

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 30 November 2016 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Executive held on 9 November 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors, Town or Parish Councillors will automatically be recorded in the minutes.
- 5 Parishing the Unparished Area of Taunton Task and Finish Group. Report of Councillor Gwil Wren, Chairman of the Task and Finish Group and Alastair Higton, Executive Assistant – Policy and Research, Somerset County Council (attached). An attachment setting out the points raised by the Community Scrutiny Committee at its meeting on 1 November 2016 and its suggested revised recommendations is also attached.
- 6 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.

- 7 Recycle More - Domestic Waste Collection Services. Report of the Assistant Director - Operational Delivery (attached). Paragraph 3 - Information relating to Financial or Business Affairs.

Reporting Officer: Chris Hall

Bruce Lang
Assistant Chief Executive

07 August 2018

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



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



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For further information about the meeting, please contact Democratic Services on 01823 219736 or email r.bryant@tauntondeane.gov.uk

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Executive Members:-

Councillor J Warmington	(Community Leadership)
Councillor A Sully	(Corporate Resources)
Councillor M Edwards	(Economic Development, Asset Management, Arts and Culture, Tourism and Communications (Deputy Leader))
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 Parrish	(Planning Policy and Transportation)
Councillor V Stock-Williams	(Sports, Parks and Leisure)

Executive – 9 November 2016

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

Officers: Shirlene Adam (Director – Operations), Simon Lewis (Assistant Director – Housing and Communities), Christian Trevelyan (Partnership Manager, Somerset West Private Sector Housing Partnership), Heather Tiso (Revenues and Benefits Manager), Jo Nacey (Finance Manager), Paul Harding (Corporate Strategy and Performance Manager) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge and Coles.

(The meeting commenced at 6.15 pm.)

54. Apology

Councillor Edwards.

55. Minutes

The minutes of the meeting of the Executive held on 6 October 2016, copies of which had been circulated, were taken as read and were signed.

56. Declarations of Interest

Councillor Williams declared a personal interest in item No. 5 on the agenda as the owner of two properties that were currently being let. Councillor Mrs Warmington declared a personal interest in item No. 6 as her daughter was in receipt of Housing Benefit.

57. Housing Enforcement Policy

Considered report previously circulated, which sought approval for the draft Somerset West Housing Standards Policy.

The policy aimed to raise standards in housing through working with owners, landlords, letting agents and tenants. It was however recognised that there were circumstances where enforcement action was necessary to protect tenants, owner occupiers, the public and the environment.

The policy had been developed with the assistance of the Council's partners which included Sedgemoor District Council, West Somerset Council, private sector landlords, tenants, the Taunton Association for the Homeless, Bridgwater YMCA, and Somerset Care and Repair.

It provided details as to how Councils would regulate standards in housing. In the last three years the Council had remedied over 200 Category 1 hazards, improved conditions in 180 properties in the private rented sector through housing enforcement and accredited over 100 properties. This has included taking formal action against 40 landlords.

The National Strategy for Housing in England set out the Government's key areas of action to ensure a thriving, active but stable housing market, that offered choice, flexibility and affordable housing which was perceived as critical to our economic and social wellbeing.

Most tenants had a good experience of renting. Recent English Housing Survey research had shown that 85% of tenants in the private rented sector were very or fairly satisfied with their accommodation and 70% were also satisfied with the way their landlord carried out repairs and maintenance.

It was considered important that landlords and tenants understood their rights and responsibilities. The Partnership had recently published newsletters aimed at both, to help them understand the fundamentals.

Further reported that the Council's existing Housing Standards Policy was advisory: as a joint policy between the Councils could not be drafted until the Partnership Agreement was signed.

The Government had illustrated its commitment to improving the sector with the introduction of new legislation to help tackle poor illegal practices by landlords and letting agents, whilst recognising that the majority of landlords and letting agents provided decent, well managed accommodation.

In terms of the local context, of a total of 40,000 private sector dwellings in Taunton Deane, approximately 18% were privately rented. There were 380 Houses in Multiple Occupation (HMO's) and 69 were licensable HMO's. The Council had received 129 housing standards complaints in 2015/2016; an increase of 8%. The Council had served one formal notice and issued four mandatory HMO licenses with a fee income of £1428.

There were pockets of deprivation in Taunton Deane, particularly within the Halcon Ward. In areas of high deprivation, there were also high concentrations of private rented accommodation. This sometimes encompassed other issues such as anti-social behaviour, drug problems and crime. The policy encouraged an area approach to managing housing resources and partners such as the third sector by focusing efforts on an area and looking to improve significant health indicators.

Further reported that the Government had introduced a raft of legislation in recent years aimed at the private rented sector – full details of which were submitted – which would give the Council the power to enforce and charge for failure to comply with certain provisions.

The partnership would continue to sustain tenancies and encourage good practice by working with the Somerset West Lettings and Tenancy service (SWeLT) a multi-agency approach to working with landlords and owners to manage their properties

and support tenants.

Resolved that:-

(1) With regard to:-

- (i) The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to belong to a Scheme etc.) (England) Order 2014, the proposal to set the level of fine for offences under this Order at £5,000 be approved.

It be also agreed that any fines payable to the Authority should be used to support housing enforcement work including training of landlords, promoting the awareness of the scheme to potential agents and to provide additional resources for housing enforcement work, where necessary;

- (ii) The Smoke Alarms and Carbon Monoxide Alarm (England) Regulations 2015, the Statement of Principles detailing the level of fines at £5,000 with a 50% reduction for landlords who paid within 14 days be approved.

