

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 12 July 2016 at 18:30.

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## **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 12 April 2016 and the minutes of the Annual Meeting of the Council held on 12 May 2016 (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 Hate Crimes - To consider a Motion to be proposed by Councillor Jane Warmington and seconded by Councillor Richard Parrish (attached).
- 8 Bishops Lydeard and Cothelstone Neighbourhood Development Plan formal adoption ("made") as a Development Plan Document for Taunton Deane Borough Council. Report of the Planning Policy Officer (attached), to be presented by Councillor Roger Habgood.
- 9 Heart of the South West Formal Devolution Bid. Report of the Director - Growth and Development (attached), to be presented by the Leader of the Council, Councillor John Williams.
- 10 Tone Leisure merger with Greenwich Leisure Limited. Report of the Community Leisure Manager (attached), to be presented by Councillor Catherine Herbert.
- 11 Housing Revenue Account Business Plan Review. Report of the Project Manager (attached), to be presented by Councillor Terry Beale.

- 12 Part I - To deal with written questions to, and receive the following recommendations from, the Executive:-
- (i) Councillor Roger Habgood - Recommendation in respect of the delivery of Electronic Car Park Signage and Pay on Foot Systems to Key Car Parks (attached);
  - (ii) Councillor Richard Parrish - Recommendations relating to:-
    - (a) The adoption of a revised Corporate Debt Policy (attached); and
    - (b) Financial Monitoring - Outturn 2015/2016 (attached).
- 13 Part II - To receive reports from the following Members of the Executive:-
- (a) Councillor John Williams - Leader of the Council;
  - (b) Councillor Mark Edwards - Economic Development, Asset Management, Arts and Tourism and Communications;
  - (c) Councillor Roger Habgood - Planning Policy and Transportation;
  - (d) Councillor Catherine Herbert - Sports, Parks and Leisure;
  - (e) Councillor Richard Parrish - Corporate Resources;
  - (f) Councillor Jane Warmington - Community Leadership;
  - (g) Councillor Terry Beale - Housing Services;
  - (h) Councillor Patrick Berry - Environmental Services and Climate Change;

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.

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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](mailto:r.bryant@tauntondeane.gov.uk)**

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## **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 T Beale  
Councillor P Berry  
Councillor J Blatchford  
Councillor C Booth  
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 12 April 2016 at 6.30 p.m.

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

Mrs A Elder – Chairman of the Standards Advisory Committee

### **1. Minutes**

The minutes of the meetings of Taunton Deane Borough Council held on 23 February 2016 and 17 March 2016, copies having been sent to each Member, were signed by the Mayor.

### **2. Apologies**

Councillors Coombes, Cossey, Farbahi, Mrs Floyd and Ross.

### **3. Communications**

The Mayor reported that Charles Groom, the Sergeant-at-Mace / Mayor's Driver had recently undergone a knee operation. She would send the best wishes of the Council to Mr Groom for a speedy recovery.

The Mayor also reminded Councillors of the forthcoming Civic Service on Sunday, 17 April 2016 at St Peter's Church, Priorswood, Taunton at 10.30 a.m.

### **4. Declaration of Interests**

Councillors M Adkins, Coles, Govier, Prior-Sankey and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Wren declared a personal interest as the Clerk to Milverton Parish Council. Councillors Gage and Stone declared prejudicial interests as Tone Leisure Board representatives. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM. Councillor Edwards declared a personal interest as the Chairman of Governors of

Queens College. Councillor Hall declared a personal interest as a Director of Southwest One. Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon, Taunton. Councillor Parrish declared a personal interest as the District Councils' representative on the Somerset Pensions Committee.

5. **Receipt of Petition from Stawley Parish Council concerning The Globe Inn, Appley**

Councillor Charles St. George, Chairman of Stawley Parish Council, presented a petition containing over 200 signatures to the Council which called upon Taunton Deane to use its powers under Section 215 of the Town and Country Planning Act 1990 and/or Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to undertake repair works to the listed barn attached to The Globe Inn, Appley – a Grade II listed building – which had been derelict for more than two and a half years.

Councillor St. George went on to say that despite repeated attempts by the Parish Council and the landlady of The Globe Inn to persuade the freehold owner of the premises to repair this building, both directly and through liaison with the Conservation Officers at the Council, it remained in a derelict state without a roof or finished walls. The remains of the listed building continued to deteriorate and water was now finding its way into the pub resulting in damp and electrical problems.

The Globe Inn was an historic and popular local pub that was greatly valued by the surrounding rural communities and which had been listed on Taunton Deane's Register of Community Assets since April 2015.

