;
- However, understandably tenant groups would not want the standards in Taunton Deane's existing housing to fall, and it was felt that more could be done to make better use of the current repairs and maintenance spend in order to free up resources;
- There was an appetite to look at housing products that were closer to the market in order to generate additional income on new build/regeneration schemes; and
- There was an acceptance and agreement that our current approach to debt repayment would have to be revised, based on treasury management advice, to achieve a viable Business Plan and protect services.

Reported that a large scale stock condition survey of Taunton Deane owned housing was currently underway. The results of this were expected to be received by early April, and would 'feed in' to the overall financial position relating to the HRA Business Plan.

Following the completion of the survey, regular sessions and briefings were being planned with both Members and tenants culminating in recommendations being made to Full Council in July 2016 as to the approval of a revised Business Plan.

Resolved that:-

- (1) The report, particularly the key points and responses received to the recent consultation, be noted and supported;
- (2) The Areas for Discussion (1) and (4) be linked in such a way that any further income generated would be available to support the core business of the Housing Service; and
- (3) The provision of more new build/regeneration schemes also be supported.

(Councillor Williams left the meeting at 7 p.m. Councillor Mrs Herbert took the Chair for the remainder of the meeting.)

15. **Community Asset Transfer Policy**

Considered report previously circulated, concerning details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer Policy.

Implementation of the Community Asset Transfer (CAT) Policy had commenced in July 2014.

The draft Policy was sent out for consultation in August / September 2014 to local Community Groups, Town / Parish Councils and libraries for comment. The result of the consultation came back with various concerns as follows:-

- a) The Policy was too long and complicated;
- b) It focused on transfers only by way of leasing out property;
- c) There was no indicative timetable for progress of a CAT application;
- d) It seemed to focus on the transfer of non-profitable assets and merely for community bodies to take on the cost of maintaining and running them;
- e) The Policy also appeared to have too much Council control with the Council being able to take back the asset if a use was found which could make it viable; and
- f) It was not in the spirit of the Localism Act.

Following on from this response, the decision was taken to comprehensively reassess the draft Policy to take into account the issues that had been raised. It was also decided to look at the CAT Policies already adopted by other Councils and establish what factors they had taken into consideration when drafting them.

The result of this was that the original draft Policy had been redrafted and consulted upon to a widened list of consultees which comprised:-

- o Councillors: County, Town and Parish as well as the Member of Parliament (approximately 106);
- o Education Organisations (approximately 2);
- o Faith Groups/Churches (approximately 43);
- o Internal Officers (approximately 15);
- o Partner Organisations (approximately 12); and
- o Voluntary and Community Organisations (approximately 165).

The consultation – which took place between 9 November 2015 and 15 January 2016 – had had a wide exposure, seeking to obtain representative views of the public.

The Council had received a total of 27 responses giving a response rate of 7.9%. Details of the responses were set out in the report.

The key themes of the consultation concerned:-

- (i) Whether the consultee believed that the Policy would deliver wider public benefits as part of a CAT process;
- (ii) Whether the consultee believed the Policy would achieve the Council's Corporate Aims and Values;
- (iii) Agreement as to the principles underlying the Policy which sought to involve local communities, to provide a pro-active asset management programme as well as giving clear transparency in decision making. Consultees were asked whether these principles would help the Council achieve a successful CAT Policy; and
- (iv) Acceptance of the application criteria set out in the CAT Policy.

Each of these key themes had attracted support in excess of 60%. Details of

various concerns expressed by some of the consultees were set out in the report. Although it was generally apparent that the majority of the consultees were supportive of the Council transferring assets, there was concern about continuing liabilities, lack of ongoing support from the Council but a continuing 'interest' in the land by the Council. Others believed that assets should be retained by the Council.

As a result of the consultation, a number of amendments had been made to the proposed CAT Policy.

Noted that the transfer of assets to community groups would have the potential to create opportunities for these groups to commission Deane DLO or other services to support them post transfer.

Reported that this matter had been considered by the Community Scrutiny Committee on 1 March 2016 where the CAT Policy was supported.

Resolved that Full Council be recommended to adopt the Community Asset Transfer Policy and the Initial Expression of Interest Form.

16. **Corporate Equality Objectives 2016-2019**

Considered report previously circulated, concerning the updating of the Corporate Equality Objectives for both Taunton Deane Borough Council and West Somerset Council.

The Equality Act 2010 covered the following protected characteristics:-

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation.

