

You are requested to attend a meeting of the Council to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 2 October 2012 at 18:30.

Agenda

The meeting will be preceded by a Prayer to be offered by the Mayor's Chaplain.

- 1 To receive the Minutes of the meetings of the Council held on 17 July 2012 and 11 September 2012 (attached).
- 2 To report any apologies for absence.
- 3 To receive any communications.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 To receive questions from Taunton Deane Electors under Standing Order 15.
- 6 To receive any petitions or deputations from Taunton Deane Electors under Standing Orders 16 and 17.
- 7 Proposed Badger Cull - To consider the attached Motion proposed by Councillor Eddie Gaines and seconded by Councillor Steve Ross.
- 8 Recruitment of an Independent Person to work with Taunton Deane Borough Council's Standards Committee. Report of the Monitoring Officer (attached).
- 9 Part I - To deal with written questions to, and receive the following recommendations from, the Executive:-
 - (i) Councillor Mrs Jean Adkins - Recommendation relating to the Somerset Strategic Housing Partnership Tenancy Strategy (attached);
 - (ii) Councillor Mrs Vivienne Stock-Williams - Recommendation in respect of the Review of Lease Car, Cash Alternative and Car Loan Schemes (attached);
 - (iii) Councillor Mrs Catherine Herbert - Recommendation relating to the update on the proposal to build a swimming pool at Blackbrook Pavilion Sports Centre and the refurbishment of Station Road Pool, Taunton (attached).

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

- (a) Councillor John Williams - Leader of the Council;
- (b) Councillor Ken Hayward - Environmental Services and Climate Change;
- (c) Councillor Catherine Herbert - Sports, Parks and Leisure;
- (d) Councillor Jean Adkins - Housing Services;
- (e) Councillor Vivienne Stock-Williams - Corporate Resources;
- (f) Councillor Mark Edwards - Planning, Transportation and Communications;
- (g) Councillor Jane Warmington - Community Development;
- (h) Councillor Norman Cavill - Economic Development, Asset Management, Arts and Tourism.

Tonya Meers
Legal and Democratic Services Manager

07 December 2012

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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

Council Members:-

Councillor L Lisgo, MBE (Deputy Mayor)
Councillor T Hall (Mayor of Taunton Deane)
Councillor J Adkins
Councillor J Allgrove
Councillor J Baker
Councillor A Beaven
Councillor C Bishop
Councillor R Bowrah, BEM
Councillor S Brooks
Councillor N Cavill
Councillor S Coles
Councillor B Denington
Councillor D Durdan
Councillor K Durdan
Councillor M Edwards
Councillor H Farbahi
Councillor M Floyd
Councillor E Gaines
Councillor A Govier
Councillor J Govier
Councillor K Hayward
Councillor R Henley
Councillor C Herbert
Councillor C Hill
Councillor M Hill
Councillor J Horsley
Councillor J Hunt
Councillor L James
Councillor R Lees
Councillor S Lees
Councillor J Meikle, MBE
Councillor N Messenger
Councillor I Morrell
Councillor M Mullins
Councillor B Nottrodt
Councillor U Palmer
Councillor H Prior-Sankey
Councillor D Reed
Councillor J Reed
Councillor S Ross
Councillor T Slattery
Councillor G Slattery
Councillor F Smith
Councillor P Smith
Councillor V Stock-Williams
Councillor P Stone
Councillor B Swaine
Councillor P Tooze
Councillor J Warmington

Councillor P Watson
Councillor E Waymouth
Councillor D Webber
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor J Williams - Leader of the Council
Councillor G Wren

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 17 July 2012 at 6.30 pm.

Present The Mayor (Councillor Hall)
The Deputy Mayor (Councillor Ms Lisgo)
Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Beaven, Bishop, Brooks, Cavill, Coles, Denington, Ms Durdan, Farbahi, Mrs Floyd, Gaines, A Govier, Mrs Govier, Hayward, Henley, Mrs Herbert, C Hill, Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Mrs Messenger, Morrell, Mullins, Nottrodt, Ms Palmer, Prior-Sankey, D Reed, Mrs Reed, Ross, Gill Slattery, T Slattery, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Tooze, Mrs Warmington, Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp, Williams and Wren

1. **Minutes**

The minutes of the Annual meeting of Taunton Deane Borough Council held on 10 May 2012, copies having been sent to each Member, were signed by the Mayor.

2. **Apologies**

Councillors Bowrah, D Durdan, Edwards and Mrs Hill.

3. **Communications**

The Mayor reported that at a number of recent Civic Services he had attended, Councillors had been asked to re-affirm their commitment to work for the communities they represented as part of the service.

He was keen to include this within Taunton Deane's forthcoming Civic Service and sought approval from Councillors for its inclusion. This was agreed.

4. **Declaration of Interests**

Councillors Brooks, A Govier, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Henley declared personal interests both as a Member of the Somerset County Council and as an employee of Job Centre Plus. Councillors Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Wren declared personal interests as an employee of Natural England and as Clerk to Milverton Parish Council. Councillors Hayward declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Stone declared a prejudicial interest as a Tone Leisure Board representative. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Swaine, declared a personal interest as a part-time

swimming instructor. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College and as a local resident of the Currymoor/Haymoor Area (Agenda item No.7 refers).

5. **Public Question Time**

Messrs. Tyler and Hebditch both referred to the serious flooding that took place during April on Currymoor and Haymoor, in the North Curry and Stoke St Gregory Wards.

In the past, such flooding had occurred during the winter months which after a short time had been pumped off the fields to allow the land to dry out and allow normal agricultural practices to continue.

With the rainfall occurring as it did, there had been problems pumping the water off the land. Some areas had been underwater for almost two months and, as a consequence, farmers were experiencing real difficulties with the long term ruination of their land.

It was accepted that the land was within a flood plain, but it was certainly not intended to act as a reservoir. There were real fears that the major development of land at Monkton Heathfield over the next few years would exacerbate the flooding issue even further. It was possible that both the towns of Taunton and Bridgwater could easily suffer flooding if the rainfall experienced during April was repeated at a time Currymoor and Haymoor were already saturated.

Messrs. Tyler and Hebditch asked the Council for its support in trying to persuade the Environment Agency to investigate a long-term solution to this issue.

Councillor Bradford of Sedgemoor District Council hoped this issue could be moved forward promptly involving all relevant parties. He thanked Councillors Gill Slattery and Phil Stone for the moral support they had provided to those affected by the flooding.

6. **Motion – Flooding on Currymoor and Haymoor**

Before the motion was put and discussed, Councillors Gill Slattery and Phil Stone made a presentation to the Council as to the situation that existed on Currymoor and Haymoor. A number of photographs of the condition of the land in the area were shown together with a plan offering a further route some of the flood water could perhaps be encouraged to follow away from the two moors.

Moved by Councillor Gill Slattery and seconded by Councillor Stone.

Taunton Deane Borough Council wished to recognise the catastrophic events on Currymoor and Haymoor on the Somerset levels since the exceptional April rainfall, and to demonstrate its support to the farmers and growers who

had been affected by the loss of not only their summer pastures but also their ability to make hay and silage for next winter.

We urge our Strategic Planners in conjunction with the Environment Agency to mitigate flooding and enhance flood management by examining more critically the terms and conditions of planning consents for development throughout Taunton Deane and, where necessary, add further measures to incorporate above the usual guidelines to help in avoiding such occurrences in the future.

The Corporate Scrutiny Committee was advised recently of an underspend on the flood budget for Taunton. It was therefore proposed that £10,000 of that was set aside should a permanent scheme be proposed when the study on the latest flooding was reported on 25 September 2012 and provided to help to fund such a permanent scheme (This would not be for regular river maintenance).

Full Council was therefore requested:-

- (1) to approve a Supplementary Estimate from the General Fund Reserves of £10,000 to support a permanent flood alleviation scheme on Currymoor and Haymoor;
- (2) to maintain pressure on the Environment Agency to come forward with proposals for a permanent solution to the flooding issue; and
- (3) to agree that details of a permanent scheme would be shared with Scrutiny before the Council's payment was made.

The motion was put and was carried.

7. The Localism Act 2011 – The Amended Standards Regime

The Localism Act 2011 had made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The long awaited regulations had now been issued and the Council needed to approve various aspects of the regulations in order to comply with the legislation.

A report describing the changes in detail had recently been considered by the Corporate Governance Committee which had recommended the actions required for the Council to implement the new regime.

The Council would remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and the arrangements that the Council put in place would provide evidence of compliance with that duty.

On the motion of Councillor D Reed, it was

Resolved that:-

- (1) The proposed Code of Conduct annexed to these Minutes at Appendix 1 be adopted;
- (2) A Standards Committee comprising of five (5) elected Members, (voting), two (2) independent co-optees, (non-voting), and 2 parish representatives, (non-voting) be appointed;
- (3) One Independent person and one Reserve be appointed to undertake the functions set out in the report submitted to the Corporate Governance Committee;
- (4) The Independent Person be paid an annual allowance the equivalent of the Chairman of the existing Standards Committee until 30 June 2013;
- (5) Three Members of the Corporate Governance Committee and the Monitoring Officer be given delegated authority to undertake the interviews and recruitment of the Independent Person and Reserve;
- (6) The Reserve Independent Person be able to claim any relevant expenses;
- (7) The Monitoring Officer be required to:-
 - (a) prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it was available for inspection as required by the Act;
 - (b) ensure that all Members were informed of their duty to register interests;
 - (c) prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that both were available for inspection as required by the Act; and
 - (d) arrange to inform and train Parish Clerks on the new registration arrangements;
- (8) It be agreed that the power to grant dispensations be delegated as set out below:-
 - (a) on the Grounds set out in Paragraph 9 (i) and (iv) of the report submitted to the Corporate Governance Committee to the Monitoring Officer with an appeal to the Standards Committee, and
 - (b) on Grounds set out in Paragraph 9 (ii), (iii) and (v) of the report submitted to the Corporate Governance Committee to the Standards Committee, after consultation with the Independent Person;
- (9) The arrangements set out in Appendix 2 to these Minutes be adopted and

that:-

- (a) The Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) The Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merited formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that officer be given discretion to refer decisions on investigation to the Standards Committee where it was deemed inappropriate for the Monitoring Officer to take the decision, and to report quarterly to the Standards Committee on the discharge of this function;
- (c) Where the investigation found no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the Member concerned, the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation found evidence of a failure to comply with the Code of Conduct the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution was not appropriate or not possible, the Monitoring Officer would report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- (e) Full Council delegated to a Hearings Panels such of its powers as could be delegated to take decisions in respect of a Member who was found on hearing to have failed to comply with the Code of Conduct, such actions to include:–
 - Reporting its findings to Council [*or to the Parish Council*] for information;
 - Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities;

- Instructing the Monitoring Officer to *[or recommending that the Parish Council]* arrange training for the Member;
- Removing *[or recommending to the Parish Council that the Member be removed]* from all outside appointments to which he/she had been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdrawing *[or recommending to the Parish Council that it withdrew]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Excluding *[or recommending that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; and

(10) The changes to the Constitution as set out in Appendix 3 to these Minutes be agreed.

8. Recommendations to Council from the Executive

(a) Proposed Crime and Disorder Reduction Partnership Merger

At its meeting on 5 October 2010, Full Council agreed to the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership (CDRP) –which covered Sedgemoor, Taunton Deane and West Somerset - with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide CDRP, currently operating as the Safer Communities Group.

Although the Partnership had operated on an informal basis ever since, the possibility of formalising the Partnership had been discussed at a recent meeting of the Executive.

On the motion of Councillor Mrs Warmington, it was

Resolved that the formal merger of the Safer Somerset West CDRP with Mendip and South Somerset Community Safety Partnership (Somerset East) to form a Countywide CDRP, which was currently operating as the Safer Communities Group, be approved.

(b) New Cremators and Mercury Filtration Project – Taunton Deane Crematorium

The Executive had recently received an update on the project to install three new cremators at the Taunton Deane Crematorium along with Mercury filtration equipment to meet the requirements of legislation.

A tender in the sum of £1,020,937 was accepted last year from Facultatieve Technologies (FT) for the supply and installation of three new cremators and mercury filtration equipment.

However the supply and installation of the equipment by FT formed only one part of the project. The securing of professional services to oversee the project, and the appointment of a second contractor to undertake the ancillary building works to the structure of the crematory building to facilitate the installation had also been identified.

The total budget for the project was currently £1,320,000. Taking into account the tender costs, ancillary works, fees and a proposed contingency for unforeseen costs during installation, the current budget provision was not sufficient for the project. For the scheme to continue, a budget increase of £113,000 would be required.

The current funding approval for the scheme included borrowing approval of £770,000 with the balance funded from a combination of revenue earmarked reserves and capital receipts. In order to avoid the need to borrow further to fund the proposed budget increase, it was proposed to fund the additional £113,000 costs and contingency from General Fund Revenue Reserves.

On the motion of Councillor Hayward, it was

Resolved that a supplementary budget of £113,000 be added to the Capital Programme 2012/2013 for the Cremator Replacement Mercury Abatement project, funded from revenue resources by a transfer from General Fund Reserves.

(c) Financial Outturn 2011/2012

The Executive had received a detailed report on the outturn position of the Council on revenue and capital expenditure for the General Fund (GF), Housing Revenue Account (HRA) and trading services for 2011/2012 at its meeting on 11 July 2012.

The following provided a summary of the 2011/2012 outturn and reserves position for both GF and HRA services:-

- (1) The 2011/2012 Provisional GF Revenue Outturn was a £535,000 underspend against the Final Budget for the year. A Budget Carry Forward of £86,000 was requested, to be funded by this underspend.
- (2) The GF Reserves balance as at 31 March 2012 stood at £3,337,000. This would reduce to £3,251,000 if the above proposed budget carry forward to 2012/2013 was approved.
- (3) The 2011/2012 GF Capital Programme expenditure for the year amounted to £4,331,000, which was £4,222,000 below the budget for the year. The total slippage of planned project expenditure into

2012/2013 was £4,534,000 and a budget carry forward was recommended for the related schemes.

- (4) The 2011/2012 Provisional HRA Outturn was a £86,000 underspend against the Final Budget for the year. The HRA Reserves balance as at 31 March 2012 stood at £1,355,000, which was above the minimum level set within the 2011/2012 Budget Strategy.
- (5) The HRA was 'self-financing' with effect from 2012/2013, however as the related settlement debt of £85,198,000 was undertaken in March 2012 the expenditure was recognised in the outturn for 2011/2012.
- (6) The 2011/2012 HRA Capital Programme expenditure for the year amounted to £4,132,000, which was £168,000 below budget for the year. The expenditure related largely to the Council's continued investment in maintaining 'Decent Homes' standards.

There were several matters which required the approval of Full Council to formally transfer or carry forward funding within the respective budgets.

On the motion of Councillor Williams, it was

Resolved that:-

- (a) The transfer of the net underspend on the General Fund Revenue Account to General Fund Reserves, and the transfer of the net underspend on the Housing Revenue Account to HRA Working Balance Reserves be approved;
 - (b) The net transfer of £258,000 from earmarked reserves for use on General Fund services and capital financing, and £85,000 from earmarked reserves for use on Housing Revenue Account services and capital financing, as set out in the detailed report to the Executive be approved;
 - (c) The surplus earmarked reserves of £87,000 be transferred to General Reserves as referred to in the detailed report to the Executive;
 - (d) A Carry Forward of the General Fund Revenue Budget of £86,000 to support expenditure specifically related to Economic Development and Insurance Costs in 2012/2013 be approved; and
 - (e) The Carry Forward of the General Fund Capital Programme Budget totalling £4,534,000 for slippage into 2012/2013 as set out in the detailed report to the Executive be also approved.
- (d) Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton**

The Executive had considered the potential relocation of the Council's depot and the marketing of the site at Priory Way, Taunton.

This followed the meeting of the Corporate Scrutiny Committee on 24 May 2012 where two recommendations were made to the Executive:-

- (i) That the DLO should be supported in its ongoing transformation; and
- (ii) That a marketing exercise of the current depot site should be undertaken.

The view was that the result of any marketing exercise would establish the value of the depot site and provide an important context for considering the business case for potential depot relocation.

At this stage, a number of options for depot relocation were being looked at including:-

- 'Squeezing up' operations on the current site, releasing the more visible (and valuable) part of the site adjacent to Priory Way for disposal. This option would also leave open the possibility of a phased withdrawal at a later date, releasing the remainder of the site for disposal;
- Relocating all operations to a suitable site elsewhere; and
- Spreading Deane DLO operations across a number of sites.

A marketing exercise would take between eight weeks and five months to complete, depending on the Council's appetite to test the market.

It was proposed that a senior responsible group of Members should be established to oversee the process at key stages, consider any bids and advise the Executive and Full Council on potential depot disposal and relocation options. The Member Group would comprise:-

- The Leader of the Council;
- The Leader of the Liberal Democrat Group;
- The Portfolio and Shadow Portfolio Holders for Economic Development and Property; and
- The Chairman of the DLO Transformation Members Steering Group.

On the motion of Councillor Cavill, it was

Resolved that:-

- (i) the marketing of the Deane DLO depot site at Priory Way, Taunton be proceeded with; and
- (ii) the establishment of a senior responsible group of Members to oversee the marketing process, as set out above, be approved.

The Mayor certified that he was prepared to allow the following recommendation which had arisen from the meeting of the Executive on 11 July 2012 to be considered by Members on the basis that a decision was needed before the next

scheduled meeting of Full Council.

(e) Non-Domestic Rates – Discretionary Rate Relief

Section 69 of the Localism Act had amended the Local Government Finance Act 1988 to allow local authorities to reduce the business rates of any local ratepayer for any reason, not just those that could currently be granted discretionary rate relief.

When the Executive considered this matter at its recent meeting it accepted a recommended procedure for dealing with future requests for non-domestic, discretionary rate relief, details of which were as follows:-

- All requests for relief must be made in writing.
- If the ratepayer did not provide the required evidence, the Council would reserve the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence.
- The Council might in any circumstances verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer.
- The authority to decline applications for relief under these provisions should be delegated to the Section 151 Officer.
- If the Section 151 Officer declined an application any appeal would need to be made to the Executive Portfolio Holder.
- Where the Section 151 Officer decided there was sufficient merit in awarding relief under these provisions, a recommendation would be made to the Executive to decline or award relief. Where it supported the recommendation, the Executive would also need to make the necessary budget arrangements to meet the commitment.

This system of delegation would ensure that proper and consistent consideration was given to all applications and that the financial implications were considered.

This was consistent with the approach taken to dealing with Hardship Relief applications for Business Rates as well as for the corresponding discretionary powers relating to Council Tax.

On the motion of Councillor Mrs Stock-Williams, it was

Resolved that the above policy for considering applications for relief under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) be approved.

9. Reports of the Leader of the Council and Executive Councillors

The following reports were made to the Council on the main items of current and future business.

(i) Leader of the Council (Councillor Williams)

Councillor Williams's report covered the following topics:-

- Great Events for Taunton Deane;
- Taunton Business Improvement District (BID) Process;
- Project Taunton;
- Broadband Enhancement;
- Police and Crime Panels;
- Core Strategy;
- Welfare Reform and Housing Benefit Changes; and
- Economic Development, Taunton Deane.

(ii) **Sport, Parks and Leisure (Councillor Mrs Herbert)**

The report from Councillor Mrs Herbert dealt with activities taking place in the following areas:-

- Parks;
- Community Leisure and Play; and
- Tone Leisure (Taunton Deane) Limited Activities.

(iii) **Housing Services (Councillor Mrs Adkins)**

Councillor Mrs Adkins submitted her report which drew attention to the following:-

- Housing Property Services;
- Affordable Housing Development Partnership and Open Day;
- Affordable Housing Target;
- Estates Team and Anti-social Behaviour;
- Tenant Services Management Board;
- Tenants and Leaseholders Open Day; and
- Jubilee Gardens, Priorswood Place, Taunton.

10. **Suspension of Standing Order**

Resolved that Standing Order 28, Time limits for all meetings, be suspended to enable the meeting to continue for a further half an hour.

(iv) **Corporate Resources (Councillor Mrs Stock-Williams)**

The report from Councillor Mrs Stock-Williams provided information on the following areas within her portfolio:-

- Customer Contact Centre;
- Corporate and Client Services;
- Corporate Performance;
- Legal and Democratic Services; and
- Revenues and Benefits.

(v) **Planning, Transportation and Communications (Councillor Edwards)**

The report from Councillor Edwards provided information on the following areas within his portfolio:-

- Core Strategy;
- Planning Policy and Strategy Resource;
- Neighbourhood Planning;
- Community Infrastructure Levy;
- Planning Reforms;
- Planning Applications;
- Heritage – Tone Works and Sandhill Park;
- County-wide Civil Parking Enforcement (CPE) Project; and
- Communications.

(vi) **Community Leadership (Councillor Mrs Jane Warmington)**

Councillor Mrs Warmington presented the Community Leadership report which focused on the following areas within that portfolio:-

- Police and Crime Panel;
- Voluntary and Community Sector Grants Panel;
- Health and Wellbeing;
- The Community Right to Challenge (Localism Act 2011); and
- Priority Areas Strategy (Taunton Deane Partnership).

Due to Standing Order 28, Time limits for all meetings, insufficient time was available to enable the following Executive Councillor reports to be formally presented to Members. These reports were submitted for information only.

(vii) **Economic Development, Asset Management, Arts and Tourism (Councillor Cavill)**

The report from Councillor Cavill covered:-

- Keeping Members Informed;
- Stimulating Business Growth and Investment;
- Creating an Attractive Business Environment;
- Taunton Tourist Information, Ticket and Travel Centre; and
- Asset Management.

(viii) **Environmental Services and Climate Change (Councillor Hayward)**

The report from Councillor Hayward drew attention to developments in the following areas:-

- Environmental Health;
- Climate Change / Carbon Management;

- Waste Management;
- Deane DLO Update; and
- Crematorium.

(Councillors A Govier and Mrs Govier left the meeting at 8.51 pm. Councillors Tooze, Henley, Ms Durdan and Mrs Floyd left the meeting at 9.07 pm, 9.08 pm, 9.10pm and 9.27pm respectively. Councillors Mrs Baker, Mrs Herbert, Meikle, Mrs Messenger, Mullins, Prior-Sankey and Ross all left the meeting at 9.28 pm respectively.)

(The meeting ended at 10.00 pm.)

APPENDIX 1

Draft MEMBER CODE OF CONDUCT

NB THE WORDS IN SQUARE BRACKETS [] APPLY TO PARISHES ONLY

INTRODUCTION AND INTERPRETATION

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

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

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

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

1. GENERAL OBLIGATIONS

When undertaking Council business you must:

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

in accordance with his or her statutory duties;

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

- b) you are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is—
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
- e) you have consulted the Monitoring Officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

2. INTERESTS

Disclosable Pecuniary Interests

2.1 You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code, and set out in Appendix 3.

2.2 You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the [District] Council's Register of Members' Interests and made available for public inspection including on the [District] Council's website at: www.gov.uk. [In addition it will be made available on the Council's website at www.xxxxxxxxxx- only applicable for those parishes with a website]

2.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's monitoring officer.

2.4 Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest whether registered under 2.2 or 2.3 above or not, and you attend any meeting of the Council, its Cabinet/Executive or any Committee, Sub-Committee, Joint Committee [delete as necessary] at which that business is to be considered, you must:-

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

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

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

Other Interests

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

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

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

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

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

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

Personal Interests

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

(a) it relates to or is likely to affect—

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) established for charitable purposes; or

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

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

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

(3) Where you have a personal interest in any business of the Council which relates to or is likely to affect a significant person (see paragraph 1 (b) above and Appendix 2 for the interpretation of the term 'significant person'), or a body described in paragraph 2.8(1)(a)(ii) you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

(4) Where you have a personal interest but the interest is not detailed in the Council's register of members' interests because of the sensitive nature of the interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of the Council and you have made an individual decision (as a Cabinet/Executive member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (4) above.

(6) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(7) A copy of the register will be available for public inspection and will be published on the [District] Council's website [and the Council's website (where applicable)].

Prejudicial Interests

2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

(a) affects your financial position or the financial position of a significant person or a body described in paragraphs 2.8(1)(a)(i) and (ii) (other than another town parish district or county council of which you are also a member); or

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person or a body described in paragraph 2.8(1)(a)(ii) (other than another town parish district or county council of which you are also a member).

(2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—

- (a) You may not participate in any discussion of the matter at a meeting.
- (b) You may not participate in any vote taken on the matter at a meeting.
- (c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.

(3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of—

(i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease [not applicable];

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(5) Where, as a Cabinet/Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the proposed decision you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek to influence a decision about the matter.

Receipts of gifts and hospitality

2.10(1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.

(2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

2.11 Sensitive Interests

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

Overview and Scrutiny

(1) [Not applicable to Town/Parishes] In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—

- a. that business relates to a decision made (whether implemented or not) or action taken by your Council's Cabinet/Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and
- b. at the time the decision was made or action was taken, you were a member of the Cabinet/Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph a) and you were present when that decision was made or action was taken;

or

- c. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

you may attend a meeting of the overview and scrutiny committee or sub-

committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

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

INTEGRITY

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

OBJECTIVITY

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

ACCOUNTABILITY

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

OPENNESS

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

HONESTY

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

LEADERSHIP

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

COUNCIL'S CODE OF CONDUCT - INTERPRETATION

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

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

a member of your family or any person with whom you have a close association; or

any body-

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

(2) exercising functions of a public nature;

(3) established for charitable purposes; or

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

- “wellbeing” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner i.e someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people

DISCLOSABLE PECUNIARY INTERESTS

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

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

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

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

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

Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either – <div style="margin-left: 40px;"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. </div>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

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

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

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

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

“member” includes a co-opted member;

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

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

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

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

2 Dispensations

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

3 Offences

It is a criminal offence to

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

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

Guidance on Bias and Predetermination –This is not part of the Code of Conduct

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

APPENDIX 2

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council Offices.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
The Council Offices
Belvedere Road
Taunton
TA1 1HE

Or email t.meers@tauntondeane.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Council Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint. In addition the Monitoring Officer will also notify the subject member of the complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, you will be informed of that decision and the reasons for it.

Where additional information is required in order to come to a decision, the Monitoring Officer may come back to you and may also request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, an Investigating Officer may be appointed. That Investigating Officer may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint, this will allow you to further explain your understanding of events and suggest what documents the Investigating Officer may need to see or who the Investigating Officer may need to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint. They will ask the member to provide his/her explanation of events, and to identify what documents they need to see and/or who he needs to be interviewed. In exceptional cases, the Monitoring Officer may delete your name and address from the papers or delay notifying the member until the investigation has progressed sufficiently where it might prejudice the investigation.

At the end of their, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that no further action is required. A copy of the Investigating Officer's final report will be given to both of you. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider their report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Independent Person will be consulted with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct they will dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and

the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council [*or to the Parish Council*] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Executive, particular Portfolio responsibilities, as chairman of a committee or from a committee itself;
- 8.5 Instruct the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
- 8.6 Remove [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
- 8.7 Withdraw [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude [*or recommend that the Parish Council exclude*] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the Complainant, to the member *[and to the Parish Council]*, make the decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;

- 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
- 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

APPENDIX 3

ARTICLE 8 The Standards Committee

Standards Committee

The Council will establish a Standards Committee.

Constitution

(a) Membership

The Standards Committee will be comprised of:

- (i) five (5) elected members from each of the political groups who are represented on the Council;
- (ii) two (2) independent co-opted members who are not councillors or officers of the Council or of any County, District or Unitary Council or of any Parish Council within Taunton Deane (these are referred to as "Independent co-opted members");
- (iii) (subject to the same exceptions as (ii) above) two (2) members of a parish council from within the Borough of Taunton Deane who shall represent the interests of all such Parish Councils (the Parish Members);
- (iv) members of the Standards Committee will hold office from one Annual Meeting until the next - at which point their appointments shall be either renewed or terminated at Annual Council.

(b) Independent co-opted members

Independent co-opted members (see 8.2(a)(ii) above):-

- (i) shall be selected in accordance following a recruitment and selection process ;
- (ii) will not be entitled to vote at meetings of the Committee or on any sub-committees to which they have been appointed. Their role is an advisory one.

(c) Parish Members

A Parish Member must be present at any meeting of the Standards Committee when matters relating to Parish Councils or their members are being considered. Parish members will not be voting members of the Committee and their role is an advisory one.

(d) Independent Person

The Independent Person is a person who is appointed following a recruitment and selection process and carries out the following functions:-

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

(e) **Chairing the Committee**

The Committee shall be chaired by an elected member.

