

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 8 September 2015 at 18:00.

Agenda

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

- 1 Minutes of the meeting of the Council held on 14 July 2015 (attached).
- 2 To report any apologies for absence.
- 3 To receive any communications.
- 4 Declaration of Interests
To receive declarations of Disposable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of Full Council are shown on the attachment.
- 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 The Somerset Rivers Authority (SRA) and Flood Action Plan - Update Report. Report of the Director - Growth and Development (attached).

Bruce Lang
Assistant Chief Executive

17 August 2016

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

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

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

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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



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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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

Council Members:-

Councillor V Stock-Williams (Chairman and Mayor of Taunton Deane)
Councillor H Prior-Sankey (Deputy Mayor)
Councillor J Adkins
Councillor M Adkins
Councillor T Aldridge
Councillor C Appleby
Councillor T Beale
Councillor P Berry
Councillor J Blatchford
Councillor R Bowrah, BEM
Councillor W Brown
Councillor N Cavill
Councillor S Coles
Councillor W Coombes
Councillor D Cossey
Councillor T Davies
Councillor D Durdan
Councillor K Durdan
Councillor C Edwards
Councillor M Edwards
Councillor H Farbahi
Councillor M Floyd
Councillor J Gage
Councillor E Gaines
Councillor A Govier
Councillor A Gunner
Councillor R Habgood
Councillor T Hall
Councillor C Herbert
Councillor C Hill
Councillor M Hill
Councillor J Horsley
Councillor J Hunt
Councillor G James
Councillor R Lees
Councillor S Lees
Councillor L Lisgo, MBE
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor R Parrish
Councillor J Reed
Councillor S Ross
Councillor R Ryan
Councillor Miss F Smith
Councillor F Smith
Councillor P Stone
Councillor A Sully
Councillor N Townsend

Councillor C Tucker
Councillor J Warmington
Councillor P Watson
Councillor D Webber
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 14 July 2015 at 6.30 p.m.

Present The Mayor (Councillor Mrs Hill)
 The Deputy Mayor (Councillor Mrs Stock-Williams)
 Councillors Mrs Adkins, M Adkins, Aldridge, Appleby, Beale, Berry,
 Mrs Blatchford, Bowrah, Brown, Cavill, Coles, Coombes, Cossey,
 Davies, D Durdan, Miss Durdan, Mrs Edwards, M Edwards, Gage,
 Gaines, A Govier, Mrs Gunner, Habgood, Hall, Mrs Herbert, Horsley,
 Hunt, James, R Lees, Mrs Lees, Ms Lisgo, Martin-Scott, Morrell,
 Nicholls, Parrish, Prior-Sankey, Mrs Reed, Ross, Ryan, Miss Smith,
 Mrs Smith, Stone, Sully, Townsend, Mrs Warmington, Watson,
 Wedderkopp and Williams

1. **Minutes**

The minutes of the meeting of Taunton Deane Borough Council held on 31 March 2015 and the Annual Meeting of Council held on 20 May 2015, copies having been sent to each Member, were signed by the Mayor.

2. **Apologies**

Councillors Farbahi, Mrs Floyd, C Hill, Mrs Tucker, Ms Webber and Wren

3. **Declaration of Interests**

Councillors M Adkins, Coles, A Govier, Hunt, Prior-Sankey and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Beale declared personal interests as a Board Member and Director of Tone FM, Chief Executive of the 'Think Amy' Charity and as a Governor of the South West Ambulance NHS Trust. Councillor D Durdan declared a prejudicial interest as a Tone Leisure Board representative. Councillor Edwards declared a personal interest as the future Chairman of Governors of Queens College. This appointment would commence with effect from 1 September 2015. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM.

4. **Public Question Time**

Mr Alan Debenham asked the following questions:-

- (1) With reference to last week's national Budget Statement, what was Taunton Deane's latest forecast for the coming financial year concerning cuts in total expenditure and jobs which will have to be made to bridge the gap made by the reduction in funding?

- (2) What impact will the present further shelving of Hinkley C and its probable cancellation because of financing and design problems have on the Council's budgeting and other plans?
- (3) Plans to pedestrianise Taunton Town Centre were discussed at length some years ago and shelved subject to the construction of the new Tangier Bridge. With the bridge now in place but coupled with much build-up of traffic in the town centre, was it not time to re-open discussions with Somerset County Council with a view to bringing pedestrianisation back into top priority focus?

Councillor Williams replied as follows:-

- (1) The Chancellor's Budget announcements last week included a number of elements which will need to be taken into account when reviewing our financial forecasts. The Budget did not include specific details of local authority funding but it is clear that public spending will reduce in the coming years to address the national deficit. Details of this Council's future funding were expected to follow the Government's Spending Review in the autumn, through the annual funding settlement which is normally provided to the local authorities in December.

We currently have a projected Budget Gap of more than £1,000,000 for next year. Our Finance officers are currently undertaking a review of our financial forecasts for our Medium Term Financial Plan – which will be reported next month – and will no doubt confirm that we continue to face significant challenges in the coming years.

Plans for meeting any budget gap will be considered through the budget process in the coming months.

- (2) Nothing with this Council's current budget is dependent on Hinkley C progressing. You will appreciate Hinkley is more directly relevant to West Somerset. We would be due some funding under Section 106 planning obligations to help with the supply of housing should the project go ahead. We do have plans to ensure that Taunton Deane-based businesses can take part in the supply chain for the Hinkley C project. We will put those plans into action once wider financing decisions have been made. Responsibility for design standards rests with the Office of Nuclear regulation rather than the local authority.
- (3) The pedestrianisation of Taunton Town Centre remains an ambition that is currently under discussion with Somerset County Council and forms one of a number of projects in the Taunton Growth Programme, many of which are currently unfunded. Ideas for progressing such a scheme will come forward during 2015.

5. Receipt of Petition from Churchstanton Parish Council concerning the 387 Bus Service

Mr David Gollin drew the attention of Councillors to the consultation currently being undertaken by Devon County Council (DCC) about public transport provision. The 387 bus service which operated between Sidmouth - Tipton St. John - Wiggaton - Ottery St. Mary - Gittisham - Honiton - Monkton - Rawridge - Upton - Smeatharpe – Churchinford – Culmhead – Blagdon Hill – Staplehay – Taunton was a route under consideration.

This DCC funded service ran as one return trip daily. The proposed changes would mean that this would be reduced to once a week. Churchstanton Parish Council had made representations to DCC and had organised a petition with sufficient signatures to trigger a debate at Full Council.

Whilst it was acknowledged that DCC currently funded the service, the Parish Council felt that a decision to reduce it should not be made without paying due regard to the five Somerset stops and the service they provided.

Public transport provision was a fundamental tenant to Churchinford being designated a Minor Rural Centre within the Core Strategy. It was therefore hoped that Taunton Deane would show its support for this basic bus service being maintained at the current level.

As a first step, Mr Gollin asked the Council to request Somerset County Council (SCC) and DCC to work together on the cross border routes to ensure rural communities were not disadvantaged due to their close proximity to the County border. He also sought the support of Members for an increase in the availability of the 'Slinky Bus' Service.

In response, the Executive Councillor for Business Development, Asset Management and Communications, Councillor Mark Edwards, thanked Mr Gollin for bringing the matter to the attention of the Council. SCC would be encouraged to liaise with DCC in an attempt to seek a satisfactory solution to the proposed reduction in the 387 bus service which ran between Sidmouth and Taunton.

The Council endorsed this suggested approach.

6. Motion – Working with the Core Strategy

Moved by Councillor Coles, seconded by Councillor Horsley

“Taunton Deane Borough Council has proudly been one of the first Councils in the country to have put in a Land Use Strategy for the period from 2011 to 2028 to encompass the required developments needed to meet the challenge of a rising population, an older demographic, the greater requirement for smaller household units and the need to embrace growth as the means of funding this.

What we have failed to do is to convince the Government of the need to recognise that the existing residents should have a true influence on how the plans are implemented and secondly that the infrastructure needs hugely exceed the means of raising funds for it from the private sector alone.

We strongly believe therefore that Taunton Deane's future scope for increased sustainable development should be based on an holistic approach and evidence, to include master planning at the outset not after completion/towards the end of any development especially in applications in excess of 200 houses. Officers should be encouraged to enter into dialogue with current applicants and develop where possible Supplementary Planning Guidance.

Taunton Deane should take into account the impact on the neighbouring wards in terms of increased traffic, flood prevention, doctor's surgeries, school provisions and adequate freehold affordable employment land to complement the housing. We do indeed recognise that some of the above issues are within the remit of the County Council but as the Local Planning Authority we have enormous influence in shaping our Borough, to leave a legacy that our future generation will thank us for!

We therefore ask the Council to:-

1. Reinforce the Core Strategy 2011-2028, that any piecemeal development should be resisted;
2. Ensure that infrastructures such as roads, schools, flood prevention schemes and adequate Green Wedge and open space amenities are delivered at the outset;
3. Sensitively design homes so the characteristic of the area is not adversely impacted with the environment at the heart of every design;
4. Ensure that development is closely aligned to communities and their aspirations;
5. Ensure allocated land should be built on before any further developments. Retain and endorse that all schemes should contain a minimum of 25% affordable housing regardless of feasibility; and
6. Rebalance the housing numbers and employment land by providing 25% affordable employment land on or off all large sites to create one job per new household."

The following amended motion was proposed by Councillor Edwards, seconded by Councillor Habgood:-

"Taunton Deane Borough Council has proudly been one of the first Council in the country to have an approved Core Strategy for the period from 2011 to 2028. This encompasses the required developments to meet the challenge of a rising population, an older demographic, the greater requirement for smaller household units and the need to embrace growth as the means of funding this. It has stood us in good stead over the years protecting our community from major development outside the plan.

The Government does recognise that the existing residents should have a

true influence on how the plans are implemented that is why they have introduced and promote Neighbourhood Planning. They also recognise the need for infrastructure that is why we have recently received allocations of £275,000,000 for the A358, £13,000,000 for the upgrade of Junction 25, £7,600,000 for Taunton Railway Station, £700,000 for the Monkton Heathfield Delivery Board and £25,000,000 to the developers of Monkton Heathfield from The Growth Fund. It is accepted because of the huge demand substantial amounts must also come from the private sector by way of the Community Infrastructure Levy which we have also introduced.