The derelict building was an eyesore which threatened the structural integrity of the pub but was also adversely affecting its long-term commercial viability as potential customers were put off by its external appearance.

Councillor St. George hoped the Council would use the legal power it had at its disposal to resolve the current situation.

In response, Councillor Habgood suggested that as the saga relating to The Globe Inn was long and complicated, a detailed report should be submitted to the Council's Planning Committee. This was the correct place for the matter to be considered.

Other comments received related to the Parish Council's stance being supported and that the Council owed it to the local community to bring about the necessary repairs to the public house.

Councillors agreed that the matter highlighted by the petition concerning The Globe Inn, Appley should be referred to the Planning Committee for consideration.

## 6. Land at Creedwell Orchard Housing Estate, Milverton

Considered report previously circulated, concerning a proposal to vary an Option Agreement with S Notaro Limited (SNL) for the purchase of land at Creedwell Orchard Housing Estate by amending the "Trigger Date".

An Option Agreement had been entered into with SNL on 27 February 2014 for a period of 10 years following Executive approval on 13 July 2013.

The current terms of the Agreement provided that the option had to be exercised by SNL within 120 days of the Trigger Date, details of which were included in the report.

Noted that the absolute longstop date for the exercise of the option was 12 years from the date of the Option Agreement.

A planning application for an alternative development scheme had been submitted by SNL on 18 March 2014 which was subsequently refused on 15 October 2015. Statute provided that an applicant had a period of six months in which to submit an appeal against the planning decision. The date upon which an appeal against the planning decision had to be made by NSL was 13 April 2016.

It was considered that the Trigger Date for the exercise of the Option Agreement could be some considerable time in the future if a planning appeal was to be pursued by SNL.

Reported that since the completion of the Option Agreement it had come to light that the formula for the sale price of the Council's land was based upon an incorrect valuation. This was as a result of incorrect information having been provided by SNL from the outset which was relied upon by both the Council and external valuers.

Further external valuation advice had been sought from the Valuation Office Agency (VOA) who had been instructed to negotiate a revised option sale price formula with SNL based upon the correct floor areas of the extant scheme.

In the circumstances, it was considered appropriate for the Council to complete a Deed of Variation to the Option Agreement to provide that the new Trigger Date became 12 October 2016 with the Exercise Period remaining at 120 days from the trigger date. This would allow time for negotiations to be completed for a revised sale price formula which should negate the need for the Council to deal with a planning appeal that had been made to effectively delay the establishment of the Option Trigger Date.

**Resolved** that the amendment of the Trigger Date within the Option Agreement to provide that the option to purchase the Council's land must be exercised within 120 days (the Option Period) of 12 October 2016 (the new Trigger Date), be approved.



## 7. **Community Infrastructure Levy:-**

- 1. Clarification of Regulation 123 Infrastructure List;**
- 2. Proposed draft Payment in Kind Policy;**
- 3. Proposed draft Charitable Relief Policy; and**
- 4. CIL Exceptional Circumstances Relief Policy**

Considered report previously circulated which outlined proposals for additional text in the draft Regulation 123 list. The proposed additional text – details of which were submitted - related to strategic transport improvements and green infrastructure. These additions sought to clarify what would be funded from Community Infrastructure Levy (CIL) receipts and what would be sought through planning obligations, to ensure a planning application was acceptable in planning terms.

It was not seeking to add or remove any infrastructure items from the Regulation 123 list and therefore it was considered unnecessary to undertake formal consultation on the additional text.

Also proposed to introduce a Payment in Kind (PiK) Policy in line with Sections 73 and 73A of the CIL Regulations. PiK enabled a developer / CIL liable party to offset the CIL liability against the cost of direct provision of infrastructure. Whilst the introduction of the Policy would allow the Council to accept PiK in appropriate cases, the Council would retain full discretion in such matters and would not be under any obligation to accept PiK in a particular case. All PiK bids would be assessed against the Council's infrastructure priorities, considered by the CIL/Infrastructure Delivery Board and approved by Full Council before PiK bids were accepted.

The introduction of CIL Policies for Discretionary Charitable Relief, to enable charities to claim CIL relief and Discretionary Exceptional Circumstances Relief to enable developers to claim relief from paying CIL in Exceptional Circumstances were also proposed.

This matter had been discussed at the meeting of the Community Scrutiny Committee on 5 April 2016 where Members had generally been supportive of the endorsement of the changes to the text of the Regulation 123 list and the three new policies.

However, the Committee had expressed concern that the current wording of the PiK Policy made no reference to how this would relate to the Unparished Area of Taunton. As a result, the Committee had agreed that a suitable form of additional wording should be approved by the Chairman and Vice-Chairman of the Community Scrutiny Committee for inclusion in the Policy.