(f) **Sub-committees**

The Standards Committee shall be entitled to appoint sub-committees or Hearings Panels to assess complaints received against members where allegations are made that a member has failed to comply with the code of conduct; where this happens the following limits will apply:-

- (i) the quorum (that is, minimum size at which business may be transacted) shall be 3;
 - (ii) All sub-committees shall be chaired by an elected member;
 - (iii) All sub-committees must include at least 3 voting members
 - (iii) Sub-committees may include at least one co-opted independent member;
 - (iv) where a Parish Councillor is the subject of a complaint then a Parish Member (unless s/he is the subject of that investigation) shall be appointed to that sub-committee.
- (g) The Standards Committee may appoint a sub-committee to determine any application for a dispensation should time be of the essence in the application (however there must be compliance with the statutory time limits on notification of meetings).

- (h) Any sub-committee set up to determine dispensations shall adhere to the limits as set out in (f) above.

Role and Function

The Standards Committee will have the following roles and functions in relation to the Borough Council and Parish Councils within Taunton Deane.

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and any co-opted members on matters relating to the Members' Code of Conduct and wider propriety issues including issuing guidance where appropriate;
- (f) granting dispensations to councillors and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct or delegating such power to a sub-committee. who will be authorised to determine such dispensations based on principles agreed by the Committee:
- (g) deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members, Co-opted and Parish Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- (h) take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council;

- Recommending to the Leader of the Council that the member be removed from the Executive Committee, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio holder;
 - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
 - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Restricting contact to named officers or requiring contact be through named officers; or
 - Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (i) advise on the management of statutory and other registers of interest and gifts / hospitality received;
- (j) advise the Council on possible changes to the Constitution (except the Council and Executive Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards;

WITHDRAWAL FROM MEETINGS

31. Where a member has a Disclosable Pecuniary Interest in any business of the Council, whether registered under paragraphs 2.2 or 2.3 of the Council's Code of Conduct or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered you must:-
- (a) not seek to influence a decision about that business;
 - (b) disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest as set out in paragraph 2.11 of the code of conduct.
 - (c) Withdraw from the meeting room or chamber including the public gallery as soon as it becomes apparent that the business is being considered at that meeting;

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

- 32 Where a member has a prejudicial interest as defined by paragraph 2.9 of the Council's Code of Conduct the member must:-
- (a) not participate in any discussion of the matter at the meeting
 - (b) not participate in any vote on the matter at the meeting
 - (c) disclose the existence and nature of the interest to the meeting and leave the room where the meeting is being held while any discussion or voting takes place on the matter.
33. Where a member has a prejudicial interest in any business of the Council, the member may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and he/she must leave the meeting immediately after making those representations, answering questions or giving evidence.

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 11 September 2012 at 6.30 pm.

Present The Mayor (Councillor Hall)
The Deputy Mayor (Councillor Ms Lisgo)
Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Beaven, Bishop, Bowrah, Brooks, Cavill, Coles, Denington, D Durdan, Miss Durdan, Edwards, Farbahi, Mrs Floyd, Gaines, A Govier, Hayward, C Hill, Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Morrell, Mullins, Ms Palmer, D Reed, Mrs Reed, Ross, Gill Slattery, T Slattery, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Swaine, Mrs Warmington, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp, Williams and Wren

1. Apologies

Councillors Mrs Govier, Mrs Herbert, Mrs Hill, Nottrodt, Prior-Sankey, Tooze and Watson.

2. Communications

Councillor Edwards made reference to the recent success of both Debbie Criddle and Lucy Shuker who had won medals at the Paralympic Games in London. He felt that it would be appropriate for the Council to mark in an appropriate way these achievements and sought the endorsement of the other Councillors present to do this. This was agreed.

3. Declaration of Interests

Councillors Brooks, A Govier, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillors Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Wren declared personal interests as an employee of Natural England and as Clerk to Milverton Parish Council. Councillor Hayward declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Stone declared a prejudicial interest as a Tone Leisure Board representative. Councillor Swaine, declared a personal interest as a part-time swimming instructor. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College.

4. Public Question Time

(i) Heather Davis said she had attended the Planning Committee last week to object to the planned – now approved – 41 acre site of solar panels situated adjacent to the nature reserve of Ash Priors wood and conservation village of Halse.

She had been shocked at the lack of discussion, nor any attempt by Councillors to establish the facts behind the many submissions made. Councillors also demonstrated the lack of thought that had been applied to such a large and policy challenging application.

The debate had not covered the definition of “sustainable development” which was at the heart of the National Planning Policy Framework.

In reviewing the Core Strategy it was clear that there was no statement about the importance of agricultural land, how much there was, or how much would be given over to non agricultural developments. Given the role of agricultural land in absorbing carbon this highlighted a fundamental issue.

It was stated that Taunton Deane would be a leader in addressing the causes and impacts of climate change but later it was stated that the Council would follow building control national standards which currently developed houses at only level 2/3 of the Sustainable Development Code. Why not level 4 or 5 as used by other Councils?

Surely a leader would work with developers and energy suppliers to ensure all new builds had solar heating and / or photovoltaic panels on all roofs.

Mrs Davis asked Taunton Deane to change the Strategy statement to reflect the reality of the Council's actions or implement substantial changes in attitude and approach to justify stated intentions.

(ii) Sylvaine Shapland referred to the Core Strategy which correctly highlighted the shifting of weather patterns. In recent months these patterns had resulted in falling yields leading to dramatic rises in food prices.

Last Tuesday the United Nations had issued a press release urging countries in the developed world to produce more food from the agricultural land that they had, rather than growing crops for alternative energy such as bio diesel, in an effort to reduce imports of food and fend off looming worldwide food shortages and price rises.

She had objected to the solar development in Halse on the basis that such developments undermined the wealth of ordinary people through higher food and energy prices, whilst making the land owners and financiers rich.

On a piecemeal basis the Council was allowing the removal of prime high grade arable land, so depleting the nation's ability to feed itself. In the National Planning Policy Framework it stated that developments on three measures should be sustainable – social, environmental and economic.

The Core Strategy was at odds with the National Planning Policy Framework because it had created a presumption in planning that renewables trumped all else. Indeed it inferred/advocated the use of high grade arable land in section CP1.

The Core Strategy recognised the need for more than 17,000 new homes. More people meant more food required, but there was no more farmland

available, other than that which was being used for other things than producing food.

If a farmer presented a solar panel scheme that was for a grain store roof and/or to use land at the side of fields which were already set aside to encourage nature, then that would be reasonable. Rejecting large schemes and supporting this suggested type of approach would be leadership in carbon reduction, renewable energy and securing the nation's food supply.

Ms Shapland suggested that the Core Strategy policy should be changed to reflect a balanced approach to schemes in order that our ability to produce food was not reduced.

Most farmers did not embark on large schemes, because they cared about their role in society and their impact on the environment. They realised that these schemes were morally repugnant and an abuse of the land they farmed.

(iii) Mike Davis stated that following last week's decision an environmental charity had been engaged to take the decision to a Judicial Review.

As part of the case, the lack of balance in the proposed Core Strategy and positive endorsement of large scale solar developments, regardless of land types, would be highlighted.

It was felt that in the context of sustainability laid down in the National Planning Policy Framework, the Core Strategy was leading Planning Officers to disregard arguments put forward.

It was sad that the democratic processes decided to rush this application without fully understanding the technical issues raised in the submissions and omitting to inform local residents of the application.

At the meeting, it was clear that most Councillors had not read beyond the Planning Officer's summary. He understood that not one Councillor had visited the site. Detailed points had not been investigated by the Planning Officer and it appeared that the decision had already been made.

The impending Core Strategy was biased towards renewable energy at the expense of food production. The logical consequences had not been thought through. Policy was being used as a defence by Planning with the "sustainable" element of the National Planning Policy Framework being interpreted as renewable energy and reducing carbon generation.

The Core Strategy should ensure that one problem did not accentuate another. It was felt that, as worded, Policy CP1 opened the door for large scale solar farms.

So the question that the Core Strategy needed to address, but did not, was how do you maintain as much high yielding agricultural land as possible whilst reducing your carbon footprint and increasing renewables?

Before the Core Strategy was signed off as worded, Mr Davis hoped that Councillors would reflect on what he and his colleagues had said and consider Taunton Deane's essential role as a farming area in sustaining life.

In response, Councillor Edwards asked if copies of the three submissions could be forwarded so that a full written response to the points raised could be made.

5. **Recommendation to Council from the Executive**

Adoption of the Taunton Deane Core Strategy

The Executive had recently considered the proposed adoption of Taunton Deane's Core Strategy as part of the statutory development plan for the district.

The Core Strategy had been prepared over a number of years and set out a long-term strategic vision and spatial policies to guide planning decisions in Taunton Deane up to 2028.

Earlier in the year, the Government's Planning Inspector had considered issues that had been raised in representations and made verbally at the hearing sessions. This had included the need for any 'Main Modifications', which were considered necessary in order for the plan to be considered 'sound' and recommended for adoption. In addition, a number of further consultations had been held to address the publication of new national planning policies such as the National Planning Policy Framework (NPPF).

The Taunton Deane Core Strategy Inspector's Report had been received on 3 July 2012 which had identified a number of Main Modifications which were outlined below:-

- Clarifications to Policy CP3 to define the geographical extent of town centres and the operation of the 500 m² threshold for impact assessment;
- Additional text following Policy CP4 to set out the process for advancing sites into the five-year housing land supply;
- Removal of a reference in Policy CP7 to an interim policy pending the introduction of a Community Infrastructure Levy charging schedule;
- Amendment to Policy SP1 relating to housing allocations in minor rural centres to allow greater flexibility;
- Numerical corrections to the housing provision figures in Policies SP4 and SS1;
- Removal of the requirement for the allocation of strategic housing sites within the identified 'broad locations' (Policies SS6 and 7) to await a Core Strategy Review in 2016 and substitution of reference to allocation in the

Site Allocation and Development Policies Development Plan Document (DPD) by 2015; and

- Re-wording of Policy SS8 (Broad location for Taunton Strategic Employment) to provide a clear criterion-based context for site identification in a future DPD.

In addition, a new Policy (CP1) had been introduced as a main modification to ensure that the plan properly reflected the presumption in favour of sustainable development introduced in the NPPF.

The incorporation of these changes meant that the Core Strategy could be considered sound and capable of adoption.

Moved by Councillor Horsley, seconded by Councillor Coles that the proposed recommendation be amended by the addition of the following wording:-

“The continued need for the items below be recognised for the forthcoming Site Allocations Document to address the following:-

- (a) Putting in place Flood Alleviation schemes that will fulfil the requirements of the Environment Agency and identify the infrastructure risks and funding costs for Taunton Deane Borough Council;
- (b) Bringing forward further identifiable and deliverable housing sites to strengthen the five year supply of housing land and deliverable employment land in Taunton Deane as soon as possible; and

Strive to make the economic case for achieving housing and employment targets that are predicated on a much more realistic rate of growth at the next Core Strategy Review than the 2.8% of the current Core Strategy”.

The amendment was put and was carried.

The substantive Motion which is detailed below, was put and was carried:-

Resolved that:-

- (1) The Taunton Deane Core Strategy 2011-2028, incorporating the Inspector’s recommended modifications, be formally adopted;
- (2) The continued need for the items below be recognised for the forthcoming Site Allocations Document to address the following:-
 - (a) Putting in place Flood Alleviation schemes that would fulfil the requirements of the Environment Agency and identify the infrastructure risks and funding costs for Taunton Deane Borough Council;
 - (b) Bringing forward further identifiable and deliverable housing sites to strengthen the five year supply of housing land and deliverable employment land in Taunton Deane as soon as possible; and
- (3) Strive to make the economic case for achieving housing and employment

targets that were predicated on a much more realistic rate of growth at the next Core Strategy Review than the 2.8% of the current Core Strategy.

(Councillors Mrs Baker and Swaine left the meeting at 7.55 pm and 7.58 pm respectively.)

(The meeting ended at 8.03 pm.)

Usual Declarations of Interest by Councillors

Full Council

- **Members of Somerset County Council – Councillors Brooks, A Govier, Henley, Prior-Sankey, Mrs Waymouth, D Wedderkopp**
- **Employees of Somerset County Council – Councillors Mrs Hill, Mrs Smith and Stone**
- **Employee of Sedgemoor District Council – Councillor Slattery**
- **Employee of Job Centre Plus – Councillor Henley**
- **Employee of UK Hydrographic Office – Councillor Tooze**
- **Employee of Natural England – Councillor Wren**
- **Somerset Waste Board representatives – Councillor Hayward and Councillor Ross**
- **Director of Southwest One – Councillor Nottrodt**
- **Alternate Director of Southwest One – Councillor Ross**
- **Tone Leisure Board representatives – Councillors D Durdan and Stone**
- **Part-time Swimming Instructor – Councillor Swaine**
- **Employee of EDF Energy – Councillor Mullins**
- **Member of the Board of Governors at Somerset College – Councillor Gill Slattery**
- **Patron of Supporters, Taunton Women’s Aid – Councillor Gill Slattery**

Motion to Full Council – 2 October 2012

Proposed Badger Cull

Motion proposed by Councillor Eddie Gaines and seconded by Councillor Steve Ross

This Council notes the serious and damaging animal welfare and economic impact that Bovine Tuberculosis (TB) has on the farming community in the area. This Council also notes with concern the considerable public and scientific opposition to the Government's proposals to pilot a badger cull in areas including one that covers this Council.

The Council acknowledges scientific research that highlights the short-comings in the Government's current proposals including a report by the Independent Scientific Group (ISG) that concluded that, 'badger culling can make no meaningful contribution to cattle TB control in Britain'.

This Council recognises the strong public opposition to the cull and the arguments made by respected animal welfare organisations, such as the RSPCA, Badgers Trust, League Against Cruel Sports and Humane Society International that the current proposals would be ineffective and could eradicate 70% of badger populations.

Furthermore this Council believes that the Government would better serve the farming community by developing work on vaccinations for badgers to achieve the long-term eradication of the disease from livestock.

This Council resolves to write to the Secretary of State for the Department of Environment, Farming and Rural Affairs to:-

- Highlight the Council's concern about the practicalities as well as the welfare implications of the current proposed cull in the Wiveliscombe area of Taunton Deane;
- Object to the cull taking place on Council owned land; and
- Call on the Government to seek alternative methods to tackle the problem of Bovine Tuberculosis.

Taunton Deane Borough Council

Report of the Monitoring Officer to Full Council – 2 October 2012

Recruitment of an Independent Person to work with Taunton Deane Borough Council's Standards Committee

At the meeting of Full Council in July 2012, Members agreed a series of recommendations relating to the introduction of a new Standards Regime for Taunton Deane in accordance with the requirements of the Localism Act 2011.

One of the recommendations related to the appointment of an Independent Person to work with the Council's new Standards Committee, together with a reserve.

The functions of the Independent Person(s) are –

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

Following public advertisement, four candidates were interviewed by a Panel comprising Councillors Gaines, A Govier and A Wedderkopp and the Democratic Service Manager and Corporate Support Lead, Richard Bryant.

The Panel unanimously agreed that Mrs Louise Somerville-Williams should be appointed as the Council's Independent Person.

Mrs Somerville-Williams is ideally suited to this role having previously served as the Vice-Chairman of Mendip District Council's Standards Committee over the past ten years. She was also a Member of the Standards Board for England's Annual Assembly Conference Planning Committee.

The Panel also unanimously agreed that Ms Lynda Williams should be appointed as the reserve Independent Person.

Until earlier in the year, Ms Williams had worked in various roles with Wiltshire Council and she was able to demonstrate a depth of knowledge relating to Standards in Local Government and would be more than capable of undertaking the role of Independent Person if called upon to do so.

In order to comply with the terms of the Council's Constitution the appointments have to be formally made by Full Council.

It is therefore **recommended** that:-

- (1) Mrs Louise Somerville-Williams be appointed as Taunton Deane Borough Council's Independent Person to work alongside the Standards Committee; and
- (2) Ms Lynda Williams be appointed as Taunton Deane Borough Council's reserve Independent Person.

Contact Officer : Tonya Meers 01823 356391 or
t.meers@tauntondeane.gov.uk

Taunton Deane Borough Council

Council Meeting – 2 October 2012

Part I

To deal with written questions to and receive recommendations to the Council from the Executive.

(i) Councillor Mrs Adkins

Somerset Strategic Housing Partnership Tenancy Strategy

The Executive has recently considered proposals to develop a new sub-regional Tenancy Strategy for Somerset in partnership with a range of agencies including the five Somerset Districts and Registered Landlord Partners.

The Localism Act introduced the requirement for all local housing authorities to publish a Strategic Tenancy Policy consistent with their Homeless Strategy and Allocation Scheme. This policy needed to take account of the tenancy and rent standards which social housing providers took into account when drawing up their own tenancy policies.

As Somerset already has a county-wide Homeless Strategy and Allocation Scheme (Homefinder Somerset) it was considered expedient to produce a county-wide Strategic Tenancy Policy, a copy of which is attached as Appendix 1.

The Strategy is intended to provide guidance to social and other landlords operating in Somerset, informing their policies and practices to produce lettings for customers that meet local housing need and improved market function.

In developing the Strategy all key stakeholders (landlords, external agencies such as Shelter and CAB Housing and Enabling officers) have been involved.

Consultations have taken place via an on-line survey circulated to staff and Members across the five local Housing Authorities and Registered Provider partners and guidance from the Department of Communities and Local Government has also been taken into consideration.

Overall the feedback has been very positive with the majority of respondents agreeing with the key principles within the strategy and that all relevant evidence has been included.

The management and monitoring of the Strategy in the future will be through a Project Team reporting to the Somerset Strategic Housing Partnership through the Somerset Strategic Housing Group. Representation on the Project Team includes the Council's Strategy and Corporate Manager.

It is **recommended** that the Somerset Strategic Housing Partnership Tenancy Strategy be adopted.

(ii) Councillor Mrs Stock-Williams

Review of Lease Car, Cash Alternative and Car Loan Schemes

The Executive had considered a number of changes to the Lease Car and Cash Alternative Schemes and the Car Loan Scheme at its meeting on 12 September 2012.

The terms and conditions of employment for staff at Taunton Deane Borough Council are based on the National Terms and Conditions of Service for Local Government Services, as amended locally by the Council through collective agreements with UNISON as the recognised trade union.

These local terms include a frozen Lease Car and Cash Alternative Scheme and a Car Loan Scheme.

As part of the Budget Review Project these Schemes had been identified as possible staff benefits where changes could be made.

Advice from Counsel had been used to formulate a range of options which had been subject of extensive discussions with UNISON and the staff who would be affected by changes to the schemes.

As a result of this consultation, an amended proposal had been put together which would maintain a reduced (between 40% and 45% of current benefit levels) Lease Car and Cash Alternative Scheme with the option to 'buy out' the contractual benefit of the car lease or cash alternative scheme with a payment equivalent to the current allowance of the affected employee.

The buy out option would be treated as an 'invest to save' initiative and would be funded by the use of General Fund Reserves. The maximum potential cost of buy out is estimated at £103,000.

A ballot of affected UNISON members asking for their endorsement of the proposed changes would shortly be undertaken.

If these proposals were agreed and implemented savings would be in the region of £57,500 per annum with effect from 1 April 2013.

In the circumstances, it is **recommended** that a supplementary estimate from General Fund Reserves of £89,000 and from Housing Revenue Account (HRA) Reserves of £89,000 - £103,000 in total - to fund the maximum potential cost of buy-out from the existing schemes, be approved. Please note this is a variation to the recommendation at Executive, which originally showed the full amount to be allocated from General Fund reserves. The updated recommendation reflects a relevant share being funded from the HRA.

(ii) Councillor Mrs Herbert

Update on the proposal to build a swimming pool at Blackbrook Pavilion Sports Centre and the refurbishment of Station Road Pool, Taunton

The Executive had recently considered options and proposals to build a new public swimming pool in Taunton together with the refurbishment of the existing pool in Station Road to provide future public swimming provision.

In 2010, the Swimming Task and Finish Review had concluded that St James Street Pool was nearing the end of its life and that without taking action, Taunton would be unable to offer swimming facilities for a variety of different organisations.

Great concerns were also expressed about the Station Road Pool, in that the capital investment needed to continue to operate it was significant and that further investment would also be needed to ensure that the pool would continue to be attractive to users and to prevent any future decline in membership.

The timetable for these pressing issues have already been agreed by all parties due to the continuing deterioration of the current pools with the resulting adverse impact on local users and the rising costs of maintenance. There is therefore an imperative to progress the project as quickly as possible.

An independent study has been commissioned from FMG Consulting, who specialise in business modelling for the leisure industry and local authorities. Based on a future scenario of a new pool at Blackbrook, a refurbished Taunton Pool and St James Street Pool closed, the FMG report identifies that there is a positive potential for funding the proposals achieved by:-

- Increased income and cost savings;
- Reduced staff costs, energy and maintenance costs;
- Increased demand for swimming, health and fitness; and
- A new high quality spa and café.

A second specialist report was commissioned from Jacqueline Ross Spa Consultancy by Tone Leisure to investigate the addition of a spa. The report confirms that the facility should generate a net operating surplus taking into account projected demand and costs.

Extensive work has been undertaken in assessing different procurement models to deliver a new pool, supported by MMA Limited, a specialist leisure consultancy, with general technical advice provided by the Amateur Swimming Association and Sport England. This produced four primary options and a fifth 'do nothing' option. Both the Corporate Scrutiny Committee (which met on 16 August 2012) and the Executive had expressed support for Option B, brief details of which are shown below:-

Option B	Tone Leisure procures the project via a specialist leisure funding broker to facilitate the funding and procuring the design and build of a new 25m pool, learner pool, spa and café
Indicative Costs	<p>A basic 6 lane pool and learner pool, construction, £2,950,000, spa and café £850,000 (median cost) Total: £3,800,000</p> <p>A basic 8 lane pool and learner pool, construction, £3,200,000, spa and café £850,000 (median cost) Total: £4,050,000</p>

As part of the development of the Business Case to support the proposed investment in swimming provision in Taunton Deane, one of the key financial objectives will be affordability.

The financial modelling undertaken to date had indicated that the proposed project would be affordable and could be delivered, subject to a detailed design brief for the pool, spa and café being agreed by the Council and Tone Leisure.

There were two options for raising the loan finance for this investment:-

(a) A specialist leisure broker who would raise the capital for Tone Leisure and procure the asset on behalf of the Trust who would then be liable to meet the loan repayments; and

(b) The Council raising the capital and procuring the asset, which Tone Leisure would then manage with other existing leisure facilities.

In considering which is the best option for the project, both the Corporate Scrutiny Committee and the Executive, have acknowledged that Tone Leisure procuring and funding the investment in a new pool, spa and café at Blackbrook would be the preferred option.

The cost of refurbishing Taunton Pool is estimated at £1,200,000. Funding of these costs would potentially come from one or a combination of several sources, including:-

- The Council's Leisure Maintenance Reserve;
- External funding;
- Borrowing;
- A capital receipt from the disposal of St James Street Pool; or
- The Community Infrastructure Levy.

The funding proposal for both the new swimming pool and the refurbishment of Station Road Pool would be finalised as part of the development of the full Business Case, with the intention of minimising the need to undertake capital borrowing.

The high level business case has demonstrated the likely affordability of a swimming pool, café and spa. The next stage, if approved by Members, will be a detailed (full) Business Case, involving architects, quantity surveyors and construction experts to gain cost confidence, prior to full cost certainty. This work could take place within a short length of time with Members being updated in December 2012 on the full Business Case and modelling with final recommendations on future swimming pool provision for approval.

The table below set out an indicative timescale and likely fees, including costs for the leisure funding broker. The fees were risk costs that would need to be met as irrecoverable costs if the project did not proceed. This would be shared between the Council (with a potential exposure of £68,000 – half of the £136,000 outlined below) and Tone Leisure. If the project proceeded the fees would be built into the overall project costs.

In addition, the Council also needed to fund its own one off costs of external VAT, leisure, legal, plant condition surveys and the proposed inclusion of work to include Passivhaus principles at an estimated £57,000, plus half of project management costs (estimated at £50,000 overall) so £25,000, giving a total of £150,000 of exposure for the Council:-

		Fees	Timescale	Fees	Timescale
Architects	£5,000	4 – 6 Weeks	£35,000	8 - 12 weeks*	
Construction	£0	4 weeks	£71,000	16 weeks*	
QS	£0	n/a	£20,000	n/a	
Leisure Funding Broker	£0	n/a	£10,000	n/a	

Total	£5,000	-	£136,000	-
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The FMG and Jacqueline Ross Spa Consultancy reports were considered in detail by the Corporate Scrutiny Committee on 20 September 2012. Although support for the swimming pool project was reiterated, Members did express concern about a number of issues, not least, the amount of money required to be allocated to ascertain the Cost Certainty of the project.

However, these up-front costs have previously been accepted by the Executive.

In the circumstances, it is **recommended** that proposals for further joint working with Tone Leisure on a detailed Business Case be supported with Taunton Deane's share of this phase of the project - £150,000 - being funded from the Leisure Maintenance Reserve.



Countywide Tenancy Strategy

June 2012

Document Approval

Group	Date
Core Group	1/12/11
Project Team	7/12/11
Core Group	14/12/11
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1. Context

1.1 Background

1.1.1 The Localism Act¹ included a number of changes relating to social housing provision and allocation:

- Housing allocation reform
- Housing tenure reform
- Reform of homelessness legislation
- Reform of Council Housing Finance
- National Home Swap Scheme
- Reform of social housing regulation

1.1.2 Within the provisions for housing tenure reform is a requirement for local housing authorities to produce a Tenancy Strategy.

Section 150 Localism Act 2011

(1) A local housing authority in England must prepare and publish a strategy (a "tenancy strategy") setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to-

- (a) the kinds of tenancies they grant*
- (b) the circumstances in which they will grant a tenancy of a particular kind,*
- (c) where they grant tenancies for a term certain, the lengths of the terms, and*
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.*

The five local housing authorities within Somerset are as follows:

- Mendip District Council
- Sedgemoor District Council
- South Somerset District Council
- Taunton Deane Borough Council
- West Somerset Council

The Councils have agreed through the Somerset Strategic Housing Programme to produce a single Tenancy Strategy that all social landlords² need to have regard to when framing and reviewing their own Tenancy Policies.

¹ Localism Act <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted> Part 7

² Social Landlords are Housing Associations and for the purposes of this document also include Taunton Deane Borough Council as a stock holding landlord.

1.2 Tenancy Strategy Key Principles - Summary

1.2.1 We have worked with social landlords in Somerset to create the Key principles for the strategy. These were initially released within an Strategy to help social landlords draw up their own tenancy policies.

The agreed Key Principles are as follows:

- *Social landlords will generally be expected to offer tenancies of general needs properties of no less than 5 years following a 12 month probationary period.*
- *Social landlords can only offer tenancies of less than 5 years, but no less than 2 years, in exceptional circumstances, which must be clearly set out in the social landlords Tenancy Policy.*
- *There is an expectation that social landlords will protect existing tenants' security as far as the regulations allow. Social landlords are expected to have a clear statement within their tenancy policy regarding the security of tenure they would offer a tenant transferring from another social landlord.*
- *Those social landlords who have an Homes & Communities Agency (HCA) agreement should have regard to affordability issues within the geographic area of the vacancy when deciding which properties to re-let at Affordable Rents and should state how they will do this within their Tenancy Policy.*
- *Social landlords should take into account the needs of vulnerable applicants (including families with children to avoid disruptive changes, older people, people with long-term illness or disability or a member of their household affected by) when granting fixed term tenancy agreements, and make clear within their Tenancy Policies how this will be done.*
- *Social landlords will undertake a Comprehensive Appraisal of all Fixed Term Tenancies before issuing Notice at the end of a Fixed Term Tenancy.*
- *The key principles of the Comprehensive Appraisal will be developed with social landlords.*
- *The Comprehensive Appraisal will consider relevant options e.g .issuing a replacement tenancy, home ownership, property sale to the tenant, supported housing, housing in the private rented sector etc.*
- *There is a presumption that, following the Comprehensive Appraisal social landlords will renew the tenancy wherever appropriate.*
- *The expectation when re-issuing a tenancy, is that as a minimum, the existing tenure type will be maintained.*

- *Any new Tenancy issued after an initial Fixed Term Tenancy should have regard to an applicant's circumstances (vulnerability, financial etc.) at the time of appraisal.*
 - *Social landlords are expected to give at least 6 months notice to the tenant before the expiry of the tenancy if the social landlord will not be granting a new tenancy at the end of the fixed term.³ Where a tenancy will end Social landlords are expected to follow the existing Somerset Pre-Eviction Protocol (to be reviewed).*
 - *Social landlords must give the Local Housing Authority Housing Options team advance warning of the expiry of the tenancy if they do not wish to grant a new tenancy at the end of the fixed term.*
 - *Social landlords will publish clear and accessible policies and procedures to support their Tenancy Policies.*
 - *The Local Authority partners will develop robust mechanisms to monitor allocations against the Key Principles.*
 - *Social Landlords will provide relevant data to help with monitoring, which will include the number of complaints and requests for review.*
 - *Partners to this Tenancy Strategy support the promotion of 'downsizing' through incentives and encourage social landlords and Local Authority Landlords to review under-occupation at the end of Fixed Term tenancy.*
 - *This Strategy recognises the Partnership of Homefinder Somerset. It is acknowledged that the Strategic and Operational groups will deal with any anomalies and issues arising from the implementation of the Tenancy Strategy and Tenancy Policies.*
 - *It is an expectation that all Affordable Rent and social rented properties will initially be advertised through Homefinder Somerset.*
 - *It is expected that properties will be let in accordance with the way in which they are advertised.*
- 1.2.2 The Tenancy Strategy takes account of the Regulatory Framework for tenure as set out by the Homes and Communities Agency and the final directions on regulatory standards issue by the government⁴.
- 1.2.3 The Somerset Strategic Housing Programme) is a framework of strategic housing projects aimed at achieving substantial improvements within housing in Somerset by collaborative working both within local authorities and with our partners.