Taunton Deane's future scope for sustainable development continues to be based on an holistic approach of which master planning is fundamental to any successful application. Officers already enter into dialogue with current applicants through the pre-planning advice system and develop where possible a Planning Protocol with major applicants. This sets out agreed targets to be met when the application is under consideration.

Taunton Deane does fully consult with neighbouring wards where impact is likely in terms of increased traffic, flood prevention, doctor's surgeries, school provisions and adequate employment land to complement the housing. We do recognise that some of the above issues are within the remit of the County Council but as the Local Planning Authority we have enormous influence in shaping our Borough, to leave a legacy that our future generation will thank us for!

We therefore reaffirm the Council should :-

1. Reinforce the Core Strategy 2011-2028, that helps us resist any unwanted development with the Core Strategy review taking place as soon as is practical, scheduled for 2016.
2. Continue our efforts that infrastructures such as roads, schools, flood prevention schemes and adequate Green Wedge and open space amenities are given priority at the outset.
3. Seek sensitively designed homes so the characteristic of the area is not adversely impacted and holding the environment at the heart of every design.
4. Ensure that development is closely aligned to communities and their aspirations and encourage the preparation of Neighbourhood Plans.
5. Encourage allocated land to be built on before any further developments but to achieve this we must also be mindful of ensuring adequate provision for the 5 years future land supply, our greatest defence against unplanned development. Reconfirm all efforts are made to deliver 25% affordable housing from our Core Strategy and within the requirements of the NPPF and,
6. Ensure housing numbers are matched by allocation of adequate employment land as we need to maintain our excellent self containment rate of 77% of our working community that live and work

in Taunton.”

Proposed by Councillor Gaines, seconded by Councillor Prior-Sankey that paragraph 2 above be changed by the addition of the following additional sentence:-

“With the recognition that public art is something that is valued and supported by Taunton Deane Borough Council.”

The proposer and seconder of the amended motion accepted the change to the wording of paragraph 2.

The amended motion – incorporating the change to paragraph 2 – was put and was carried.

The substantive motion was put and was carried.

7. Public Space Protection Order, Taunton

Considered report previously circulated concerning the introduction of a Public Space Protection Order covering Taunton Town Centre and the surrounding area.

Historically, Taunton Deane had had a ‘No Drinking Byelaw’ which made it an offence to drink alcohol in the town centre.

This Byelaw was replaced by a Designated Public Place Order (DPPO) under sections 13 and 14 of the Criminal Justice and Police Act 2001 with a further Order being introduced in Wellington in 2002.

In October 2014, the Anti-Social Behaviour, Crime and Policing Act 2014 was enacted. This widened the range of activities that could be covered as well as changing the name to a Public Space Protection Order (PSPO). It also meant that the existing Designated Public Place Order could continue until October 2017 but would need to be changed to the new power or revoked by that date.

During 2014, two ‘legal high’ shops were opened in Taunton. Between them, they were responsible for a large spike in anti-social behaviour incidents and Taunton became well known in a short space of time for having a legal high ‘problem’ and, as a result, it became clear that action was required.

Although the Police were able to successfully persuade one shop owner to stop selling legal highs, the other persisted. This business was served a Community Protection Notice and ultimately a Community Protection Order was upheld in Court; being renewed for a further 3 months, to make 6 months in total. This expired in the middle of June 2015 but, to date, the shop had not re-opened.

Noted that the City of Lincoln was first to use the new legislation to create a PSPO to cover the use of ‘intoxicating substances’ and the wording of its

Order dealt with the behaviours Taunton Deane wished to challenge. This wording had therefore formed the basis of the Council's draft PSPO.

Reported that the Council was satisfied, with partners, that the burden of proof for introducing the Order was met and furthermore that the benefits on the wider public of introducing such an Order outweighed the rights of individuals to behave in this way.

Home Office guidance required consultation to have taken place before the introduction of such an Order and this was completed in April 2015. Public response to the issue was limited to just over 30 replies but all of these were in favour of the PSPO.

Further reported that Wellington Town Council were consulted on what they wished to do with their DPPO earlier in June. The Town Council had indicated that they wished to convert it into a PSPO with the same terms and conditions as Taunton. The Police had supported this view.

Enforcement would largely be carried out by Police officers (including Police Community Support Offices) but could also be carried out by Council officers who already issued fixed penalty notices.

Resolved that:-

- (1) The Public Space Protection Order for Taunton be authorised;
- (2) The responsibility for signing off the Public Space Protection Order for Wellington be delegated to the Portfolio Holder, subject to formal public consultation and approval from Wellington Town Council;
- (3) The responsibility for future amendments to either Order be delegated to the Portfolio Holder; and
- (4) The responsibility for decisions on new Public Space Protection Orders be also delegated to the Portfolio Holder subject to formal public consultations having taken place.

(The Joint Chief Executive, Assistant Chief Executive and Monitoring Officer and the Section 151 Officer all declared a prejudicial interest in the following matter and left the meeting during its consideration.)

8. Regulatory Amendments to Statutory Protection Provisions

Considered report previously circulated, concerning the effects of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which had come into effect on 11 May 2015.

The Chief Executive, Director - Operations and Deputy Chief Executive and the Assistant Chief Executive and Monitoring Officer had statutory responsibilities to discharge to their Councils. Since 2001 these posts had benefitted from statutory protection in the form of mandatory Standing Orders

requiring any investigation of misconduct in respect of such officers to be undertaken by a Designated Independent Person (DIP).

Disciplinary action could only be taken against these officers in accordance with a recommendation in a report made by a DIP. Therefore, to date all Councils had been required to have in place appropriate standing order provisions within their constitutions to reflect these requirements.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 attempted to simplify, as well as localise, this process by removing the requirement for the appointment of a DIP. The 2015 Regulations also removed any specific enhanced protection for these posts where disciplinary action short of dismissal was proposed.

In place of the DIP process, but only in relation to a proposed dismissal, the Regulations provided that a decision to dismiss a post-holder in one of these statutory posts could only be taken by Full Council taking into account any advice, views or recommendations from an independent panel.

Following the coming into force of the 2015 Regulations a debate amongst professional associations at national level had emerged which identified numerous concerns about the content of the Regulations. Details of the issues causing concern were set out in the report.

Taking into account the matters of concern, there was currently a lack of clarity as to how the new regulations could be enacted by Councils without the serious risk of legal challenge.

As a result, representations had been made to the Department for Communities and Local Government (DCLG) requesting clarification of, and preferably amendments to, the 2015 Regulations.

A reply had been received from the DCLG specifically in relation to the make-up of the panel. This confirmed the Government's intention that the advisory panel should only comprise independent persons and not elected Members but this remained inconsistent with the regulations. However, the response did not address the issues of the conflict between the legislative requirements applying to the appointed independent persons. As the situation stood, the Somerset Monitoring Officers Group (SMOG) was unable to identify a suitable local solution that the Councils in Somerset could apply to overcome this conflict.

At its most recent meeting, SMOG had considered the two options which were available for recommendation to the six Somerset Councils. These were:-

- (a) Defer amendment of existing Standing Order provisions to the autumn in the hope that a satisfactory way forward could be achieved in consultation with DCLG. This carried some risk if a Somerset Council was faced with a relevant disciplinary or dismissal situation in advance of any changes being formally agreed to a Council's constitutional arrangements. However, ways in which such a situation could be managed were submitted; and

- (b) Each Council proceeded with the establishment of a panel comprising independent persons or a mix of independent persons and elected Members.

Although either of these options would run a significant risk of not being compliant with the new regulations or in conflict with other legislative requirements, SMOG had recommended option (a) as the most appropriate way forward.

Resolved that agreeing revisions to the existing Standing Order provisions relating to the statutory protection arrangements for the posts of Chief Executive, Director - Operations and Deputy Chief Executive and Assistant Chief Executive and Monitoring Officer should be deferred until the December 2015 meeting of Full Council for the reasons outlined in the report.

9. **Appointment of new Taunton Deane Borough Council Director to the Southwest One Board**

Considered report previously circulated, concerning the proposed appointment of Councillor Terry Hall as a new Director to the Southwest One (SW1) Board.

The Council had entered into a contract in 2007 with Somerset County Council and IBM to form the SW1 'joint venture partnership' company. The Avon and Somerset Police subsequently joined the partnership in 2008.

Under the terms of the contract the Authority is entitled and required to nominate a Director to sit on the Board of SW1. To date the Director appointed had always been a Member from the ruling group.

Prior to the election the role was filled by Councillor Bruce Nottrodt. However, Councillor Nottrodt had decided not to stand for re-election meaning a new Director had to be appointed.

The decision to appoint a new Director needed to be taken by Full Council in its capacity as the Taunton Deane 'Shareholder' in respect of the SW1 contract. It was important for the appointment to be made to enable the Council to be represented at the next meeting of the SW1 Board on 30 July 2015.

Once appointed the Director could nominate an Alternate Director to act on their behalf in respect of any Board meetings which they were unable to attend.

Resolved that Councillor Terry Hall be appointed to act as the Authority's Director to the Southwest One Board with immediate effect.

10. **Written Questions to Members of the Executive**

(i) From Councillor Horsley to Councillor Williams

1. Councillor Williams attended the “Culture Pays” conference at the Castle Hotel run by Arts Taunton and Taunton Forward on Wednesday last, 8 July. Does he not agree with me that his response to the plea made by Sir Peter Bazalgette and Harry Bronjes to “think big” and “act like a city” sounds hollow when all he can offer is a Waitrose on the Firepool site and we know 40% of the site will simply be a car park? Is his vision for Taunton no more than that? Will he be proud when the iconic land mark will be a multi-storey car park at the Railway Station competing with our wonderful Church towers if you view the town from the Quantocks? He talks about the “long planned Boulevard” in his report but why is he not mentioning the Sculpture Trail which will mitigate to some extent the damage he is likely to cause by pursuing this vision for the town? Does he agree with the concept that Culture Pays?
2. Councillor Williams’s report on Investment and Growth is silent on the future of Coal Orchard. Is this because he has no plans for this either? What thoughts can he reveal to the Council about the future of the site when the swimming pool at Blackbrook opens and St James becomes redundant? Has he the courage to tell the Council what he intends to do about this or is he not prepared to grasp the nettle of how to champion The Brewhouse Theatre on the one hand, with the desire to work with Somerset Cricket Club and use the site (and our land ownership) to consider the idea of a Cultural Centre capable of undertaking gigs and widely achieving County and regional status for this town in the field of the Arts and attracting life and jobs back into the town in the evenings?