It be also agreed that any fines payable to the Authority should be used to support housing enforcement work including training of landlords, promoting the awareness of the scheme to potential agents and to provide additional resources for housing enforcement work, where necessary;

- (iii) The De-Regulation Act 2015 – Retaliatory Eviction (to prevent landlords from evicting tenants who made a complaint regarding the condition of the property directly to the landlord or to the Local Authority), the changes in legislation be noted and that an initial informal approach with tighter controls to ensure a notice is served within an appropriate timescale be approved;

- (iv) The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 made under the Energy Act 2011, the changes in legislation in relation to energy efficiency of the private rented sector be noted and the continuation of help to promote funding streams with landlords, as appropriate, be approved;

- (v) The Housing and Planning Bill, the proposed changes in legislation be noted; and

- (vi) The area approach to Housing Enforcement Work, an area based approach to Housing Standards which complimented the priorities of the Council's Health and Wellbeing Strategy and Somerset County Council's future approach to health intervention, be approved; and

(2) The Housing Standards Policy and charges be approved.

58. **Review of Council Tax Support Scheme for 2017/2018**

Considered report previously circulated, concerning the latest review of the Council Tax Support Scheme.

On 1 April 2013 Council Tax Benefit (CTB) had been abolished and replaced with a locally designed "CTS" (CTS) Scheme. The Government had provided each billing authority with a grant and expected Councils to design a CTS Scheme to help those on low incomes to meet their Council Tax liability. Initially, 90% of funding previously granted by the Government for CTB was provided for localised CTS.

Whilst the Council had discretion on the rules for CTS for people of working age, the Government had stipulated that pensioners should be fully protected under the same criteria that previously applied to CTB. The Government had also stipulated that, as far as possible, CTS for vulnerable groups should be protected too.

The Department for Communities and Local Government (DCLG) provided funding through the annual Settlement Funding Assessment (SFA) to help meet the cost of localised CTS Schemes. Each of the major precepting authorities in Somerset received the initial funding based on their share of Council Tax receipts.

In Taunton Deane, the initial grant for precepting authorities was £6,110,080, with this Council's share being £587,775 (based on a 9.62% share in 2013/2014). From 1 April 2014, funding for localised CTS had been merged into the Revenue Support Grant (RSG) and Business Rates Funding Baseline and was not separately identified.

Noted that the SFA had reduced by 26.1% in cash terms in the two years up to 2015/2016 and by a further 16.2% from 2016/2017. In applying this methodology, the funding available for localised CTS had reduced by £2,326,217 to £3,783,863.

In 2015/2016, the precepting authorities had paid CTS of £2,934,244 for people of pensionable age. Based on the assumptions stated above, this would leave just £850,000 to spend on CTS for people of working age. As the expenditure for working age recipients in 2015/2016 was £2,542,213, this would leave a funding shortfall of £1,692,594. Based on Taunton Deane's precepting share of Council Tax for 2016/2017 of 9.63%, the share of this shortfall in funding for this Council equated to £162,997.

Reported that if there were no changes to Single Person Discounts or protection provided to pensioners, CTS would become an additional cost pressure to Local Government. The Council had effectively maximised discounts and exemptions to close the funding gap and the only significant variable was to adjust the taper (minimum payment). However this would need to be managed carefully so as not to have an adverse impact on collection rates.

In designing the CTS Scheme, the Councils had considered the customers' ability to pay and the resultant Council Tax liability. For people of working age, the scheme had the following key elements:-

- Maximum support was 80% of Council Tax - everyone of working age had to pay something;
- Increased non-dependant deductions;

- No second adult rebate;
- Earned income disregards were at increased levels than those offered under CTB; and
- A Hardship Fund of £35,000 for short term help.

In annual billing for 2016/2017, Taunton Deane had sent Council Tax bills that after the award of CTS, totalled more than £60,700,000. Approximately 14% of residents received financial support through CTS, with under 8% of those liable to pay some Council Tax, being CTS recipients of working age.

Noted that 8,513 people had originally moved from the CTB scheme to the localised CTS Scheme. At 31 March 2016, this had reduced to 7,325. Key information on the CTS caseload, spending and budgets was set out in detail in the report.

The cost of the CTS Scheme had reduced considerably, both through the implementation of the local policy and the trend in demand / eligibility for financial assistance. The changes to the CTS Scheme to reduce support offered to working age applicants in 2016/2017 had reduced expenditure. At 30 June 2016 it was estimated that the CTS awarded this year would be nearly £300,000 less than the notional budget. However, there were a number of factors potentially affecting the ongoing reduction in costs and CTS recipients, namely:-

- ❖ A downturn in the economy generally (as experienced in 2008 until 2013); or
- ❖ A downturn in the local economy such as a local business going into liquidation or a reducing labour force; or
- ❖ An increase in Council Tax above the increase in allowances available under the scheme.

Further reported on the Collection Activity of the Council and the Debt Profile for 2015/2016. The households liable for Council Tax had increased from 50,211 in 2012/2013 to 52,374 by 31 March 2016. Whilst this had brought in additional income from Council Tax, this growth had increased the demand for services.

The net collectable amount for Council Tax in 2015/2016 had increased by over £4,800,000 in comparison to 2012/2013. The collection of Council Tax in year, while at a rate slightly less than achieved in 2012/2013, had resulted in additional income for Taunton Deane of £445,000 based on its preceptor share of 9.62%. Since 2012/2013, approximately 50% of the increased income from Council Tax had been derived from growth, with 50% being the consequence of other factors, such as the new flexibilities on second home discounts and short and long term empty properties.