³ Localism Act 2011 Part 7, Chapter 2 Section 154, 107D (3)

⁴ http://www.homesandcommunities.co.uk/sites/default/files/our-work/regulatory_framework_2012.pdf

- 1.2.4 The principle of joint working has long been established within the strategic housing function across Somerset. The Programme builds on this solid foundation to seek the most sustainable and cost-effective structures for delivering housing services across Somerset, maximising benefits of scale whilst also delivering good quality, locally based services.
- 1.2.5 It has long been recognised that Strategic Housing is important to maximising opportunities to improve the Health and Wellbeing of people living and working in Somerset. Strategic Housing provides opportunities for people to live in decent, warm & affordable homes, whether new-build, social housing or in the private sector, or in sustainable communities. Strategic housing also ensures that current & future housing is sustainable by developing housing that is affordable, reducing homelessness & improving access to services for vulnerable adults.
- 1.2.6 The Tenancy Strategy has taken account of the existing countywide Homelessness Strategy (2008-11)⁵ which is currently being updated. A countywide Housing Strategy Framework is in development and will take account of this Tenancy Strategy.
- 1.2.7 All the Somerset authorities will in some way be impacted by the proposed development of the Hinkley Point C nuclear power station (if full planning permission is granted) The housing markets in the Sedgemoor, West Somerset and Taunton Deane Housing Authority areas will be most dramatically affected by this development.
- 1.2.8 EDF Energy's workforce assumptions regarding the scale of temporary workforce are that the lifetime of the project is likely to require some 26,600 full time equivalent (FTE) workers across the lifetime of the build project with a peak of 5600 FTE on site by 2016. Of this number it is agreed that an estimated 34% could be home-based leaving 66% (approximately 3700 workers) requiring accommodation in the local area. The analysis undertaken by EDF includes geographic areas represented by a sixty minute travel zone to Hinkley Point and includes Sedgemoor, West Somerset, Mendip and Taunton Deane.⁶ We also believe that there is potential for South Somerset to be affected because parts of the South Somerset area are within the sixty minute drive time as identified in EDF documentation.
- 1.2.9 All the Somerset Housing Authorities aim to make best use of existing resources to try to ensure that there is a sufficient supply and range of decent accommodation to meet demand. Any development such as Hinkley Point needs to be considered in the context of local needs in order to avoid exacerbating pressures on provision of housing.

⁵ Making Homes, Helping People Changing Lives (Somerset Homelessness Review & Prevention Strategy 2008-2011) <http://www.westsomersetonline.gov.uk/getattachment/Housing/Housing-Strategies-and-Policies/Somerset-Homeless-Review-Strategy.pdf.aspx>

⁶ [EDF Energy Proposed Development at Hinkley Point – Additional Information](#)

- 1.2.10 In 2008 the Strategic Housing Market Assessment highlighted data from 2006 to show a demand in the private rented sector from households aged under 30 years old. More recent data from Homefinder Somerset supports this finding although there are still high levels of demand from the 30s to 40s age bracket. This heightens concern that the demand from Hinkley workers for accommodation will have a particular impact on the under 40s who are reliant on low cost accommodation in the affected areas.⁷
- 1.2.11 Analysis of the Homefinder Somerset register has shown that the profile of applicants shows a majority are 1 and 2 person households⁸. The Tenancy Strategy focuses on ensuring that these groups are not disadvantaged by conversions to Affordable Rents. Particularly since this same group will be affected by the demand for private sector accommodation introduced by the proposed Hinkley Point power station and it is in the lower bedroom sizes that Local Housing Allowance (LHA) rates usually exceed 80% market rents.
- 1.2.12 The analysis of Homefinder Somerset property advert data has also shown that 1 and 2 bedroom properties make up the majority of property adverts⁹. The strategy may further need to determine if these properties make up the larger share of Affordable Rented lets and if so for what length of tenure. Single applicants will be further affected by the changes to LHA rates in January 2012 when the shared accommodation rate that currently applies to single people under the age of 25 living in private rented accommodation was extended to people aged under 35. This could leave many single applicants in private rented accommodation that they cannot afford and place further demands on the supply of social/affordable rented accommodation.
- 1.2.13 Where larger family homes (3 / 4 bed and above) are advertised at Affordable Rent levels then the flexible tenancy may need to be longer to reflect the family nature of the accommodation. To avoid shortfalls in benefits the Strategy focuses on reducing the Affordable Rent percentage in the larger properties across those districts. Under Government changes to Housing Benefit Regulations referred to in paragraph 1.2.12 above, for under 35s there will be an increase in people seeking shared accommodation and an overall reduction in single persons under 35 seeking, or being able to afford, self contained accommodation from January 2012.¹⁰

1.3 Methodology

- 1.3.1 Building on the strong relationships that already exist between the Somerset Local Housing Authorities and the social landlords, the Tenancy Strategy was developed

⁷ EDF (2011) Draft Accommodation Strategy

⁸ See Analysis of Homefinder Somerset Housing Register & CBL Data

⁹ See Analysis of Homefinder Somerset Housing Register & CBL Data

¹⁰ http://www.direct.gov.uk/en/NI1/Newsroom/DG_192415

collaboratively by involving both social landlords and other key stakeholders, especially in the production of the Key Principles. This has been achieved through a Project Team made up of the following organisations:

- Mendip District Council (Project Sponsor, and representing the Somerset Enablers Group)
- South Somerset District Council
- Sedgemoor District Council
- West Somerset Council (representing Somerset Homeless Managers Group)
- Yarlington Housing Group
- Hastoe Housing Association
- Homes in Sedgemoor (ALMO for Sedgemoor District Council)
- Taunton Deane Borough Council - Landlord
- Knightstone Housing Association
- Raglan Housing Association
- Flourish Homes
- Magna West Somerset Housing Association
- Shelter
- South Somerset CAB

In developing this Tenancy Strategy together we have had regard to our Homefinder Somerset Choice Based Lettings (CBL) partnership allocation scheme¹¹ and the existing homelessness strategy.

1.3.2 Partners to this Tenancy Strategy recognise that a strategy alone is insufficient. Strong and effective partnerships will be important to the implementation and monitoring of both the Tenancy Strategy and individual social landlord tenancy policies. Joint working is also required to ensure that any risks and unintended consequences are addressed promptly and effectively within the review mechanism for this Tenancy Strategy.

1.3.3 The evidence to support the Tenancy Strategy is listed within Appendix 2.

1.4 Aim of this Strategy

1.4.1 The Tenancy Strategy is intended to provide guidance to social and other landlords operating in Somerset, informing their policies and practices to produce lettings for customers that meet local housing need and improve market functioning in the County. It should also prove invaluable to policy makers and property professionals.

1.5 Scope of the Strategy

1.5.1 This Tenancy Strategy covers the following key areas regarding social landlords:

- a) the kinds of tenancies they grant;

¹¹ Homefinder Somerset Allocations Policy <http://www.homefindersomerset.co.uk/Data/ASPPages/1/107.aspx>

- b) the circumstances in which they will grant a tenancy of a particular kind;
- c) where they grant tenancies for a fixed term, the lengths of the terms; and
- d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

1.5.2 We have structured the Tenancy Strategy around agreed Key Principles that summarise the issues that social landlords should have regard to when framing their own tenancy policies.

1.6 Governance

1.6.1 Individual social landlords are responsible for their own Tenancy Policies. We have also set out in appendix 1¹² the details of where the tenancy policies of social landlords operating within the Somerset area can be found. We propose that the Homefinder Somerset Monitoring Board will be responsible for monitoring and reviewing the Tenancy Strategy on behalf of the Somerset local housing authorities.

1.6.2 The Tenancy Strategy is produced will be reviewed every three years¹³ with the results being discussed by the Homefinder Somerset Monitoring Board and that Board recommending changes to the Somerset Strategic Housing Group.¹⁴

1.6.3 The review of evidence moving forward will include (but not be limited to) monitoring of trends in:

- Housing needs
- Homelessness (aligning with Homeless Strategy)
- Reviewing effectiveness of allocation policy (and aligning with any changes)
- Rent levels across all tenures
- Social landlords activity
- Number of new homes built including affordable, and which tenure(s)
- Changing trends in housing and benefit paid, including proposals for the Universal Credit
- Lettings of Affordable Rents including number of bids and acceptances
- Outcomes of Reviews e.g. number tenancies re-issued, no of under occupied properties recycled
- Site viability

¹² Localism Act 2011 Part 7, Chapter 2 Section 150 (2)

¹³ Localism Act Part 7, Chapter 2 section 150 (5).

¹⁴ The Somerset Strategic Housing Officers Group (SSHG) is made up the 5 local housing authorities (District) and the County Council, together with NHS Somerset (PCT)

1.7 Legal Context

1.7.1 Alongside the requirements of the Localism Act, the Homes and Community Agency (HCA) has agreed programmes for the delivery of new affordable housing over the next 4 years with social landlords. All new homes built with HCA subsidy are expected to be offered at Affordable Rents - up to 80% of the market rent. In addition social landlords may increase rents on a percentage of re-let properties. Social landlords are also encouraged to take a more proactive approach to managing their stock, including disposal of stock where this will release funds to invest in new homes.

1.7.2 The Tenancy Strategy has adopted the definition of Affordable Housing as set out in the draft National Planning Policy Framework (or subsequent updates of that definition in the National Planning Policy Framework) which replaces PPS3 and states that Affordable Housing is;

'Affordable housing: Social rented, Affordable Rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.'

- *Social rented housing* is owned by local authorities and private registered providers, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- *Affordable Rented housing* is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- *Intermediate housing* is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not Affordable Rented housing.¹⁵

1.7.3 Social landlords who have entered into a contract with the HCA to deliver new homes will be able to offer fixed term tenancies at Affordable Rents with a minimum 5 year length¹⁶ as well as life time tenancies at Affordable Rents on new properties and conversion of some of their existing stock. The Government has stated that only

¹⁵ Draft National Planning Policy Framework Glossary

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

¹⁶ A 2 year minimum period may be used in exceptional circumstances.

<http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(4)(a)

in exceptional cases will the term be less than five years and these circumstances would need to be set out within the social landlords' Tenancy Policy.¹⁷

- 1.7.4 Social landlords who are not developing, or developing without HCA resources can either continue to offer assured lifetime tenancies or flexible tenancies from April 2012.
- 1.7.5 Social landlords will continue to be able to offer introductory tenancies.
- 1.7.6 These changes will mean that properties will be available on the Homefinder Somerset CBL scheme at different rent levels and with different tenures depending on the social landlord arrangements with the HCA and social landlords own tenancy policies. Additional advert symbols (highlighting Affordable Rent and fixed term tenure) together with applicant guidance notes on Affordable Rent and fixed term tenure have been made available through the Homefinder Somerset CBL scheme.
- 1.7.7 Existing tenants who remain in their existing homes will not be affected by Affordable Rents/tenure change, and will retain their security of tenure if they move to another social rented home. However they will reduce their security of tenure if they move to a home let at an Affordable Rent which also has a Fixed Term Tenancy¹⁸.
- 1.7.8 Mutual exchange tenants are protected within the Localism Act¹⁹ such that they will retain their security of tenure when they move, subject to the relevant Guidance.
- 1.7.9 Note that under the Allocation of Accommodation Guidance issued in December 2011 (consultation draft) stockholding local authorities are encouraged to use flexible tenancies to support households in low paid employment and incentivise others to take up employment opportunities. It will be for Sedgemoor District Council and Taunton Deane Borough Council to decide on how they implement this.²⁰

1.8 Consultation

- 1.8.1 The Localism Act 2011 requires that Local Housing Authorities consult with social landlords and other agencies on the content and give them a reasonable opportunity to comment.²¹

¹⁷ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(d)

¹⁸ Final Direction on Tenure <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A (2)(4)(d)

¹⁹ Localism Act 2011 Part 7, Chapter 2, Section 158 (9)

²⁰ <http://www.communities.gov.uk/documents/housing/pdf/2060702.pdf>

²¹ Localism Act 2011 Part 7, Chapter 2 Section 151

- 1.8.2 The Tenancy Strategy was released for consultation in January 2012. This final version of the strategy takes account of comments received during the consultation period.

2. The Evidence Base

- 2.1 We have included at Appendix 2 evidence that we believe supports the Key Principles we have included within the Tenancy Strategy. The evidence referred to seeks to provide information about the local housing markets that operate within Somerset together with other national indicators.

3. Tenancy Strategy Key Principles

3.1 Length of Fixed Term Tenancy

- 3.1.1 ***Social landlords will generally be expected to offer tenancies of general needs properties of no less than 5 years following a 12 month probationary period.***
- 3.1.2 ***Social landlords can only offer tenancies of less than 5 years, but no less than 2 years, in exceptional circumstances, which must be clearly set out in the social landlords Tenancy Policy.*** The social landlord will be expected to demonstrate within their Tenancy Policy, how any tenancy of less than five years can be managed in order to minimise adverse impact on local community cohesion, the sustainability of that community and homelessness. An Equality Analysis will also be required in order to show how any adverse impact on the vulnerable groups will be prevented.²²
- 3.1.3 ***There is an expectation that social landlords will protect existing tenants' security as far as the regulations allow.*** Social landlords are expected to have a clear statement within their tenancy policy regarding the security of tenure they would offer a tenant transferring from another social landlord.²³
- 3.1.4 The Somerset Strategic Housing Partnership Affordable Housing Programme 2011-2015 Investment Policy (paragraph 18.14) sets out guidelines on creating and maintaining stable, mixed and balanced communities, encouraging social landlords to provide minimum period tenancies appropriate to the needs of the household, dwelling type and location within Somerset.²⁴
- 3.1.5 Collectively the five Somerset Local Housing Authorities together with social landlords agreed that a flexible non prescriptive approach on fixed term tenancies should be adopted, with a minimum of five years following a 12 month probationary period. This will allow a reasonable length of security to enable some tenants to plan

²² <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(d)

²⁴ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

²⁴ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

ahead taking account of future options. Allowing social landlords the freedom to allocate more flexible tenancies based on local need within each of the five districts but retaining the discretion to offer tenancies on a lifetime basis. Combined with an Affordable Rent model social landlords will be able to offer a range of housing options, whilst raising extra rents to invest in new building.

3.2 Affordable Rents

3.2.1 ***Those social landlords who have an HCA agreement should have regard to affordability issues within the geographic area of the vacancy when deciding which properties to re-let at Affordable Rents and should state how they will do this within their Tenancy Policy.***²⁵

3.2.2 The Tenancy Strategy has adopted the definition of Affordable Housing as set out in the draft National Planning Policy Framework (as set out in section 1.7.2).

3.2.3 Affordable Rents must be no more than 80% of market rents, including service charges. When setting an Affordable Rent, Landlords should have regard to Local Housing Allowance (LHA) rates within the area of the property being let.

3.2.4 We have not provided any definition of affordability within this Tenancy Strategy but would expect social landlords to have regard to the evidence provided at Appendix 2 regarding affordability issues and availability of private rented accommodation when setting their Affordable Rent levels.

3.3 Vulnerable Groups

3.3.1 ***Social landlords should take into account the needs of vulnerable applicants (including families with children to avoid disruptive changes, older people, people with long-term illness or disability or a member of their household affected by) when granting fixed term tenancy agreements, and make clear within their Tenancy Policies how this will be done.***²⁶ In addition when issuing and reviewing tenancies social landlords should have regard to the long term housing needs of vulnerable groups, including those that require adapted properties.

3.3.2 This principle ties in closely with the existing Sub-Regional Homelessness Strategy – ‘Making Homes, Helping People, Changing Lives (Somerset Homelessness Review & Prevention Strategy 2008-2011) sets out the local strategic aims to achieve positive outcomes in the support for vulnerable people. The action plan to prevent homelessness focuses on the following key priorities²⁷:

- Floating support services
- Homeless prevention

²⁵ See [Shelter Private Rent Watch - Report one: Analysis of local rent levels and affordability October 2011](#)

²⁶ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(g)

²⁷ <http://www.westsomersetonline.gov.uk/getattachment/Housing/Housing-Strategies-and-Policies/Somerset-Homeless-Review-Strategy.pdf.aspx> Action plan page 56 onwards.

- Improved access to the Private Rented Sector
- Improved access to appropriate housing
- Improve protocols and partnerships to tackle homelessness

3.3.3 In addition the South West Regional Housing Strategy 2005-2016 supports action to tackle homelessness and to reduce the use of Temporary Accommodation through investment in new social rented housing and by promoting positive models of prevention and address homeless prevention services for vulnerable groups.²⁸

3.4 Comprehensive End of Tenancy Appraisal

3.4.1 ***Social landlords will undertake a Comprehensive Appraisal of all Fixed Term Tenancies before issuing Notice at the end of a Fixed Term Tenancy.***²⁹

3.4.2 ***The key principles of the Comprehensive Appraisal will be developed with social landlords.*** Both the Local Housing Authority partners and social landlords could benefit from a structured approach to housing options advice. The current Homefinder Somerset system provider (Abitas) facilitates housing options advice provision through a system module that can be tailored to provide applicants and tenants with a printed housing options report, setting out the next steps they would need to take regarding their housing. This could be used as part of the 'End of Tenancy Appraisal' to provide social landlords with a clear decision path for sustaining tenancies and tenants with clear housing options advice.

There are two ways in which this may be utilised:

Initial presentation for housing advice

The applicant presents to the Local Housing Authority requesting housing options advice or to join the register. Before they can join the register the applicant is invited to complete a housing options online questionnaire which will then alert them to the best housing option available and include an indication (based on their circumstances) of how long they may have to wait if they joined the housing register. This will help to manage expectations and also highlight to applicants the other options available.

Tenancy Assessment for Flexible Tenancy

When a tenant is coming up to their 6 months assessment period with a landlord, Homefinder Somerset will flag up to landlords that a 6 month assessment is required, from the data logged when the applicant was initially housed.

²⁸ <http://www.swslim.org.uk/documents/themes/lt12-housingstrategy.pdf>

²⁹ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(e)

The landlord is required to provide housing options advice to the tenant but may wish to extend the tenancy if the review proves successful. In these circumstances the tenant can complete the housing options assessment. This assessment will look at the following:

- financial circumstances to see if they can afford a different housing options
- Household size
- Medical/welfare issues
- Any other key circumstances

Once completed the assessment can then advise the applicants of other possible housing options that would suit their circumstances (including 80% market rents) OR justify the landlord in issuing a new tenancy.

Landlords can have a PDF copy of the housing options report to attach to the tenancy file within their housing management systems if necessary (as a record) and access the housing options module (including its set up) for an increase in the advert fee or a one off charge.

3.4.3 ***The Comprehensive Appraisal will consider relevant options e.g. issuing a replacement tenancy, home ownership, property sale to the tenant, supported housing, housing in the private rented sector etc.***³⁰

3.4.4 There is a great deal of uncertainty around how frequently fixed term/flexible tenancies will be renewed. This is likely to depend on a number of factors, including the:

- i. criteria social landlords adopt for their lettings policies; and
- ii. the circumstances of tenants that are granted flexible tenancies and the way these evolve over the period before reviews.

3.4.5 One of the grounds that might lead landlords to decide not to renew a flexible tenancy could be a large and sustained increase in income. Other grounds could include household composition, e.g. number of inhabitants and their age, and suitability of accommodation. Factors that could be taken into account in renewing a flexible tenancy might include age of occupiers, having dependent children, and health of the tenant.³¹ Further examples are set out below.

³⁰ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(h)

³¹ Amended from work done by St Edmundsbury DC

<http://www.stedmundsbury.gov.uk/sebc/say/pdf/PublicConsultation/110915TS%20Consultation%20Final.PDF>

Criteria	Explanatory Notes
Property under occupied	Potentially tenants, such as young couple or families may be allowed to under occupy in order to allow the family to grow into the house and have a firm base in the area. A range of occupation levels may also help contribute to balanced communities.
Property over occupied	To prevent low quality housing conditions developing.
Suitability of property	Is the property/services/facilities still suitable for the current tenant?
When a tenant requires re-housing in a more suitable/appropriate location	This scenario is likely to be picked up and dealt with through housing management measures before the need not to renew a tenancy occurs. Examples might include Domestic Abuse cases/witness protection/antisocial behaviour
Tenant change in circumstances	For example when a tenant has demonstrably a high enough income to comfortably afford (for example purchase) market housing and arguably the affordable house would be better used by somebody in greater need.

3.4.6 ***There is a presumption that, following the Comprehensive Appraisal social landlords will renew the tenancy wherever appropriate.***

3.4.7 It is generally accepted that creating high turnover in the housing stock is not desirable – for the Local Housing Authority keeping people in established communities is more sustainable and for the social landlords it helps to keep costs down for their business model. Therefore the occurrences when tenancies are not renewed (i.e. granting a new fixed term/flexible tenancy at the end of the original term) are likely to be the exception and not the rule. This will also be important in ensuring that homelessness is minimised (one of the principle reasons for homelessness is the termination of existing Assured Shorthold Tenancies in the private sector).

3.5 Renewing a Tenancy

3.5.1 ***The expectation when re-issuing a tenancy, is that as a minimum, the existing tenure type will be maintained.*** Principle 3.3 would still apply in terms of addressing the needs of vulnerable groups.

3.5.2 ***Any new Tenancy issued after an initial Fixed Term Tenancy should have regard to an applicant's circumstances (vulnerability, financial etc) at the time of appraisal.***

3.6 Notice Period

- 3.6.1 Legal requirements to end a tenancy will be a matter for the social landlord concerned but social landlords will be expected to refer to the following key principles when ending tenancies.
- 3.6.2 ***Social landlords are expected to give at least 6 months notice to the tenant before the expiry of the tenancy if the social landlord will not be granting a new tenancy at the end of the fixed term.³² Where a tenancy will end social landlords are expected to follow the existing Somerset Pre-Eviction Protocol (to be reviewed).***
- 3.6.3 ***Social landlords must give the Local Housing Authority Housing Options team advance warning of the expiry of the tenancy if they do not wish to grant a new tenancy at the end of the fixed term.***
- 3.6.4 The advance warning process will be developed as part of the Comprehensive Tenancy Appraisal.
- 3.6.5 The Governments latest figures on statutory homelessness in England show that there has been an increase in the number of households applying to councils for help with re-housing (an increase of 14% in the last year). There has also been a 26% increase in the number of households accepted as homeless who are still waiting for re-housing by the local authority.³³
- 3.6.6 Analysis of Somerset homeless statistics shows that termination of AST private sector tenancies is the main reason for homelessness and is increasing when compared to 2010-11.³⁴

3.7 Appeals /Reviews Offers/Notice

- 3.7.1 Social landlords should set out in their Tenancy Policy the way in which the tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.³⁵
- 3.7.2 Social landlords will also be responsible for dealing with any requests for a review of their decision to end a fixed term tenancy or on the length of tenancy offered to a prospective tenant under Section 154, 107B of the Localism Act.³⁶ We would expect the processes for these requests to be made clear in social landlords Tenancy Policies.

³² Localism Act 2011 Part 7, Chapter 2 Section 154, 107D (3)

³³ <http://www.communities.gov.uk/publications/corporate/statistics/homelessnessq22011>

³⁴ Somerset P1E Homeless Statistics

³⁵ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(f)

³⁶ Localism Act 2011 Part 7, Chapter 2 Section 154, 107B

3.8 Monitoring

3.8.1 *Social landlords will publish clear and accessible policies and procedures to support their Tenancy Policies.*

3.8.2 *The Local Housing Authority partners will develop robust mechanisms to monitor allocations against the Key Principles.*

3.8.3 *Social Landlords will provide relevant data to help with monitoring, which will include the number of complaints and requests for review.*

3.9 Conversions of Social Rented Housing Stock to Affordable Rent and Disposal of Affordable Homes

3.9.1 Consultation with the Local Housing Authority on the detail of any conversion is required. This consultation by social landlords is seen as crucial to enable the Local Housing Authority to ensure that a sustainable mix of housing is maintained locally. See Appendix 2

3.9.2 Registered Providers should have regard to the following when considering the proportion of properties which will be re-let at an 'Affordable Rent':

- The pattern of re-lets by location, property size and type.
- The need to ensure that under-occupiers wishing to downsize are not put off by having to pay a higher rent or being given reduced tenancy rights.
- The need to ensure a reasonable supply of family-sized accommodation at social rents.
- The need to ensure that properties in rural areas can be let to those working in the area on low wages.
- The shortage of wheelchair accessible accommodation.

3.9.3 We will support disposals to the open market subject to the agreement of the social housing regulator, where the provider has completed an options appraisal and can demonstrate a clear benefit.³⁷

3.10 Mobility

3.10.1 The Tenancy Strategy encourages Social Landlords to promote and assist tenants who need to move to other properties, to find their own solutions, and to make best use of existing stock.

³⁷ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

3.11 Down sizing and Under Occupation

3.11.1 *Partners to this Tenancy Strategy support the promotion of ‘downsizing’ through incentives and encourage social landlords and Local Housing Authority Landlords to review under-occupation at the end of Fixed Term tenancy.*

3.12 Choice Based Lettings

3.12.1 *This Strategy recognises the Partnership of Homefinder Somerset. It is acknowledged that the Strategic and Operational groups will deal with any anomalies and issues arising from the implementation of the Tenancy Strategy and Tenancy Policies.*

It is an expectation that all Affordable Rent, intermediate housing products and social rented properties will initially be advertised through Homefinder Somerset.

It is expected that properties will be let in accordance with the way in which they are advertised.

3.13 Equality

3.13.1 The Tenancy Strategy will meet the requirements of the Equality Act 2010. This strategy through its key principles, encourages landlords to undertake their responsibilities under both the Localism Act and Tenancy Standard in a robust and equitable manner. With regard to this point Landlords will need to ensure that they have clear records, supported by strong evidence that show how and why decisions have been made.

3.13.2 An Equality Analysis has been undertaken on the Tenancy Strategy as part of the consultation exercise. We have addressed the issues highlighted by the Equality Analysis and the changes have been incorporated into this Tenancy Strategy.

4. Action Plan

4.1.1 The Tenancy Strategy and the final version of the Tenancy Strategy when it is available will need to evolve as circumstances dictate. A number of the Key Principles identified within this document have highlighted the need for further work. These pieces of work are included at appendix 3.

4.1.2 The Tenancy Strategy will be reviewed every 3 years by the Local Housing partner authorities in consultation with relevant agencies.

Appendix 1 – Details of where Social Landlord tenancy policies can be found.

We will place a link to your homepage on the Homefinder Somerset website and it will be Social Landlords responsibility to ensure that their Tenancy Policy is available on their website by 1st April 2012.

Appendix 2 – The Evidence Base

1. Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines (December 2011)

Introduction

1. The comprehensive spending review in October 2010 significantly reduced the direct investment available from the Homes and Communities Agency (HCA) and introduced a new product, Affordable Rent. The affordable homes programme 2011 – 2015 replaces the national affordable homes programme (NAHP).
2. This document covers investment policy guidelines, giving a clear indication of the expectations and wishes of the Local Housing Authorities. Specific guidance for providers is set out in section 18, but should not be taken as prescriptive.

HCA framework

3. The HCA's affordable homes programme 2011 – 15 framework, released on 14th February, required Registered Providers to produce and submit by 3 May 2011 a 4 year programme for the delivery of affordable housing. Once the package of funding is agreed between the Registered Provider and the HCA they will sign a Contract committing to delivery for homes to be completed by March 2015. Contracts are due to be signed by the end of September 2011. A short form of the Contract will also be signed by those Registered Providers not in receipt of funding but wishing to provide the Affordable Rent product without subsidy.
4. The framework is intended to:-
 - Meet housing need at a local level
 - Provide a more flexible offer for social housing tenants
 - Ensure that public funds (and funds generated from re-lets resulting in Affordable Rent) are properly and effectively spent
 - Maximise delivery of new affordable housing supply through the introduction of the new Affordable Rent product and other means and
 - Ensure quality standards are maintained
5. The HCA framework places the onus on Registered Providers to raise capital for new affordable housing supply. In future access to the reduced government subsidy is directly linked to a Registered Provider's willingness to incorporate Affordable Rent into their business plans for both new homes and for a percentage of their existing homes when re-let (conversions).