Reply - I thank Councillor Horsley for advance notice of his question.

I am sure Cllr Horsley will recall that the Taunton Rethink document commissioned by the Council was approved by the Executive in January 2014, having also been formally endorsed Community Scrutiny Committee and key partners.

It is heartening to see the ambition in the Taunton Rethink – to ‘think like a city’ – being adopted by others including Taunton Forward and Arts Taunton.

He is well aware that the proposals for Firepool, which were adopted as part of the Taunton Rethink, extend well beyond provision of a supermarket. The rethink proposals are a matter of public record and also include a range of uses including commercial leisure, offices, retail, residential, bars and cafes, public realm and essential car parking. Our development partners St Modwen are now bringing forward a scheme that is commercially viable and reflects the ambitions in the Taunton Rethink document. In light of these facts, which I reiterate are a matter of public record, it is highly disingenuous and misleading to characterise the ambitions for Firepool as including only a supermarket.

I will indeed be proud when the Railway Station redevelopment is completed. Car parking is an essential part of this scheme, although the other elements such as new ticket office, new public realm and public transport interchange will also be key features of this multi million pound investment in Taunton. The newly enhanced station will enable Taunton to make the most of its excellent connections to London and other national destinations

I enjoyed the Culture Pays conference and we are already working constructively with Arts Taunton on their ideas for sculpture pieces at key locations throughout the Town. I am surprised Cllr Horsley feels the need to ask me if I agree with the concept that Culture Pays. He will no doubt be aware of the huge and varied agenda of events that the Council has supported over the years, such as the hugely successful Olympic Torch event, the now well established 'Somerset' festival and of course the re-opening of The Brewhouse Theatre.

I am positive about Taunton and its future. It is such a shame that Councillor Horsley persists in a line of questioning that is all about talking Taunton down!

(ii) From Councillor Horsley to Councillor Edwards

1. I am surprised to see that no mention has been made of Asset Management in Councillor Edwards's report? As Taunton Deane's Assets were estimated (excluding Housing) to be worth some £65,000,000 in 2013 and earning the Council only 0.9% per annum over the past five years from them, am I right in drawing the conclusion that this is no sort of priority for the new administration?

Reply - You are completely incorrect in reaching the conclusion that Taunton Deane assets are no "sort of priority" for the new administration, indeed you could not be more wrong.

The portfolio is brand new to me and I have been discussing with officers how we progress. In this short period since I have been appointed there is nothing specifically new to report at this stage and I was cautious about what I publically reported due to the potential commercial sensitivities about some of the discussions I have been having.

2. In respect of paragraph 2.1 of your report, can you explain to the public exactly what Taunton Deane's inward investment policy is? There is confusion from the "in/out, in/out" policy towards Into Somerset. It sounds more like the 'Hokey Cokey' to me! We withdrew in 2013 only to reinstate ourselves in 2014 and now it is all being handed over to the County Council. Do you admit under paragraph 2.4 the appointment of (yet another) consultant is a failure on the part of the administration to effectively market Taunton Deane's services to enable inward investment?

Reply - Into Somerset is the County-wide partnership to raise awareness of Somerset to potential investors. The Council is a member of the partnership,

which comprises all of the other Councils in the County. Led by the County Council since April of this year, Into Somerset is currently refocussing its work, refreshing the website and taking on professional marketing expertise to enable new campaigns and activities later this year. The partnership is currently fully funded by the County Council, although the Borough Council is a full member and is invited to enhance marketing activities alongside the other districts.

The previous decisions were based on our perception of the value of the contract at that time. We believe this new contract will enable value for money to be gained from the approach.

The attraction of new investors to Taunton Deane is a central element of the Council's strategy to stimulate investment and growth, alongside providing support to our existing business community. Our work to attract inward investment is on two fronts, through Into Somerset and through 'Taunton: Growing Success'.

The marketing of Taunton Deane under the banner 'Taunton: Growing Success' is carried out by the Economic Development Team, and the dedicated website at www.taunton.uk.com is a well-presented source of valuable information to assist investors. Over the past four months the site has been significantly improved with new functionality and content added. It is the team's aim to roll out a national marketing campaign later this year, targeting property agents and potential investors direct.

The two approaches to marketing are entirely compatible, and both web sites sit alongside each other. If a potential investor lands on the Into Somerset site his enquiry is directed towards the district or districts that will be best positioned to respond and accommodate the request. Each district is thereby given the opportunity to present its own strengths to the investor, and to progress the subsequent fulfilment of the investment. This arrangement respects the commonalities of Somerset's offer to businesses, but also accommodates local accountability and the healthy rivalry that exists between towns with the County.

Over the past couple of years the inward investment marketing has been successful in attracting notable interest to Taunton Deane and has secured a handful of actual investments. Most recently, Kijlstra, who opened a production and distribution facility at the former Tarmac depot in Henlade in February, identified the site having arrived via Into Somerset and www.taunton.uk.com. Having visited the Into Somerset website, the business focussed in on Taunton and was able to draw upon the respective support offered by each of the two organisations.

Taunton has one of the lowest unemployment rates in the country and the Council has been directly responsible for at least 200 new jobs in the recent year with many more opportunities arising

Oh, and I can't stand the 'Hokey Cokey'!

3. We are (yet again) producing "a comprehensive audit and summary of

Taunton Deane's available employment sites" (under paragraph 2.5). Will he have the courage to reveal to the public whether he has found a suitable site for the relocation of the Hydrographic Office whom we all know are anxious to move from Creechbarrow Hill or is this going to be yet another glorious failure on the part of the Council to adequately establish a pattern of growth for new industry in the district – or in this case retaining it?

Reply - The Council continues to work very closely and constructively with the UK Hydrographic Office (UKHO) on options they are considering for a potential new build and relocation of their HQ. Contrary to Councillor Horsley's and Farbahi's' assertions, retention on their existing site remains a clear option and it would be inappropriate for me to disclose potential relocation options that UKHO are looking at. I can however wholeheartedly assure Members that we are committed to retaining this key employer in Taunton and enabling them to grow their digital business.

I must finish by stating I do not recognise your constant negative statements about our town and I would have thought that maybe you might have learnt a lesson from the recent elections.....clearly not!

10. **Recommendations to Council from the Executive**

Financial Outturn 2014/2015

The Executive had recently considered the Council's financial outturn for revenue and capital expenditure in 2014/2015 for the Council's General Fund (GF), Housing Revenue Account (HRA) and trading services.

2014/2015 Financial Performance

There had been a number of significant challenges faced by the Council this year, and these had had an impact on the overall financial position for the authority. These included:-

- The new Business Rates Retention scheme had presented some challenges during the year for the authority. This was a high risk area which could impact on the Council's ability to accurately forecast the financial position. The new regime had again proved to be volatile. There had been a huge increase in appeals by rate payers to the Valuation Office in March 2015, which had adversely affected the funding position at the year end.
- Forecasting for demand-led services had continued to be a challenge especially in the current economic climate. The Council had directed more focus on the higher risk / more volatile areas, with accountants supporting Budget Holders with more detailed trend analysis to further improve forecasting in the future.
- The Council had undertaken major restructuring throughout the year with the implementation of joint management and shared services (JMASS)

with West Somerset. This had required significant changes to accounting arrangements including restructuring of cost centres and budget accountability to support the new structure of the Councils.

A summary of the Outturn was as follows:-

General Fund Revenue

The General Fund (GF) Revenue Outturn for 2014/2015 was a Net Expenditure position of £13,901,000, which was a £222,000 (1.7%) underspend against the Final Net Budget for the year. The financial position in respect of Retained Business Rates had again highlighted the significant risks to this funding stream through appeals and refunds, with net outstanding appeals increasing from Gross Rateable Value £34,000,000 in March 2014 to £48,000,000 in March 2015. Provisions related to a large increase in appeals lodged in March 2015 had effectively fully allocated the Council's contingency for Business Rate funding volatility. It was therefore proposed to allocate the £222,000 underspend to the Business Rates Smoothing Reserve. Carry Forwards of £443,000 were also proposed.

The GF Reserves balance as at 31 March 2015 stood at £2,109,000. This balance would reduce to £1,887,000 if the allocation of the 2014/2015 underspend to the Business Rates Smoothing Reserve was approved. The balance remained above the minimum reserves expectation within the Council's Budget Strategy (£1,500,000).

The Earmarked Reserves balance as at 31 March 2015 is £15,308,000, representing funds that had been set aside for specific purposes to fund expenditure in 2015/2016 or later years.

Deane DLO Trading Account

The DLO had made an overall profit of £109,000 after contributing £101,000 to the General Fund. This surplus had been transferred to the DLO Trading Account Reserves increasing the reserve balance to £314,000.

Deane Helpline Trading Account

The Deane Helpline had reported a net deficit of £49,000 for the year, which was an underspend of £34,000 against the final budget and represented the net cost of the service to the General Fund.

General Fund Capital

The General Fund profiled Capital Programme at the end of 2014/2015 was £4,365,000. The profiled expenditure on Capital Programmes during 2014/2015 was £2,351,000, with £2,374,000 being carried forward to support delivery of approved schemes in 2015/2016.

Housing Revenue Account Revenue

The Housing Revenue Account (HRA) was a 'Self-Financing' account for the Council's Housing Landlord function, which was budgeted to 'break even' (net of approved transfers to/from HRA Reserves). The HRA Outturn for 2014/2015 was a net underspend of £1,269,000 (4.8% of gross income). Approval was sought for a number of proposals which, if approved, would

allocate £776,000 of the net underspend to support investment in housing services.

The HRA Reserve balance as at 31 March 2015 stood at £3,484,000, which was above the minimum level (£1,800,000) set within the Council's Budget Strategy and HRA Business Plan. This balance would reduce to £2,708,000 if the allocations of £776,000 were approved.

The HRA Earmarked Reserves balance as at 31 March 2015 stood at £2,222,000. This included £112,000 related to the Social Housing Development Fund.

HRA Capital

The HRA approved Capital Programme at the end of 2014/2015 was £24,907,000. This related to schemes which would be completed over the next five years. The actual expenditure on Capital Programmes during 2014/2015 was £9,869,000, with £14,793,000 for planned investment to implement approved schemes in future years. The underspend reported in 2014/2015 against the overall programme was £245,000, related to disabled facilities adaptations. A Carry Forward of £9,583,000 was also proposed.