However, it had not been possible to maintain in-year Council Tax collection at the rate it was before the introduction of CTS. For many customers, having to pay Council Tax had caused them budgeting issues, not least because many had also been affected by other welfare reforms.

Overall, the Council Tax outstanding for 2015/2016 was £1,238,645. Council Tax outstanding for working age CTS recipients was £375,857. Therefore, whilst working age

CTS recipients represented just 8% of households, the value of their debt equated to 30% of Council Tax outstanding at 31 March 2016.

With regard to the CTS Scheme for 2017/2018, the Local Government Finance Act 2012 stated that any local scheme had to be agreed with the major precepting authorities such as the Somerset County Council, Avon and Somerset Police and Devon and Somerset Fire and Rescue Authority.

Consultation with the precepting authorities and the public had taken place during the summer in respect of the following four options:-

Option 1 – The Council to work out CTS in the same way as was done now. Any shortfall in the funding received and the CTS paid in 2017/2018 would need to be met from other Council budgets. Response – 41% in favour;

Option 2 – Reduce the maximum CTS offered to working age recipients from 80%. This would mean working age recipients would need to pay more. As a result, the Council would be able to reduce the funding required to support the scheme off-setting cuts in the Local Government Finance Settlement. It was recognised however that such a reduction in the support offered was likely to negatively impact on the in-year collection of Council Tax and lead to a potential increase in administration costs to recover the Council Tax owed. Response – 42% in favour;

Option 3 – Increase the maximum CTS offered to working age recipients from 80%. This would mean an additional cost to the Council and precepting authorities. This option would carry a high level of risk to the Council in protecting front line services as additional resources would have to be diverted to support the CTS policy. Response – 11% in favour;

Option 4 – The Council to make various technical changes to align the CTS scheme for 2017/2018 with some or all of the changes the Government made to other welfare benefits. The changes known or expected to be implemented by the Government were set out in the report. All of these would mean that some working age CTS recipients would need to pay more and the Council could reduce the funding required to support the scheme in 2017/2018. Making such changes would mean the scheme for Housing Benefit recipients would be less complicated as rules would be aligned as well as easing administration. Response – 64% in favour;

Any of the options to reduce the level of support the Council offered through CTS would have an adverse or positive impact on certain applicants or groups of applicants. If the support offered through the CTS Scheme was cut, the Council would need to consider a careful selection of options for Taunton Deane's particular demographic. There was no single option or change to the CTS Scheme that could deliver sufficient savings to meet the predicted budget gap from the reduced Local Government Finance Settlement in 2017/2018.

The decision for the Executive was therefore to choose what options were acceptable to the Council bearing in mind the overall level of finance available. The report contained financial modelling on the four options to amend the scheme (set out above) to illustrate the effect on applicants and any potential savings which could perhaps be made. In all, eleven models were detailed.

The above proposals and options had been considered by the Corporate Scrutiny Committee on 20 October 2016. Their recommendation on the preferred CTS Scheme for working age applicants from 2017/2018 was to amend the current scheme to align the scheme with changes to other welfare benefits, with the exception that applicants aged 18-21 should continue to be eligible. This recommendation was illustrated in Model 11.

If implemented, the saving that was likely to be achieved would be £1,059.

Having taken account of the contents of the very detailed Equality Impact Assessment that had been undertaken, the Executive decided to agree the proposed amendments to the CTS scheme based on Model 11.

Resolved that:-

- (1) It be recommended to Full Council that having regard to the consultation responses and the contents of the Equality Impact Assessment, the Council Tax Support Scheme be amended to that illustrated in Model 11. This would align the Council Tax Support Scheme for 2017/2018 with changes made by the Government to other welfare benefits with the exception that applicants aged 18-21 would continue to be eligible; and
- (2) It be noted that the 2017/2018 Council Tax Support Scheme was recommended for 2017/2018 only.

59. **Financial Monitoring 2016/2017**

Considered report previously circulated, concerning the projected financial position of the Council performance for the financial year 2016/2017 (as at 31 August 2016).

Effective financial management formed an important part of the Council's overall performance management framework.

A summary of the Council's Financial Performance was as follows:-

General Fund (GF) Revenue - The GF Revenue Outturn position was currently projected as a net underspend of £271,000 which was 1.88% below budget.

The main variances to the budget related to Asset Management, Car Parking, the Deane Helpline, the Crematorium, Waste Recycling, Community Open Spaces and Parks, Homelessness, Insurance, Council Tax Collection, Rent Allowances, Revenues and Benefits and Interest Costs and Income. Full details of these variances were set out in the report.

With regard to the GF reserves, the forecast balance as at 31 March 2017 was £2,184,000 which would be £584,000 above the recommended balance of £1,600,000.

In view of the Council's future financial pressures the prudent advice was to maintain reserves above the recommended minimum, to provide some resilience for

emerging costs and to provide some flexibility to support measures to address ongoing financial sustainability.

Reported that budgets and forecasts were based on known information and the best estimates of the Council's future spending and income. During the budget monitoring process risks and uncertainties are identified which could impact on the financial projections, but for which the likelihood, and/or amount are uncertain.

To date the following risks and uncertainties had been identified:-

- ❖ Fluctuation in demand for services;
- ❖ General Spend;
- ❖ Year End Adjustments; and
- ❖ Business Rates.