Affordable Rents

6. The new Affordable Rent product requires homes to be let at 'up to' 80% of market rent. This guidance is the basis on which Registered Providers are expected to raise capital for new affordable homes and is the basis on which they will qualify for HCA subsidy.

7. For context Social Rents in Somerset are generally well below 80% prevailing market rates, although the % varies according to size of property and location. As an example a brief analysis of social rents in South Somerset gives the following averages;
 - One bedroomed flat – 81% (note actually higher than Affordable Rent model)
 - Two bedroomed flat – 66%
 - Two bedroomed house – 65%
 - Three bedroomed house – 57%
 - Four bedroomed house – 43%
8. The above figures quote averages across the district. Affordable Rents will be calculated based on an RICS valuation of what the same property would command as an open market rent. It is therefore reasonable to assume that variations will also exist according to the exact locale – for example between different neighbourhoods and between urban and village locations.
9. It should be noted that the Affordable Rent is effectively capped by the Local Housing Allowance (LHA) limit which applies to Housing Benefit claims. From June 2010 the LHA has been based on the 30th per centile of (available) market rents in a broad housing market areas. It is unlikely that 80% prevailing market rents will be above the LHA, except in the case of 5 or more bedrooms as the 4 bed LHA will apply – although we already have one case in South Somerset where the 80% rent is forecast as marginally above the LHA.

Four year programme

10. The four year programme will reflect specific existing commitments and the current affordable housing delivery pipeline in the first 2 years with unnamed schemes in the latter 2 years. the programme will be developed through partnership based on capital finance generated and HCA subsidy.
11. The HCA will assess Registered Providers capacity to deliver across the whole of their business plans and will moderate on a national basis.
12. The Framework puts the onus on Registered Providers to work in close collaboration with Local Authorities across their housing areas to develop their programmes in accordance with Local Investment Plans and local housing need.

Strategic Tenancy Policies

13. Under the Localism Bill, assuming it is passed in its current form, authorities will be required to put in place strategic tenancy policies by April 2012. These will guide social landlords as to how they will develop their programmes, manage their assets and let their properties.
14. The five Somerset Local Housing Authorities (Somerset Housing Partners) through the Somerset Strategic Housing Partnership) are seeking to create a single Strategic Tenancy Policy that will reflect local circumstances, with overarching principles that underpin the countywide investment plans. This has been prioritised by the Shared Housing Programme Board as a project to commence in early June using a project team heavily drawn from the Homefinder Somerset Monitoring Board, reflecting the need to integrate well with our county wide Choice Based Lettings scheme.
15. Our strategic tenancy policy must reflect both identified need and the process through which lettings are made. All registered providers and the Housing Authorities must work together to ensure a continuous, fair and equitable provision of affordable housing is delivered to meet the needs of tenants and allow for flexibility and opportunity for tenants to progress from social housing into home ownership and to facilitate movement to support economic growth.
16. Registered Providers will be required to develop their lettings policies having regard to the strategy adopted by the relevant Housing Authority. Co-operating on a county wide basis to produce a single strategy will make this easier for most Associations, although there will still be dissimilarities between ours and neighbouring authorities, e.g. Wiltshire, West Dorset, North Devon etc.
17. It should be noted that some Registered Providers have already formulated their tenancy strategies as lettings under Affordable Rent will commence in advance of April 2012. Where possible it is expected that cyclical reviews of these policies should take into consideration the issues raised in this document and the guidelines set out below.

Guidelines for Registered Providers

18. The following are to be taken as guidelines, giving a clear indication of the expectations and wishes of the Local Housing Authorities but without being prescriptive.
 - 18.1. Existing countywide planning policies require that affordable housing delivered through S106 agreements should not require public subsidy.
 - 18.2. Where it is confirmed that a scheme is not viable to deliver without public subsidy, a minimum level of affordable housing will be expected through planning obligation alone and it is likely that social rent housing will remain the major component of this, possibly supplemented by some shared ownership.
 - 18.3. Both the developer and the Housing Association partner will then seek public subsidy to complement the affordable housing delivered through planning gain alone. Where this public subsidy is secured through the HCA, or a combination of HCA and Local Authority funds, it is likely that Affordable Rent will be the major component.
 - 18.4. We will not normally support conversions of social rent and shared ownership units which were delivered (or due to be delivered) through existing s106 agreements to

Affordable Rent where the S106 agreement or other legal covenants state that the affordability/tenure of those units to remain as social rent or shared ownership or where other similar legal restrictions apply to previously delivered schemes.

- 18.5. Conversion of existing social rent dwellings which have previously been developed using subsidy (grant and/or free/reduced land) only from the Local Housing Authority (e.g. with no additional public subsidy being forthcoming from the HCA) will ordinarily be subject to the approval of that Authority. The Housing Authority may require either direct re-investment within the same District or repayment of the subsidy which was directly attributable to that Authority.
- 18.6. Where social housing has been acquired by a Housing Association from the sponsoring Council through Large Scale Voluntary Transfer (LSVT) it is possible that the detail of the transfer agreement restricts the loss of such dwellings from social rent except through the exercise of the Preserved Right To Buy. Any request to vary an LSVT agreement to allow for Affordable Rents will only be considered by the relevant Local Housing Authority if the Registered Provider can demonstrate that detailed consultation with the appropriate tenants has been undertaken.
- 18.7. We will support the conversion of social rent tenancies when the property becomes void to Affordable Rent or New Build Home Buy (unless there is a restriction in the S106 agreement or other legal covenants) where such migrations will deliver balanced and sustainable communities.
- 18.8. We may wish to apply restrictions to conversions of tenancies to Affordable Rent where deemed appropriate based on locally identified need and circumstances. Where Registered Providers have committed themselves to a proportion of vacancies being subject to conversion, they should discuss with the relevant Local Housing Authority those instances and locations where conversions may be deemed appropriate and those instances and locations where the Authority may wish to preserve an element of social rent provision.
- 18.9. We will support Affordable Rent provided as affordable housing *in addition* to those required under agreed s106 at nil public subsidy beyond the individual Council's approved affordable housing planning policy requirement.
- 18.10. We will also support Affordable Rent provided as part of the Registered Providers contract with the HCA (e.g. on 100% affordable sites) or by negotiation subject to viability.
- 18.11. We will support disposals to the open market subject to the agreement of the social housing regulator (currently the TSA), where the provider has completed an options appraisal and can demonstrate a clear benefit. Where Registered Providers have committed themselves to a designated number of disposals, they should discuss with the relevant Local Housing Authority those instances and locations where disposals may be deemed appropriate
- 18.12. Any affordable housing delivered with or without public subsidy must be compliant with HCA quality and design standards 2007 or any other subsequent standards introduced. This requirement may be reduced but only exceptionally where there is a clear and case specific justification.
- 18.13. Where specified in individual agreements, affordable housing delivered must remain at an affordable price for future eligible households or, if restrictions are lifted, the appropriate Housing Authority should be consulted and all effort should be made to

ensure that the resulting funds realised should be recycled for alternative affordable housing provision in that District area in the first instance.

- 18.14. In order to create and maintain stable, mixed and balanced communities, we shall encourage Registered Providers to provide tenancies for a minimum period appropriate to the needs of the household, the dwelling type and the specific location. To allow for flexibility any reduction from appropriate minimum period should be discussed with the Somerset Housing Partners in advance of any decision being made

(NOTE Minimum periods to be considered as part of the tenancy strategy by the project team. Our expectation is that a blanket number of years will not work for all client groups and that different minimums shall be set on a county-wide basis for different categories)

- 18.15. Somerset Housing Partners would support Affordable Rents of up to 80% (including service charges) as long as the actual rent charged is below the housing benefit cap to ensure clients who are eligible for housing benefit will be able to claim the full rental amount and to remain affordable after the move to universal credit.
- 18.16. All Affordable Rent properties should be advertised through the Somerset Choice Based Lettings scheme.

2. Shelter Private Rent Watch - Report one: Analysis of local rent levels and affordability October 2011

http://england.shelter.org.uk/data/assets/pdf_file/0008/386828/Private_Rent_Watch_Report_1.pdf

See in particular Figure 6 and Figure 8, Figure 25 and 26 on affordability levels in the South West. Appendix 1 also provides information on average private rent levels.

3. Analysis of Social Rents on the Homefinder Somerset CBL scheme Average Rents by LA by Property and Bed Size

			Highest	Lowest		
Local Authority	HFS Average	Mendip	Sedgemoor	South Somerset	Taunton Deane	West Somerset
Bungalow						
1 Bedroom	68.10	67.05	56.75	77.47	60.28	79.90
2 Bedroom	80.11	76.01	64.94	83.16	71.55	86.87
Studio	51.06		51.06			
Flat						
1 Bedroom	62.29	55.10	54.93	66.72	60.75	70.88
2 Bedroom	74.06	70.81	74.72	75.44	71.84	79.23
3 Bedroom	62.87	83.87	61.56			
Studio	58.33	93.12	44.38	63.61		
House						
1 Bedroom	67.13	63.37	57.16	72.75		74.51
2 Bedroom	75.85	81.00	74.91	76.18	70.65	84.36
3 Bedroom	85.08	90.95	78.83	86.18	83.21	91.06
4 Bedroom	93.04	101.51	79.99	105.28	103.29	104.90
5 Bedroom	86.15		72.90		79.99	118.81
6 Bedroom	129.05			129.05		
Maisonette						
2 Bedroom	65.08	62.17	61.60	74.75	62.60	76.76
3 Bedroom	67.91	77.42	64.85	82.45	64.25	
Studio flat						
1 Bedroom	50.94				50.94	
Studio	52.14	27.33	50.38	60.28	55.09	63.47

Source: Analysis of property adverts from 1/4/10 to 31/3/11

5. EDF Energy Proposed Development at Hinkley Point – Additional Information

- a) EDF Energy has submitted a development consent order application to the Infrastructure Planning Commission for the construction and operation of two nuclear generating units at Hinkley Point power station (HPC), together with Allied Works within and off the site. The site of the proposed new reactors is within West Somerset; much of the associated, ancillary and other related development required to construct and operate the facility would be located in Sedgemoor. The issue of the accommodation requirements for the construction of HPC is a particular concern for the relevant local authorities.
- b) EDF Energy's workforce assumptions regarding the scale of temporary workforce are that the lifetime of the project is likely to require some **26,600 FTE** and a peak of **5600 FTE** on site by 2016. Of this number it is agreed that an estimated 34% could be home-based leaving 66% (approximately 3700 workers) requiring accommodation in the local area.
- c) The Councils are particularly concerned about the potential of significantly increased demand for accommodation in an area of high demand for affordable housing and limited capacity. A major influx of nearly 4000 construction workers seeking accommodation for a temporary period is likely to have a significant impact on the local accommodation market. These impacts may relate to the level of supply in relation to demand but also can be related to the price of accommodation. Where the supply and availability of housing is constrained as a consequence of construction worker demand, this will result in competition in the local housing market with other users of accommodation. Given the higher than local average wages of construction workers this is likely to have inflationary impact on rents and as a consequence will lead to (1) local people unable to access local housing and (2) the displacement of existing residents from accommodation.

6. Analysis of Homefinder Somerset Housing Register & CBL Data

6a Overall Household numbers as at 30.6.11

As a percentage of the total for each authority

Household numbers	1	2	3	4	5	6	7	8	9	10	13	Grand Total
Mendip District Council	41.96	26.01	14.58	10.24	4.58	1.82	0.63	0.13	0.05	0.00	0.00	100.00
Sedgemoor District Council	34.98	29.18	17.48	10.17	4.78	2.35	0.60	0.30	0.16	0.00	0.00	100.00
South Somerset District Council	39.56	28.37	15.38	9.36	4.30	2.01	0.70	0.18	0.10	0.02	0.02	100.00
Taunton Deane Borough Council	43.16	26.55	15.21	8.57	3.97	1.56	0.51	0.37	0.06	0.04	0.00	100.00
West Somerset Council	39.65	27.46	15.33	9.90	4.25	2.09	1.11	0.07	0.07	0.07	0.00	100.00
Grand Total	39.75	27.65	15.69	9.56	4.38	1.96	0.65	0.24	0.09	0.02	0.00	100.00

6b Banding and Household Numbers by Local Authority as at 30.6.11

Shown as a %age of total	Emergency		Emergency Total	Gold										Gold Total	
	1	3		1	2	3	4	5	6	7	8	9	10		13
Household Number															
Mendip District Council	0.03	0.03	0.05	3.47	1.53	0.76	0.32	0.24	0.13	0.24	0.00	0.05	0.00	0.00	6.74
Sedgemoor District Council	0.00	0.00	0.00	1.97	1.59	0.56	0.24	0.18	0.16	0.08	0.08	0.04	0.00	0.00	4.90
South Somerset District Council	0.00	0.00	0.00	3.48	2.45	1.20	0.60	0.13	0.15	0.15	0.13	0.08	0.02	0.02	8.41
Taunton Deane Borough Council	0.00	0.00	0.00	3.19	1.60	0.84	0.31	0.18	0.18	0.06	0.10	0.00	0.04	0.00	6.51
West Somerset Council	0.14	0.00	0.14	3.00	1.46	0.49	0.98	0.14	0.35	0.21	0.07	0.07	0.00	0.00	6.76
Grand Total	0.01	0.00	0.02	3.02	1.82	0.84	0.42	0.18	0.17	0.13	0.09	0.05	0.01	0.00	6.73

Shown as a %age of total	Silver									Silver Total
	1	2	3	4	5	6	7	8	9	
Household Number										
Mendip District Council	24.53	13.06	7.29	4.58	2.63	0.79	0.32	0.11	0.00	53.30
Sedgemoor District Council	18.84	12.94	7.32	3.27	2.29	1.14	0.42	0.16	0.10	46.50
South Somerset District Council	20.65	13.22	6.49	3.53	2.18	1.25	0.42	0.02	0.02	47.77
Taunton Deane Borough Council	23.72	11.02	6.58	3.23	1.77	0.66	0.35	0.23	0.04	47.58
West Somerset Council	16.66	10.73	5.51	3.28	2.37	1.11	0.63	0.00	0.00	40.28
Grand Total	21.36	12.45	6.79	3.57	2.20	1.00	0.40	0.11	0.04	47.91

Shown as a %age of total	Bronze										Bronze Total	Grand Total
	1	2	3	4	5	6	7	8	9	10		
Household Number												
Mendip District Council	13.92	11.42	6.50	5.34	1.71	0.89	0.08	0.03	0.00	0.00	39.91	100.00
Sedgemoor District Council	14.17	14.65	9.59	6.66	2.31	1.04	0.10	0.06	0.02	0.00	48.61	100.00
South Somerset District Council	15.43	12.70	7.69	5.23	1.98	0.62	0.13	0.03	0.00	0.00	43.82	100.00
Taunton Deane Borough Council	16.26	13.93	7.79	5.03	2.01	0.72	0.10	0.04	0.02	0.00	45.91	100.00
West Somerset Council	19.86	15.26	9.34	5.64	1.74	0.63	0.28	0.00	0.00	0.07	52.82	100.00
Grand Total	15.35	13.39	8.06	5.57	2.00	0.79	0.12	0.04	0.01	0.00	45.34	100.00

6c Adverts By Landlord and bedroom number (Numbers) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Falcon Rural Housing Association	3	8	2					13
Flourish Homes	167	142	49	4			2	364
Guinness Hermitage	3	1						4
Hastoe HA	2	64	46					112
Homes in Sedgemoor	207	106	94	20	2		53	482
Jephson HA	5	26	13	3				47
Kennet Housing Society	5	1	2					8
Kilmersdon Rural Housing Association	3	2	1					6
Knightstone HA	54	70	41	7			11	183
Magna (West Somerset)	59	128	27	4	1		1	220
Magna HA Ltd	7	27	10	2				46
Places For People	6	11						17
Raglan HA Ltd	64	213	67	7				351
Redland HA		1	1	1				3
Sanctuary HA	29	131	5				2	167
Selwood Housing		1						1
SHAL	12	24	21	2				59
Signpost HA	31	19	9					59
Somer Community Housing Trust	1	1	1					3
Southwestern Housing Society		11	4					15
Sovereign HA	7	22	18	2				49
Taunton Deane Borough Council	173	163	54	3	1			394
The Alexander Every`s Almshouses Charitable Trust		1						1
Western Challenge HA	6	6	4					16
William Sutton Homes		2						2
Wyvern Rural Housing Association		1						1
Yarlington Housing Group	525	502	331	6		9	12	1385
Grand Total	1369	1684	800	61	4	9	81	4008

6d Adverts By Landlord and bedroom number (Percentage) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Falcon Rural Housing Association	0.07	0.20	0.05	0.00	0.00	0.00	0.00	0.32
Flourish Homes	4.17	3.54	1.22	0.10	0.00	0.00	0.05	9.08
Guinness Hermitage	0.07	0.02	0.00	0.00	0.00	0.00	0.00	0.10
Hastoe HA	0.05	1.60	1.15	0.00	0.00	0.00	0.00	2.79
Homes in Sedgemoor	5.16	2.64	2.35	0.50	0.05	0.00	1.32	12.03
Jephson HA	0.12	0.65	0.32	0.07	0.00	0.00	0.00	1.17
Kennet Housing Society	0.12	0.02	0.05	0.00	0.00	0.00	0.00	0.20
Kilmersdon Rural Housing Association	0.07	0.05	0.02	0.00	0.00	0.00	0.00	0.15
Knightstone HA	1.35	1.75	1.02	0.17	0.00	0.00	0.27	4.57
Magna (West Somerset)	1.47	3.19	0.67	0.10	0.02	0.00	0.02	5.49
Magna HA Ltd	0.17	0.67	0.25	0.05	0.00	0.00	0.00	1.15
Places For People	0.15	0.27	0.00	0.00	0.00	0.00	0.00	0.42
Raglan HA Ltd	1.60	5.31	1.67	0.17	0.00	0.00	0.00	8.76
Redland HA	0.00	0.02	0.02	0.02	0.00	0.00	0.00	0.07
Sanctuary HA	0.72	3.27	0.12	0.00	0.00	0.00	0.05	4.17
Selwood Housing	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
SHAL	0.30	0.60	0.52	0.05	0.00	0.00	0.00	1.47
Signpost HA	0.77	0.47	0.22	0.00	0.00	0.00	0.00	1.47
Somer Community Housing Trust	0.02	0.02	0.02	0.00	0.00	0.00	0.00	0.07
Southwestern Housing Society	0.00	0.27	0.10	0.00	0.00	0.00	0.00	0.37
Sovereign HA	0.17	0.55	0.45	0.05	0.00	0.00	0.00	1.22
Taunton Deane Borough Council	4.32	4.07	1.35	0.07	0.02	0.00	0.00	9.83
The Alexander Every's Almshouses Charitable Trust	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
Western Challenge HA	0.15	0.15	0.10	0.00	0.00	0.00	0.00	0.40
William Sutton Homes	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.05
Wyvern Rural Housing Association	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
Yarlington Housing Group	13.10	12.52	8.26	0.15	0.00	0.22	0.30	34.56
Grand Total	34.16	42.02	19.96	1.52	0.10	0.22	2.02	100.00

6e Adverts By Local Authority and bedroom number (Numbers) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Mendip District Council	207	203	73	3			2	491
Sedgemoor District Council	260	416	165	28	2		53	924
South Somerset District Council	596	688	426	13		9	14	1746
Taunton Deane Borough Council	254	304	108	13	1		11	691
West Somerset Council	52	73	28	4	1		1	159
Grand Total	1369	1684	800	61	4	9	81	4008

6f Adverts By Local Authority and bedroom number (Percentage) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Mendip District Council	5.16	5.06	1.82	0.07	0.00	0.00	0.05	12.25
Sedgemoor District Council	6.49	10.38	4.12	0.70	0.05	0.00	1.32	23.05
South Somerset District Council	14.87	17.17	10.63	0.32	0.00	0.22	0.35	43.56
Taunton Deane Borough Council	6.34	7.58	2.69	0.32	0.02	0.00	0.27	17.24
West Somerset Council	1.30	1.82	0.70	0.10	0.02	0.00	0.02	3.97
Grand Total	34.16	42.02	19.96	1.52	0.10	0.22	2.02	100.00

Appendix 3 – Tenancy Strategy Action Plan

Action	To complete by	Resource	Output
LA's to carry out feasibility study for use of Housing Options Wizard	October 2012	AH – via Op Group, HMG and Monitoring Board	This will provide a clear specification of the work required to implement the housing options wizard including costs and inputs from all partners.
Develop a comprehensive end of tenancy appraisal mechanism and principles. Waiting for Regulations, some social landlords have already developed a Framework; Tenants need to know offer, will be in Tenancy Policy. General Principles/Framework Interaction between Social Landlords and Housing Options Teams	Dec 2012	LAs to draft in consultation with landlords – use information from this document	End of tenancy checklist for social landlords Clear guidance/principles on what should and shouldn't be taken into account at end of tenancy review The circumstances that social landlords should have regard to in terms of vulnerabilities when undertaking tenancy reviews
Development of mechanism for provision of standard housing options advice at the end of the tenancy.	Dec 2012	HMG	The implementation of the Housing Options wizard
LA's to create standard procedures for housing advice teams	Dec 2012	As above	Consistency of approach when dealing with applicants/tenants affected by tenure/rent type changes.



Countywide Tenancy Strategy

June 2012

Document Approval

Group	Date
Core Group	1/12/11
Project Team	7/12/11
Core Group	14/12/11
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1. Context

1.1 Background

1.1.1 The Localism Act¹ included a number of changes relating to social housing provision and allocation:

- Housing allocation reform
- Housing tenure reform
- Reform of homelessness legislation
- Reform of Council Housing Finance
- National Home Swap Scheme
- Reform of social housing regulation

1.1.2 Within the provisions for housing tenure reform is a requirement for local housing authorities to produce a Tenancy Strategy.

Section 150 Localism Act 2011

(1) A local housing authority in England must prepare and publish a strategy (a "tenancy strategy") setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to-

- (a) the kinds of tenancies they grant*
- (b) the circumstances in which they will grant a tenancy of a particular kind,*
- (c) where they grant tenancies for a term certain, the lengths of the terms, and*
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.*

The five local housing authorities within Somerset are as follows:

- Mendip District Council
- Sedgemoor District Council
- South Somerset District Council
- Taunton Deane Borough Council
- West Somerset Council

The Councils have agreed through the Somerset Strategic Housing Programme to produce a single Tenancy Strategy that all social landlords² need to have regard to when framing and reviewing their own Tenancy Policies.

¹ Localism Act <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted> Part 7

² Social Landlords are Housing Associations and for the purposes of this document also include Taunton Deane Borough Council as a stock holding landlord.

1.2 Tenancy Strategy Key Principles - Summary

1.2.1 We have worked with social landlords in Somerset to create the Key principles for the strategy. These were initially released within an Strategy to help social landlords draw up their own tenancy policies.

The agreed Key Principles are as follows:

- *Social landlords will generally be expected to offer tenancies of general needs properties of no less than 5 years following a 12 month probationary period.*
- *Social landlords can only offer tenancies of less than 5 years, but no less than 2 years, in exceptional circumstances, which must be clearly set out in the social landlords Tenancy Policy.*
- *There is an expectation that social landlords will protect existing tenants' security as far as the regulations allow. Social landlords are expected to have a clear statement within their tenancy policy regarding the security of tenure they would offer a tenant transferring from another social landlord.*
- *Those social landlords who have an Homes & Communities Agency (HCA) agreement should have regard to affordability issues within the geographic area of the vacancy when deciding which properties to re-let at Affordable Rents and should state how they will do this within their Tenancy Policy.*
- *Social landlords should take into account the needs of vulnerable applicants (including families with children to avoid disruptive changes, older people, people with long-term illness or disability or a member of their household affected by) when granting fixed term tenancy agreements, and make clear within their Tenancy Policies how this will be done.*
- *Social landlords will undertake a Comprehensive Appraisal of all Fixed Term Tenancies before issuing Notice at the end of a Fixed Term Tenancy.*
- *The key principles of the Comprehensive Appraisal will be developed with social landlords.*
- *The Comprehensive Appraisal will consider relevant options e.g .issuing a replacement tenancy, home ownership, property sale to the tenant, supported housing, housing in the private rented sector etc.*
- *There is a presumption that, following the Comprehensive Appraisal social landlords will renew the tenancy wherever appropriate.*
- *The expectation when re-issuing a tenancy, is that as a minimum, the existing tenure type will be maintained.*

- *Any new Tenancy issued after an initial Fixed Term Tenancy should have regard to an applicant's circumstances (vulnerability, financial etc.) at the time of appraisal.*
 - *Social landlords are expected to give at least 6 months notice to the tenant before the expiry of the tenancy if the social landlord will not be granting a new tenancy at the end of the fixed term.³ Where a tenancy will end Social landlords are expected to follow the existing Somerset Pre-Eviction Protocol (to be reviewed).*
 - *Social landlords must give the Local Housing Authority Housing Options team advance warning of the expiry of the tenancy if they do not wish to grant a new tenancy at the end of the fixed term.*
 - *Social landlords will publish clear and accessible policies and procedures to support their Tenancy Policies.*
 - *The Local Authority partners will develop robust mechanisms to monitor allocations against the Key Principles.*
 - *Social Landlords will provide relevant data to help with monitoring, which will include the number of complaints and requests for review.*
 - *Partners to this Tenancy Strategy support the promotion of 'downsizing' through incentives and encourage social landlords and Local Authority Landlords to review under-occupation at the end of Fixed Term tenancy.*
 - *This Strategy recognises the Partnership of Homefinder Somerset. It is acknowledged that the Strategic and Operational groups will deal with any anomalies and issues arising from the implementation of the Tenancy Strategy and Tenancy Policies.*
 - *It is an expectation that all Affordable Rent and social rented properties will initially be advertised through Homefinder Somerset.*
 - *It is expected that properties will be let in accordance with the way in which they are advertised.*
- 1.2.2 The Tenancy Strategy takes account of the Regulatory Framework for tenure as set out by the Homes and Communities Agency and the final directions on regulatory standards issue by the government⁴.
- 1.2.3 The Somerset Strategic Housing Programme) is a framework of strategic housing projects aimed at achieving substantial improvements within housing in Somerset by collaborative working both within local authorities and with our partners.

³ Localism Act 2011 Part 7, Chapter 2 Section 154, 107D (3)

⁴ http://www.homesandcommunities.co.uk/sites/default/files/our-work/regulatory_framework_2012.pdf

- 1.2.4 The principle of joint working has long been established within the strategic housing function across Somerset. The Programme builds on this solid foundation to seek the most sustainable and cost-effective structures for delivering housing services across Somerset, maximising benefits of scale whilst also delivering good quality, locally based services.
- 1.2.5 It has long been recognised that Strategic Housing is important to maximising opportunities to improve the Health and Wellbeing of people living and working in Somerset. Strategic Housing provides opportunities for people to live in decent, warm & affordable homes, whether new-build, social housing or in the private sector, or in sustainable communities. Strategic housing also ensures that current & future housing is sustainable by developing housing that is affordable, reducing homelessness & improving access to services for vulnerable adults.
- 1.2.6 The Tenancy Strategy has taken account of the existing countywide Homelessness Strategy (2008-11)⁵ which is currently being updated. A countywide Housing Strategy Framework is in development and will take account of this Tenancy Strategy.
- 1.2.7 All the Somerset authorities will in some way be impacted by the proposed development of the Hinkley Point C nuclear power station (if full planning permission is granted) The housing markets in the Sedgemoor, West Somerset and Taunton Deane Housing Authority areas will be most dramatically affected by this development.
- 1.2.8 EDF Energy's workforce assumptions regarding the scale of temporary workforce are that the lifetime of the project is likely to require some 26,600 full time equivalent (FTE) workers across the lifetime of the build project with a peak of 5600 FTE on site by 2016. Of this number it is agreed that an estimated 34% could be home-based leaving 66% (approximately 3700 workers) requiring accommodation in the local area. The analysis undertaken by EDF includes geographic areas represented by a sixty minute travel zone to Hinkley Point and includes Sedgemoor, West Somerset, Mendip and Taunton Deane.⁶ We also believe that there is potential for South Somerset to be affected because parts of the South Somerset area are within the sixty minute drive time as identified in EDF documentation.
- 1.2.9 All the Somerset Housing Authorities aim to make best use of existing resources to try to ensure that there is a sufficient supply and range of decent accommodation to meet demand. Any development such as Hinkley Point needs to be considered in the context of local needs in order to avoid exacerbating pressures on provision of housing.