On the motion of Councillor Williams, it was

Resolved that:-

- (a) The reported General Fund Revenue Budget underspend of £222,000 in 2014/2015 and the General Reserves Balance of £2,109,000 as at 31 March 2015 be noted;
- (b) The transfer of £222,000 from General Reserves to the Business Rates Smoothing Reserve at the beginning of 2015/2016 be approved;
- (c) The General Fund Revenue Budget Carry Forwards totalling £443,000 be approved;
- (d) A General Fund Capital Programme Budget Carry Forward totalling £2,374,000 be approved;
- (e) A Housing Revenue Account Capital Programme Budget Carry Forward totalling £9,583,000 be approved; and
- (f) £776,000 of Supplementary Budget allocations for the Housing Revenue Account, utilising 2014/2015 underspends be also approved for the following areas:-
 - i. £150,000 to fund a full review of the Housing Revenue Account Business Plan in 2015/2016;
 - ii. £160,000 to fund Pre-Void and Tenant Inspections in 2015/2016 and 2016/2017, with any balance across financial years held in an earmarked reserve;

- iii. £100,000 to fund a Lettings Contingency Budget in 2015/2016 and 2016/2017, with any balance across financial years held in an earmarked reserve;
- iv. £60,000 to fund a Sheltered Housing Project Management to October 2016;
- v. £41,000 to fund Mental Health Support for tenants;
- vi. £138,000 to fund Employment and Skills Development in 2015/2016, 2016/2017 and 2017/2018, with any balance across financial years held in an earmarked reserve; and
- vii. £127,000 to fund a One Team Co-ordinator post in 2016/2017 and 2017/2018, with funding to be held in an earmarked reserve.

11. **Exclusion of the Press and Public**

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

12. **Proposed Compulsory Purchase of Land at Monkton Heathfield**

In order to ensure the full development of the Monkton Heathfield Local Plan and Core Strategy allocated site, it was essential that a new road link was provided in the location identified in the report. Planning permission was granted in February 2015 which established a route for the new road.

The plan submitted showed the approved road with the land that would be the subject of any Compulsory Purchase Order if such action was deemed to be necessary. This proposed link would travel over land in separate third party ownership.

Discussions were currently underway between the developer and the third party land owners to secure the required land but negotiations had not yet been completed, and the Council needed to have a contingency plan in place in the event that the acquisition of the relevant land did not proceed by agreement in order to facilitate continuous delivery.

Resolved that subject to the securing of financial arrangements which protected the Council – either in the form of a back to back Legal Agreement or otherwise a full underwriting of the costs of a Compulsory Purchase Order including acquisition – and which ensured that the entire Compulsory Purchase Order process was cost neutral and there were no on-going liabilities for the Council, the authorisation of the use of Compulsory Purchase Powers in order to acquire the necessary land to deliver the Monkton Heathfield Western Relief Road be approved

14. **Reports of the Leader of the Council and Executive Councillors**

Due to the lateness of the hour, the Mayor suggested that any questions in relation to their reports should be sent to the Executive Councillors in writing outside of the meeting and responses circulated to all Members. This was agreed.

(i) Leader of the Council (Councillor Williams)

Councillor Williams's report covered the following topics:-

- The First Full Council meeting of the Quadrennium;
- Investment and Growth Initiatives;
- Infrastructure;
- LGA (Local Government Association) Conference;
- The Deane House Relocation Project; and
- New House Completions.

(ii) Housing Services (Councillor Beale)

Councillor Mrs Beale submitted his report which drew attention to the following:-

- Deane Housing Development : Creechbarrow Road, Taunton; Weavers Arms, Rockwell Green, Wellington; and Further Development Opportunities;
- Affordable Housing;
- Welfare Reform Visits;
- Discretionary Housing Payments (DHP); and
- Universal Credit (UC).

(iii) Environmental Services (Councillor Berry)

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

- Environmental Health / Licensing;
- Climate Change;
- Somerset Waste Partnership;
- Deane DLO; and
- Crematorium.

(iv) Planning, Transportation and Communications (Councillor Edwards)

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

- Local Business Support and Networks;
- Supporting Inward Investment and Fulfilment;
- Place Based Regeneration;
- Marketing the Area through Culture;
- Marketing the Borough to Visitors;
- Other Activities; and
- Communications.

(v) Planning, Transportation and Communications (Councillor Habgood)

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

- Site Allocations and Development Management Plan;
- Neighbourhood Planning;
- Custom-build Register of Interest;
- Sport, Recreation and Open Space;
- Gypsy and Traveller Provision; and
- Car Parking.

(vi) Sports, 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.

(vii) Corporate Resources (Councillor Parrish)

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

- Corporate Strategy and Performance;
- Customer Contact;
- Facilities Management and Business Support;
- Human Resources and Organisational Development;
- ICT and Information;
- Transformation Programme Management;
- Southwest One (SW1) Succession Planning;
- Law and Governance – SHAPE Partnership Services;
- Electoral Services;
- Democratic Services;
- Finance and Procurement; and

- Revenues and Benefits Service.

(viii) Community Leadership (Councillor Mrs Jane Warmington)

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

- New Councillors;
- Retiring Councillors; and
- Community Leadership.

(Councillors Govier and Mrs Reed left the meeting at 9.09 pm.)

(The meeting ended at 9.30 pm.)

Usual Declarations of Interest by Councillors

Full Council

- **Members of Somerset County Council – Councillors M Adkins, Coles, Govier, Hunt, Prior-Sankey and Wedderkopp**
- **Employee of the Department of Work and Pensions – Councillor Mrs Herbert**
- **Clerk to Milverton Parish Council – Councillor Wren**
- **Tone Leisure Board representative – Councillor Stone**
- **Director of Tone FM – Councillor Ms Lisgo**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM, Chief Executive of the ‘Think Amy’ Charity and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the future Chairman of Governors of Queens College. This appointment would commence with effect from 1 September 2015.**
- **Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane.**



Taunton Deane Borough Council

Special Full Council 8 September 2015

The Somerset Rivers Authority (SRA) and Flood Action Plan – Update Report

Report of the Director – Growth and Development

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

1. Executive Summary

The report updates Council on the development of the Somerset Rivers Authority (SRA) since the report to the Corporate Scrutiny and the Executive in November / December 2014. The report sets out progress since that date along with the ongoing discussions for future funding and governance. It seeks approval for a recommendation to Full Council, relating to TDBC's preferred long term funding option for the SRA.

2. Background

- 2.1 The flooding across a wide area of Somerset in the winter of 2013-14 brought widespread distress. Many homes were flooded for long periods, and many roads were closed. The impact was therefore felt by the many of Taunton Deane residents and businesses.

The flooding attracted national government interest and Somerset partners were requested by the Defra Secretary of State to develop a Flood Action Plan and, at a later date, to form the Somerset Rivers Authority.

The Government (Defra and DCLG) have now conducted a review of the options for ongoing funding of the SRA and have asked Somerset partners to respond to them on which is their preferred option

- 2.2 The Levels & Moors 20 Year Flood Action Plan (2014), developed at the Government's request and signed off by the Secretary of State in March 2014, included a proposal to create a Somerset Rivers Authority to:

- Provide a renewed, co-ordinated and joined-up approach to addressing flooding and resilience issues.

- Develop new approaches to the management of the drained areas and the wider catchment, and
- Enhance local leadership.

Many of the other actions within the Flood Action Plan are completed and a review of the plan is currently underway. The plan has short and long term actions, and the review is looking at what has been achieved so far, which of the long term options identified in the plan should still be pursued and what other actions are necessary to ensure there is a sustainable plan for the future.

Some highlights of the delivery of the Flood Action Plan include:

Dredging and River Management

- The construction of the new Thorney Village Ring Bank, and construction work to improve the existing Thorney Pottery Ring Bank, are complete.
- The 8km dredge on Rivers Parrett and Tone, to the 1960's profile, has been completed.
- A project looking at 10 other potential dredging locations is complete and the next dredging location has been identified for downstream of Northmoor Pumping Station.
- A pre-flood standard of flood protection has been established at 50+ locations, in a multi-million pound programme of works. This has involved extensive repairs to flood banks on the Rivers Parrett and Tone. Spillway repairs at Middlemoor and Allermoore were completed; flood defence works to protect properties at Aller Drove is complete; temporary pump platform and compound at Dunball, and conversion of existing pumps at Northmoor, are now complete.
- Permanent protection at Westonzoyland is complete.
- Phase 1 of river modelling work to assess the impact of the various Flood Plan actions, is complete.
- The Parrett Barrier multi-agency project team has been set up to deliver the preliminary work prior to construction, now that that the SRA has secured Growth Deal funding for this phase of the project.
- Trigger documents for 10 agreed sites, explaining what, when and why certain operational decisions are undertaken in extraordinary flood conditions, have been rolled out at 30 public/partner meetings and were well received.
- Work to develop options for increasing the capacity of the Sowey/Kings Sedgemoor Drain system has been undertaken; a preferred option is now being developed further.

Land Management

- £100k has been secured to complete survey work and £550k to deliver a programme of small scale on-farm schemes in 2015/16.

Land Management involves a range of ways to encourage land use that stops or slows water entering river courses and maximises natural flood management.

- An advisory team for land management advice and support is now in place.
- Farm visits have begun and the first Capital Grant Scheme been applied for and completed.

Urban Run-Off

- An initial feasibility study for £16m flood storage upstream from Taunton has been published. Planning for the next stage of the project is underway, and a funding bid is being submitted.
- Flooding 'hotspots' identified, working with other agencies
- Work continues with partner authorities to develop Sustainable Urban Drainage Systems (SUDS) guidance for developers and planners for new developments
- Reviewed / identified sample sites to evaluate effectiveness of existing SUDS schemes

Resilient Infrastructure

- A 500m stretch of the Muchelney to Drayton road was re-opened, having been raised over a metre in places, to ensure it remains open even in flooding on the scale of 2013/14.
- Improvement scheme for Sovey/King Sedgemoor Drain: Phase I of the Beer Wall project was completed with a 60 tonne temporary bridge lowered into place on the A372, to ensure the road stayed open throughout winter. Road works were then completed, and the final phase of work started this summer.
- Deep clean of system including review and survey of gullies and culverts
- 20 of 26 minor flood alleviation management schemes have now been completed, the rest will be completed next financial year.