Noted that the Council carried protection against risk and uncertainty in a number of ways, such as insurances and maintaining reserves. This was a prudent approach and helped to mitigate unforeseen pressures.

Deane DLO Trading Account - The DLO was forecasting to come in on budget an after contributing £101,000 to the GF. Any surplus would be transferred to the DLO trading reserve.

The Trading Account Reserves Position balance brought forward of £505,000 related to a retained trading surplus of £165,000, plus capital reserves set aside to support investment in the service - £25,000 for fuel tanks and £315,000 to fund vehicle replacement. £200,000 of the DLO trading reserve was being used to fund Transformation implementation costs.

Deane Helpline Trading Account - The Deane Helpline's net budget was £107,000. The service was predicting a net underspend of £15,000 at year end.

General Fund (GF) Capital - The GF approved Capital Programme was currently £12,692,000. This related to schemes which would be completed over the next five years. Of this, Budget Holders were projecting that £11,805,000 was planned to be spent during 2016/2017 with £887,000 due to be spent in future years. The Council was supporting this investment through the use of Capital Grants and Contributions, Capital Receipts, Revenue Funding and Borrowing.

With regard to the GF Capital Programme, the Executive was asked to consider approving a supplementary estimate of £1,326,000 for grants to Registered Social Landlords (RSLs) which would be funded by £624,000 from Section 106 Agreements, £572,000 from affordable housing capital receipts and £130,000 from the housing enabling earmarked reserve.

The 'Grant to RSL's' scheme was the capital funding ring-fenced for the provision of new affordable housing. The funds consisted of historic grant funding which had been allocated to schemes currently being developed and also Section 106 Agreement monies/capital receipts collected from developments in lieu of affordable housing on site. These funds were allocated to specific schemes which needed additional funding to secure the delivery of new affordable housing. On most

occasions these funds were paid to Housing Association Partners who also contributed funding through the Homes and Communities Agency and their recycled capital grant funding received through shared ownership and disposals.

Housing Revenue Account (HRA) - The current forecast HRA Revenue Outturn was a net surplus of £129,000 (0.5% of gross income).

The major under and overspends forecast for the year were likely to relate to Dwelling Rents and Service Charges, Leasehold Income, PV Income, Housing Management, Asbestos Surveys, Voids, Grounds Maintenance, Supported Housing, Other Maintenance and Interest Receivable. Full details of these variances were set out in the report.

The HRA Reserves (“working balance”) at the start of the year were £2,675,000. The use of the 2015/2016 underspend and the surplus of £129,000 in 2016/2017 had reduced the balance to £2,471,000. This was above the minimum recommended reserve level of £1,800,000 by £671,000.

Housing Revenue Account (HRA) Capital - The approved HRA capital programme was £23,459,000, of which £12,927,000 related to works on existing dwellings and £10,532,000 for the provision of new housing through development.

Resolved that:-

- (1) The Council’s forecast financial performance for the 2016/2017 financial year as at 31 August 2016 be noted; and
- (2) Full Council be recommended to approve a capital supplementary estimate of £1,326,000 for Grants to Registered Social Landlords.

60. **Quarter 2 (month 5) 2016/2017 Performance Report**




Considered report previously circulated, which detailed key performance management data up to the end of month 5 Quarter 2 2016/2017, to assist in monitoring the Council’s performance.

Regularly monitoring performance was a key element of the Council’s Performance Management Framework. There were 35 individual measures which were reported within the Corporate Scorecard.

The Taunton Deane Corporate Scorecard contained details of the Quarter 2 (month 5) 2016/2017 position against the Council’s key corporate indicators. It was stressed that this information was the situation as at 30 August 2016.

Each action/measure had been given a coloured status to provide the reader with a quick visual way of identifying whether particular measures were on track or whether there might be some issues with performance or delivery or an action.

The table below provided an overview of the reported indicators within the Corporate Scorecard:-

GREEN 	AMBER 	RED 	NOT DUE	NOT AVAILABLE	TOTAL
16	5	3	8	3	35

Submitted a comprehensive summary of each of the 35 performance measures. The three indicators on the scorecard allocated 'red' status were:-

- Housing Stock – To manage the stock and maintenance service to meet the needs of the tenants;
- Customer Complaints – Complaints answered out of time; and
- Timeliness of draft minutes being provided to the Committee Chairman.

Reported on the actions that would be taken in an attempt to meet the performance targets that had been set for these three indicators.

The Performance Report had been considered by the Corporate Scrutiny Committee on 20 October 2016 and the views expressed at that meeting were submitted.

Resolved that the report be noted.

61. **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 8.11 p.m.)

Taunton Deane Borough Council

Executive – 30 November 2016

Task and Finish Review into Parishing the Unparished Area of Taunton

Report of Councillor Gwil Wren, Chairman of the Task and Finish Group and Alastair Higton, Executive Assistant – Policy and Research, Somerset County Council

(This matter is the responsibility of Executive Councillor Mrs Jane Warmington)

Executive Summary

This Task and Finish review has now been concluded. The draft final report was submitted to the Community Scrutiny Committee on 1 November 2016 and most of the recommendations contained therein were supported.

This cover sheet provides directions on how the Executive should deal with the Task and Finish report and the recommendations made. Where changes were proposed by Scrutiny, these are shown in Section 2 below.

The final report of the Task and Finish review follows this cover report.