⁵ Making Homes, Helping People Changing Lives (Somerset Homelessness Review & Prevention Strategy 2008-2011) <http://www.westsomersetonline.gov.uk/getattachment/Housing/Housing-Strategies-and-Policies/Somerset-Homeless-Review-Strategy.pdf.aspx>

⁶ [EDF Energy Proposed Development at Hinkley Point – Additional Information](#)

- 1.2.10 In 2008 the Strategic Housing Market Assessment highlighted data from 2006 to show a demand in the private rented sector from households aged under 30 years old. More recent data from Homefinder Somerset supports this finding although there are still high levels of demand from the 30s to 40s age bracket. This heightens concern that the demand from Hinkley workers for accommodation will have a particular impact on the under 40s who are reliant on low cost accommodation in the affected areas.⁷
- 1.2.11 Analysis of the Homefinder Somerset register has shown that the profile of applicants shows a majority are 1 and 2 person households⁸. The Tenancy Strategy focuses on ensuring that these groups are not disadvantaged by conversions to Affordable Rents. Particularly since this same group will be affected by the demand for private sector accommodation introduced by the proposed Hinkley Point power station and it is in the lower bedroom sizes that Local Housing Allowance (LHA) rates usually exceed 80% market rents.
- 1.2.12 The analysis of Homefinder Somerset property advert data has also shown that 1 and 2 bedroom properties make up the majority of property adverts⁹. The strategy may further need to determine if these properties make up the larger share of Affordable Rented lets and if so for what length of tenure. Single applicants will be further affected by the changes to LHA rates in January 2012 when the shared accommodation rate that currently applies to single people under the age of 25 living in private rented accommodation was extended to people aged under 35. This could leave many single applicants in private rented accommodation that they cannot afford and place further demands on the supply of social/affordable rented accommodation.
- 1.2.13 Where larger family homes (3 / 4 bed and above) are advertised at Affordable Rent levels then the flexible tenancy may need to be longer to reflect the family nature of the accommodation. To avoid shortfalls in benefits the Strategy focuses on reducing the Affordable Rent percentage in the larger properties across those districts. Under Government changes to Housing Benefit Regulations referred to in paragraph 1.2.12 above, for under 35s there will be an increase in people seeking shared accommodation and an overall reduction in single persons under 35 seeking, or being able to afford, self contained accommodation from January 2012.¹⁰

1.3 Methodology

- 1.3.1 Building on the strong relationships that already exist between the Somerset Local Housing Authorities and the social landlords, the Tenancy Strategy was developed

⁷ EDF (2011) Draft Accommodation Strategy

⁸ See Analysis of Homefinder Somerset Housing Register & CBL Data

⁹ See Analysis of Homefinder Somerset Housing Register & CBL Data

¹⁰ http://www.direct.gov.uk/en/NI1/Newsroom/DG_192415

collaboratively by involving both social landlords and other key stakeholders, especially in the production of the Key Principles. This has been achieved through a Project Team made up of the following organisations:

- Mendip District Council (Project Sponsor, and representing the Somerset Enablers Group)
- South Somerset District Council
- Sedgemoor District Council
- West Somerset Council (representing Somerset Homeless Managers Group)
- Yarlington Housing Group
- Hastoe Housing Association
- Homes in Sedgemoor (ALMO for Sedgemoor District Council)
- Taunton Deane Borough Council - Landlord
- Knightstone Housing Association
- Raglan Housing Association
- Flourish Homes
- Magna West Somerset Housing Association
- Shelter
- South Somerset CAB

In developing this Tenancy Strategy together we have had regard to our Homefinder Somerset Choice Based Lettings (CBL) partnership allocation scheme¹¹ and the existing homelessness strategy.

1.3.2 Partners to this Tenancy Strategy recognise that a strategy alone is insufficient. Strong and effective partnerships will be important to the implementation and monitoring of both the Tenancy Strategy and individual social landlord tenancy policies. Joint working is also required to ensure that any risks and unintended consequences are addressed promptly and effectively within the review mechanism for this Tenancy Strategy.

1.3.3 The evidence to support the Tenancy Strategy is listed within Appendix 2.

1.4 Aim of this Strategy

1.4.1 The Tenancy Strategy is intended to provide guidance to social and other landlords operating in Somerset, informing their policies and practices to produce lettings for customers that meet local housing need and improve market functioning in the County. It should also prove invaluable to policy makers and property professionals.

1.5 Scope of the Strategy

1.5.1 This Tenancy Strategy covers the following key areas regarding social landlords:

- a) the kinds of tenancies they grant;

¹¹ Homefinder Somerset Allocations Policy <http://www.homefindersomerset.co.uk/Data/ASPPages/1/107.aspx>

- b) the circumstances in which they will grant a tenancy of a particular kind;
- c) where they grant tenancies for a fixed term, the lengths of the terms; and
- d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

1.5.2 We have structured the Tenancy Strategy around agreed Key Principles that summarise the issues that social landlords should have regard to when framing their own tenancy policies.

1.6 Governance

1.6.1 Individual social landlords are responsible for their own Tenancy Policies. We have also set out in appendix 1¹² the details of where the tenancy policies of social landlords operating within the Somerset area can be found. We propose that the Homefinder Somerset Monitoring Board will be responsible for monitoring and reviewing the Tenancy Strategy on behalf of the Somerset local housing authorities.

1.6.2 The Tenancy Strategy is produced will be reviewed every three years¹³ with the results being discussed by the Homefinder Somerset Monitoring Board and that Board recommending changes to the Somerset Strategic Housing Group.¹⁴

1.6.3 The review of evidence moving forward will include (but not be limited to) monitoring of trends in:

- Housing needs
- Homelessness (aligning with Homeless Strategy)
- Reviewing effectiveness of allocation policy (and aligning with any changes)
- Rent levels across all tenures
- Social landlords activity
- Number of new homes built including affordable, and which tenure(s)
- Changing trends in housing and benefit paid, including proposals for the Universal Credit
- Lettings of Affordable Rents including number of bids and acceptances
- Outcomes of Reviews e.g. number tenancies re-issued, no of under occupied properties recycled
- Site viability

¹² Localism Act 2011 Part 7, Chapter 2 Section 150 (2)

¹³ Localism Act Part 7, Chapter 2 section 150 (5).

¹⁴ The Somerset Strategic Housing Officers Group (SSHG) is made up the 5 local housing authorities (District) and the County Council, together with NHS Somerset (PCT)

1.7 Legal Context

1.7.1 Alongside the requirements of the Localism Act, the Homes and Community Agency (HCA) has agreed programmes for the delivery of new affordable housing over the next 4 years with social landlords. All new homes built with HCA subsidy are expected to be offered at Affordable Rents - up to 80% of the market rent. In addition social landlords may increase rents on a percentage of re-let properties. Social landlords are also encouraged to take a more proactive approach to managing their stock, including disposal of stock where this will release funds to invest in new homes.

1.7.2 The Tenancy Strategy has adopted the definition of Affordable Housing as set out in the draft National Planning Policy Framework (or subsequent updates of that definition in the National Planning Policy Framework) which replaces PPS3 and states that Affordable Housing is;

'Affordable housing: Social rented, Affordable Rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.'

- *Social rented housing* is owned by local authorities and private registered providers, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- *Affordable Rented housing* is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- *Intermediate housing* is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not Affordable Rented housing.¹⁵

1.7.3 Social landlords who have entered into a contract with the HCA to deliver new homes will be able to offer fixed term tenancies at Affordable Rents with a minimum 5 year length¹⁶ as well as life time tenancies at Affordable Rents on new properties and conversion of some of their existing stock. The Government has stated that only

¹⁵ Draft National Planning Policy Framework Glossary

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

¹⁶ A 2 year minimum period may be used in exceptional circumstances.

<http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(4)(a)

in exceptional cases will the term be less than five years and these circumstances would need to be set out within the social landlords' Tenancy Policy.¹⁷

- 1.7.4 Social landlords who are not developing, or developing without HCA resources can either continue to offer assured lifetime tenancies or flexible tenancies from April 2012.
- 1.7.5 Social landlords will continue to be able to offer introductory tenancies.
- 1.7.6 These changes will mean that properties will be available on the Homefinder Somerset CBL scheme at different rent levels and with different tenures depending on the social landlord arrangements with the HCA and social landlords own tenancy policies. Additional advert symbols (highlighting Affordable Rent and fixed term tenure) together with applicant guidance notes on Affordable Rent and fixed term tenure have been made available through the Homefinder Somerset CBL scheme.
- 1.7.7 Existing tenants who remain in their existing homes will not be affected by Affordable Rents/tenure change, and will retain their security of tenure if they move to another social rented home. However they will reduce their security of tenure if they move to a home let at an Affordable Rent which also has a Fixed Term Tenancy¹⁸.
- 1.7.8 Mutual exchange tenants are protected within the Localism Act¹⁹ such that they will retain their security of tenure when they move, subject to the relevant Guidance.
- 1.7.9 Note that under the Allocation of Accommodation Guidance issued in December 2011 (consultation draft) stockholding local authorities are encouraged to use flexible tenancies to support households in low paid employment and incentivise others to take up employment opportunities. It will be for Sedgemoor District Council and Taunton Deane Borough Council to decide on how they implement this.²⁰

1.8 Consultation

- 1.8.1 The Localism Act 2011 requires that Local Housing Authorities consult with social landlords and other agencies on the content and give them a reasonable opportunity to comment.²¹

¹⁷ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(d)

¹⁸ Final Direction on Tenure <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A (2)(4)(d)

¹⁹ Localism Act 2011 Part 7, Chapter 2, Section 158 (9)

²⁰ <http://www.communities.gov.uk/documents/housing/pdf/2060702.pdf>

²¹ Localism Act 2011 Part 7, Chapter 2 Section 151

- 1.8.2 The Tenancy Strategy was released for consultation in January 2012. This final version of the strategy takes account of comments received during the consultation period.

2. The Evidence Base

- 2.1 We have included at Appendix 2 evidence that we believe supports the Key Principles we have included within the Tenancy Strategy. The evidence referred to seeks to provide information about the local housing markets that operate within Somerset together with other national indicators.

3. Tenancy Strategy Key Principles

3.1 Length of Fixed Term Tenancy

- 3.1.1 ***Social landlords will generally be expected to offer tenancies of general needs properties of no less than 5 years following a 12 month probationary period.***
- 3.1.2 ***Social landlords can only offer tenancies of less than 5 years, but no less than 2 years, in exceptional circumstances, which must be clearly set out in the social landlords Tenancy Policy.*** The social landlord will be expected to demonstrate within their Tenancy Policy, how any tenancy of less than five years can be managed in order to minimise adverse impact on local community cohesion, the sustainability of that community and homelessness. An Equality Analysis will also be required in order to show how any adverse impact on the vulnerable groups will be prevented.²²
- 3.1.3 ***There is an expectation that social landlords will protect existing tenants' security as far as the regulations allow.*** Social landlords are expected to have a clear statement within their tenancy policy regarding the security of tenure they would offer a tenant transferring from another social landlord.²³
- 3.1.4 The Somerset Strategic Housing Partnership Affordable Housing Programme 2011-2015 Investment Policy (paragraph 18.14) sets out guidelines on creating and maintaining stable, mixed and balanced communities, encouraging social landlords to provide minimum period tenancies appropriate to the needs of the household, dwelling type and location within Somerset.²⁴
- 3.1.5 Collectively the five Somerset Local Housing Authorities together with social landlords agreed that a flexible non prescriptive approach on fixed term tenancies should be adopted, with a minimum of five years following a 12 month probationary period. This will allow a reasonable length of security to enable some tenants to plan

²² <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(d)

²⁴ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

²⁴ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

ahead taking account of future options. Allowing social landlords the freedom to allocate more flexible tenancies based on local need within each of the five districts but retaining the discretion to offer tenancies on a lifetime basis. Combined with an Affordable Rent model social landlords will be able to offer a range of housing options, whilst raising extra rents to invest in new building.

3.2 Affordable Rents

3.2.1 ***Those social landlords who have an HCA agreement should have regard to affordability issues within the geographic area of the vacancy when deciding which properties to re-let at Affordable Rents and should state how they will do this within their Tenancy Policy.***²⁵

3.2.2 The Tenancy Strategy has adopted the definition of Affordable Housing as set out in the draft National Planning Policy Framework (as set out in section 1.7.2).

3.2.3 Affordable Rents must be no more than 80% of market rents, including service charges. When setting an Affordable Rent, Landlords should have regard to Local Housing Allowance (LHA) rates within the area of the property being let.

3.2.4 We have not provided any definition of affordability within this Tenancy Strategy but would expect social landlords to have regard to the evidence provided at Appendix 2 regarding affordability issues and availability of private rented accommodation when setting their Affordable Rent levels.

3.3 Vulnerable Groups

3.3.1 ***Social landlords should take into account the needs of vulnerable applicants (including families with children to avoid disruptive changes, older people, people with long-term illness or disability or a member of their household affected by) when granting fixed term tenancy agreements, and make clear within their Tenancy Policies how this will be done.***²⁶ In addition when issuing and reviewing tenancies social landlords should have regard to the long term housing needs of vulnerable groups, including those that require adapted properties.

3.3.2 This principle ties in closely with the existing Sub-Regional Homelessness Strategy – ‘Making Homes, Helping People, Changing Lives (Somerset Homelessness Review & Prevention Strategy 2008-2011) sets out the local strategic aims to achieve positive outcomes in the support for vulnerable people. The action plan to prevent homelessness focuses on the following key priorities²⁷:

- Floating support services
- Homeless prevention

²⁵ See [Shelter Private Rent Watch - Report one: Analysis of local rent levels and affordability October 2011](#)

²⁶ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(g)

²⁷ <http://www.westsomersetonline.gov.uk/getattachment/Housing/Housing-Strategies-and-Policies/Somerset-Homeless-Review-Strategy.pdf.aspx> Action plan page 56 onwards.

- Improved access to the Private Rented Sector
- Improved access to appropriate housing
- Improve protocols and partnerships to tackle homelessness

3.3.3 In addition the South West Regional Housing Strategy 2005-2016 supports action to tackle homelessness and to reduce the use of Temporary Accommodation through investment in new social rented housing and by promoting positive models of prevention and address homeless prevention services for vulnerable groups.²⁸

3.4 Comprehensive End of Tenancy Appraisal

3.4.1 ***Social landlords will undertake a Comprehensive Appraisal of all Fixed Term Tenancies before issuing Notice at the end of a Fixed Term Tenancy.***²⁹

3.4.2 ***The key principles of the Comprehensive Appraisal will be developed with social landlords.*** Both the Local Housing Authority partners and social landlords could benefit from a structured approach to housing options advice. The current Homefinder Somerset system provider (Abitas) facilitates housing options advice provision through a system module that can be tailored to provide applicants and tenants with a printed housing options report, setting out the next steps they would need to take regarding their housing. This could be used as part of the 'End of Tenancy Appraisal' to provide social landlords with a clear decision path for sustaining tenancies and tenants with clear housing options advice.

There are two ways in which this may be utilised:

Initial presentation for housing advice

The applicant presents to the Local Housing Authority requesting housing options advice or to join the register. Before they can join the register the applicant is invited to complete a housing options online questionnaire which will then alert them to the best housing option available and include an indication (based on their circumstances) of how long they may have to wait if they joined the housing register. This will help to manage expectations and also highlight to applicants the other options available.

Tenancy Assessment for Flexible Tenancy

When a tenant is coming up to their 6 months assessment period with a landlord, Homefinder Somerset will flag up to landlords that a 6 month assessment is required, from the data logged when the applicant was initially housed.

²⁸ <http://www.swslim.org.uk/documents/themes/lt12-housingstrategy.pdf>

²⁹ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(e)

The landlord is required to provide housing options advice to the tenant but may wish to extend the tenancy if the review proves successful. In these circumstances the tenant can complete the housing options assessment. This assessment will look at the following:

- financial circumstances to see if they can afford a different housing options
- Household size
- Medical/welfare issues
- Any other key circumstances

Once completed the assessment can then advise the applicants of other possible housing options that would suit their circumstances (including 80% market rents) OR justify the landlord in issuing a new tenancy.

Landlords can have a PDF copy of the housing options report to attach to the tenancy file within their housing management systems if necessary (as a record) and access the housing options module (including its set up) for an increase in the advert fee or a one off charge.

3.4.3 ***The Comprehensive Appraisal will consider relevant options e.g. issuing a replacement tenancy, home ownership, property sale to the tenant, supported housing, housing in the private rented sector etc.***³⁰

3.4.4 There is a great deal of uncertainty around how frequently fixed term/flexible tenancies will be renewed. This is likely to depend on a number of factors, including the:

- i. criteria social landlords adopt for their lettings policies; and
- ii. the circumstances of tenants that are granted flexible tenancies and the way these evolve over the period before reviews.

3.4.5 One of the grounds that might lead landlords to decide not to renew a flexible tenancy could be a large and sustained increase in income. Other grounds could include household composition, e.g. number of inhabitants and their age, and suitability of accommodation. Factors that could be taken into account in renewing a flexible tenancy might include age of occupiers, having dependent children, and health of the tenant.³¹ Further examples are set out below.

³⁰ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(h)

³¹ Amended from work done by St Edmundsbury DC

<http://www.stedmundsbury.gov.uk/sebc/say/pdf/PublicConsultation/110915TS%20Consultation%20Final.PDF>

Criteria	Explanatory Notes
Property under occupied	Potentially tenants, such as young couple or families may be allowed to under occupy in order to allow the family to grow into the house and have a firm base in the area. A range of occupation levels may also help contribute to balanced communities.
Property over occupied	To prevent low quality housing conditions developing.
Suitability of property	Is the property/services/facilities still suitable for the current tenant?
When a tenant requires re-housing in a more suitable/appropriate location	This scenario is likely to be picked up and dealt with through housing management measures before the need not to renew a tenancy occurs. Examples might include Domestic Abuse cases/witness protection/antisocial behaviour
Tenant change in circumstances	For example when a tenant has demonstrably a high enough income to comfortably afford (for example purchase) market housing and arguably the affordable house would be better used by somebody in greater need.

3.4.6 ***There is a presumption that, following the Comprehensive Appraisal social landlords will renew the tenancy wherever appropriate.***

3.4.7 It is generally accepted that creating high turnover in the housing stock is not desirable – for the Local Housing Authority keeping people in established communities is more sustainable and for the social landlords it helps to keep costs down for their business model. Therefore the occurrences when tenancies are not renewed (i.e. granting a new fixed term/flexible tenancy at the end of the original term) are likely to be the exception and not the rule. This will also be important in ensuring that homelessness is minimised (one of the principle reasons for homelessness is the termination of existing Assured Shorthold Tenancies in the private sector).

3.5 Renewing a Tenancy

3.5.1 ***The expectation when re-issuing a tenancy, is that as a minimum, the existing tenure type will be maintained.*** Principle 3.3 would still apply in terms of addressing the needs of vulnerable groups.

3.5.2 ***Any new Tenancy issued after an initial Fixed Term Tenancy should have regard to an applicant's circumstances (vulnerability, financial etc) at the time of appraisal.***

3.6 Notice Period

- 3.6.1 Legal requirements to end a tenancy will be a matter for the social landlord concerned but social landlords will be expected to refer to the following key principles when ending tenancies.
- 3.6.2 ***Social landlords are expected to give at least 6 months notice to the tenant before the expiry of the tenancy if the social landlord will not be granting a new tenancy at the end of the fixed term.³² Where a tenancy will end social landlords are expected to follow the existing Somerset Pre-Eviction Protocol (to be reviewed).***
- 3.6.3 ***Social landlords must give the Local Housing Authority Housing Options team advance warning of the expiry of the tenancy if they do not wish to grant a new tenancy at the end of the fixed term.***
- 3.6.4 The advance warning process will be developed as part of the Comprehensive Tenancy Appraisal.
- 3.6.5 The Governments latest figures on statutory homelessness in England show that there has been an increase in the number of households applying to councils for help with re-housing (an increase of 14% in the last year). There has also been a 26% increase in the number of households accepted as homeless who are still waiting for re-housing by the local authority.³³
- 3.6.6 Analysis of Somerset homeless statistics shows that termination of AST private sector tenancies is the main reason for homelessness and is increasing when compared to 2010-11.³⁴

3.7 Appeals /Reviews Offers/Notice

- 3.7.1 Social landlords should set out in their Tenancy Policy the way in which the tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.³⁵
- 3.7.2 Social landlords will also be responsible for dealing with any requests for a review of their decision to end a fixed term tenancy or on the length of tenancy offered to a prospective tenant under Section 154, 107B of the Localism Act.³⁶ We would expect the processes for these requests to be made clear in social landlords Tenancy Policies.

³² Localism Act 2011 Part 7, Chapter 2 Section 154, 107D (3)

³³ <http://www.communities.gov.uk/publications/corporate/statistics/homelessnessq22011>

³⁴ Somerset P1E Homeless Statistics

³⁵ <http://www.communities.gov.uk/documents/housing/pdf/2017529.pdf> Annex A Final Directions (2)(3)(f)

³⁶ Localism Act 2011 Part 7, Chapter 2 Section 154, 107B

3.8 Monitoring

3.8.1 *Social landlords will publish clear and accessible policies and procedures to support their Tenancy Policies.*

3.8.2 *The Local Housing Authority partners will develop robust mechanisms to monitor allocations against the Key Principles.*

3.8.3 *Social Landlords will provide relevant data to help with monitoring, which will include the number of complaints and requests for review.*

3.9 Conversions of Social Rented Housing Stock to Affordable Rent and Disposal of Affordable Homes

3.9.1 Consultation with the Local Housing Authority on the detail of any conversion is required. This consultation by social landlords is seen as crucial to enable the Local Housing Authority to ensure that a sustainable mix of housing is maintained locally. See Appendix 2

3.9.2 Registered Providers should have regard to the following when considering the proportion of properties which will be re-let at an 'Affordable Rent':

- The pattern of re-lets by location, property size and type.
- The need to ensure that under-occupiers wishing to downsize are not put off by having to pay a higher rent or being given reduced tenancy rights.
- The need to ensure a reasonable supply of family-sized accommodation at social rents.
- The need to ensure that properties in rural areas can be let to those working in the area on low wages.
- The shortage of wheelchair accessible accommodation.

3.9.3 We will support disposals to the open market subject to the agreement of the social housing regulator, where the provider has completed an options appraisal and can demonstrate a clear benefit.³⁷

3.10 Mobility

3.10.1 The Tenancy Strategy encourages Social Landlords to promote and assist tenants who need to move to other properties, to find their own solutions, and to make best use of existing stock.

³⁷ See [Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines](#)

3.11 Down sizing and Under Occupation

3.11.1 *Partners to this Tenancy Strategy support the promotion of ‘downsizing’ through incentives and encourage social landlords and Local Housing Authority Landlords to review under-occupation at the end of Fixed Term tenancy.*

3.12 Choice Based Lettings

3.12.1 *This Strategy recognises the Partnership of Homefinder Somerset. It is acknowledged that the Strategic and Operational groups will deal with any anomalies and issues arising from the implementation of the Tenancy Strategy and Tenancy Policies.*

It is an expectation that all Affordable Rent, intermediate housing products and social rented properties will initially be advertised through Homefinder Somerset.

It is expected that properties will be let in accordance with the way in which they are advertised.

3.13 Equality

3.13.1 The Tenancy Strategy will meet the requirements of the Equality Act 2010. This strategy through its key principles, encourages landlords to undertake their responsibilities under both the Localism Act and Tenancy Standard in a robust and equitable manner. With regard to this point Landlords will need to ensure that they have clear records, supported by strong evidence that show how and why decisions have been made.

3.13.2 An Equality Analysis has been undertaken on the Tenancy Strategy as part of the consultation exercise. We have addressed the issues highlighted by the Equality Analysis and the changes have been incorporated into this Tenancy Strategy.

4. Action Plan

4.1.1 The Tenancy Strategy and the final version of the Tenancy Strategy when it is available will need to evolve as circumstances dictate. A number of the Key Principles identified within this document have highlighted the need for further work. These pieces of work are included at appendix 3.

4.1.2 The Tenancy Strategy will be reviewed every 3 years by the Local Housing partner authorities in consultation with relevant agencies.

Appendix 1 – Details of where Social Landlord tenancy policies can be found.

We will place a link to your homepage on the Homefinder Somerset website and it will be Social Landlords responsibility to ensure that their Tenancy Policy is available on their website by 1st April 2012.

Appendix 2 – The Evidence Base

1. Somerset Strategic Housing Partnership Affordable Housing Programme 2011 – 2015 Investment Policy Guidelines (December 2011)

Introduction

1. The comprehensive spending review in October 2010 significantly reduced the direct investment available from the Homes and Communities Agency (HCA) and introduced a new product, Affordable Rent. The affordable homes programme 2011 – 2015 replaces the national affordable homes programme (NAHP).
2. This document covers investment policy guidelines, giving a clear indication of the expectations and wishes of the Local Housing Authorities. Specific guidance for providers is set out in section 18, but should not be taken as prescriptive.

HCA framework

3. The HCA's affordable homes programme 2011 – 15 framework, released on 14th February, required Registered Providers to produce and submit by 3 May 2011 a 4 year programme for the delivery of affordable housing. Once the package of funding is agreed between the Registered Provider and the HCA they will sign a Contract committing to delivery for homes to be completed by March 2015. Contracts are due to be signed by the end of September 2011. A short form of the Contract will also be signed by those Registered Providers not in receipt of funding but wishing to provide the Affordable Rent product without subsidy.
4. The framework is intended to:-
 - Meet housing need at a local level
 - Provide a more flexible offer for social housing tenants
 - Ensure that public funds (and funds generated from re-lets resulting in Affordable Rent) are properly and effectively spent
 - Maximise delivery of new affordable housing supply through the introduction of the new Affordable Rent product and other means and
 - Ensure quality standards are maintained
5. The HCA framework places the onus on Registered Providers to raise capital for new affordable housing supply. In future access to the reduced government subsidy is directly linked to a Registered Provider's willingness to incorporate Affordable Rent into their business plans for both new homes and for a percentage of their existing homes when re-let (conversions).

Affordable Rents

6. The new Affordable Rent product requires homes to be let at 'up to' 80% of market rent. This guidance is the basis on which Registered Providers are expected to raise capital for new affordable homes and is the basis on which they will qualify for HCA subsidy.

7. For context Social Rents in Somerset are generally well below 80% prevailing market rates, although the % varies according to size of property and location. As an example a brief analysis of social rents in South Somerset gives the following averages;
 - One bedroomed flat – 81% (note actually higher than Affordable Rent model)
 - Two bedroomed flat – 66%
 - Two bedroomed house – 65%
 - Three bedroomed house – 57%
 - Four bedroomed house – 43%
8. The above figures quote averages across the district. Affordable Rents will be calculated based on an RICS valuation of what the same property would command as an open market rent. It is therefore reasonable to assume that variations will also exist according to the exact locale – for example between different neighbourhoods and between urban and village locations.
9. It should be noted that the Affordable Rent is effectively capped by the Local Housing Allowance (LHA) limit which applies to Housing Benefit claims. From June 2010 the LHA has been based on the 30th per centile of (available) market rents in a broad housing market areas. It is unlikely that 80% prevailing market rents will be above the LHA, except in the case of 5 or more bedrooms as the 4 bed LHA will apply – although we already have one case in South Somerset where the 80% rent is forecast as marginally above the LHA.

Four year programme

10. The four year programme will reflect specific existing commitments and the current affordable housing delivery pipeline in the first 2 years with unnamed schemes in the latter 2 years. the programme will be developed through partnership based on capital finance generated and HCA subsidy.
11. The HCA will assess Registered Providers capacity to deliver across the whole of their business plans and will moderate on a national basis.
12. The Framework puts the onus on Registered Providers to work in close collaboration with Local Authorities across their housing areas to develop their programmes in accordance with Local Investment Plans and local housing need.

Strategic Tenancy Policies

13. Under the Localism Bill, assuming it is passed in its current form, authorities will be required to put in place strategic tenancy policies by April 2012. These will guide social landlords as to how they will develop their programmes, manage their assets and let their properties.
14. The five Somerset Local Housing Authorities (Somerset Housing Partners) through the Somerset Strategic Housing Partnership) are seeking to create a single Strategic Tenancy Policy that will reflect local circumstances, with overarching principles that underpin the countywide investment plans. This has been prioritised by the Shared Housing Programme Board as a project to commence in early June using a project team heavily drawn from the Homefinder Somerset Monitoring Board, reflecting the need to integrate well with our county wide Choice Based Lettings scheme.
15. Our strategic tenancy policy must reflect both identified need and the process through which lettings are made. All registered providers and the Housing Authorities must work together to ensure a continuous, fair and equitable provision of affordable housing is delivered to meet the needs of tenants and allow for flexibility and opportunity for tenants to progress from social housing into home ownership and to facilitate movement to support economic growth.
16. Registered Providers will be required to develop their lettings policies having regard to the strategy adopted by the relevant Housing Authority. Co-operating on a county wide basis to produce a single strategy will make this easier for most Associations, although there will still be dissimilarities between ours and neighbouring authorities, e.g. Wiltshire, West Dorset, North Devon etc.
17. It should be noted that some Registered Providers have already formulated their tenancy strategies as lettings under Affordable Rent will commence in advance of April 2012. Where possible it is expected that cyclical reviews of these policies should take into consideration the issues raised in this document and the guidelines set out below.