Building Local Resilience

- A Community Recovery and Resilience Officer was appointed and has been working with flood affected communities to develop flood plans; the first ones are now nearing completion, a second phase will be developed.
- Support meetings for flood affected communities have been held at a number of locations.
- Support given for access and take-up of grants for homes, farms and businesses.
- A Somerset community resilience website has been developed, to provide accessible resilience and flood risk information.

Business Case & Delivery of Long Term Solutions

- An Economic Impact Assessment of the 2013/14 flooding in Somerset has been undertaken, and is now being finalised.

3. Somerset Rivers Authority (SRA)

- 3.1 A key change from the early days of the Flood Action Plan is that the SRA's remit includes the whole of Somerset, not just the flooded areas of the Levels and Moors. This is to ensure that all areas have the potential to benefit from the joint working and any funding available for flood alleviation measures.

A further change is the 'hierarchy' of the SRA and the Flood Action Plan. As stated previously the setting up of the SRA was an action with the Flood Action Plan. The position now is that the work of the Somerset Levels and Moors Flood Action Plan is still carried forward but does so now as part of the SRA programme.

It is important to note that the existing flood management responsibilities, accountabilities and funding will continue unchanged for the SRA partners – the Environment Agency, the Internal Drainage Boards, Somerset County Council (the Lead Local Flood Authority), and the five county district councils of South Somerset District Council, Mendip District Council, Taunton Deane Borough Council, Sedgemoor District Council, West Somerset District Council. It also does not diminish the responsibilities of riparian owners. More detail about the Somerset Rivers Authority can be found here <http://www.somersetiversauthority.org.uk> .

Since January 2015 the SRA has developed:

A **Common Works Programme** (2015-16) for Somerset, to plan, deliver and share information about all Flood Risk Management work in the county. This is core work for all partners but brought together and co-ordinated where possible and efficiencies developed for joint delivery. The Common Works Programme for this period is available on the Somerset Rivers Authority website here <http://www.somersetiversauthority.org.uk/our-work/common-works-programme/>

Currently, all Somerset's Flood Risk Management Authorities are discussing their future joint work programme for 2016/17.

A new **Enhanced Maintenance Programme** for 2015/16 using interim funding has also been produced and this undertakes a range of prioritised new flood risk management activity across all districts in Somerset, including maintaining the 2014 dredge on the rivers Parrett and Tone. The detail of this programme can be seen here <http://www.somersetiversauthority.org.uk/our-work/enhanced-maintenance-programme/>

Our representative on the SRA is the Leader of the Council. The Director – Growth & Development sits on the SRA Management Group and, currently, also on the SRA Key Partners Group which focuses solely on developing the SRA, with representation from the Internal Drainage Boards (IDBs), the County and District Councils, the Department for the Environment, Food and Rural Affairs, the Department for Communities & Local Government, Natural England and the Environment Agency (EA).

3.2 Funding options

The SRA itself has been set up with interim funding for 2015-16 from a mixture of Central Government and local partners. A major area of work this year has been developing options for long-term funding, carried out through a Strategic Funding Review with the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government. This report has now been released and a stakeholder workshop has been held, to which all our councillors were invited and were able to input into the discussion.

The optimum outcome for TDBC would have been to set up the SRA with all funding from central government. However, this has never been accepted by Central Government and is not an option given to us as part of the Strategic Funding Review.

The funding review is attached as **Appendix A** to this report. The review does not recommend a particular option and we also are told that there is no presumption that any of these options will be taken forward. TDBC representatives contributed to the review after discussion with the Principal Accountant, Director Growth and Development and Director Operations.

There are four options:

1. Creating a new precepting body. This requires primary legislation but gives the ability for all households in Somerset to play a part in the raising of funds. Monies raised are transparent and are ring-fenced for the SRA and its work. This option will take several years to deliver but gives long term sustainability and does not impact on existing council budgets and hence their services. The six Somerset local authority partners (including TDBC) have said that this is the only acceptable funding solution.
2. Creating a new levying authority. Primary legislation is still needed and the levy could be on both the County and the District Councils. Any additional levy charge on TDBC and WSC would limit our ability to raise council tax for our other services within the current 2% referendum threshold and hence puts an increasing risk on our budget setting over future years. This option is not recommended.
3. Raising funds through council tax. If agreed this could be implemented by April 2016. It is suggested that the County Council are within this funding mechanism, however this would still have an impact of between £106,000 on TDBC and £38,000 on WSC by increasing our council tax within the 2% threshold. Again, this limits our ability to raise council tax for our other services within the current referendum threshold and increases the medium to long term risk on our budgets. Although this is a quick option to implement, the funding is not ring-fenced and would be subject to annual re-negotiation which gives no sustainability to the SRA. This option is not recommended.

4. Internal Drainage Boards (IDBs) extend boundaries or increase levy. Currently the Drainage Boards levy £20,738 on TDBC and £2,739 on WSC which is equivalent to £0.21 per household across TDBC and £0.06 across WSC. Levies and rates are approved by the IDB Board each year and can increase the levy if they show that their expenses have increased. The Land Drainage Act and a document known as the Medway Letter set out water levels to define the boundaries of an IDB Board, broadly that of land with the EA's Flood Zone 2. If the IDB extend their area to Flood Zone 2, they could raise £580k with £120k of this being levied on TDBC and £42k on WSC. This is not sufficient for the enhanced work programme of the IDB in future years. This would not give the SRA any ability to raise, hold or spend funds and limits the role for the Districts and County Council. In addition, it is difficult to see how the ongoing support for the important community and local flood resilience measures within the 20 year plan could be managed through this option. There are also concerns about a lack of wide accountability and representation. While the IDB have already voted to support this option and wish to push for primary legislation to cover the whole of Somerset, this option is not recommended.

More detail can be seen in the body of the funding report.

3.3 Summary of TDBC position

Having looked carefully at the funding options review and heard the views of local stakeholders, the Council's preferred option is still to set up the SRA as a separate precepting body.

The IDBs would continue to set budgets for their work programmes as at present, but any additional levy would, in future, be placed on the SRA. Existing sources of capital funding for flood risk management would need to continue to be available to the individual partner organisations.

TDBC has made its position clear on its preferred funding option before. Firstly through a joint letter with all other council leaders to the Defra Secretary of State on 14 October 2014 and a resolution at the Leaders Implementation Group on 6 November 2014 and at the Executive on 3 December 2014. The report to the Executive stated that

"In selecting mechanisms for implementing the Flood Action Plan, the proposal to establish the Somerset Rivers Authority as a precepting body has the advantage of raising additional funding locally in a transparent way, and one which would not be constrained by the restrictions which apply to the existing local authorities."

"The underlying principle of any precept would be "locally raised, locally administered, locally spent".

"Alternative proposals to progress a catchment-wide funding mechanism through the extension of the boundaries of the IDBs have been considered. However, with IDB levies on District Councils needing to be funded through

the councils' own budgetary processes, this option would neither be deliverable, due to the constraints on councils, nor transparent."

Ministers are keen that a solution to the long-term funding be one that is not imposed from the centre but is one that works locally. They have now requested that the SRA consider the Strategic Funding Review and decide, in the light of the report, what option they wish to pursue and respond to Ministers. They indicate that they will then have discussions with the SRA about the approach to implementing that solution and what should happen in the interim, in particular next financial year.

4. Comments from Corporate Scrutiny

This report was considered by the Corporate Scrutiny committee 13 August 2015 – a summary of the discussion is listed below:

- The funding gap for 2015/16 was discussed. It was considered what could be done to maintain what's needed in terms of flood alleviation.
- It was recognised that a conversation would need to be had with central government to address and negotiate with them in relation to the budget gap.
- Concern was expressed on the effect any increase would have on local Households and that the funding should be met from general taxation. Criticism was stated that the government were sidestepping their responsibilities and were using the rivers authority to pass the costs onto ratepayers.
- The costs of the enhanced maintenance programme was considered along with the upper tone flood alleviation scheme. Funding for this would come from a number of sources along with a bid to the LEP.
- To ensure clarity the enhanced maintenance programme would be published along with the costs.
- It was questioned if there would be a partnership along with funding and support from Network Rail, considering the impact the floods had on the trains.
- It was detailed that the internal drainage board supported the precepting options.
- Central Government hadn't offered total funding due to other areas in the country being in the same need of flood alleviation measures.
- The amount lost to the local economy from the winter 2013/14 flood event in terms of damage and lost revenue was estimated to be up to £140 million. The amount added onto Council tax was small in relation to potential losses that could occur if the same scenario were to happen again.
- The objectives of the flood action plan were to mitigate flooding by reducing the frequency, severity and duration of flooding.

Resolved that the Corporate Scrutiny Committee seek the formal approval of Full Council on 8 September 2015, for the creation of a separate precepting body as TDBC's preferred funding option, noting that the Councils position will be confirmed to the SRA board meeting in late September.

5. Finance Comments

At this stage there are no direct financial implications. Progress in the current financial year will be funded from resources already allocated to the SRA. Any future financial implications will be the subject of a subsequent report and decision.

6. Legal Comments

At this stage there are no direct legal implications. However, there will be significant legal consequences associated with establishing a separate precepting body, and these will be addressed in any subsequent reports brought forward for decision.

7. Links to Corporate Aims

The Flood Action Plan links closely with the vision set out within the Somerset County Council's County Plan. In particular the objectives which seek to create a thriving local economy, improving key infrastructure and creating better links by joining up with partners, to ensure that services are more effectively delivered to Somerset's residents.

This also links to TDBC's Corporate Business Plan, specifically:

Aim 1) Quality sustainable Growth & Development:

- Objective 1) Facilitate a significant increase in the number, quality and range of available houses within the Borough, including the highest achievable proportion of affordable housing
- Objective 2) Deliver the infrastructure necessary to bring forward development opportunities (which includes identifying and implementing a flood solution)

Additionally, the '*Growth Prospectus for Taunton*' includes within the 'Place and Infrastructure' category, the key project: Delivering a long term strategic flood solution for Taunton, offering additional protection to existing development and enabling future growth.

8. Environmental and Community Safety Implications

The aim of the project is to improve community safety and well-being, by providing a long term sustainable funding solution to flood risk management.

9. Equalities Impact

None directly arising from this report.