1. The Executive is asked to do the following:-

- 1.1 Consider the report and its recommendations, and decide which, if any, of the recommendations it wishes to adopt.
- 1.2 If the Executive agrees to adopt any of the recommendations of the review, it should state who will be responsible for delivering each of the adopted recommendations.
- 1.3 If the Executive decides **not** to adopt any of the recommendations, it must specifically state why, as prescribed by the Local Government Act 2007.

2. Recommendations

- 2.1 The Task and Finish Group's recommendations are set out below together with the views of the Community Scrutiny Committee and/or its suggested amendments shown in bold italics:-
 - (a) That currently, the creation of a Town Council or several new Parish Councils for the Unparished Area of Taunton be not supported;

(The Scrutiny Committee felt that this recommendation was based on the situation which existed before Taunton Deane and West Somerset Councils agreed to proceed with the formation of a new Council. Investigation of the need for a Town Council for Taunton or a Parish Council(s) to fill the 'democratic deficit' which was likely to arise with a new District Council with possibly fewer Councillors was considered to be essential. The Community Scrutiny Committee therefore agreed that this recommendation should be deleted.)

- (b) That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-
- Replace the Taunton Unparished Area Advisory Panel;
 - Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
 - Consider using the available funding derived from the Unparished Area Special Expenses Precept ***(and from the Community Infrastructure Levy)*** to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
 - Determine its other Terms of Reference ***(and meeting requirements)***;
- (c) That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund ***(for costs over and above the existing costs for supporting the Taunton Unparished Area Advisory Panel)***.
- (d) That the new Committee meets half-yearly in the first instance. ***(The Community Scrutiny Committee was of the view that it should be for the new Area Committee to decide how often it should meet so suggested deletion of this recommendation.)***

In addition, the Community Scrutiny Committee agreed that the following recommendation should also be considered by the Executive:-

“The Executive be also recommended to agree that, with the likelihood of a new District Council being formed with West Somerset Council, a Community Governance Review be commenced at the earliest opportunity to consider the establishment a Town Council for Taunton, with a further view to achieving Borough Status for the town to provide a democratic and civic focus.”

Contact Details – Richard Bryant, Democratic Services Manager
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Taunton Deane Borough Council

Executive – 30 November 2016

Parishing the Unparished Area of Taunton Task and Finish Group

This matter is the responsibility of Executive Councillor Jane Warmington

Report Author: Councillor Gwil Wren, Chairman of the Task and Finish Group and Alastair Higton, Executive Assistant – Policy and Research, Somerset County Council

1 Executive Summary / Purpose of the Report

- 1.1 Following a discussion in July 2014, the Community Scrutiny Committee agreed that a Task and Finish Group (“the Group”) would investigate creating new Parish Council(s) to cover the Unparished Area of Taunton.
- 1.2 To address dissatisfaction with the revenue currently available to the unparished area versus the potential for precepting to provide additional services in Taunton, the Group considered six possible options:-
 - Do nothing;
 - The formation of a single Town Council for Taunton;
 - The establishment of several Parish Councils to cover the Unparished Area;
 - To consider alternatives to Parish Councils;
 - The production of a ‘hybrid’ solution; and
 - Look ahead to what could happen alongside any future local government reorganisation.
- 1.3 The Task and Finish Group met three times and explored:-
 - What, if any, changes should be made to current arrangements;
 - How new Parish Councils are set up;
 - What powers they could exercise;
 - What costs might be associated with setting up and running them; and
 - What alternatives to new Parish Councils might offer.

2 Recommendations

- 2.1 That currently, the creation of a Town Council or several new Parish Councils for the Unparished Area of Taunton be not supported;
- 2.2 That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-

- Replace the Taunton Unparished Area Advisory Panel;
- Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
- Consider using the available funding derived from the Unparished Area Special Expenses Precept to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
- Determine its other Terms of Reference;

2.3 That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund; and

2.4 That the new Committee meets half-yearly in the first instance.

3 Risk Assessment (if appropriate)

3.1 Not appropriate.

4 Background and Full details of the Report

4.1 The Group agreed that the four challenges facing the Unparished Area in terms of governance were:-

- (a) Dissatisfaction with the revenue currently available to the Taunton Unparished Area;
- (b) The perceived lack of revenue for central Taunton, opportunities for cascading of services to Parish Councils, and the potential for Parish Precepts to be capped in the future.
- (c) Concern that a democratic deficit might exist; and
- (d) That a parished Taunton might benefit more from the double/triple devolution that a Heart of the South West devolution deal could offer.

4.2 Role of Parish Councils

Parish Council powers are generally the same as those of District Councils. However in reality their lack of resources means they limit themselves to local environmental, community and amenity issues. Powers include:-

- The general power of competence as set out in the Localism Act 2011;
- The Community Right to Bid;
- The Community Right to Challenge;
- The Sustainable Communities Act;
- Parish Town Councils and Councillors acting as trustees for local charities;
- Obtaining and supplying land for allotments if local demand cannot be met;
- Precepting; and
- Raising money from other sources, such as grant-making bodies, Government

initiatives, public subscriptions and even lotteries.

4.3 Creating a new Parish Council

- (a) New Parish Councils can **only** be created after a formal Community Governance Review has been carried out by Taunton Deane Borough Council and its recommendations adopted by the Council.
- (b) A Community Governance Review can be triggered by an appropriate petition or by Taunton Deane Borough Council deciding to carry one out.
- (c) Appendix A contains details of the Community Governance Review process.