Guidelines for Registered Providers

18. The following are to be taken as guidelines, giving a clear indication of the expectations and wishes of the Local Housing Authorities but without being prescriptive.
 - 18.1. Existing countywide planning policies require that affordable housing delivered through S106 agreements should not require public subsidy.
 - 18.2. Where it is confirmed that a scheme is not viable to deliver without public subsidy, a minimum level of affordable housing will be expected through planning obligation alone and it is likely that social rent housing will remain the major component of this, possibly supplemented by some shared ownership.
 - 18.3. Both the developer and the Housing Association partner will then seek public subsidy to complement the affordable housing delivered through planning gain alone. Where this public subsidy is secured through the HCA, or a combination of HCA and Local Authority funds, it is likely that Affordable Rent will be the major component.
 - 18.4. We will not normally support conversions of social rent and shared ownership units which were delivered (or due to be delivered) through existing s106 agreements to

Affordable Rent where the S106 agreement or other legal covenants state that the affordability/tenure of those units to remain as social rent or shared ownership or where other similar legal restrictions apply to previously delivered schemes.

- 18.5. Conversion of existing social rent dwellings which have previously been developed using subsidy (grant and/or free/reduced land) only from the Local Housing Authority (e.g. with no additional public subsidy being forthcoming from the HCA) will ordinarily be subject to the approval of that Authority. The Housing Authority may require either direct re-investment within the same District or repayment of the subsidy which was directly attributable to that Authority.
- 18.6. Where social housing has been acquired by a Housing Association from the sponsoring Council through Large Scale Voluntary Transfer (LSVT) it is possible that the detail of the transfer agreement restricts the loss of such dwellings from social rent except through the exercise of the Preserved Right To Buy. Any request to vary an LSVT agreement to allow for Affordable Rents will only be considered by the relevant Local Housing Authority if the Registered Provider can demonstrate that detailed consultation with the appropriate tenants has been undertaken.
- 18.7. We will support the conversion of social rent tenancies when the property becomes void to Affordable Rent or New Build Home Buy (unless there is a restriction in the S106 agreement or other legal covenants) where such migrations will deliver balanced and sustainable communities.
- 18.8. We may wish to apply restrictions to conversions of tenancies to Affordable Rent where deemed appropriate based on locally identified need and circumstances. Where Registered Providers have committed themselves to a proportion of vacancies being subject to conversion, they should discuss with the relevant Local Housing Authority those instances and locations where conversions may be deemed appropriate and those instances and locations where the Authority may wish to preserve an element of social rent provision.
- 18.9. We will support Affordable Rent provided as affordable housing *in addition* to those required under agreed s106 at nil public subsidy beyond the individual Council's approved affordable housing planning policy requirement.
- 18.10. We will also support Affordable Rent provided as part of the Registered Providers contract with the HCA (e.g. on 100% affordable sites) or by negotiation subject to viability.
- 18.11. We will support disposals to the open market subject to the agreement of the social housing regulator (currently the TSA), where the provider has completed an options appraisal and can demonstrate a clear benefit. Where Registered Providers have committed themselves to a designated number of disposals, they should discuss with the relevant Local Housing Authority those instances and locations where disposals may be deemed appropriate
- 18.12. Any affordable housing delivered with or without public subsidy must be compliant with HCA quality and design standards 2007 or any other subsequent standards introduced. This requirement may be reduced but only exceptionally where there is a clear and case specific justification.
- 18.13. Where specified in individual agreements, affordable housing delivered must remain at an affordable price for future eligible households or, if restrictions are lifted, the appropriate Housing Authority should be consulted and all effort should be made to

ensure that the resulting funds realised should be recycled for alternative affordable housing provision in that District area in the first instance.

- 18.14. In order to create and maintain stable, mixed and balanced communities, we shall encourage Registered Providers to provide tenancies for a minimum period appropriate to the needs of the household, the dwelling type and the specific location. To allow for flexibility any reduction from appropriate minimum period should be discussed with the Somerset Housing Partners in advance of any decision being made

(NOTE Minimum periods to be considered as part of the tenancy strategy by the project team. Our expectation is that a blanket number of years will not work for all client groups and that different minimums shall be set on a county-wide basis for different categories)

- 18.15. Somerset Housing Partners would support Affordable Rents of up to 80% (including service charges) as long as the actual rent charged is below the housing benefit cap to ensure clients who are eligible for housing benefit will be able to claim the full rental amount and to remain affordable after the move to universal credit.
- 18.16. All Affordable Rent properties should be advertised through the Somerset Choice Based Lettings scheme.

2. Shelter Private Rent Watch - Report one: Analysis of local rent levels and affordability October 2011

http://england.shelter.org.uk/data/assets/pdf_file/0008/386828/Private_Rent_Watch_Report_1.pdf

See in particular Figure 6 and Figure 8, Figure 25 and 26 on affordability levels in the South West. Appendix 1 also provides information on average private rent levels.

3. Analysis of Social Rents on the Homefinder Somerset CBL scheme Average Rents by LA by Property and Bed Size

			Highest	Lowest		
Local Authority	HFS Average	Mendip	Sedgemoor	South Somerset	Taunton Deane	West Somerset
Bungalow						
1 Bedroom	68.10	67.05	56.75	77.47	60.28	79.90
2 Bedroom	80.11	76.01	64.94	83.16	71.55	86.87
Studio	51.06		51.06			
Flat						
1 Bedroom	62.29	55.10	54.93	66.72	60.75	70.88
2 Bedroom	74.06	70.81	74.72	75.44	71.84	79.23
3 Bedroom	62.87	83.87	61.56			
Studio	58.33	93.12	44.38	63.61		
House						
1 Bedroom	67.13	63.37	57.16	72.75		74.51
2 Bedroom	75.85	81.00	74.91	76.18	70.65	84.36
3 Bedroom	85.08	90.95	78.83	86.18	83.21	91.06
4 Bedroom	93.04	101.51	79.99	105.28	103.29	104.90
5 Bedroom	86.15		72.90		79.99	118.81
6 Bedroom	129.05			129.05		
Maisonette						
2 Bedroom	65.08	62.17	61.60	74.75	62.60	76.76
3 Bedroom	67.91	77.42	64.85	82.45	64.25	
Studio flat						
1 Bedroom	50.94				50.94	
Studio	52.14	27.33	50.38	60.28	55.09	63.47

Source: Analysis of property adverts from 1/4/10 to 31/3/11

5. EDF Energy Proposed Development at Hinkley Point – Additional Information

- a) EDF Energy has submitted a development consent order application to the Infrastructure Planning Commission for the construction and operation of two nuclear generating units at Hinkley Point power station (HPC), together with Allied Works within and off the site. The site of the proposed new reactors is within West Somerset; much of the associated, ancillary and other related development required to construct and operate the facility would be located in Sedgemoor. The issue of the accommodation requirements for the construction of HPC is a particular concern for the relevant local authorities.
- b) EDF Energy's workforce assumptions regarding the scale of temporary workforce are that the lifetime of the project is likely to require some **26,600 FTE** and a peak of **5600 FTE** on site by 2016. Of this number it is agreed that an estimated 34% could be home-based leaving 66% (approximately 3700 workers) requiring accommodation in the local area.
- c) The Councils are particularly concerned about the potential of significantly increased demand for accommodation in an area of high demand for affordable housing and limited capacity. A major influx of nearly 4000 construction workers seeking accommodation for a temporary period is likely to have a significant impact on the local accommodation market. These impacts may relate to the level of supply in relation to demand but also can be related to the price of accommodation. Where the supply and availability of housing is constrained as a consequence of construction worker demand, this will result in competition in the local housing market with other users of accommodation. Given the higher than local average wages of construction workers this is likely to have inflationary impact on rents and as a consequence will lead to (1) local people unable to access local housing and (2) the displacement of existing residents from accommodation.

6. Analysis of Homefinder Somerset Housing Register & CBL Data

6a Overall Household numbers as at 30.6.11

As a percentage of the total for each authority

Household numbers	1	2	3	4	5	6	7	8	9	10	13	Grand Total
Mendip District Council	41.96	26.01	14.58	10.24	4.58	1.82	0.63	0.13	0.05	0.00	0.00	100.00
Sedgemoor District Council	34.98	29.18	17.48	10.17	4.78	2.35	0.60	0.30	0.16	0.00	0.00	100.00
South Somerset District Council	39.56	28.37	15.38	9.36	4.30	2.01	0.70	0.18	0.10	0.02	0.02	100.00
Taunton Deane Borough Council	43.16	26.55	15.21	8.57	3.97	1.56	0.51	0.37	0.06	0.04	0.00	100.00
West Somerset Council	39.65	27.46	15.33	9.90	4.25	2.09	1.11	0.07	0.07	0.07	0.00	100.00
Grand Total	39.75	27.65	15.69	9.56	4.38	1.96	0.65	0.24	0.09	0.02	0.00	100.00

6b Banding and Household Numbers by Local Authority as at 30.6.11

Shown as a %age of total	Emergency		Emergency Total	Gold										Gold Total	
	1	3		1	2	3	4	5	6	7	8	9	10		13
Household Number															
Mendip District Council	0.03	0.03	0.05	3.47	1.53	0.76	0.32	0.24	0.13	0.24	0.00	0.05	0.00	0.00	6.74
Sedgemoor District Council	0.00	0.00	0.00	1.97	1.59	0.56	0.24	0.18	0.16	0.08	0.08	0.04	0.00	0.00	4.90
South Somerset District Council	0.00	0.00	0.00	3.48	2.45	1.20	0.60	0.13	0.15	0.15	0.13	0.08	0.02	0.02	8.41
Taunton Deane Borough Council	0.00	0.00	0.00	3.19	1.60	0.84	0.31	0.18	0.18	0.06	0.10	0.00	0.04	0.00	6.51
West Somerset Council	0.14	0.00	0.14	3.00	1.46	0.49	0.98	0.14	0.35	0.21	0.07	0.07	0.00	0.00	6.76
Grand Total	0.01	0.00	0.02	3.02	1.82	0.84	0.42	0.18	0.17	0.13	0.09	0.05	0.01	0.00	6.73

Shown as a %age of total	Silver									Silver Total
	1	2	3	4	5	6	7	8	9	
Household Number										
Mendip District Council	24.53	13.06	7.29	4.58	2.63	0.79	0.32	0.11	0.00	53.30
Sedgemoor District Council	18.84	12.94	7.32	3.27	2.29	1.14	0.42	0.16	0.10	46.50
South Somerset District Council	20.65	13.22	6.49	3.53	2.18	1.25	0.42	0.02	0.02	47.77
Taunton Deane Borough Council	23.72	11.02	6.58	3.23	1.77	0.66	0.35	0.23	0.04	47.58
West Somerset Council	16.66	10.73	5.51	3.28	2.37	1.11	0.63	0.00	0.00	40.28
Grand Total	21.36	12.45	6.79	3.57	2.20	1.00	0.40	0.11	0.04	47.91

Shown as a %age of total	Bronze										Bronze Total	Grand Total
	1	2	3	4	5	6	7	8	9	10		
Household Number												
Mendip District Council	13.92	11.42	6.50	5.34	1.71	0.89	0.08	0.03	0.00	0.00	39.91	100.00
Sedgemoor District Council	14.17	14.65	9.59	6.66	2.31	1.04	0.10	0.06	0.02	0.00	48.61	100.00
South Somerset District Council	15.43	12.70	7.69	5.23	1.98	0.62	0.13	0.03	0.00	0.00	43.82	100.00
Taunton Deane Borough Council	16.26	13.93	7.79	5.03	2.01	0.72	0.10	0.04	0.02	0.00	45.91	100.00
West Somerset Council	19.86	15.26	9.34	5.64	1.74	0.63	0.28	0.00	0.00	0.07	52.82	100.00
Grand Total	15.35	13.39	8.06	5.57	2.00	0.79	0.12	0.04	0.01	0.00	45.34	100.00

6c Adverts By Landlord and bedroom number (Numbers) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Falcon Rural Housing Association	3	8	2					13
Flourish Homes	167	142	49	4			2	364
Guinness Hermitage	3	1						4
Hastoe HA	2	64	46					112
Homes in Sedgemoor	207	106	94	20	2		53	482
Jephson HA	5	26	13	3				47
Kennet Housing Society	5	1	2					8
Kilmersdon Rural Housing Association	3	2	1					6
Knightstone HA	54	70	41	7			11	183
Magna (West Somerset)	59	128	27	4	1		1	220
Magna HA Ltd	7	27	10	2				46
Places For People	6	11						17
Raglan HA Ltd	64	213	67	7				351
Redland HA		1	1	1				3
Sanctuary HA	29	131	5				2	167
Selwood Housing		1						1
SHAL	12	24	21	2				59
Signpost HA	31	19	9					59
Somer Community Housing Trust	1	1	1					3
Southwestern Housing Society		11	4					15
Sovereign HA	7	22	18	2				49
Taunton Deane Borough Council	173	163	54	3	1			394
The Alexander Every`s Almshouses Charitable Trust		1						1
Western Challenge HA	6	6	4					16
William Sutton Homes		2						2
Wyvern Rural Housing Association		1						1
Yarlington Housing Group	525	502	331	6		9	12	1385
Grand Total	1369	1684	800	61	4	9	81	4008

6d Adverts By Landlord and bedroom number (Percentage) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Falcon Rural Housing Association	0.07	0.20	0.05	0.00	0.00	0.00	0.00	0.32
Flourish Homes	4.17	3.54	1.22	0.10	0.00	0.00	0.05	9.08
Guinness Hermitage	0.07	0.02	0.00	0.00	0.00	0.00	0.00	0.10
Hastoe HA	0.05	1.60	1.15	0.00	0.00	0.00	0.00	2.79
Homes in Sedgemoor	5.16	2.64	2.35	0.50	0.05	0.00	1.32	12.03
Jephson HA	0.12	0.65	0.32	0.07	0.00	0.00	0.00	1.17
Kennet Housing Society	0.12	0.02	0.05	0.00	0.00	0.00	0.00	0.20
Kilmersdon Rural Housing Association	0.07	0.05	0.02	0.00	0.00	0.00	0.00	0.15
Knightstone HA	1.35	1.75	1.02	0.17	0.00	0.00	0.27	4.57
Magna (West Somerset)	1.47	3.19	0.67	0.10	0.02	0.00	0.02	5.49
Magna HA Ltd	0.17	0.67	0.25	0.05	0.00	0.00	0.00	1.15
Places For People	0.15	0.27	0.00	0.00	0.00	0.00	0.00	0.42
Raglan HA Ltd	1.60	5.31	1.67	0.17	0.00	0.00	0.00	8.76
Redland HA	0.00	0.02	0.02	0.02	0.00	0.00	0.00	0.07
Sanctuary HA	0.72	3.27	0.12	0.00	0.00	0.00	0.05	4.17
Selwood Housing	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
SHAL	0.30	0.60	0.52	0.05	0.00	0.00	0.00	1.47
Signpost HA	0.77	0.47	0.22	0.00	0.00	0.00	0.00	1.47
Somer Community Housing Trust	0.02	0.02	0.02	0.00	0.00	0.00	0.00	0.07
Southwestern Housing Society	0.00	0.27	0.10	0.00	0.00	0.00	0.00	0.37
Sovereign HA	0.17	0.55	0.45	0.05	0.00	0.00	0.00	1.22
Taunton Deane Borough Council	4.32	4.07	1.35	0.07	0.02	0.00	0.00	9.83
The Alexander Every's Almshouses Charitable Trust	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
Western Challenge HA	0.15	0.15	0.10	0.00	0.00	0.00	0.00	0.40
William Sutton Homes	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.05
Wyvern Rural Housing Association	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.02
Yarlington Housing Group	13.10	12.52	8.26	0.15	0.00	0.22	0.30	34.56
Grand Total	34.16	42.02	19.96	1.52	0.10	0.22	2.02	100.00

6e Adverts By Local Authority and bedroom number (Numbers) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Mendip District Council	207	203	73	3			2	491
Sedgemoor District Council	260	416	165	28	2		53	924
South Somerset District Council	596	688	426	13		9	14	1746
Taunton Deane Borough Council	254	304	108	13	1		11	691
West Somerset Council	52	73	28	4	1		1	159
Grand Total	1369	1684	800	61	4	9	81	4008

6f Adverts By Local Authority and bedroom number (Percentage) 2010-11

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom	Studio	Total
Mendip District Council	5.16	5.06	1.82	0.07	0.00	0.00	0.05	12.25
Sedgemoor District Council	6.49	10.38	4.12	0.70	0.05	0.00	1.32	23.05
South Somerset District Council	14.87	17.17	10.63	0.32	0.00	0.22	0.35	43.56
Taunton Deane Borough Council	6.34	7.58	2.69	0.32	0.02	0.00	0.27	17.24
West Somerset Council	1.30	1.82	0.70	0.10	0.02	0.00	0.02	3.97
Grand Total	34.16	42.02	19.96	1.52	0.10	0.22	2.02	100.00

Appendix 3 – Tenancy Strategy Action Plan

Action	To complete by	Resource	Output
LA's to carry out feasibility study for use of Housing Options Wizard	October 2012	AH – via Op Group, HMG and Monitoring Board	This will provide a clear specification of the work required to implement the housing options wizard including costs and inputs from all partners.
Develop a comprehensive end of tenancy appraisal mechanism and principles. Waiting for Regulations, some social landlords have already developed a Framework; Tenants need to know offer, will be in Tenancy Policy. General Principles/Framework Interaction between Social Landlords and Housing Options Teams	Dec 2012	LAs to draft in consultation with landlords – use information from this document	End of tenancy checklist for social landlords Clear guidance/principles on what should and shouldn't be taken into account at end of tenancy review The circumstances that social landlords should have regard to in terms of vulnerabilities when undertaking tenancy reviews
Development of mechanism for provision of standard housing options advice at the end of the tenancy.	Dec 2012	HMG	The implementation of the Housing Options wizard
LA's to create standard procedures for housing advice teams	Dec 2012	As above	Consistency of approach when dealing with applicants/tenants affected by tenure/rent type changes.

Council Meeting – 2 October 2012

Report of Councillor John Williams – Leader of the Council

1 Peer Challenge

- 1.1 At the invitation of our Council we have just been through a Peer Challenge of how effectively we are working as a Council and preparing for the inevitable difficult decisions in respect of funding for the future. I believe it was an incredibly good process for our Council to go through as it was a snapshot of how others viewed the Council.
- 1.2 We had a very strong team of Peers and it was strongly emphasised it was not an inspection, only a challenge to test our policies and strategies and most of all our plans to meet the challenges of the future.
- 1.3 Some strong points were identified as were weaknesses mostly in how we go forward in such an uncertain time of poor economic growth and uncertain funding streams but certain in the knowledge that we will be suffering considerable reductions in funding.
- 1.4 We await the formal report but one thing is certain we must not only build on our strengths but redouble our efforts to address any shortcomings, the major one of which is insufficient revenue funding to carry on as we are! We have already made savings in the order of £5m over the last few years in our budget with a further projected £3m over the next five years which becomes progressively more difficult to find. As a Council we will have to accept that we cannot continue as we are, radical change will have to happen which has to mean scrutinizing carefully what services we can deliver and those we just cannot afford. The feedback we received at the end of the week was that we just had to challenge what we are doing and not add anything without something dropping off.
- 1.5 There was also a strong message about the marketing of Taunton, many strong points were identified in the infrastructure development we have invested in over the years particularly Castle Green, Also highlighted was our strong partnership working to deliver these, our assistance to Somerset County Cricket Club to extend their ground, the excellent schools in our area, ease of communications, travel and excellent town centre but that we were not marketing this strongly enough. In defence, we have tried to prepare a strategy but on a shoe string budget, as a Council we will have to accept that the “best” comes at a price, so to succeed I believe we must invest far more than we

have hitherto. This has been recognised and I reported on the need to sell Taunton Deane in my previous report to Full Council, hopefully Members will support an increase in budget to support the work necessary if we are to take this particular advice.

2 Project Taunton

- 2.1 The Viridor building fit out is nearing completion and shortly occupation will commence, Viridor will then begin the process of consolidating this as their headquarters with staff transferring from other locations. This has to be a milestone for the Firepool area and a vote of confidence from a national company investing in Taunton. We must build upon this and make it a catalyst for others.
- 2.2 We are also about to see the opening of Castle Green which has been successfully completed and is a wonderful opportunity for future events, markets and displays, it is a great area set in the historic heart of Taunton and complementary to the new Somerset Museum which is proving so popular.
- 2.3 The High Street has been the subject of a recent news update to all Members but in essence street works are on hold until Wessex Water have renewed the underground water mains in the street. Then, to avoid works in the lead up to the Christmas period, only limited works will be carried out with completion of the first phase resuming post Christmas.
- 2.4 From discussion with Somerset County Council they are anticipating commencement of the NIDR in October, at present they are still awaiting the decision of the S of S on the CPO process but this should be imminent. The lack of this new road is a major impediment to development of Firepool so its commencement is eagerly awaited.
- 2.5 Crest Nicholson have commenced their development of the East Goods Yard which is development of 204 dwellings alongside the canal and river, much needed housing on a brownfield site that is within easy reach of the station and town centre. As part of the original concept of the "Taunton Vision Commission" to regenerate town centre derelict land, this is a major success story.
- 2.6 Members will have seen prior to the Full Council meeting what I think is an exciting presentation on redevelopment of and around Taunton Railway station. This proposed major upgrade of the area and our travelling facilities along with housing and employment space is to be welcomed. We must do all possible to facilitate this development come to fruition and we look forward to working with network rail to ensure it happens.

3 A303/A30/A358 Somerset County Council Initiative

- 3.1 A potential project that is being promoted by Somerset County as the Highway Authority will, I am sure, be of interest to members. Somerset County are in the process of putting together a much needed and ambitious plan to upgrade the A303/A30/A358 roads so they truly serve as an alternative route into the West Country. If successful it will be a major project starting at Stonehenge to Honiton removing the present pinch points and upgrading the A358 from Ilminster to J25 to dual carriageway with improvements to J25. They have involved all of the local authorities adjacent the roads and discussed the proposals with central Government as substantial funding will be required. They are now charged by Government to produce a feasibility study particularly focusing on the potential economic benefits that would accrue from such an investment in the local area and the much wider West Country as a whole. I applaud the effort being made as we are all aware of the major congestion problems particularly on the A358, and poor access to the South West peninsular, any attempt at a solution has to be welcomed.
- 3.2 One point that I raised was what provision was there for an upgrade of J25 and it seems at present there was no certainty about this except the recognition of the necessity of improvement works and working with the Highways Agency to deliver a solution. This is absolutely critical as any upgrade of the A358 would not deliver improvements without capacity at J25 being improved and this was accepted.

4 Core Strategy

- 4.1 I will leave the detail to Cllr Edwards but just to say I am very pleased that recently Taunton Deane BC adopted the Core Strategy for the Borough with virtual unanimous support. This in my view, gives us the greatest protection possible against unwanted and unplanned development. It does not stop any application being made to us, on any piece of land, which as the Local Planning Authority we must consider, but it does provide us with the armoury to refuse it if it is not in compliance with the approved plan.
- 4.2 My thanks to all involved for the tremendous amount of hard work, both officers and Members, in drawing up and evidencing this plan. I accept that even more hard work has yet to come in filling in the detail of what is a high level broad based strategy but thank you and well done so far.

5 Budget setting

- 5.1 The process for this has already commenced with a great number of Members contributing to the survey of spending priorities which was most helpful. The great problem is that it showed that we wished to

extend our services, not reduce them, which if we are to meet the budget reductions being imposed upon us there are hard choices to be made.

- 5.2 We will need to re-visit the comprehensive exercise that was conducted last year to identify year two and three savings as we do need to initiate plans to deal with the known, and then further anticipated, cuts in our income.
- 5.3 It is obvious from our own Medium Term Financial Plan that we have tough times ahead and this was reinforced by the Peer Group during their visit that we should put in place clear and deliverable plans to deal with a growing deficit. I have no illusions this will be easy, it will take us all working together to deliver the savings necessary whilst ensuring we maintain the essential services we have to deliver.

6 Local Enterprise Partnership

- 6.1 This is potentially a great source of help and possible funding and we have been holding meetings with Tim Jones, Chairman and our local representatives on the Board, Nick Engert and Rachel Davies. These meetings have been very positive with considerable support promised for Taunton Deane as it is regarded as a major growth area and our planned targets for economic and housing development are welcomed.
- 6.2 The LEP obviously covers a very large area across Somerset and Devon with limited funds and resources but in recognition of our planned growth we have been told we will get the LEP support where possible through “Growing Places Funding” and “Regional Infrastructure Funding” and other funds as applicable. Project Taunton is working closely with the LEP to identify and submit applications for funding towards suitable projects.
- 6.3 The LEP Chairman also has good contacts with EDF and Hinkley Point so as well as our own efforts to maintain contact with EDF and other Contractors we are also able to make contact through the good offices of the LEP’ which is to be welcomed.

Councillor John Williams
Leader of the Council

Council Meeting – 2 October 2012

Report of Councillor Ken Hayward – Environmental Services and Climate Change

1. Environmental Health

- 1.1 I am delighted to welcome Jo Bliss and Hannah Butcher to the team as well as Lis Kennard who joins as maternity cover for Emily Vining. Jo has recently arrived in the UK from New Zealand, joining the Environmental Protection Team. Hannah has been working in London and recently relocated with her family to the South West. She will be working as part of the Food and Health and Safety Team. Lis joins us from North Somerset and has extensive experience, which she has demonstrated in her short time with the team prior to her formal cover for Emily from the end of October. Finally Emily Vining will be leaving us temporarily on maternity leave. I wish her and her family well.
- 1.2 Officers have visited South Somerset to gain best practice in approved premises. Another member of staff has also been formally trained in approved premises on a two day course. The authority is required to inspect and approve any premises defined as products of animal origin such as meat, dairy, egg or fish product plants under EC derived legislation. Food premises approved under these regulations must meet additional requirements as they usually involve higher risk operations.
- 1.3 As a follow-up to a letter recently sent to all businesses about the new E-coli guidance, further guidance and a Food Standards Agency DVD has been sent to butchers outlining the new requirements and risk of cross-contamination. Our work will now focus on trying to ensure compliance through raised awareness. One of the first butchers to be inspected was at Bishop's Hull and there were significant gaps in understanding and practice. I am pleased to say that the Team has worked well with the business to ensure that they are now operating with less risk and have understood the new requirements placed upon them.
- 1.4 The Strummer of Love festival passed off without significant incident. A debrief session has been arranged for anyone affected by the festival to ensure that any lessons which could be learnt from how it was run are captured for future events here or elsewhere.
- 1.5 The seagull control programme has now finished for 2012 season. The aim for 2012 was to build on the success of previous years and minimise nuisance/noise to the general public within the town centre. A total of 121 eggs were collected/deployed (up from 112 in 2011). The programme was 100% successful in that 52 nests were treated, preventing 52 pairs of gulls from successfully breeding 121 chicks. When comparing the data from 2012 with 2011 (and previous years), the population of breeding gulls within the treated areas has reached a base line and is relatively stable, having reduced over the last five years (natural population levels stabilise after repeated exposure to the same control method). Increased growth in breeding numbers

has occurred due to gulls relocating to the other areas outside the town centre.

- 1.6 The HSE is planning to cut Health and Safety inspections even further and many burdensome regulations are to be scrapped or consolidated. This can only be good news! There have been a number of legislative reviews over the last few years to try to reduce the compensation culture, red tape and the burden on business. In summary, Local Authorities should use a range of intervention techniques – including education and awareness. Proactive inspections should be reserved for Category ‘A’ premises (as well as where there is a Primary Authority agreement). Proactive interventions at premises may also be carried out where there are significant local issues or intelligence received over time for which evidence should be documented in an intervention plan. Inspectors should continue to deal reactively with matters of evident concern e.g. gas safety issues noted at food hygiene inspections. We are currently reviewing our procedures to ensure that we are ready for this change and to be able to react to other changes as they come online.
- 1.7 Finally, the Environmental Protection Team recently worked with the Health Protection Agency and Wessex Water on a gastroenteritis issue to establish any cause through a public water supply distributed through a private network. This cross-agency work is a good example of how flexibly authorities are now able to work to ensure an holistic approach to investigation.