10. Risk Management

If new collaborative arrangements for the funding, co-ordination and delivery of flood risk management in Somerset are not developed and agreed, there is

a significant risk that the intensity and duration of flooding events will continue to adversely affect local communities and businesses, and the County and District Councils in the delivery of services. The Council's budgetary planning would be likely to be adversely affected, along with its reputation.

Key risks also apply to the support from Government, retaining the current County-wide consensus on the principles and the timescales associated with making the changes required. Unless momentum is able to be maintained in the delivery of this project, there are risks that the new funding arrangements proposed will not be in place for financial year 2016/17.

11. Partnership Implications

The report has been brought forward from the Somerset County Council Leaders Implementation Group which oversees the Flood Action Plan. A Project Key Partners Group has been established to advise on developing the project, with representation from the Internal Drainage Boards (IDBs), the County and District Councils, the Department for the Environment, Food and Rural Affairs, the Department for Communities and Local Government, Natural England, the Environment Agency (EA) and the Wessex Regional Flood and Coastal Committee (WRFCC). Each of the local partners are represented on the SRA Board.

12. Recommendations

Full Council is **recommended** to:

- 12.1 Note progress to date in the development of the Somerset Rivers Authority and Taunton Deane Borough Council's position on the way forward, as set out in the report.
- 12.2 Note progress in the delivery of the Levels & Moors 20 Year Flood Action Plan (2014).
- 12.3 Seek the formal approval for the creation of a separate precepting body as TDBC's preferred funding option, noting that the Council's position will be confirmed to the SRA Board meeting in late September.

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Somerset Rivers Authority Local Funding Options

- 1.1 This document is a summary of potential local funding options for the Somerset Rivers Authority (SRA). It does not recommend a particular option or mechanism and there is no presumption that any of these options will be taken forward.
- 1.2 The funding options were identified through engagement with the SRA and other stakeholders. During that engagement some respondents raised the possibility of creating a Somerset Regional Flood and Coastal Committee, central government funding in the form of a grant or through business rates retention. As these options do not constitute a local funding solution they are not described here.

Creating a new precepting body

Mechanism

- 1.3 Under this option, the SRA would be established as a new statutory body with precepting powers using primary legislation. The body could additionally be given powers to charge landowners/land occupiers or landowners/land occupiers outside internal drainage board areas. This option would require primary legislation. Legislation could be introduced in Parliament using a public (government) bill or as a private bill sponsored by an external body like Somerset County Council.
- 1.4 The precepting authority would be able to raise funds directly through council tax, with district councils collecting the precept on the SRA's behalf. The SRA could be funded by all households in the five district council areas of Somerset. Somerset partners have proposed that one district council, Sedgemoor, be exempt from any precept on householders in recognition that the majority of the internal drainage districts fall within Sedgemoor. A charge of £12.60 per band D household (2015/16 figures) in four of the five district council areas and £3.50 per hectare for land occupiers would raise £2.7million.
- 1.5 In order to exempt Sedgemoor district council from any precept, a different rate could, in theory, be precepted to tax payers in different district council areas. This would make the SRA different to other existing precepting authorities in England, which charge the same level of precept across all the billing authorities within its area. Providing the SRA with the ability to precept at different rates would require special provision within the legislation setting up the SRA.

Discussion

- 1.6 The new charge would be identified on the council tax bill and it would be directly evident to tax payers that this element of council tax is exclusively for the SRA. Funding would be directly hypothecated for and ringfenced for the SRA. This option would have no implications for local authority budgets although it would result in increased bills for council tax payers. The SRA's funding would not be subject to annual negotiation with local authorities in Somerset.
- 1.7 The SRA would become a new tax-raising authority. Under the proposal put forward by local authorities in Somerset it would not be directly elected, relying on the local authority representation on the SRA board for its democratic accountability. It would have a power to collect directly from householders a charge it decided based on a programme of work it created.
- 1.8 If a precepting body were to be created, government would wish to consider whether a referendum seeking a mandate for the body was needed. It could be

practically and politically difficult to gain agreement to a precepting authority as it constitutes a new tax-raising body.

- 1.9 This option would require primary legislation, and may take several years to enact. Inclusion of a Bill to set up the SRA as a precepting body in a Government's programme of legislation would be subject to cross-Government agreement. In order for the bill creating this power to become law, parliamentarians in both Houses would have to be convinced of the need for a new, tax-raising power and that there was no better way to achieve the same outcome.
- 1.10 On 6th November 2014, members of the Somerset Levels and Moors Flood Action Plan Leaders' Implementation Group agreed that their preferred option was a precepting authority. During the course of the stakeholder engagement days, several partners explained that it was the only acceptable funding solution and that unless they could set up a precepting authority they could not support the SRA. Other members of the SRA Board stated that they would prefer alternative options so this option is no longer unanimously supported.

Creating a new levying body

Mechanism

- 1.11 An alternative to a precepting body is a levying body. There are existing precedents for flood risk management levies in the form of internal drainage board levies and the Environment Agency's local levy. Primary legislation would be needed to set up the SRA as a statutory body with new powers to charge all Somerset local authorities, or only the county council, a flood risk management levy. A levying body could either cover the whole of Somerset or it could be limited to areas not currently covered by internal drainage districts.
- 1.12 The levy raising powers could share many of the features of a precept, such as ring-fencing and direct hypothecation and could be set at the same rates. Unlike a precept, levies regularly raise different amounts in different areas so this feature would not be new. Levies are not currently outlined separately on council tax bills. Additional information on levies can nevertheless be provided by billing authorities in accompanying council tax documents. If a levy of £2.7m was placed on Somerset County Council this would not raise council tax above a 2% referendum threshold.
- 1.13 Unlike the precepting proposal, a levying body provides a more direct democratic accountability as the levy is taken into account by the elected council when it sets its council tax. An additional levy charge on councils would, however, limit their ability to raise their council tax for all their other services within the referendum threshold.
- 1.14 As with the precepting option, this proposal will require primary legislation. It could not be set up immediately and would require cross-Government agreement.
- 1.15 This option has not been considered by local partners as it has emerged during this review

Council Tax

Background

- 1.16 Council tax is a charge applied to households by a council to provide local services. Local authorities determine their own level of council tax. In doing so, they will have regard to the council tax referendum threshold, which is set by central government subject to approval of the House of Commons.
- 1.17 The council tax referendum threshold is determined annually, usually between December and February. The referendum threshold was set at 2.0% for 2015/16. There is no limit on the amount of council tax a local authority can raise if it obtains the approval of its local electorate in a referendum. Council tax freeze grants equivalent to a 1% council tax increase were provided by central government to local authorities in the previous Parliament. There is no commitment to provide funding for any new freeze schemes from 2016/17.

Mechanism

- 1.18 Somerset County Council and the 5 district councils could fund the SRA at the same level as in 2015/16 from council tax. The councils could use a one-off increase in council tax, within the referendum threshold (which was 2% in 2015/16), to generate additional funding for the SRA from households. This could apply from April 2016. In subsequent years the funding would be considered part of the baseline and would not require future council tax increases.
- 1.19 Table 1 below sets out the increase in council tax income ('council tax requirement') which would accrue to local authorities in Somerset in 2016-17 based on an increase of 2% and assumptions about the tax base. The figures do not assume any freeze grant in 2016/17; if there were to be a freeze grant in 2016/17, the estimated additional revenue would be less than indicated in the table.
- 1.20 Table 1 below shows an estimate of how much extra council tax revenue could be raised by councils in Somerset within a 2.0% referendum threshold.

Table 1: Somerset councils' Council Tax requirement for 2015/16 and the estimated extra revenue for 2016-17 with a 2% increase¹.

Authority	2015-16 Council Tax Requirement	Extra revenue available from a 2% rise assuming an increase in the Tax Base²	Extra revenue available from a 2% rise assuming no increase in the Tax Base³
Somerset County Council	£189.4m	£7.06m	£3.79m
Mendip District Council	£5.6m	£0.20m	£0.11m
Sedgemoor District Council	£5.3m	£0.19m	£0.11m
South Somerset District Council	£8.4m	£0.32m	£0.17m
Taunton Deane Borough Council	£5.3m	£0.21m	£0.11m
West Somerset Council	£1.9m	£0.06m	£0.04m
District Councils total	£26.5m	£0.98m	£0.54m
Combined total	£215.9m	£8.04m	£4.33m

1.21 Table 2 shows the percentage council tax increase the county and district councils could apply to collectively raise additional funding of £2.7m per year for the Somerset Rivers Authority, assuming no change in the tax base. These figures are for illustration only. The figures show that the councils would be able to increase their council tax within a 2% threshold while still allowing some scope to increase funding for other services.

¹ Department for Communities and Local Government figures

² Figures assume an average Tax Base increase in 2016-17 of the same level as in 15-16. Figures exclude parish precepts

³ Figures assume Tax Base remains constant at 2015-16 level. Figures exclude parish precepts.

Table 2: Council tax percentage increase required to raise £2.7m, assuming no increase to Tax Base

Authority	2015-16 Council Tax requirement	% increase (no Tax Base change)	Additional amount raised
Somerset County Council	£189,389,700	1.25	£2,368,389
Mendip District Council	£5,603,077	1.25	£70,069
Sedgemoor District Council	£5,255,424	1.25	£65,721
South Somerset District Council	£8,442,979	1.25	£105,583
Taunton Deane Borough Council	£5,330,400	1.25	£66,659
West Somerset Council	£1,885,584	1.25	£23,580
Total	£215,907,164	-	£2,700,000

1.22 Table 3 shows the additional revenue the authorities would raise assuming their tax base grows at the same rate as in 2015-16. It is recognised, however, that any tax base increase would lead to an increase in demand for services.