4.4 Setting-up costs

- (a) The cost of setting up a Parish Council depended on the ambition for the Council and the activities it would take on. Staffing levels and cost of premises could be lower if these costs were shared with other organisations, such as a District Council.
 - **Morecombe Town Council**, set up in 2009, served a population of approximately 50,000. It was set up with a first year budget of £220,000 funded through a precept. This figure was arrived at to allow a working group of Ward Councillors to consider the scope and role of the new Town Council. The Town Council's proposed 2015/2016 budget was £306,000 (£19.59 per Band D property).
 - **St Austell Town Council**, also set up in 2009, serviced over 22,000 people. A first year budget of £201,000 (£31.82 on a Band D property) was agreed, with in-kind support from Cornwall Council to cover IT and election costs. Noted that St Austell's approved 2015/2016 budget was £546,000, with a precept for £440,000 of that, or £76.98 for a Band D property. This was almost exactly double the 2014/2015 precept.

5 Running costs

5.1 Sample of Town Council population size versus running costs.

Town (and year data applies to)	Population (2011 Census)	Council Tax Support Grant	Billing requirement	Band D Precept
Frome (14-15)	26,203	-	£1.02m	£126.68
Salisbury (14-15)	40,302	£106,263	£1.433m	£105
Yeovil (15-16)	40,000	£94,180	£928,868	£95.57
Wells (14-15)	11,343	n/k	£334,634	£89.22
Midsomer Norton (15-16)	10,997	£32,030	£352,052	£86.16
Weston-super-Mare (13-14)	76,143	£238,730	£1.49m	£55.69
Bridgwater (15-16)	35,886	£91,000	£537,810	£49.80

Shepton Mallet (14-15)	10,369	£13,533	£153,694	£48.65
Taunton	64,621	-	-	-

5.2 The group learnt that population size did not correlate to the size of its precept. Neither did budgets correlate to population size. The reasons for this were related to individual Town Council's objectives: budget and precept were naturally higher where the Town Council was doing more.

(a) The group felt that the costs associated with setting up one or more new Parish Councils for Taunton would:-

- Be costly in terms of Community Governance Review, set-up and running costs; and
- Not necessarily be supported by the people of Taunton who would likely have to pay a higher precept than currently if the new council(s) were to have any significant additional impact on Taunton.

(b) The ongoing (at the time of writing) consideration of merging Taunton Deane Borough Council and West Somerset Council; the potential for Local Government reorganisation should the Government wish it; and continuing public sector austerity, suggested that a "wait and see" attitude should be taken.

(c) The group therefore agreed that an incremental approach was advisable. If there was a public desire to parish Taunton (which does not currently appear to be the case), the petitioning mechanism remained open. Furthermore, the recommended new Committee would be able to revisit the issue in the future.

5.3 **Alternatives to Parish Councils**

(a) When conducting a Community Governance Review, alternatives and intermediate stages to a parish council must be considered, including:-

- Area committees;
- Neighbourhood management arrangements;
- Tenant management organisations;
- Area/community forums; and
- Residents, tenants or community associations.

(b) Each of the options were considered and most appeared to require a level of public participation that was not guaranteed, and potentially require significant resources to set up and run.

(c) The Group suggested that an initial way forward could be to call half-yearly meetings of the Councillors representing Wards in the unparished area. This new Committee would allow issues affecting this area of Taunton to be discussed.

(d) It was suggested that this Committee could:-

- Take responsibility for the Unparished Area Fund, appropriately ring-fenced so it can be used to support services to a limited degree in the Unparished Area; and

- Replace the Taunton Unparished Area Advisory Panel.

(e) Members were cautioned that if an Unparished Area Committee was formalised than an adequate level of officer support would be essential.

6 Links to Corporate Aims / Priorities

6.1 This report and its recommendations link to the following corporate aims and priorities:

6.2 Key theme 4 “An Efficient and Modern Council”:

a: Review how services are delivered, by whom and to what standard in order to best allocate our resources, and.

d: Support Members to undertake their roles within their communities through improved access to information.

7 Finance / Resource Implications

7.1 Supporting the proposed new Committee will have financial implications:

(a) Redirection of some of the Unparished Area Fund to fund Secretariat support for the new Committee;

7.2 And resource implications:

(a) Secretariat support and other officer time spent preparing for, attending and responding to the work of the new Committee, which will have a wider remit than just allocating the Unparished Area Precept.

8 Legal Implications (if any)

8.1 There are no legal implications of this report.

9 Environmental Impact Implications (if any)

9.1 There are no environmental impact implications of this report.

10 Safeguarding and/or Community Safety Implications (if any)

10.1 There are no safeguarding or community safety implications of this report.

11 Equality and Diversity Implications (if any)

11.1 There are no equality and diversity implications of this report, however Members of the proposed new Committee will be expected to adhere to the three aims of the Public Sector Duty.

12 Social Value Implications (if any)

12.1 The recommendations in this report have no direct procurement implications; however the advisory capacity of the proposed new group may have an impact on procurements

decisions made regarding allocation of the Unparished Area Precept. These will be considered on a case by case basis.