2. Climate Change / Carbon Management

Progress Report on Carbon Management and Energy Resilience Strategy

- 2.1 A meeting with community stakeholders was held in July to progress the production of the Strategy. Next steps include:-
 1. Producing a draft directory and action plan by the end of October – this needs to be picked up within each working group to identify areas of work; experts; contact details for referrals; and stories/case studies to populate the directory;
 2. Working group leads to call a meeting of their groups as soon as possible to identify the projects that they will deliver over the next 12 months. Working group leads to feed back once actions identified;
 3. Taunton Deane Climate Change Officers to progress the framework for the directory (website hosting, structure, headings, access etc);
 4. A series of articles to be produced for the Deane Dispatch. The first of which has appeared in September - a piece about IYRE (Improve Your Resource Efficiency). Wellington Transition Town has provided an article for October.
 5. To consider whether it would be possible to progress an exhibition at the Genesis Centre with providers showcasing their services / support

available to local businesses in liaison with the Chamber of Commerce and when this would be appropriate.

Information Report on Taunton Deane's carbon emissions in 2011/2012

- 2.2 Preliminary data for 2011/2012 shows that the carbon emissions from the sites and vehicles operated by the Council fell by 6%, whilst the sites operated by Tone Leisure increased by 3% compared to the year before. The combined carbon reduction of the Council; and Tone Leisure for 2011/2012 was 88 tonnes or 2%.
- 2.3 Taunton Deane and Tone Leisure's total carbon emissions fell by 12.2% or 584 tonnes between 2006/2007 and 2011/2012, and now stand at 4190 tonnes per year.

Pay-as-you-save (PAYS) schemes for The Deane House and Leisure sites

- 2.4 The Council has commissioned Schneider Electric to undertake detailed energy efficiency surveys of The Deane House, Taunton Pool, Wellington Sports Centre, Blackbrook Pavilion and Wellsprings Leisure Centre. The outcomes of the surveys are expected to be known by Mid October.
- 2.5 Initial high level surveys undertaken by Schneider in June 2012 identified a range of measures that would produce energy savings in the region of 30% at The Deane House and 32% at Wellington Sports Centre. The annual financial savings from the measures would be around £28,000 at The Deane House and £38,000 at Wellington Sports Centre.
- 2.6 The measures would be installed at no upfront cost to the Council. Schneider would recoup the costs through a rental charge. At the end of the seven year rental period the Council would own the equipment. Councillors will be kept informed about the project at all stages.

Biomass boiler proposal by Forest Fuel

- 2.7 The Council has received a proposal from an external company (Forest Fuels) to fund the installation and maintenance of one biomass boiler each at Taunton Pool and/or Wellington Sports Centre over 20 years. In return, the Council would sign a heat supply contract with the company for 20 years.
- 2.8 The main benefits of the projects would be:-
- Lower fuel bills for Tone. Forest Fuel have estimated total fuel cost savings of £2m over 20 years if burning wood fuel instead of gas at both sites;
 - A 10% reduction in the Council's carbon emissions. Each biomass boiler would reduce the Council's carbon emissions by 200 tonnes or 5%. To put

this in perspective: We only achieved a combined reduction of 88 tonnes from all Taunton Deane and Tone Leisure sites last year. So, a 5% reduction per site would be a really big hit. The savings from both sites would be equivalent to the annual emissions produced from heating 130 average households;

- In general, burning wood fuel is about eight times cleaner than burning gas: Wood is 'carbon neutral' as the amount of CO₂ that trees take out of the atmosphere whilst growing is the same that is released when burning it. However, some emissions still arise from producing the pellets, transporting them, and running the plant have to be offset against this.

Performance of solar PV array on Taunton Pool

- 2.9 The array was commissioned on 22 June 2012. Between then and 10 September it generated around 10,000kWh of electricity. This is an average of around 120kWh per day.

3. Waste Management

- 3.1 As part of the Somerset Waste Partnership's service review, Members were recently invited to complete a short survey. With a bit of a dig in the ribs from me, the response from Members has increased, so thank you to those who have responded!
- 3.2 While this review is accountable to the Somerset Waste Board and independent of any one partner authority, the Board believe it is important to capture and understand the range of views and ideas among the partners. Nothing has been decided yet and this survey is purely about understanding the body of opinion – it is not a vote for change.
- 3.3 Any changes that are proposed as a result of the Service Review process will be brought to the Somerset Waste Board and, where necessary, the partner Authorities for discussion and agreement in accordance with the existing democratic processes.
- 3.4 Rather than repeat news here, I would direct Members to the SWP Members' Briefing that I recently circulated to everyone. I trust everyone with an interest has had chance to have a look at it.

4. DLO Update

- 4.1 The arrangement to take our waste directly to Viridor is going well and has saved us over £40,000 by not operating our own waste transfer station.
- 4.2 Incidents of fly tipping remain higher than in historical years but I am pleased to report that the spike that was seen last year appears to have significantly diminished.

- 4.3 We are starting to take delivery of our new hybrid commercial vehicles, there will be 13 of these bought this year as part of our ongoing vehicle replacement schedule, which should lead to fuel savings in excess of 20% on current expenditure.
- 4.4 We are also in the process of replacing the supervisors' vehicles with more fuel efficient ones, powered by the most economical diesel engines you can buy.

5. Crematorium

- 5.1 I am delighted to report that so far both the cremator installation and building works are going to plan. Right at the start of the project two of our cremators were decommissioned, so we have had a period of about five weeks operating with just one of our old cremators.
- 5.2 During this period we have been very busy, particularly for the time of year (from 1 August - today we have had 28 more cremations than last year) hence we have had a number of very late nights and some weekend working. A couple of staff have really put the service first and worked very hard during this period to provide the usual level of service.
- 5.3 The crematorium staff have had to work in noisy and dusty conditions with endless workman turning up but not one person has moaned or complained in any way.
- 5.4 At the beginning of September the first of our new cremators was commissioned and we are now able to use this machine. So for a few weeks we will be running with two cremators, then the last of the old machines will be decommissioned and a fair bit of work will take place until we receive the other two new cremators during December.
- 5.5 The new cremator is sophisticated, clean, quiet and fast. It appears to be frugal with gas and extremely well manufactured, it really is state of the art.
- 5.6 Paul Rayson says he has found all of the Facultatieve Technologies staff to be very professional and helpful, which is very refreshing. The builders too have been very good, there have been a few issues but their work is also running to schedule.
- 5.7 Paul assures me that since the work started we have not lost a single funeral to any other crematoria, nor have we had any complaint from the public or funeral trade, which is remarkable due to the range of work being undertaken.
- 5.8 My sincere thanks are extended to everyone involved.

Councillor Ken Hayward

Council meeting 3rd October 2012

Report of Councillor Mrs Catherine Herbert –

Sports, Parks & Leisure

1. Parks

1.1 Great news for Taunton in Bloom again this year with another Gold being awarded - Vivary Park was given special mention by the judges as being the jewel in the crown of Taunton. It has to be said that we were certainly up against it on judging day as the rain did not let up all day and we all got very wet! As always there are so many people to thank for their hard work, the Taunton in Bloom Committee, the local sponsors for their support, the local police, the schools and groups who help on the lead up to the judging days and of course to our gardeners and nursery staff. Fingers crossed now for the results of the national competition in October.

1.2 It should also be noted that there were other awards won in our area;

“It's Your Neighbourhood Award” for St Georges School, Viridor Green, Victoria Park Action Group and Kingston Road Allotments.

A Discretionary Award for Best Business Park - Blackbrook Business Park. Well done to them all.

1.3 We also look forward to our local Bloom awards which are again being kindly hosted by Monkton Elm Garden Centre. They have been very supportive throughout the whole year and we are very grateful for their on-going support with Taunton in Bloom.

1.4 We have continued to receive comments from the public about the wildflower beds at Chestnut Drive and Victoria Park. We are hoping to find 2 more suitable sites to the north and west of the town to extend the trial next year.

2 Community Leisure & Play

2.1 The tenders for Wellington Rec. were received and the DLO being successful in winning the contract. Work starts shortly and the site will include a national first with a piece of sporting play equipment being supplied to us by the manufacturer being a great centrepiece.

2.2 We received applications for funds from the Capital grants for Village Halls and Sports clubs, and awarded £ 32,500 to the following -

Ash Priors Village Hall £4,500 towards the construction of a porch, Milverton Victoria Rooms £3,000 towards fire retardant curtains to meet with current fire regulations, Taunton Athletics Club £15,000 towards a club house and Wiveliscombe Rugby Club £10,000 towards replacement of 25 year old floodlighting at Plain Pond.

3. TONE LEISURE (TAUNTON DEANE) LIMITED ACTIVITIES

Community, Sports and Health Development

Tone continues to work hard to develop a number of community outreach programmes:

Health Development

Hearts and Soles Nordic Walking

Tone has been successful in an application to the British Heart Foundation for just under £2,000 to support a Nordic Walking programme. The project, Hearts and Soles Nordic Walking, will help older adults, particularly heart patients and their family members to lead an active lifestyle. The project, which will start in October, will provide free taster sessions, 'Learn to Nordic Walk' courses, an ongoing programme of adventure walks and training for volunteers to become Nordic Walk Leaders.

Back on the Bike - Cycling Initiative for Older Adults

Tone has secured additional funding from NHS Somerset Public Health Directorate to provide another two courses to help older adults to start cycling again. This follows the success of the courses which ran in July. Tone is continuing to work in partnership with DC Cycleworks to provide the four-session courses, to be held in Taunton on weekend mornings during October.

Weight Management

The Community Pounds project was piloted in Priorswood in 2012 and was a success. As a result another course was launched in Halcon in early September for 12 weeks and the focus is on achieving and maintaining a healthy weight.

NHS Health Checks

Tone has created a partnership with the Clinical Commissioning Group to ensure that NHS Health Checks remain an important part of the agenda across Taunton Deane.

Facility News

Taunton Pool

The Swimathon was a massive success in 2012; with increased participation Tone raised £500 more than last year, improving the total to over £6,500 - the best in Somerset and Dorset.

St. James Street

The Olympic fever has been evident this summer with increased numbers of swimmers enquiring about swimming lessons. Since the start of the Olympics Tone have had 55 free swim assessments and over 200 new swimmers joined the Learn to Swim scheme. The Swimskool programme continues to grow with current numbers stabilising at 1,540; almost 80 swimmers more than this time last year.

Wellington Sports Centre

Wellington is launching the following new courses: Junior Badminton, Ladies Badminton Morning and Ladies Netball.

Wellington Kayak Club - Wellington Sports Centre is launching a new Kayak session in partnership with Wellington Kayak Club.

Taunton Tennis Centre

Taunton Tennis Club has recently developed a partnership with Head UK (one of the major tennis manufacturers). This partnership will enable Taunton Tennis Club to trade in goods such as rackets, balls, clothes and shoes. The partnership means that all coaches at the club are sponsored by Head UK and as of September 2012 will have a new Head UK uniform subsidised by Head UK which will carry all the Taunton Tennis Club and Tone branding. The deal has also enabled Tone to offer small sponsorship deals to six of Tone's most promising juniors.

Wellsprings Leisure Centre

The GX Revolution has now started. Tone has invested in developing the first dedicated cycling studio in the area with 24 brand new top of the range Keiser M3 studio bikes. This new addition to the club launched officially on 10th September, with 18 dedicated Studio Cycling classes available on the programme. With a mixture of early morning, midday and evening classes Tone aims to offer a greater availability to this ever popular class.

The young people's Vibe project is in its early stages for a re-launch with an innovative approach to increasing Tone's programme offering. The Centre Manager is currently working with partners to launch a new programme for October.

Vivary Golf Course/High Ropes

From the partial opening of the course on 2nd June to 25th August 4,050 people have accessed the High Ropes facility.

These user groups range from schools, youth groups, walk-in customers, DASH, local care homes, cubs, scouts, brownies and corporate groups. Tone is also due to accommodate the local fire service for a team development session and working at height training.

The future looks promising with many schools interested in multi-activity programmes, school holiday day camps, corporate bookings and a week of induction team development days for Somerset College.

The High Ropes team are starting to introduce new activities to the programme; activities such as: Bush Craft, Ultimate Frisbee, Circus Skills, Orienteering and the possibility of a back to basics fitness regime.

Tone has also submitted a bid to Sport England to access funding to make the facility more inclusive. Specific equipment and extra training will be purchased with this funding to provide access to clients with varying disabilities and impairments. The majority of the funding will be used as revenue to enable Tone to give a 1:2 ratio of staff to clients, optimising their experience.

Overall the feedback so far has been extremely positive. Local people are commenting that the course blends into its surroundings, the staff are professional and approachable and safety is of the utmost importance.

Cllr Catherine Herbert.

Council Meeting – 2 October 2012

Report of Councillor Mrs Jean Adkins - Housing Services

1. Housing Enabling - Regeneration

- 1.1 I recently visited an Extra Care housing scheme run by Knightstone Housing Association and am pleased to say that they have been selected in a competitive tendering process to deliver the long awaited Parmin Close, Taunton regeneration. A letter has been sent to residents and a planning application is anticipated for 94 units at the end of November 2012.
- 1.2 The scheme will have three Care packages designed for those with low, moderate and high care needs. There will be a variety of tenures.
- 1.3 Moor Farm House at Wordsworth Drive, Taunton has won the Local Authority Building Control Award for Social Housing. Congratulations to all involved.
- 1.4 Victoria Gate (now known as Somerset Place), Taunton is well underway and, as I write, a cream tea is being held tomorrow for residents to choose their tiles and other fittings.

2. Halcon Consultation (*written on 20 September 2012*)

- 2.1 I am pleased to report that the consultation has been concluded and having spoken to a number of officers taking part, went off very well. I would like to thank all those who took part, particularly members of the Tenants' Forum who accompanied Officers.
- 2.2 A total of 214 properties were included and the response rate was 82%. At the time of writing I have not been fully briefed, but it appears that just over half of people surveyed were in favour whilst 20% said they did not know.
- 2.3 A report will go to the Tenant Services Management Board on 24 September 2012 and the Community Scrutiny Committee on 9 October.

3. Affordable Housing Target

- 3.1 Having exceeded our target last year, we are hopeful that it will be met or exceeded again this year with 204 homes either completed or in the pipeline.

4. Affordable Housing Partnership

- 4.1 The partnership is going well and a further meeting is planned to discuss the impact of Benefit changes on partners. Meanwhile one to one meetings are being held with the Enabling Officer and a number of schemes with Homes and Communities Agency (HCA) funding are coming forward.
- 4.2 HCA funding for the current round ends in March 2015. Some Registered Social Landlords have unallocated monies in their programme for unnamed sites, others have funds for named projects, such as the £1,000,000 which Knightstone has specifically for regeneration at Halcon. There is no indication yet of funding beyond 2015.
- 4.3 I attended a Stakeholder event at Yarlinton Homes this week. Yarlinton are looking to expand their area of operations and have therefore entered this partnership with Taunton Deane. We look forward to working with them and currently discussions are underway to bring forward a site.

5. Somerset West Private Sector Housing Partnership

- 5.1 Somerset West Landlord and Tenant Services (SWeLT), is the new name for this new service which was recently approved by the Executive under the working title of Local Lettings Agency.
- 5.2 This initiative is our response to the need for more lets to people on the register coming forward from the private sector in light of the pressure which Hinkley Point is likely to generate.
- 5.3 Some of the incentives to landlords, such as bond schemes and low cost loans, were previously available, but we hope the Agency will increase awareness and take-up.
- 5.4 A Landlords' Forum will be held on Thursday, 18 October 2012 at Bridgwater Albion Rugby Club from 4pm to 7.30pm, at which SWeLT will be launched.

6. Estates Management

- 6.1 From 4 April to 1 July 2012 we advertised 133 void properties on Homefinder Somerset (compared to 179 in Taunton Deane from all landlords) and if this rate continues there will be around 400 more voids this year.
- 6.2 This is consistent with the increase seen in the last financial year and we anticipate a further increase as we are encouraging tenants to downsize in light of the changes to Housing Benefit which will affect those under-occupying their home.
- 6.3 I am therefore very pleased that Taunton Deane has been named by Housemark as the biggest improver in Void turnaround times. The average relet time in the South of England is 23 days. The Q1 scorecard shows our current performance at 21.92 days, against a target of 21 days and is a huge improvement on the corresponding Q1 in 2011/2012, which was 31.76 days.
- 6.4 In view of the increasing number of voids this is a very real achievement and is a credit to all concerned.

7. Self-Financing and HRA Business Plan

- 7.1 Self-financing is allowing us much greater freedom and the interest rates forecast have proved to be higher than the actual. The Business Plan is being reviewed in light of this. A report is being taken to the Tenant Services Management Board.
- 7.2 Work is underway to identify schemes for the Development Fund with six currently under consideration. One site in particular has been identified as suitable for an accredited Passivhaus development. Parish Councils and residents have been notified that schemes are being put forward.
- 7.3 Meanwhile measures to alleviate overcrowding in existing homes, such as building extensions, are being brought forward.
- 7.4 A programme of heating installations is being undertaken, including further Air Source Heat pumps following the successful trial and installations last year. The homes in the new programme will include family homes as a pilot, as well as further bungalows.

Councillor Jean Adkins

Council Meeting - 2 October 2012

Report of Councillor Mrs Vivienne Stock-Williams - Corporate Resources

1. Customer Contact Centre

Customer Contact Award and Accreditation

- 1.1 It was reported in June that the Customer Contact Centre had been awarded “Best Public Sector Contact Centre” in the South West Contact Centre Forum (SWCCF) Awards. This has now been followed up by the service receiving accreditation at the end of August from CCA – the Contact Centre Association. The Assessor spent four days with the staff and assessed them against all eight modules of the CCA Global Standard Version 5.
- 1.2 All Customer Contact teams and functions were assessed over the course of the week. The Assessor was extremely impressed with many areas of the service – no non-conformities were noted but, as with all assessments of this nature, areas for development were noted. The full report will be shared with the Client Team at the next service performance meeting; however, some of the highlights are noted below:-

Training and Development

- 1.3 “The impressive Buddying system takes this commonly adopted approach to a higher level, by providing intensive side-by-side at work coaching before training is signed off. This involvement is logged in the personal development map and has been granted external recognition through the South West Contact Centre Forum.
- 1.4 A key part of the Buddying system is the investment being placed in Buddies through the Training and Development Buddy group. This ensures that they become the coaching and mentoring experts. The aim is to equip staff with the relevant skills through a ‘train the trainer’ approach. This ensures that the mentors are not just chosen because of their service knowledge. They are Buddies because they are both expert in their field and experienced trainers.”

Customer Feedback

- 1.5 “The depth of analysis of customer comments to identify corrective and preventative actions is impressive.”

Staff Engagement

- 1.6 “The Workforce Management Plan and its associated staff focus groups will enshrine Southwest One Customer Contact Centre’s commitment to staff inclusion and engagement.”

Operations

- 1.7 “Observation of customer interaction at the reception areas established clearly the high quality of serviced provided. It was particularly noticeable that a high proportion of customers offered spontaneous verbal appreciation of the help given.”
- 1.8 “Particularly impressive was the ability of Customer Service Advisers to integrate the required rigorous validation and identity checks into a naturally flowing conversational approach. This was confirmed by the representative of one of the Client services where safeguarding is a prime concern.”
- 1.9 “Identification and verification issues were fully and appropriately applied across the service where relevant.”

Website Development

- 1.10 “Part of the Operating Level Agreement (OLA) with Taunton Deane involves development of the Taunton Deane website. The Council are extremely happy with the service provision in this area, noting that work is appropriate, accurate and handled with an extremely rapid turn-around time.”
- 1.11 “The processes you have developed to regularise the web development work you undertake are both fit for purpose and straightforward. They follow closely the good practice recommendations of the Society for IT Management (SocITM).”

Staff Development

- 1.12 The people development programme continues within the service. The Customer Service Excellence refresher starts in September and this will be supplemented by the recently installed new e-learning tool, Knowlagent. This was procured with support from Taunton Deane and training packages are currently being developed for its use by the team.

Service Delivery

- 1.13 During June to August a total of 11,247 enquiries were dealt with at The Deane House Main, housing and Planning Receptions and 5,710 people visited Wellington Community Office – 3,098 to make enquiries including TIC and 2,612 to make a payment through the kiosk. Staff dealt with 852 letter and email enquiries during this time.

Statistical Information – June - August 2012:-

Service Line	Reporting Authority	KPI No	Performance Measure	Frequency of Reporting	2012/2013 Target	Jun-12	Jul-12	Aug-12
Customer Contact	TDBC	1	% of calls answered in 20 secs	Monthly	80%	81%	82%	81.63%
Customer Contact	TDBC	2	% of calls resolved at first point of contact	Monthly	92%	94%	94%	95.82%
Customer Contact	TDBC	3	% of external customers rating the Customer Contact service as Very Good/Good	Annually (monitored quarterly)	75%	95%		
Customer Contact	TDBC	4	Abandoned call rate - less than 5%	Monthly	<5%	4.74%	4.97%	3.89%

There were no complaints about the service.

2. Corporate and Client Services

Staff

- 2.1 The changes made to the team as part of the Theme re-shuffle in June 2012 have now been fully implemented. The Corporate Performance Function and Lead Officer, Dan Webb, has moved to the Strategy Team. The Civil Contingencies and Parking Functions (including the clienting of the new Parking Enforcement Contract) and Lead Officer, John Lewis, has moved into the team.
- 2.2 The Client Lead, Alison North, will shortly be moving on to fill the new Community Leisure Post within Deane DLO. Alison has worked extremely hard in the Client role and has done much to ensure that we are effectively managing the Southwest One (SWO) and Tone Leisure contracts on a day-to-day basis. The Client Lead is a vital role and we are, therefore, currently undertaking a recruitment exercise to fill the Client Lead post.

Client Team

- 2.3 The Client Team continue to monitor closely the performance of SWO and specifically the delivery of key performance indicators (KPI's) and Service Development Plans (SDP's). Any issues with service delivery continue to be promptly identified and raised with SWO.
- 2.4 In general, services within SWO continue to function well. However, the Client Team are continuing to work with SWO to progress service improvements in the ICT, Property and Finance services.

- 2.5 The team continue to work closely with Tone Leisure to monitor service delivery and to progress individual issues. The team are working closely with the Strategy Team in relation to the Swimming Pools project.

Procurement

- 2.6 The shortfall in delivered savings through the Procurement Transformation Project remains a significant concern and issue for the Authority. Taunton Deane does, however, continue to make savings. We are continuing to manage the position closely and ensuring that regular reports are being made to members by the Strategic Procurement Service (SPS).
- 2.7 SWO have recently instigated legal proceeding against Somerset County Council (SCC) in relation to resolving a contractual dispute relating to elements of SCC's procurement contract with SWO. This dispute does not directly affect Taunton Deane.

Retained Finance and Corporate Insurance

- 2.8 The Retained Finance Officer continues to focus both on maintaining the day-to-day delivery of the retained finance functions and in providing support to the S151 Officer.
- 2.9 We are in the process of making changes to the role of the Insurance Officer to enable that post to provide administrative support in respect of the retained parking function and increased support in respect of retained finance. These changes will see SCC continuing to administer our insurance administration functions, which they have been covering over the past year during the Insurance Officer's maternity leave.

Retained HR

- 2.10 The revised lease car and car allowance policy has now been considered by both Scrutiny and the Executive and will shortly go to Full Council for approval.
- 2.11 The proposals for the Local Government Pension Scheme 2014 have been issued and have been recommended for acceptance by the Local Employers and Trade Unions. However, the proposals remain subject to consultation with the Department of Communities and Local Government.
- 2.12 The Retained HR Manager continues to monitor staff sickness levels closely.
- 2.13 The Retained HR Officer continues to provide support to the Client Team in monitoring the SWO contract.

SAP Re-Launch and Patching

- 2.14 The key elements of the system have been launched and are working.
- 2.15 Work is progressing to launch the performance review (PREDS), sickness, e-recruitment and overtime modules.

Somerset West Private Sector Housing Partnership

- 2.16 From April 2012, the Corporate and Client Services Team took over responsibility from the Strategy Team for the client monitoring of the Somerset West Private Sector Housing Partnership.
- 2.17 A new performance monitoring dashboard has recently been introduced to assist staff in monitoring the performance of the partnership. This is working well and the intention is to bring a performance update to the Community Scrutiny Committee in December 2012.

Corporate Projects

The Deane House Project

- 2.18 A final report was taken to the Executive on 12 September 2012 recommending that the Council does not proceed with this project due to the cost of doing so.

ICT Infrastructure Upgrade

- 2.19 The initial stage of the infrastructure upgrade has commenced, which has involved the upgrading of network switches in The Deane House.

Welfare Benefits

- 2.20 The Welfare Benefits project is being managed from within the team. Initially, the changes to the welfare benefits system will involve the replacement in 2013 of the existing national Council Tax Benefit scheme with a new local Council Tax Support scheme.
- 2.21 The project to implement our new local scheme is progressing well and regular updates are made to the Members Change Steering Group. Consultation regarding the new scheme has commenced and is scheduled to end on 5 October 2012. Briefing sessions are continuing with welfare groups and Members.

3. Corporate Performance

Corporate Performance

- 3.1 The Quarter 1 (April – June 2012/13) corporate performance report has recently been through the Corporate Scrutiny and Executive cycle. Quarter 2 (July - September) will be reported in November – December 2012. CMT will be reviewing the corporate scorecard in November and recommending new measures / updated targets for implementation in Quarter 3. CMT have implemented a new quarterly half-day corporate performance and risk review as part of their on-going meetings programme.

Corporate Risk Management

- 3.2 An update on Corporate Risk Management was reported to the Corporate Governance Committee on 24 September 2012. This report provided an update on the progress of the Council's approach to Risk Management, a Summary Risk Profile (listing 22 strategic risks) and the Corporate Risk Management Action Plan (areas of focus to improve and embed risk management at Taunton Deane).

South West Audit Partnership

- 3.3 The Performance Lead is liaising with the South West Audit Partnership (SWAP) to develop improved monitoring arrangements for all the Council's audit recommendations and follow-up management actions. Progress will be reported to the S151 Officer's Corporate Governance Group, and to the Corporate Governance Committee (next report due December 2012)

Corporate Change Programme

- 3.4 The Council's Corporate Change Programme is now being overseen by the Strategy and Performance Team. CMT commenced a new approach to formal Programme Management in September – Project Managers for all major corporate projects will report monthly to the 'Results Management Team' (ie the Corporate Projects Board). The objectives of these 'RMT' meetings are to:-
- i. Ensure the right programme of projects is in place to meet the Council's strategic objectives that align to its Corporate Business Plan.
 - ii. Provide support to Project Managers to unblock issues and help them progress
 - iii. Ensure all major projects have appropriate governance and rigour.
 - iv. Ensure there is an agreed process in place to initiate new projects, close down projects and manage major change during a project (such as extending or changing the scope).
 - v. Ensure that CMT and appropriate members have an overview of the programme and are able to challenge its content and progress.

- vi. Understand the impact of the programme on the Council and its service delivery

4. Legal and Democratic Services

Corporate Support Unit (CSU)

- 4.1 Andrew Randall was successfully recruited to the vacant Corporate Support Officer post and joined the team on 3 September 2012.
- 4.2 Amanda Hamley left the team at the end of August, as she decided that the job was not really for her. The opportunity is, therefore, being taken to have a slight change around within the team. Jo Comer has taken over from Amanda, but she will also provide additional support to Richard Bryant to ensure that all the tasks are covered in the CSU.
- 4.3 There will be a need, therefore, to recruit another PA for the Directors.

Standards Regime

- 4.4 All the Register of Interests forms have been returned to the Monitoring Officer. Some guidance for Members has now been issued to assist with the changes in the adopted Code of Conduct.
- 4.5 The Monitoring Officer has offered to come to group meetings to talk to Members if there is still any confusion relating to these changes, but to date there has been no take-up of this offer.
- 4.6 There were six applicants for the new Independent Person, with interviewing taking place on 5 September 2012. Three Members joined Richard Bryant on the interview panel.
- 4.7 There were also five applicants for the Independent Co-optees to the new Standards Committee, with interviewing taking place on 24 September 2012. This time, three Members joined Tonya Meers on the interview panel.

Land Charges

- 4.8 The Public Access Module implementation is being tied in with the changes to the IT infrastructure in The Deane House, as that needs to be upgraded in order for the module to work effectively. It is anticipated that this implementation work will be carried out at the end of the year. Once installed, this module will allow people to apply for a land charges search on-line.

CIL and Governance

- 4.9 The Monitoring Officer and Tim Burton will be working with a small group to set up the new Governance Board. The purpose of the Board

will be to decide how the CIL monies will be spent and to ensure that there are governance arrangements around this expenditure to prevent challenges being mounted.