Table 3: Council tax increase assuming Tax Base grows at 2015-16 rates

Authority	Estimated percentage tax base increase⁴	Additional council tax revenue generated
Somerset County Council	1.7	£3,211,552
Mendip District Council	1.6	£89,313
Sedgemoor District Council	1.6	£86,084
South Somerset District Council	1.8	£150,825
Taunton Deane Borough Council	1.8	£97,032
West Somerset Council	1.4	£26,483
Total	-	£3,661,290

⁴ Tax based increase: Somerset County Council 1.7%, Mendip 1.6%, Sedgemoor 1.6%, South Somerset 1.8%, Taunton Deane 1.8% and West Somerset 1.4%

Discussion

- 1.23 Councils set their tax rate annually and the initial increase would then be added to the baseline for all future years meaning that further annual increases are not required. Changes could be applied at the next council tax rate setting so funding could be agreed in advance of 2016/17.
- 1.24 The tables above show the additional funding that could be raised through council tax. If this route were to be used there may have to be a process for establishing local agreement on the best way of dividing the funding between the councils. Contributions through council tax could be varied between councils to reflect the amount of work to be carried out in each district, the amount of special levy already paid to internal drainage boards or in reference to other factors, such as pressures on the existing budget.
- 1.25 Increasing council tax specifically to fund the SRA would be subject to local authorities agreeing to allocate to the SRA part of their increased budget from the higher council tax. However, it would limit their ability in 2016/17 to raise council tax for other services without a referendum. Any increased funding would not be ring-fenced or hypothecated directly for the SRA and would be subject to annual renegotiation.
- 1.26 An agreement or memorandum of understanding could be drawn up between the SRA and local authorities to ensure there is a long term funding commitment. Information about the agreement could be provided with council tax bills.
- 1.27 This option could be used in combination with other proposals outlined below to ensure that sufficient funding was raised and to include contributions from landowners/land occupiers and businesses.
- 1.28 This option is already open to local partners. There is, however, no support for this option from local partners.

Internal Drainage Boards (IDBs) extend boundaries or increase levy

Background

- 1.29 Under s36 of the Land Drainage Act, the expenses of IDBs are met by drainage rates from agricultural land and special levies issued on district and unitary authorities in internal drainage districts.
- 1.30 The two internal drainage districts in Somerset (the Axe Brue IDB and the Parrett IDB) span all of Somerset's district council areas. The drainage districts do not cover the whole of Somerset. District councils are levied by the internal drainage boards according to the total value of agricultural and non-agricultural land and buildings within those district council areas that lie in an internal drainage district. This means that each district council is levied a different amount.
- 1.31 Table 4 shows the different amounts levied on each district council and the percentage this represents in terms of each authority's council tax requirement. In practice the district councils spread the cost of paying the special levy across their whole council tax base. Table 5 shows, for illustration only, the average equivalent amount for each Band D household in each district reflecting the different amount and value of land in each district which falls within the IDB area. Table 6 outlines the different drainage rates charged to land occupiers.

Table 4: Total amount levied on each district council in 2015/16 (note the IDBs currently raise funds from North Somerset Unitary Authority as well as Somerset district councils)

District Council	Levy amount and (% of Council Tax requirement)
Mendip District Council	£100,065 (1.8%)
Sedgemoor District Council	£1,238,071 (23.6%)
South Somerset District Council	£58,215 (0.7%)
Taunton Deane Borough Council	£20,738 (0.4%)
West Somerset Council	£2,739 (0.1%)
North Somerset Unitary Authority	£12,379

Table 5: 2015/16 Special Levy charges – expressed as an average charge across all band D households in each district for illustration⁵

District Council	Charge
Mendip	£2.63
Sedgemoor	£33.15
South Somerset	£0.95
Taunton Deane	£0.52
West Somerset	£0.21

Table 6: 2015/16 Drainage rates on agricultural land for Parrett and Axe Brue Internal Drainage Boards

Internal Drainage Board	Charge (average £/hectare)
Axe Brue	7.05
Parrett	6.83

Mechanism

- 1.32 Internal drainage boards charge rates and levies to cover their annual expenses. This means that levies and rates are reviewed and approved by the Board each year. Under this option both the internal drainage boards in Somerset would have to show that their expenses had increased and would generate the additional £2.7m funds by increasing special levies and charges paid by districts and agricultural land occupiers. As the proportions collected through agricultural rates and special levies are fixed it is not possible to increase funding from one source without the other (unless land types change).
- 1.33 Any increase in special levy would have a direct impact on council's decisions on council tax and would be subject to the referendum threshold.

⁵Figures provided by Somerset Rivers Authority. Table 6 figures show, for illustrative purposes, Table 5 levies as equivalent Band D charges. These vary by district as each local authority paying Special Levy passes on the cost to all households in their area including those outside drainage board areas.

- 1.34 The existing budgets of the internal drainage boards amount to £1.762m in total (£1.432m from special levies on districts (including North Somerset) and £0.33m from agricultural charges). Increasing total funds raised by £2.7m would require a 153% increase in charges and levies. As the current Drainage Board area falls predominantly within Sedgemoor, their existing levies, as shown in Table 4, are higher, and represent a higher proportion of their total council tax requirement. This level of increase in special levy in Sedgemoor District Council would result in an increase in their council tax of 36%. Mendip District Council would also see an increase above the referendum limit, of 2.7%. The increase in other districts would remain within the referendum limit.
- 1.35 Any agreement to raise levies would be subject to the agreement of the internal drainage boards, on which district council members and land owners/land occupiers are represented.
- 1.36 Alternatively, or in addition to increasing current rates and levies, the internal drainage boards could work with the Environment Agency and Defra to seek to extend their boundaries under the Land Drainage Act.
- 1.37 The Land Drainage Act provides that Internal Drainage Districts can be in areas, or can be extended to areas, which 'derive benefit, or avoid danger, as a result of drainage⁶ operations'.
- 1.38 Guidance on identifying areas which will derive benefit or avoid danger as a result of land drainage activities was set out in the *Medway Letter*, written by Ministers in 1933. The letter sets out guideline heights above last known flood levels and high tide marks which are used to set water levels to define the boundaries of a Board. The principles set out in the *Medway Letter* have come to be seen as the benchmark on whether an area can be seen as one which will derive benefit or avoid danger as required by the Land Drainage Act. The Association of Drainage Authorities and Environment Agency produced guidance on establishing internal drainage boards⁷ which states that the broad modern interpretation of the Medway Letter is that internal drainage district boundaries can extend to land within Environment Agency's Flood Zone 2.
- 1.39 By extending their boundaries to Flood Zone 2, Somerset's internal drainage boards could extend their areas by 8954 hectares.

⁶ As defined in S72 of the Land Drainage Act 1991

⁷ http://www.ada.org.uk/downloads/other/downloads_page/Establishing%20New%20Internal%20Drainage%20Boards%20National%20Guidance.pdf

1.40 Extending the existing internal drainage district areas would mean drainage works could be undertaken over a wider area, leading to an increase in the number of landowners liable to pay drainage rates and in contributions from households and in turn leading to an increase in funds available to the internal drainage boards. If the rate for this extended area were to be set at the existing rate, it is estimated that this would raise £580k. Funds would be collected and retained by the internal drainage boards. The impact on districts would vary and is shown in Table 7 below.

Table 7: Impact on Districts of extending existing Internal Drainage Board boundaries

Authority	Band D households £/h'hold	Council tax increase %	Increase in levy paid £k
Mendip District Council	+£0.79	0.5%	+£30k
Sedgemoor District Council	+£2.38	1.7%	+£89k
South Somerset District Council	+£3.15	2.1%	+£178k
Taunton Deane Borough Council	+£4.36	3.1%	+£167k
West Somerset Council	+£4.96	3.6%	+£67k

Discussion

1.41 Subject to the agreement of the internal drainage board members, rates and levies could be increased before April 2016. In order to extend the drainage districts, internal drainage boards would work with the Environment Agency to draw up a scheme for altering the boundaries which would then be subject to local consultation. Assuming local agreement, an extension may be brought into effect via an Order made by Ministers which is laid before Parliament. Extensions can be approved and implemented in a couple of months, if there are no objections, meaning in theory this option could be implemented for 2016/17. In practice, the process of consultation and local agreement has taken several years.

1.42 Funds raised by internal drainage boards are directly hypothecated and ring-fenced for flood risk management and land drainage. Funding would be raised and retained by the internal drainage boards.

- 1.43 Internal drainage boards have powers to exercise supervision over land drainage issues and managing flood risk on ordinary water courses in their district. They are able to undertake works on behalf of other flood risk management authorities via Public Sector Cooperation Agreements. This arrangement would enable the drainage boards to undertake the functions of another risk management authority including works outside the internal drainage district and on main rivers. The Land Drainage Act could restrict the use of funding for some of the activities set out in the Action Plan such as community resilience work and upper catchment land management work.
- 1.44 Under the Land Drainage Act, internal drainage boards must charge their special levy to district councils with reference to values set out in 1990 ratings lists. The 1990 ratings lists for the area of Somerset beyond the existing internal drainage districts are not thought to be available. This could mean that boundary extension is not currently practically possible without a change in legislation requiring use of alternative values.
- 1.45 Under this option, the Somerset Rivers Authority would not have its own ability to raise, hold or spend funds. It would act as a coordinating body for risk management authorities in Somerset. This would limit the role for the district councils and Somerset County Council.
- 1.46 The main barrier to these options is the effect that any increase in rates and levies, or extension, would have on district council budgets. The increase in special levy will result in council tax increases far higher than a 2% referendum threshold. Local authorities have stated that they are not willing to consider any impact on their budgets.
- 1.47 In addition concerns have been expressed over an IDB led funding and spending programme, perceiving it to be too land drainage driven and lacking in wide accountability.
- 1.48 This proposal has received some support from the Association of Drainage Authorities, NFU and Country Land and Business Association, and some internal drainage board members. It is not supported by other local partners.

County Drainage District

- 1.49 A further option presented by the Association of Drainage Authorities was the creation of a new kind of internal drainage board in a county drainage district. This could cover the area inside Somerset but not currently covered by internal drainage districts. Unless it was possible to show that all of this land would derive benefit or avoid danger from land drainage activities, this would require new legislation. The option of a new kind of levying body for flood risk management is discussed on page 4.

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 8 September 2015 at 6 p.m.

Present The Mayor (Councillor Mrs Hill)
 The Deputy Mayor (Councillor Mrs Stock-Williams)
 Councillors Mrs Adkins, M Adkins, Aldridge, Appleby, Berry,
 Mrs Blatchford, Brown, Coles, Cossey, Mrs Edwards, M Edwards,
 Farbahi, Gage, Govier, Habgood, Hall, C Hill, Hunt, James, R Lees,
 Ms Lisgo, Morrell, Nicholls, Parrish, Prior-Sankey, Mrs Reed, Ross,
 Miss Smith, Mrs Smith, Stone, Sully, Townsend, Mrs Warmington,
 Watson, Ms Webber, Williams and Wren

1. Minutes

The minutes of the meeting of Taunton Deane Borough Council held on 14 July 2015, copies having been sent to each Member, were signed by the Mayor.