The Corporate Equality Objectives document outlined how the Council built equality into commissioning, procurement and delivering services and how the Council:-

- (a) Provided direction for the Council's Members, managers and employees with clear equality objectives;
- (b) Provided the basis for actions to be embedded within all service plans;
- (c) Document how the Council would meet its statutory public duties in regard of the Equality Act 2010 and the public sector equality duty; and
- (d) Utilised the Equality Impact Assessment (EIA) process to ensure consideration of impact on groups with protected characteristics. These considerations were built into the design process of all changes to services and were fully considered by Members in the decision making process.

The Council took the approach that equalities should be mainstreamed within all service areas and should not be the sole responsibility of one officer. The following Corporate Equality Objectives reflected this approach specifically in the Council's role as a service provider, employer, purchaser of goods and services and elected community leader:-

- **Objective 1**: Councillors would fully consider the equality implications of all decisions they made.
- **Objective 2**: Those with protected characteristics felt empowered to contribute to the democratic process that affected them; their input to be used to inform the planning and delivery of services.
- **Objective 3**: Communities with protected characteristics were able to access services in a cost effective and appropriate way – for example through the provision of interpreting or translation services or signing for residents who were deaf or blind.
- **Objective 4**: Actions were taken to identify and reduce any inequalities faced by employees.

Copies of the proposed Corporate Equality Objectives 2016-2019 and Action Plan, the Interpreting and Translation Policy and the British Sign Language Charter for Somerset were submitted for the information of Members

The objectives would be implemented through a Corporate Equality Action Plan which would be regularly monitored to ensure equality risks were being assessed and that actions worked toward achieving the aims of the Corporate Equality Objectives.

Noted that Equality Impact Assessments would be monitored via six monthly 'spot checks' undertaken by the Housing and Community Team.

Further reported that consultation on the proposed Corporate Equality Objectives had been carried out with partners and other key stakeholders, including the countywide consultation event on 17 September 2015. Key findings from this consultation were detailed in the report.

The objectives aimed to improve the lives of the residents in Taunton Deane and would support the Council's legal requirements outlined in the Equality Act 2010 and the public sector equality duty 2011.

During the discussion of this item it was considered that additional training – whether through e-learning modules or through a more traditional means – should be provided for Members. Reference was also made to the Makaton form of Sign Language which should also be an option for those local residents who were deaf or hearing impaired who wished to communicate with the Council.

Resolved that the:-

- (a) Corporate Equality Objectives 2016–2019 and Action Plan;
- (b) Interpreting and Translation Policy; and

(c) British Sign Language Charter for Somerset;
all be adopted.

17. **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 7.31 p.m.)

Usual Declarations of Interest by Councillors

Executive

- **Employee of the Department of Work and Pensions – Councillor Mrs Herbert.**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College.**
- **District Council’s representative on the Somerset Pensions Committee – Councillor Richard Parrish.**

Taunton Deane Borough Council

Executive – 24 March 2016

Land at Creedwell Orchard Housing Estate, Milverton

This matter is the responsibility of Councillor John Williams, Leader of the Council

Report Author : Adrian Priest, Principal Estates Surveyor

1 Executive Summary / Purpose of the Report

The purpose of this report is to consider and obtain approval to vary an Option Agreement with S Notaro Limited (SNL) for the purchase of land at Creedwell Orchard Housing Estate, Milverton by extending the “Exercise Period”.

2 Recommendations

- 2.1 The Executive is recommended to approve the extension of the “Exercise Period” currently 120 days from the “Trigger Date” within the Option Agreement by a further period of six months.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
If the Exercise Period on the trigger date is not extended an appeal against a recent refusal of a planning application may be made by Notaro resulting in time and costs to the Council in defending the appeal and a delay in obtaining a potential significant capital receipt	5	4	20
<i>The mitigations for this are to extend the Exercise Period in the Option Agreement</i>	2	4	8

Risk Scoring Matrix

Like liho	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
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	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 An Option Agreement was entered in to with SNL on 27 February 2014 for a period of 10 years following Executive approval given at its meeting on 13 July 2013.
- 4.2 The terms of the Agreement provided that the option had to be exercised within 120 days (Option Period) of either:-
- the determination of the Town and Village Green Application (T&VGA) made by a Local Community Group in respect of the land owned by SNL (which was withdrawn on 3 July 2014); or
 - the date of the determination of a planning application made by SNL for an alternative development scheme using the Council's land as an access, including statutory periods of time for the determination of any appeals or judicial reviews (Trigger Date). The absolute longstop date for the exercise of the option is 12 years from the date of the Option Agreement.
- 4.3 Before the T&VGA was withdrawn, a planning application for an alternative development scheme was submitted by SNL on 18 March 2014 which has been determined and a Notice of Refusal was issued by the Council as planning authority on 15 October 2015. Statute provides that an applicant has a period of six months in which to submit an appeal against the planning decision.