13 Partnership Implications (if any)

13.1 The recommendations do not involve joint-working or funding.

14 Health and Wellbeing Implications (if any)

14.1 There are no health and wellbeing implications of the recommendations in this report.

15 Asset Management Implications (if any)

15.1 There are no asset management implications of the recommendations in this report.

16 Consultation Implications (if any)

16.1 There are no consultation implications of this report and recommendations.

17 Scrutiny Comments / Recommendation(s) (if any)

17.1 The Scrutiny Comments and its revised Recommendations are set out in the attached Appendix.

Democratic Path:

- **Scrutiny Committee – Yes**
- **Executive – Yes**
- **Full Council – No**

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**

Twice-yearly **Annually**

List of Appendices (delete if not applicable)

Appendix A	Community Governance Reviews
Appendix B	Membership of the Task and Finish Group and others who attended

Contact Officers

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Appendix A

Creating new Parish Councils: Community Governance Review

Parish Councils can only be created, merged or abolished after a Community Governance Review. The Local Government and Public Involvement in Health Act 2007 allows Taunton Deane Borough Council to decide the terms of reference for such a review. The terms of reference must specify the area under review and must be published. Taunton Deane Borough Council would be responsible for reviewing the Taunton Unparished Area.

Triggering a Review

A Community Governance Review can be triggered by a petition, or by the local authority deciding to carry out a review. If triggered by a petition, the petition must have sufficient signatures, specify the area being recommended for a review, at least one recommendation that the review should consider making.

Thresholds for a valid petition are currently:-

- For an area with less than 500 local electors, the petition must be signed by at least 50% of them;
- For an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them;
- For an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.

Who must the Review consult?

Local people and the County Council must be consulted during the review, and the Council must take account of that consultation and any other representations. The Council must have regard to the identities and interests of the community in the area under review, and the need to make community governance in that area effective and convenient.

What must the Review look at?

The wider community governance 'picture' must be considered during the review. In some areas there may be well established forms of community governance such as local residents' associations or community forums which help make a distinct contribution to the community.

The Review must consider the impact on community cohesion of community governance arrangements, including size, population and boundaries of a local community or parish.

Making recommendations

Community Governance Reviews make recommendations as defined by the terms of reference set at the start of the review.

- [An example of terms of reference for a Community Governance Review.](#)
- [An example of Community Governance Review Recommendations.](#)

Recommendations must state:-

- Whether a new Parish or any new Parishes should be constituted.
- Whether existing Parishes should or should not be abolished or whether the area of existing Parishes should be altered; or,
- What the electoral arrangements for new or existing Parishes, which are to have Parish Councils, should be.

It may also make recommendations about:-

- Grouping or degrouping Parishes;
- Adding Parishes to an existing group of Parishes; or,
- Making related alterations to the boundaries of the district's electoral areas.

The Council must then decide whether to implement the review or not. It will then make the appropriate Orders and inform the relevant parties as outlined by legislation.

How long can the Review last?

The Corporate Governance Review must be completed within 12 months of its start, including any recommendations to the Boundaries Commission to amend Ward or Division Boundaries. All local consultation must also be completed within the 12 month period.

Appendix B

Taunton Deane Borough Councillors who sat on the Task and Finish Group
Councillor G Wren (Chairman)
Councillor Mrs J Allgrove
Councillor T Davies
Councillor T Hall
Councillor R Lees
Councillor Ms L Lisgo, MBE
Councillor H Prior-Sankey
Cllrs Hall and Davies replaced Councillors Mrs Allgrove and Lees from 23 March 2016 onwards

Taunton Deane Borough Councillors not sitting on the Task and Finish Group but who attended meetings
Councillor P Berry
Councillor S Coles
Councillor J Horsley

Other interested parties / members of the public who attended and participated
Anne Elder, Chairman of the Standards Advisory Committee
Roger House, Chairman of Priory Community Association and Secretary of Victoria Park Action Group
David Mitton, Chairman of the Somerset Association of Local Councils
Justin Robinson, Chief Executive Officer of the Somerset Association of Local Councils

Appendix

Parishing the Unparished Area of Taunton Task and Finish Group

The views of the Community Scrutiny Committee made at its meeting held on 1 November 2016 and details of its recommendations

During discussion of this item, Members made comments and statements and asked questions which included:-

- The conclusions of the report were welcomed. However the Merger Decision which had taken place after the Group's report, had raised a number of questions about representation in the Unparished Area which would need to be addressed.
- The majority of Councillors on Taunton Deane represented parished areas. It would be iniquitous if these Councillors denied the opportunity of a local Council being established in the Unparished Area.
- The ultimate goal was a Town Council structure for Taunton although it was recognised that there was not an enormous outcry for such provision.
- The idea of introducing several Parish Councils to cover the Unparished Area was not a good idea. This could result in parishes perhaps competing with each other over many issues, which would be the least helpful outcome.
- It was confirmed that in any future merger discussions, the new Unparished Area Committee ought to be the place to decide the best model going forward. With such a key role the Committee would probably need to meet a lot more often than half-yearly.
- The issue of addressing the likely democratic deficit if a new district Council was formed was considered to be very important. Such a merger would leave Taunton in a precarious position electorally, with most other principal towns within the new area having a lower subset of representation that Taunton did not currently have.
- A new district Council – because of its size geographically – might not be in a position to deal with specific issues such as Taunton High Street, Christmas lights or Britain in Bloom. These were the type of issues which a Town Council could deal with.
- The Boundary Commission would not be looking at the issue of parishing as part of its task dealing with the proposed new district Council.
- Perhaps a Community Governance Review should run alongside the merger process?
- There was little point in referring this matter back to the Task and Finish Group for further consideration. It was clear that the proposed Area Committee was the next step in the evolution of this issue for now.