2. Apologies

Councillors Beale, Bowrah, Cavill, Coombes, Davies, D Durdan, Miss Durdan, Mrs Floyd, Gaines, Mrs Herbert, Horsley, Mrs Lees, Martin-Scott, Ryan, Mrs Tucker and Wedderkopp.

3. Communications

Councillor Coles reported that Mr Jim Warren, the partner of Councillor Mrs Floyd, had recently passed away. He felt sure the Council would want to join with him to express condolences to Mrs Floyd for her sad loss. This was agreed.

4. Declaration of Interests

Councillors M Adkins, Coles, A Govier, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM. Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane.

5. Public Question Time

Dr Peter Ravenscroft referred to the recent Syrian refugee deaths which had galvanised the Government into action. This had resulted in the Prime Minister initiating a national effort to do more and the Chancellor stating that funding from the International Aid Budget would be made available to

Councils to meet the cost of housing refugees.

The current situation was a crisis but also an opportunity to demonstrate that we were a humanitarian society. Many of the refugees were educated and cultural people who would contribute to our economy if given the chance and, when it was safe to do so, would return to Syria with a positive attitude towards the United Kingdom.

He went on to say how disappointed that discussion of a Motion titled 'Taunton Deane opens its arm to refugees' had been delayed until the end of the month.

Dr Ravenscroft asked whether in view of the national exposure now being given to this issue, the urgency and seriousness of the crisis and the promised Government funding, the Council would demonstrate leadership and hold an extraordinary meeting to discuss the matter.

In response the Leader of the Council, Councillor Williams, stated that there was no need for an extra meeting to state the Council's position. He invited Councillor Mrs Warmington to provide further information.

Councillor Mrs Warmington said that no one could fail to be moved by the plight of so many desperate people fleeing their homes and making the treacherous journey across land and sea to start a new life for their families in a new country somewhere free from war and terror.

Here at Taunton Deane Borough Council, we fully appreciated that there would be many who needed our help and our response to the crisis would form part of the Local Government Association's (LGA) coordinated National Action Plan. The Chief Executives of the LGA were currently in discussion with Central Government about what the role and responsibilities of Local Councils would be and how any support we gave would be funded.

This would not be the first time that Local Government had risen to such a challenge, as it had offered support in the past to refugees from Uganda, Kosovo and the victims of numerous other conflicts.

We would need to house, clothe, feed, teach and welcome these desperate and frightened people into our communities. Once Taunton Deane knew exactly what we needed to do, we could begin to co-ordinate our response with other partners which was key to delivering this effectively and would welcome offers of help. We would work closely with local Parish Councils and other agencies to ensure any refugees who came to Taunton Deane received the support they so badly needed.

Councillor Mrs Warmington went on to say that this was going to be a real challenge and our help would be needed in many forms. However, she knew she could rely on the support of all fellow Councillors and officers to do what was required. These were difficult times and we all needed to do all we could to help our fellow human beings who were far worse off than ourselves, fleeing persecution and often in fear of their lives.

5. **The Somerset Rivers Authority (SRA) and Flood Action Plan**

Considered report previously circulated, concerning the latest situation relating to the Somerset Rivers Authority (SRA) and the Flood Action Plan.

Following the flooding across a wide area of Somerset in the winter of 2013/2014, the Government had requested the Somerset partners to develop a Flood Action Plan and, at a later date, to form the Somerset Rivers Authority (SRA).

The Government had now conducted a review of the options for continuing funding of the SRA and had asked Somerset partners to respond to them on which was the preferred option.

The Levels and Moors 20 Year Flood Action Plan (2014), developed at the Government's request and signed off by the Secretary of State in March 2014, had included a proposal to create a SRA to:-

- Provide a renewed, co-ordinated and joined-up approach to addressing flooding and resilience issues.
- Develop new approaches to the management of the drained areas and the wider catchment, and
- Enhance local leadership.

Many of the other actions within the Flood Action Plan had been completed and a review of the plan was currently underway. The plan had short and long term actions, and the review was looking at what had been achieved so far, which of the long term options identified in the plan should still be pursued and what other actions were necessary to ensure there was a sustainable plan for the future.

Some of the highlights of the delivery of the Flood Action Plan were set out in the report under the following headings:-

- Dredging and River Management;
- Land Management;
- Urban Run-Off;
- Resilient Infrastructure;
- Building Local Resilience; and
- Business Case and Delivery of Long Term Solutions

Reported that with regard to the SRA, a key change from the early days of the Flood Action Plan was that the SRA's remit included the whole of Somerset, not just the flooded areas of the Levels and Moors. This was to ensure that all areas had the potential to benefit from the joint working and any funding available for flood alleviation measures.

A further change was the 'hierarchy' of the SRA and the Flood Action Plan where the work of the Somerset Levels and Moors Flood Action Plan was still carried forward but done so now as part of the SRA programme.

Noted that the existing flood management responsibilities, accountabilities and funding would continue unchanged for the SRA partners. It also did not diminish the responsibilities of riparian owners.

Since January 2015 the SRA had developed:-

A **Common Works Programme** for Somerset, to plan, deliver and share information about all Flood Risk Management work in the County. This was core work for all partners but brought together and co-ordinated where possible and efficiencies developed for joint delivery; and

A new **Enhanced Maintenance Programme** for 2015/2016 using interim funding had also been produced and this undertook a range of prioritised new flood risk management activity across all districts in Somerset, including maintaining the 2014 dredge on the Rivers Parrett and Tone.

Further reported that the SRA had been set up with interim funding for 2015/2016 from a mixture of central Government and local partners. A major area of work this year had been developing options for long-term funding, carried out through a Strategic Funding Review with the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government.

The optimum outcome for Taunton Deane would have been to set up the SRA with all funding from the Government. However, this had not been accepted and was consequently not an option given to us as part of the Strategic Funding Review.

The review did not recommend a particular option and there was no presumption that any of the following four options would be taken forward:-
The Taunton Deane

1. **Creating a new precepting body.** This required primary legislation but gave the ability for all households in Somerset to play a part in the raising of funds. Monies raised would be transparent and ring-fenced for the SRA and its work. This option would take several years to deliver but gave long term sustainability and did not impact on existing Council budgets and hence their services. The six Somerset local authority partners had indicated that this was the only acceptable funding solution.
2. **Creating a new levying authority.** Primary legislation was still needed and the levy could be on both the County and the District Councils. Any additional levy charge on Taunton Deane and West Somerset would limit the ability to raise Council Tax for our other services within the current 2% referendum threshold and hence put an increased risk on budget setting over future years. This option was not recommended.

3. **Raising funds through Council Tax.** If agreed this could be implemented by April 2016. It was suggested that the County Council should be within this funding mechanism, however this would have an impact of between £106,000 on Taunton Deane and £38,000 on West Somerset by increasing Council Tax within the 2% threshold. Although this was a quick option to implement, the funding was not ring-fenced and would be subject to annual re-negotiation which gave no sustainability to the SRA. This option was also not recommended.
4. **Internal Drainage Boards (IDBs) extend boundaries or increase levy.** Currently the Drainage Boards levied £20,738 on Taunton Deane and £2,739 on West Somerset which was equivalent to £0.21 per household across Taunton Deane and £0.06 across West Somerset. Levies and rates were approved by the IDB Board each year and it could increase the levy if they showed that their expenses had increased. If the IDB extended their area to Flood Zone 2, they could raise a total of £580,000 from the Somerset partners. However, this would not be sufficient for the enhanced work programme of the IDB in future years. This would not give the SRA any ability to raise, hold or spend funds and would limit the role for the Districts and County Council. Although the IDB had already voted to support this option and wished to push for primary legislation to cover the whole of Somerset, this option was not recommended.

The current position for Taunton Deane was that having looked carefully at the funding options review and heard the views of local stakeholders, the Council's preferred option was still to set up the SRA as a separate precepting body.

The IDBs would continue to set budgets for their work programmes as at present, but any additional levy would, in future, be placed on the SRA. Existing sources of capital funding for flood risk management would need to continue to be available to the individual partner organisations.

The comments of the Corporate Scrutiny Committee which had met on 13 August 2015 were reported for the information of Members. The Committee had agreed to recommend the creation of a separate precepting body as Taunton Deane's preferred funding option.

Before the Deputy Mayor called for the vote on recommendation (3), Councillor Ms Lisgo, in accordance with Standing Order 18(2)(b), requested that a Recorded Vote be taken. This request was supported by the votes of at least a quarter of the Councillors present.

Resolved that:-

- (1) The progress to date in the development of the Somerset Rivers Authority and Taunton Deane Borough Council's position as to the way forward be noted;
- (2) The progress in the delivery of the Levels and Moors 20 Year Flood Action Plan (2014) be also noted; and

- (3) The creation of a separate precepting body as Taunton Deane Borough Council's preferred funding option be approved, noting that the Council's position would be confirmed by the Somerset Rivers Authority Board meeting in late September 2015.

Recommendation (3) was carried with 24 Councillors voting in favour, 13 voting against, with one abstention, as follows:-

Yes	No	Abstain
Councillor Mrs Adkins	Councillor Aldridge	Councillor Wren
Councillor M Adkins	Councillor Appleby	
Councillor Berry	Councillor Coles	
Councillor Mrs Blatchford	Councillor Farbahi	
Councillor Brown	Councillor Govier	
Councillor Cossey	Councillor R Lees	
Councillor Mrs Edwards	Councillor Ms Lisgo	
Councillor M Edwards	Councillor Morrell	
Councillor Gage	Councillor Nicholls	
Councillor Habgood	Councillor Prior-Sankey	
Councillor Hall	Councillor Ross	
Councillor C Hill	Councillor Miss Smith	
Councillor Hunt	Councillor Mrs Smith	
Councillor James		
Councillor Parrish		
Councillor Mrs Reed		
Councillor Mrs Stock-Williams		
Councillor Stone		
Councillor Sully		
Councillor Townsend		
Councillor Mrs Warmington		
Councillor Watson		
Councillor Ms Webber		
Councillor Williams		

(The Mayor (Councillor Mrs Hill) left the meeting at 6.40 pm during the discussion of Minute No. 5. The Deputy Mayor (Councillor Mrs Stock-Williams) took the Chair for the remainder of the meeting.)

(The meeting ended at 7.05 pm.)