- 4.4 In accordance with the current terms of the Option Agreement the “Trigger Date” is considered to be 15 October 2015. SNL has 120 days from this date to exercise the option to purchase the Council’s land unless an appeal against the decision of the planning application or a new application is received from SNL by 13 April 2016. In the absence of any appeal against the planning decision it is further considered that the option to purchase the Council’s land would have lapsed on 13 February 2016.
- 4.5 Since the completion of the Option Agreement it has come to light that the formula for the sale price of the Council’s land is based upon inappropriate valuations. This is as a result of incorrect information having been provided by SNL from the outset which was relied upon by both the Council and external valuers.
- 4.6 Further external valuation advice has been sought from the Valuation Office Agency (VOA) and it has been instructed to negotiate a revised option sale price formula with SNL based upon the correct floor areas of the extant scheme, which have been verified by the Council and the VOA. The outcome of this will be reported to the Executive separately in due course with a view to obtaining approval to amend the sale price formula and any other terms of the Option Agreement, as considered appropriate in due course.
- 4.7 In the circumstances, therefore, it is considered appropriate to allow the Exercise Period within the Option Agreement to be extended by a period of six months in the absence of any appeal or new planning application being made by SNL by 13 April 2016. This will allow time for the revised sale price formula to be negotiated and should negate the need for the Council to deal with a planning appeal to effectively extend the Option Trigger Date if the extant scheme is to be ultimately built out by SNL.

5 Links to Corporate Aims / Priorities

- 5.1 The eventual capital receipt obtained from the sale of the land, which is to be reinvested into affordable housing will greatly assist the Council in fulfilling its Corporate Aim of Quality Sustainable Growth and Development.

6 Finance / Resource Implications

- 6.1 Other than costs incurred in varying the Option Agreement and a slight delay in obtaining a capital receipt by extending the Exercise Period there are not considered to be any significant Finance / Resource Implications.

7 Legal Implications

- 7.1 A formal Deed of Variation to the Option Agreement will need to be completed with each party bearing its own costs incurred.

8 Environmental Impact Implications

8.1 None associated with this report.

9 Safeguarding and/or Community Safety Implications

9.1 None associated with this report.

10 Equality and Diversity Implications

10.1 None associated with this report.

11 Social Value Implications

11.1 None associated with this report.

12 Partnership Implications

12.1 None associated with this report.

13 Health and Wellbeing Implications

13.1 None associated with this report.

14 Asset Management Implications

14.1 This report has been generated through Asset Management.

15 Consultation Implications

15.1 None associated with this report.

16 Scrutiny Comments / Recommendation(s)

16.1 None associated with this report.

Democratic Path:

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

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

Contact Officers

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Name		Name	
Direct Dial		Direct Dial	
Email		Email	

24/03/2016, Report:Creedwell Orchard, Milverton Option Agreement – Proposed Extension of the Trigger Date

Reporting Officers:Adrian Priest

Contains exempt information requiring private consideration: Yes

Exempt reason:The report may contain a confidential appendix.

21/04/2016, Report:Empty Homes Strategy and review of Empty Property Coordinator

Reporting Officers:Mark Leeman

21/04/2016, Report:ECH Options Appraisal Update Report (TENTATIVE)

Reporting Officers:Jan Errington

21/04/2016, Report:Somerset Waste Partnership - New Service Model

Reporting Officers:Chris Hall

21/04/2016, Report:Superfast Broadband Phase 2 report

Reporting Officers:Ian Timms

09/06/2016, Report:General Asset Management Issues

Reporting Officers:Tim Child

09/06/2016, Report:The Deane House Relocation Business Case

Reporting Officers:James Barra

09/06/2016, Report:Car park variable message signage and pay on foot – Request for budget allocation

Reporting Officers:Ian Timms

09/06/2016, Report:Review and Changes to Homefinder Policies

Reporting Officers:Mark Leeman

07/07/2016, Report:Review of Deane Helpline

Reporting Officers:Chris Hall

Contains exempt information requiring private consideration: Yes

Exempt reason:The report may contain some commercially sensitive information.

07/07/2016, Report:Housing Revenue Account Business Plan Review

Reporting Officers:James Barra

07/07/2016, Report:Q4 - Financial Outturn report

Reporting Officers:Steve Plenty

07/07/2016, Report:Q2 Performance Report

Reporting Officers:Paul Harding