Members were concerned that although this form of words had not yet been agreed, Full Council was being asked to endorse the PiK Policy as it stood. It was therefore agreed that the Executive Councillor for Planning Policy and Transportation be granted delegated power to agree an appropriate form of words for inclusion in the policy.

**Resolved** that it be agreed to endorse:-

- (1) The additional text clarifying the current Regulation 123 infrastructure list;
- (2) The proposed draft Payment in Kind Policy, subject to the Executive Councillor for Planning Policy and Transportation – Councillor Habgood – being granted delegated authority to approve the additional wording as recommended by the Community Scrutiny Committee;
- (3) The proposed draft CIL Charitable Relief Policy; and
- (4) The proposed draft CIL Exceptional Circumstances Relief Policy.

## 8. **Proposed Changes to the Council's Constitution**

Considered report previously circulated, concerning a number of proposed changes to the Council's Constitution.

If approved, the proposed changes would provide greater clarity to timescales by which certain motions / amendments / questions were to be submitted in advance of Council meetings and provided sufficient time for any relevant research / analysis to be undertaken prior to the meeting in question.

The present clauses were somewhat ambiguous and did not always allow sufficient time for the necessary preparation work to be undertaken especially in terms of preparing responses to formal questions submitted.

The proposed changes had been considered and approved by both the Constitutional Sub-Committee and the Corporate Governance Committee.

**Resolved** that the proposed amendments to the Council's Constitution as set out in Appendix A to these minutes, be approved.

## 9. **Electoral Review of Taunton Deane Borough Council**

Considered report previously circulated, which set out the context for the process and timetable associated with the Electoral Review (ER) of Taunton Deane Borough Council (TDBC) which is to be undertaken by the Local Government Boundary Commission for England (LGBCE).

On 9 July 2013, the LGBCE had agreed that there should be an ER of TDBC. The review was triggered as 42% of Wards currently had 10% more or fewer electors in them than the average (in the region of 1400 per Councillor) for the authority (the trigger figure was 30% of all Wards).

Where the LGBCE considered that such imbalance was unlikely to be corrected by foreseeable changes to the electorate within a reasonable period, then an ER was instigated. The last review of TDBC's electoral arrangements had been undertaken in 2006 when it had been agreed to increase the Council size from 54 to 56 members and to make some adjustment to the warding patterns.

Due to a busy schedule of work nationally, the LGBCE had not been able to begin the ER for TDBC until now and following an introductory meeting on 24 November 2016 commenced its work with briefings for TDBC Members, officers and Parish Councils on 29 February 2016. Going forward, the first formal stage of the process would be for the LGBCE to make a proposal regarding the size of the Council (number of Councillors) in the future and there would be an opportunity for TDBC to submit its own proposal for consideration. The deadline to do this was by 6 May 2016.

The LGBCE would consider all submissions on Council size and would then issue their recommended option after 21 June 2016. There would then be a period of consultation from 28 June 2016 until 5 September 2016. Once again, TDBC would have the opportunity to put forward a submission in this regard and it might be necessary to schedule a special meeting of Full Council to meet this deadline.

After considering any submissions received, the LGBCE would then issue their draft recommendations on 8 November 2016 and allow a further period for consultation until 9 January 2017. The final recommendations would be made on 14 March 2017 with an Order then being laid in Parliament with any new electoral arrangements coming into force for the May 2019 Local Government Elections.

It had been agreed that the Constitutional Sub-Committee should lead on co-ordinating the work in TDBC to support this process and had already received progress reports at its most recent meetings. Work had commenced on providing the latest electoral data and developing electoral forecasts for the middle of 2022 as requested by the LGBCE.

The ER had two distinct parts. The first was consideration by the Council of its future size. This referred to the number of elected Members required for the effective conduct of Council business corporately and by individual Members. In determining size, the LGBCE would consider not only any proposal from this Council but also any other submissions it received.

The second part of the process would be consideration of new Polling Districts and, in turn, new Ward boundaries. This would occur after the LGBCE published its initial conclusions on Council size. A further report on this phase would be produced in due course.

In terms of Council size, the LGBCE guidance indicated that in exercise of its judgement on this issue, it would consider three key areas:-

- (i) The Council's governance arrangements, and how it took decisions across the range of its responsibilities;
- (ii) The Council's scrutiny functions relating to its own decision-making and the Council's responsibilities to outside bodies; and
- (iii) The representational role of TDBC Councillors in the local community, and how they engaged with residents, conduct casework and represented the Council on wider partnerships.