- 4.10 In addition, an increase in s106 agreements is expected between January and March of next year. It will, therefore, be necessary to recruit a locum in order to assist with this extra workload, as that capacity is not available in-house.
- 4.11 It has been agreed that a tender for locums to take on this work on an ad-hoc basis will be put out, as it is uncertain at this stage what the additional volume of work will be. The work generated by each additional s106 agreement will be fully funded by the appropriate developer. In addition, consultation is taking place with SCC to determine whether they would like to participate in these ad hoc arrangements. This would have the added benefit that both Councils would be working to the same time-lines.

Assets of Community Value

- 4.12 The Monitoring Officer is starting to look at what processes and procedures need to put in place, as this legislation is likely to come into force in October 2012.

5. Revenues and Benefits

Localised Council Tax Support Scheme

- 5.1 Work is underway to prepare for the new Localised Council Tax Support Scheme which takes effect from April 2013. To ensure those most likely to be affected are aware of the changes and to make sure we have up-to-date information when the new scheme is implemented, claims for every Council Tax Benefit recipient of working age are currently being reviewed. Staff will review over 4,500 claims in the next three months, so the service will be exceptionally busy to ensure a smooth implementation of the new scheme.

Council Tax and Business Rates

- 5.2 So far in 2012/2013, the average time to reassess benefit is six days from when the customer tells staff of a change in their circumstances. On average, new claims are worked out within three weeks of the date they are submitted. Council Tax collection remains on target, but recovery of Business Rates is proving more difficult, with collection 3% down on the same time last year.

Customer Forum

- 5.3 In July, the team held a successful and well attended Revenues and Benefits Service Customer Forum. SWO's Customer Contact Team gave a presentation on how the Council deals with complaints, how the needs of disabled customers are accommodated and some of the outreach services provided. There was also a presentation on the new localised Council Tax Support Scheme. The service will receive its annual inspection for Customer Service Excellence on 25 September 2012.
- 5.4 As Members may know, both the Revenues and the Benefits Teams have been selected as finalists for the Institute of Revenues Rating and Valuation (IRRV) "Team of the Year" awards. To be shortlisted, the excellent performance and high quality customer service of the Revenues and Benefits Service was recognised by a panel of industry experts. Inspections of the service from leading professionals from the IRRV took place in August and September. Award winners will be announced at the annual IRRV conference on 4 October 2012.

Councillor Vivienne Stock-Williams

Council Meeting – 2 October 2012

Report of Councillor Mark Edwards - Planning, Transportation and Communications

1. Core Strategy

- 1.1 The Core Strategy has now of course been formally adopted by the Council and I was delighted that we managed to get widespread support for this decision. It now takes its finally legal course and will be in place by the 23 October 2012.
- 1.2 There has been a huge amount of work done by many officers over the last six years and I want to once again pay tribute to their hard work and diligence in preparing this document and most importantly the supporting documents that lay below it.
- 1.3 I did make a clear commitment at the last Full Council that the work to find and bring forward sites to assist with the five year supply would start immediately and I can confirm this is the case, please see point 2 and 3 below for detail.

2. Site Allocations and Development Management Policies Plan

- 2.1 Carrying on from the Core Strategy, officers are, as I promised, aiming to make rapid progress in the production of the next Development Plan.
- 2.2 This work is essential since it is necessary to bring forward strategic allocations at Comeytrove / Trull and Staplegrove as well as supplementing the five year deliverable supply of housing land through a range of other allocations across Taunton Deane.
- 2.3 Officers intend to present an information report outlining the process for the preparation of this next plan at the next Community Scrutiny Committee on 9 October 2012.
- 2.4 Beyond this, there is an intention to commence early Issues and Options consultation on the plan towards the end of the calendar year.

3. Strategic Housing Land Availability Assessment (SHLAA)

- 3.1 Officers are also updating the SHLAA with a meeting of the independent panel of house builders and developers who assess sites currently being arranged and scheduled for early November.

- 3.2 This work will inform not just the future plan-making work but also identify the five year supply position moving forward.

3. Neighbourhood Planning

Neighbourhood Planning Front Runners Forum

- 3.1 The first meeting (June 2012) was informative, productive and a great help to all around the table. Items discussed included the emerging regulations and new policy for Neighbourhood Planning, the approach different groups were taking in formulating Plans, Content and Scope of Plans, Process and Legal requirements of Plans. It was attended by all three front runners, Somerset Market Towns Forum, Ann Rhodes (Planning Policy Officer) and myself.
- 3.2 It was agreed that the forum was a useful tool for the Front Runners, that it should be quarterly and the second meeting is scheduled for late September 2012.

Neighbourhood Plans Formally Approved

- 3.3 The three Taunton Deane Neighbourhood Planning Front Runners have been formally approved to undertake a Neighbourhood Plan for their areas. After passing tests relating to relevance (for the body undertaking the Plan) and appropriateness (of the proposed designation of the Neighbourhood Area) which are set out in the Neighbourhood Planning Regulations; the proposals were then publicised.
- 3.4 Public Notices in the Somerset County Gazette and Wellington Weekly News as well information on the Council's website invited comments on the applications; but no representations were received within the six week consultation period. As a result of the above, the bodies undertaking the Plans and the areas their Plans will cover are now formally approved.

New National Funding and Support for Local Planning Authorities

- 3.5 The Department of Communities and Local Government (DCLG) has recently announced a small amount of funding to support Local Authorities in their duty to support and advise those in their communities undertaking a Neighbourhood Plan. I have instructed officers to look in to the details, with a view that the Council submits an application for this ring fenced grant to DCLG.
- 3.6 This fund is currently only available for the 2012-2013 financial year, but it is hoped that Taunton Deane will secure something towards administrative costs associated with supporting Neighbourhood Planning.

New National Funding and Support for Neighbourhood Planning Front Runners

- 3.7 DCLG announced an extension to the Supporting Communities in Neighbourhood Planning scheme until the end of the financial year 2012-2013. This is support given by DCLG funded and approved bodies and is free of charge to Front Runners. Trull is talking with Planning Aid about the opportunities and support available. They have also kindly opened this out to include the other two Taunton Deane Front Runners.

4. Community Infrastructure Levy

- 4.1 Consultation has been undertaken on the Preliminary Draft Charging Schedule and officers are now working through the responses liaising with our consultants Three Dragons. We had previously anticipated going to Scrutiny, Executive and Full Council with a view to signing off the Draft Charging Schedule in October for further public representation.
- 4.2 I will hopefully be able to update Full Council at the meeting as at the time of writing the report the exact timetable was not absolutely clear.

5. Planning

- 5.1 Officers have been busy dealing with appeals and the Public Inquiry into the refusal of planning permission for residential development at Fox's Meadow sat for two weeks during the summer. A further four days are required in October so that the Inspector can hear all of the evidence before coming to a decision.
- 5.2 Work has also been carried out preparing Appeal Statements and Proof's of Evidence in order to provide a robust defence against the appeal at Maidenbrook for residential development in the green wedge (which separates Taunton and Monkton Heathfield). That Inquiry will begin on 9 October 2012 and is scheduled to last four days.
- 5.3 An informal hearing took place in August as part of the appeal against the refusal of planning permission for two additional gypsy pitches at Altona Park, Hillfarrance. Despite the Inspector agreeing with the Council that there would be landscape impact, he considered that it would cause modest harm and this was outweighed by the significant need for additional gypsy and traveller sites. He therefore allowed the appeal.
- 5.4 With regard to other planning and enforcement appeals, the Council has successfully defended and won 12 out of 17 appeals in 2012. This is above the national average.

- 5.5 The Government's recent announcement into proposed changes to the planning system included extending the temporary period for the renewal of planning permissions. All permissions which were due to expire over the next 12 months will now be subject to a 'simplified extension of time' application procedure with a reduced application fee.

6. Heritage

- 6.1 Sandhill Park - Works are progressing on site to clear debris from the house and record and store historic fabric, such as fallen decorative plasterwork which was damaged due to the amount of water used to put out the fire. Work by consultants to update the required reports to accompany revised applications are nearing completion, with formal submissions expected in November.
- 6.2 Tone Works - Contracts between the owner and developer are about to be signed. This will enable the redevelopment of the Grease Works to proceed and release the bond to progress the approved alterations to the former Dye Works, to provide a weaving shed for Fox Brothers. In tandem with the latter, essential protection works to the rest of the wet finishing buildings will be undertaken.
- 6.3 Tonedale - The owner continues to be in dialogue with the Environment Agency, re the required flood alleviation scheme.

7. Landscape Team Report

- 7.1 Planning and tree applications work continues to be the main area of demand within the Landscape Team. Consultations for landscape and ecological advice continue to vary in number and significance from month to month but overall the number of consultations is similar to the previous two years at 2010/11: 293; 2011/12: 247 and based on the average so far 2012/13: 274.
- 7.2 There have been 66 tree applications which is within the normal range of applications. The main difference in workload this year has been preparations for two major planning appeals at Fox's Meadow and Maidenbrook Farm which have required significant officer time.
- 7.3 We have continued to work with our key partners at the Blackdown and Quantock Hills Areas of Outstanding Natural Beauty, with British Waterways and Somerset County Council on the Bridgwater and Taunton Canal and helping the Somerset Wildlife Trust with a grant bid, called Living Landscapes, which could attract £400,000 grant if successful.
- 7.4 The Councils of Somerset and key trusts and organisations in Somerset were successful in attracting £25,000 towards the establishment of a Landscape Nature Partnership. Somerset's Partnership was formally recognised by the Government in July this

year.

- 7.5 The team also continue to manage 14 local nature reserves. Westford, where a community woodland has been established with the help of Somerset County Council using land leased by the Environment Agency at a peppercorn rent, and Longrun Farm are proposed to be designated later this year. The Higher Stewardship grant from Natural England awarded last year is helping to maintain Ash Common in a good ecological condition.

8. Parking Service

- 8.1 Usage in the car parks is running below that of last year. Short term parking is holding up reasonably well but across all tariff bands long term stays are falling. This will be partly due to the effects of the recession and the price of fuel, but also Park and Ride figures have gone up on both Silk Mills and Gateway sites 8% and 12% respectively. In conjunction with Taunton Town Centre Company we are looking at initiatives to encourage people to come into town and stay longer. Soon we will know how well the “Free after 3” promotion has gone. Interestingly Wellington is showing a drop in short term usage but an increase in three hours and longer stays.
- 8.2 The new arrangements with Somerset County Council and NSL for enforcement and notice processing went live on 11 June 2012. For most people in Taunton Deane the only obvious change is a change of uniform colour from green to burgundy for the enforcement team. I am pleased to say transfer of staff from this Council to NSL went smoothly for all concerned. From the off-street car parks angle we are very pleased with the way NSL are delivering what we require of them, and with the working relationship established. It is unfortunate that there have been some problems around issuing of Residents Permits but I understand these have been resolved and the process is now working as it should be.
- 8.3 **Parking Strategy** - The introduction of changes and increases to tariff bands approved as part of the Parking Strategy is being delayed. The general economic situation and the continuing drop off in use of our car parks is not the right backdrop to make such moves. The principles around the Strategy are still correct and will be followed up. The budgetary implication is being considered within the Council’s general financial position and the projected overall underspend quoted in the Quarter 1 Performance Report includes for this. Discussions on the changes to management of Blue Badge parking have started.
- 8.4 **Multi Storey Lifts and Car Park** – We have recently seen reports on both the lifts and the structure at this central car park. It is still performing well after 40 years but now we know it is to remain as part of any retail redevelopment we need to lavish some care and attention on it. We are prioritising this year’s Capital spend on the lifts

themselves with around £180,000 being channelled in their direction. There will be some minor repairs and redecoration to the car park itself at the same time. The bulk of the work on the structure will need a much larger sum and Council will need to consider that during the Budget Setting process.

9. Communications

- 9.1 Communications has worked to support community and voluntary groups and partnerships as well as providing information on the Council's initiatives and achievements.
- 9.2 Work was done to help the Friends of Longrun Meadow promote some of their activities this summer, as well as Taunton Literary Festival.
- 9.3 Taunton Deane's communications is working with other Somerset districts and the County Council on highlighting the Police and Crime Commissioner elections in November. The immediate focus is on ensuring voters complete and return the annual canvass forms.
- 9.4 Changes to welfare benefits have been promoted through the Deane Dispatch and press releases, in particular by encouraging people to express their views through the consultation process.
- 9.5 Taunton Deane continues to lead on communications for the Somerset West Private Sector Housing Partnership, especially in the run-up to the launch of the Landlord and Tenant Services.
- 9.6 Promotion of Taunton's regeneration and Project Taunton is supported through publicity for Project Taunton's Open Day and the completion of Castle Green's enhancement. The Council has worked closely with the contractors, Britannia, throughout the construction works.
- 9.7 The Deane Dispatch promoted the "Free after 3" parking initiative in the September edition which also saw the launch of regular updates on "green" initiatives.
- 9.8 Internal communications will refresh the Core Brief with a series of articles on recent realignments in various departments, starting with the recently established Corporate Support Unit.

Councillor Mark Edwards

Council Meeting - 2 October 2012

Report of Councillor Jane Warmington - Community Leadership

1. Police and Crime Panel (PCP)

- 1.1 The PCPs are being set up alongside the new Police Commissioners in each of the police forces across the country. Their purpose to hold the Commissioner to account on behalf of the public and act as a monitor. Voting for Police Commissioners is taking place on 15 November 2012. So far four candidates have declared one from each of the political parties plus one independent.
- 1.2 The interim PCP has had its inaugural meeting. Information is being gathered together to present to the new Police Commissioner after their appointment.

2. Safer Somerset Partnership (SSP)

- 2.1 The SSP objective is to help make Somerset a safer place through a core partnership of those with a statutory requirement to do so - the Local Authorities, Police, Fire, Health, Probation and Road Safety with the relevant Voluntary Sector bodies for example, Drug and Alcohol Partnership. The aims are to reduce crime, reduce the fear of crime and reduce re-offending.
- 2.2 All five Districts expect to be formally signed up to the Safer Somerset Partnership for the appointment of the new Commissioner in mid November.
- 2.3 It has met several times over the past three months to discuss the future and how it will be set up to best inform the new Police Commissioner and the Police and Crime Panel.
- 2.4 It was agreed after much discussion that the structure will follow a gold/silver/ bronze style. Gold will be strategic made up of members and the relevant officers to advise and set the priorities for the SSP. This level is expected to liaise with the Police Commissioner.
- 2.5 Silver and Bronze would be the delivery arms of the structure. The relevant officers for the Silver group would be Community Safety Officers, Police, Fire, probation etc. They would effectively mirror the membership of the Gold group but with operational officers.
- 2.6 Bronze are those already established and working at the delivery end, most feeding into the Partnership already.

3. Voluntary and Community Sector Grants Panel

- 3.1 The Grants Panel (made up of both Members and supporting officers - three Portfolio-Holders - Community Leadership, Economic Development and Housing), two shadow Portfolio-Holders and one Labour/Independent) has met three times. A paper is being brought to the Community Scrutiny Committee in October 2012.

4. Health and Wellbeing

- 4.1 The draft Health and Wellbeing Strategy is now out for consultation. The shared vision for health and wellbeing in Somerset is that people live healthy, independent lives, supported by thriving and connected communities with timely and easy access to high-quality and efficient public services when they need them.
- 4.2 This is a well written easily read concise document which makes sense. Feedback to <http://www.somersetconsults.org.uk/consult.ti/HWBStrat/answerQuestionnaire?qid=1719811>
- 4.3 Local districts will agree their health and wellbeing focus for the year using the Health and Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA) agreed between partners and local providers. The Taunton Deane Partnership is the most sensible way to manage this.
- 4.4 Yesterday Taunton Deane hosted its second Health and Wellbeing Event at the Somerset County Cricket Ground as part of this consultation process.

5. Priority Areas Strategy

- 5.1 This Strategy is the action plan for our priority areas and an ongoing commitment to tackling some tough entrenched problems. Paragraphs 5,6,7, 8, 9 and 10 form part of the action plan within the Strategy.
- 5.2 The multi-agency approach is building on the previous five year plan which the local Police team led on working with the communities to tackle the pockets of deprivation which exist in parts of Taunton Deane.

6. Somerset Village Agents

- 6.1 Village Agents offer a signposting service to support people living in rural areas across Somerset to bridge the gap between the local community and the statutory or voluntary organisations which offer help or support. The aim is to have a team of fifteen across the County recruited from within the cluster of parishes they will work in. Appointments are ongoing. Look out for local advertisements www.somersetccc.org.uk.
Lead - Katherine Armstrong, Community Council for Somerset.

7. Community Clean Up Days

- 7.1 The clean-ups started about fifteen years ago when individual skips were delivered to the properties of tenants who were not managing their homes and gardens. These then became community clean-ups which gave everyone the opportunity to have a clear out. They started in Halcon the worst affected area where not every household had a vehicle to get to the tip and then into areas where the Estates Officers identified a need.
- 7.2 They are run by the Community Development Team with a core of up to six volunteers from Halcon, support truck from one DLO crew and a large skip(s). This year there have been ten - four in the villages, one in Wellington and five in Taunton filling fifteen (or more) very large skips (electrical goods and metal are taken separately). These days are very popular with the local communities.

8. Halcon Breakfast Club

- 8.1 The Baptist Church at Crossway in Halcon kindly provided the well appointed venue for the Breakfast Club from 10.30 am until midday every Monday and Friday throughout the school holidays. These were run by the Community Development Team supported by local volunteers. After a quiet start, they picked up and around 150 breakfasts were served over the six weeks for a small charge.
- 8.2 The children enjoyed puzzles, games and crafts after their healthy breakfast.

9. Community Activity Days

- 9.1 These very successful days organised out of the Link and Priorswood Community Centres continued over this summer. They encouraged both communities to help organise and take part in local activities once a week in each area during the school holidays. Activity days in Halcon were on a Thursday and in Priorswood on a Tuesday. They were well organised and very well supported.

10. Family Futures (Troubled Families)

- 10.1 The High Contact Families pilot in Highbridge which lasted six months showed that the same trained person visiting a family for a few hours a week could make a significant difference to their lives, reducing their overall dependence, increasing confidence and helping them to tackle their problems. The aims were to improve the lot of those families, streamline services supporting them and in doing so reduce the cost to the state.
- 10.2 The Troubled Families Programme across the country is the successor with Somerset County Council as higher tier authority overseeing the Districts expected to deliver results over three years. Some money has been provided to begin with, the remainder paid on results which roughly translates into Back To School, Back To Work and Back Off Crime only is rather more prescriptive.
- 10.3 Statistics indicate that Taunton Deane has 183 troubled families and in the first year the aim is to help 50 of them. As the Districts are able to adopt their own approach, Taunton Deane would like to make a difference lasting beyond the three years of the programme. To this end it is concentrating on improving what is already there. In the first year it is concentrating on our urban priority areas.
- 10.4 So a lead worker for each family is drawn from those practitioners already visiting, all of whom will meet regularly (practitioners group) to produce an action plan to improve that family's outcomes. Above them will be the strategic group to identify learning, look at outcomes, unblock any barriers to joined up working, plug gaps and look at service redesign, monitor and control the budget.
- 10.5 No one doubts that this will be a challenge but it offers the opportunity to develop the best way to help these families improve their lives with a joined up, streamlined, less intrusive approach which should be more effective and cost less.

11. Safeguarding

- 11.1 Taunton Deane has published its internal 'Children and Vulnerable Adults Safeguarding Policy'. Straightforward, informative, necessary and readable. Lead Officer Vikki Hearn.

Councillor Jane Warmington

Council Meeting – 2 October 2012

Report of Councillor Cavill - Economic Development, Asset Management, Arts and Tourism

1. Heart of the South West Local Enterprise Partnership (LEP)

1.1 In June last year, a Board was appointed along with Chairman, Tim Jones, Vice Chairman Frances Brennan and interim Chief Executive, Liz Waugh. Tim and Frances have just been re-elected for a second term of office. A partner Business Forum open to all businesses and business organisations across Devon and Somerset, was set up in the autumn 2011 to act as a 'critical friend' to the LEP, canvassing business opinion on LEP priorities and advising on related issues.

1.2 The LEP and Taunton Deane have been working together on:

- BD:UK bid regarding Superfast Broadband;
- Growing Places Fund. The LEP secured £21.5m of Government funding to support growing businesses and unlock strategic projects. The Fund operates on a rolling, loan basis. 13 bids have been shortlisted for support, the first tranche of which should receive funding later in September. One project has been shortlisted in Taunton Deane...
- Rural Growth Network. Devon and Somerset successfully bid to be one of five pilot areas for this new Government initiative, attracting £2.9m to the area. The initiative will shortly be rolled out across Devon and Somerset.
- Regional Growth Fund. Successful bids were made in Round 3 by Yeo Valley Foods, Augusta Westland, Exeter Growth Point and The Western Morning News / Plymouth University. The last of those will provide an essential capital funding source for businesses requiring gap funding to expand in Taunton Deane.

The LEP has also submitted representation on various consultation exercises, including on the Strategic Rail Network, EU funding post 2014, and the Nuclear New Build programme at Hinkley Point.

The District Councils of Devon and Somerset have advised the LEP that they have a unique ability to engage with and represent their local communities and businesses, and wish to do so to support the LEP.

2. Taunton Town Centre Company (and BID)

2.1 A Briefing note was sent out in September to all Members updating them with regard to the Business Improvement District (BID). A separate report will be going to Corporate Scrutiny Committee in October.

- 2.2 As BID 2 failed in March, the existing BID ceased on 30 September 2012.
- 2.3 Having reviewed the reasons for the failure of BID 2 the TTCC (Taunton Town Centre Company) decided to address the situation prior to any new campaign by the following:-
1. Develop an interim business plan budget and staffing structure for TTCC to ensure the company remains financially viable;
 2. Work with national retailers at head office level, and public sector bodies to establish key contacts, and support for Taunton. A significant number of the 62% of businesses with a RV over £100,000 failed to vote in favour last time;
 3. Revisit the plans for a future BID proposal, which will address national policy guidelines and local business needs.

The termination of the BID programme will have an immediate consequence on:-

- Marketing and events;
- Cleansing and maintenance;
- Policing and security; and
- Promotion of the town centre.

3. The Brewhouse Theatre and Arts Centre

Brewhouse Cinema

The Theatre has joined up with Curzon Cinemas to screen the latest in independent, European and world film, as well as popular classics, on brand new digital equipment in the Main House. The Cinema was launched in September and is an excellent addition to the cultural offer in the town centre.

Finances

The Trust had a deficit last year, and the Auditor has advised the need to cut costs. The company has responded by reducing staffing levels. Management is keeping a very close eye on the finances this year, and whilst expenditure is close to budget there is enough resource to offer assurance that the Theatre will continue for the rest of this financial year at least. Furthermore, the Trust has ambitious plans to remedy the difficulties by making the business model more robust, for example by introducing new services (i.e. the Limelight Cinema); delivering new formats of theatrical events (i.e. As You Like it in Vivary Park, which attracted 450 people last month); and by planning the expansion of the auditorium.

Planned expansion of auditorium

Talks have been held with The Arts Council, who have expressed interest in offering capital funding towards the £10m project to extend the auditorium. This contribution would be dependent upon securing matching funding, including the local authorities, and would be subject to Planning.

Service Level Agreement (SLA)

Taunton Deane's £152,000 annual contribution is conditional upon us having a robust Service Level Agreement with the Brewhouse. That SLA is currently under preparation and will be completed during October.

4. Marketing Strategy

- 4.1 The Economic Development and Regeneration Team is currently carrying out a review of the marketing activities with the intention of producing a plan on inward investment, visitor and events marketing. The review will consider promotional materials as well as the market intelligence, and will review how effectively business investors are dealt with when they contact the Council's different departments.
- 4.2 Following the recent restructuring of the team, including the joining with Project Taunton, it is appropriate now to align activities with available resources.
- 4.3 A new inward investment marketing campaign, which will comprise a new website and printed materials for Project Taunton and the rest of Taunton Deane, will be finalized and launched in October.

5. Floodlighting of the Borough's Churches

- 5.1 To date thirty one churches have agreed the new scheme, five have declined. The two outstanding are the churches at Stoke St Gregory and Staplegrove. We are still in talks with St James' and hope that eventually a reduced scheme may be agreed.

6. Job Clubs

- 6.1 The VISTA organization, under the direction of Catherine Beedell, is continuing to be very successful in the support it is offering job-seekers. Virtually all job applications are made on line. It is interesting to note that with the introduction of universal credit it is becoming essential to have access to and knowledge of IT. The Halcon Centre is now bursting at the seams and there is a need for more space. In the last eight months VISTA has assisted on 1068 occasions; achieving 32 jobs and now supporting 90 plus people in training and volunteering.
- 6.2 Vista is rolling out its Breakthrough programme in the three centres, and take up amongst local unemployed has increased considerably, particularly in Wellington.

7. Business Support and liaison

- 7.1 The team is currently preparing a Business Support Strategy and Action Plan to define the support available to local firms from the Council and its

partners. Once adopted in November the Strategy will be circulated to all Members.

7.2 Over the past three months close contact has been established and work progressed with the following companies in the Borough:

Swallowfield plc
Relyon & Pritex
Ministry of Cake Ltd
Geist Europe Ltd
Hatchers

The Collar Factory
ADK Design Ltd
Tarmac Building Products
Reviva UK / Edwardos
Summerfield Properties

In the past 3 months Business Start up grants have been paid to two local businesses. Sebastian Tipley, Taunton (short videos for businesses), and Matt Dusting (recycles Upvc into bags) and we are working with a further six applicants (including Stoke St Gregory and Bishop's Hull Post Offices).

The team has also worked proactively with one particular potential inward investor to secure its location to a site in Wellington.

8. Hinkley Nuclear New Build

8.1 The team continues to liaise with EDF Energy over Hinkley on two fronts:-

- Firstly to ensure that the structures and relationships are in place so that Taunton Deane residents are aware of the employment opportunities that will be arising.
- Secondly to ensure that Taunton Deane businesses are in a position to secure contracts to supply to the new power station. Officers attend the monthly EDF Hinkley Supplier Forum to that end.

We are presently liaising closely with potential first and second tier suppliers to Hinkley, to encourage them to locate in Taunton Deane should they be successful in their tenders.

A Members' briefing note updating where the NNB project is up to will be circulated in October.

9. Forthcoming events

9.1 Project Taunton Open Day on Tuesday, 4 October at The Brewhouse Theatre. An opportunity to hear about progress in the regeneration of the town centre. The various organizations locally that deliver and input to projects will be in attendance at the exhibition.

9.2 Dare to Dream business support event, 4 October at Somerset College. This event is targeted at pre-start up businesses, offering them advice and

guidance on how to get on the road of starting a business. Economic Development helps sponsor this event and will be present.

10. Taunton Tourist Information, Ticket and Travel Centre (TIC) update

1. Visitor numbers and spend

Whilst the reopening of the Library in late July helped boost general business, there has unfortunately been a slight decrease in TIC income and throughput during the summer period.

2. Business Liaison

121 discussions have been held with the Canonsgrove Halls of Residence, the Museum of Somerset and the Somerset Life magazine.

3. Office activities

The TIC team have carried out a complete spring clean of the back office creating potential working space for other colleagues and partners.

An online accommodation booking service has been added to the TIC www.heartofsomerset.com website.

4. New activities planned

The Tourist Information Lead continues to work with the Economic Development Manager on a Marketing Action Plan for the new Economic Development and Regeneration Unit.

Work is being planned this autumn to raise the profile of TIC box office facilities. Already over 50 events have sold their tickets through the TIC the year and the TIC team want to increase the use of this valuable service.

The Cards for Good Causes Charity Christmas Card Shop reopens in the TIC on Friday 5 October, over 30 national and local charity cards and goods will be on sale this year.

The TIC team continue to work closely with the Economic Development Unit, Licensing Section, Project Taunton, Somerset Tourism Association, Taunton Town Centre Company and other organisations to raise the profile of Taunton Deane.

11. Asset Management

- 11.1 Mount Street Former nursery site has now obtained its planning permission for 58 units, requiring 25% affordable housing which is a contribution of £862,000. By the time of this Council meeting, the deal should have been finalized and the capital account of the Council enhanced.

- 11.2 Taunton Youth and Community Centre - One final agreement is formally required with the trustees, and then marketing of this site will commence.
- 11.3 Castle Green has had its final snagging assessment and this fantastic project should be finished and open to the public before this Council meeting.
- 11.4 DLO - The site is being prepared for marketing to enable the Council to assess the actual market value that this site could attract in these present times.
- 11.5 Employment land at Hyde, Bathpool, Taunton - Talks are continuing in a positive manner with the agents of this site with respect to Taunton Deane enabling the development.

Councillor Norman Cavill