- The Advisory Panel was likely to become the consultee as to how funding derived from the Community Infrastructure Levy should be spent within the Taunton Unparished Area.
- Concern was expressed as to the difficulty of convincing Council Tax payers in the Unparished Area to support the notion of spending more money for services.
- Should the new Area Committee appoint someone to act in a similar way to a Parish Clerk paid for from the Unparished Area Fund?
- It was felt that the recommendations were more democratic and universal than the current system, and the proposals appeared to be sounder than how the current Taunton Unparished Area Advisory Panel was operated.
- It was felt that rural Parishes in Taunton Deane had a commonality of interest and purpose which was likely to be replicated within the Unparished Area if a Town / Parish Council(s) was introduced.
- Should a new district Council be established, Taunton which currently accommodated 38% of the population of Taunton Deane would have no leadership.
- There was concern that in the future people from Minehead/Exmoor would be taking decisions about Taunton without full knowledge of the issues affecting the town and/or the benefit of the views of local representation.
- Members were informed that a Chairman of a Town Council could style themselves as Mayor without having to seek Borough Status.

Resolved that:-

- (a) The Executive be recommended to accept the following recommendations from the Parishing the Unparished Area of Taunton Task and Finish Group:-
- (1) That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-
- Replace the Taunton Unparished Area Advisory Panel;
 - Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
 - Consider using the available funding derived from the Unparished Area Special Expenses Precept and from the Community Infrastructure Levy to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
 - Determine its Terms of Reference and meeting requirements; and
- (2) That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund, for costs over and above the existing costs for supporting the Taunton Unparished Area Advisory Panel.

- (b) The Executive be also recommended to agree that, with the likelihood of a new District Council being formed with West Somerset Council, a Community Governance Review be commenced at the earliest opportunity to consider the establishment a Town Council for Taunton, with a further view to achieving Borough Status for the town to provide a democratic and civic focus.

Executive Forward Plan

30/11/2016, Report:Task and Finish Group Report on Parishing the Unparished Area of Taunton

Reporting Officers:Richard Bryant

30/11/2016, Report:Somerset Waste Partnership Recycle more/New Service Model

Reporting Officers:Chris Hall

Contains exempt information requiring private consideration: Yes

Exempt reason:The report is likely to contain some confidential information.

11/01/2017, Report:Earmarked Reserves

09/02/2017, Report:Hinkley Point C Housing Fund Strategy

Reporting Officers:Lisa Redston

09/02/2017, Report:Genral Fund Revenue Budget Estimates 2017/2018

09/02/2017, Report:Housing Revenue Account Budget Estimates 2017/2018

09/02/2017, Report:Capital Programme Estimates 2017/2018

09/02/2017, Report:Treasury Management Strategy 2017/2018

09/02/2017, Report:Somerset Waste Partnership Business Plan

Reporting Officers:Chris Hall

08/03/2017, Report:Supported Housing Property Review

20/04/2017, Report:Corporate Plan 2017/2018

Reporting Officers:Richard Doyle

06/07/2017, Report:Regeneration of the Coal Orchard, Taunton – Capital Investment

Reporting Officers:Ian Timms

03/08/2017, Report:TDBC Financial Performance 2016/2017 - Outturn Report

03/08/2017, Report:Medium Term Financial Strategy 2018/ 2019

03/08/2017, Report:Q4 - Performance Report

Reporting Officers:Richard Doyle

03/08/2017, Report:Investment in The Collar Factory, Taunton.

Reporting Officers:David Evans

Contains exempt information requiring private consideration: Yes

Exempt reason:The report is likely to contain confidential information.

07/09/2017, Report:Proposed acquisition of land at Lisieux Way Business Park, Taunton

Reporting Officers:Tom Gillham

Contains exempt information requiring private consideration: Yes
Exempt reason:The report is likely to contain confidential information relating to financial and business affairs.

07/09/2017, Report:Cemetery and Crematorium - Supplementary Budget

Reporting Officers:Chris Hall

07/09/2017, Report:Business Rates - “Revaluation Relief”

Reporting Officers:Dean Emery

07/09/2017, Report:Proposed Repairs Notice - Premises in Wellington

Reporting Officers:Tim Burton

Contains exempt information requiring private consideration: Yes
Exempt reason:The item is likely to include confidential information relating to financial and/or business affairs.

09/11/2017, Report:Review of the Council Tax Support Scheme for 2018/19

Reporting Officers:Heather Tiso

29/11/2017, Report:Fees and Charges 2018/2019

29/11/2017, Report:Earmarked Reserves Review

29/11/2017, Report:2018/2019 Draft Budget Estimates Update

29/11/2017, Report:Somerset Waste Partnership Business Plan

Reporting Officers:Chris Hall

29/11/2017, Report:TDBC General Fund Asset Strategy

11/01/2018, Report:Crematorium Waiting Room Extension

Reporting Officers:Chris Hall

08/02/2018, Report:General Fund Revenue Budget 2018/ 2019

08/02/2018, Report:Housing Revenue Account Budget 2018/2019

08/02/2018, Report:Treasury Management Strategy 2018/

19/03/2018, Report:Transitioning to a New Council

Reporting Officers:Penny James,Shirlene Adam

05/07/2018, Report:Quarter 4 Performance Monitoring Report

Reporting Officers:Richard Doyle

05/07/2018, Report:Finance Outturn Report

Reporting Officers:Paul Carter

06/09/2018, Report:Taunton Transport Strategy

Reporting Officers:Dan Webb

06/09/2018, Report:Electric Vehicle Charging Points

Reporting Officers:Chris Hall

28/11/2018, Report:North Taunton Woolaway Project Proposal

Reporting Officers:Jo Humble