Reported that all Group Leaders had been contacted and requested to submit any proposals or views with regard to the size of the Council and a representation was received from the Conservative Group which suggested that consideration be made aiming for a figure in the early 40s which would represent a reduction from the current figure of 56.

This representation was subsequently discussed at the meeting of the Constitutional Sub-Committee on 4 February 2016 when there was a general consensus that the suggestion was probably in the right area and that there was merit in exploring an option in this quantum.

The representation was then circulated to all political groups for comment and work had continued on documenting current and proposed governance arrangements and fine tuning the electorate forecasts. This work had resulted in the draft submission which was submitted with the report for the information of all Councillors.

**Resolved** that the draft submission, attached as an Appendix to the report, be submitted to the Local Government Boundary Commission for England in respect of the proposed size of the Council in the future.

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

- **To Councillor John Williams from Councillor Simon Coles**

**(i) Electoral Review of Taunton Deane – Regarding the proposed changes to the number of Councillors and the make-up of the Council Committees thereafter**

(a) Whilst I am not opposed to a reduction in the number of Councillors elected to the Council, per se, I am concerned as to how we ensure that Democracy is served via new ward boundaries. Before agreeing to any number I would need to be satisfied regarding ensuring there is no Democratic Deficit. There is still a lot of work to do to reach a consensus on this matter. I welcome the debate and look forward to the discussion. Can Councillor Williams please outline the process he intends to follow?

**Reply** - *As the report explains, an Electoral Review is a two stage process as laid down by the Local Government Boundary Commission for England (LGBCE). The issue of agreeing ward boundaries forms the second stage and with the report being debated tonight dealing with the first stage which is to determine the size of the Council.*

*Once the LGBCE has agreed what the size should be in June 2016, there will be an opportunity for the Council to put forward any proposals in regard to ward boundaries reflecting the recommended size of the Council. It is intended that the Constitutional Sub-Committee will again lead on seeking a consensus submission from the Councillors. As in stage one, it is intended that all political groups will be given the opportunity to input into this process which will happen over the summer months. It is important to note that*

*whatever Taunton Deane proposal comes forward (whether by consensus or not), it will be the LGBCE who will make the final decision.*

(b) It is wholly unacceptable that two Scrutiny Committee's are reduced to just one Committee.

I believe that, we should, as part of this review, discuss the re-introduction of the "Committee System".

I would also ask why there is the suggestion that the Planning Committee is to be a different size to all the other Committees. It strikes me that we should maintain the same numerical composition of these five statutory Committees. Therefore, again, I will not support the suggestion made.

**Reply** - *The suggestions set out on pages 12 and 13 of the report are in the context of demonstrating options that could be applied should a lower size of say 43 be determined by the LGBCE. On page 13 it states that 'it should be stressed that the suggested numbers shown in the right hand column is but one possible variant that could be adopted should the size of the Council be set at a lower figure of 43'. Examples of other options are listed at the bottom of page 13, after which it is clearly stated that 'It is not considered necessary or appropriate to be prescriptive of such detail at this stage'.*

*Therefore, the issues referred to have been referenced to demonstrate that there are options that would enable the Council to operate an effective decision making process with a smaller number of Councillors. By agreeing the recommendation, the Council is not committing itself to any specific option at this stage. Once the LGBCE have completed the Electoral Review and the future size of the Council is known, that will be when such detail will need to be reviewed and properly debated.*

## **(ii) Devolution**

Despite all the fine words that the Prospectus has been submitted to Central Government and accepted, Councillor Williams does not even acknowledge that the Government dictat requires acceptance of the Mayoral structure or the bid will go to the back of the pile. Does Councillor Williams's assertion in item 1 of his report signify a change from the previously held view that a "Mayor" for Somerset and Devon was wholly unacceptable? And if so, when and how and by whom was this fundamental change agreed?

**Reply** - *I refer you to Minute No 6 of the meeting held 23 February 2016 and forming part of this agenda on pages 4 and 5, Heart of the South West Devolution. The last paragraph on page 4 is clear that no decision on Governance had been made but that a form of Combined Authority was proposed. In the resolution recorded on page 5, part (b) it is also clear that any devolution "deal" negotiated with Government would come back to Full Council for approval.*

*Also in my report to Council tonight item 1.1 clearly refers to a "Combined Authority" so I am not seeing any fundamental change in my position as is suggested. Final proposals negotiated with the Government, will be brought*

*back to Full Council for approval or otherwise as resolved at our meeting on 23 February 2016.*

**(iii) Shared Services and Management with West Somerset Council**

It is a given that the costs incurred will be scrutinised to ensure that there is no cost shunting to the taxpayers of Taunton Deane. Can Councillor Williams please outline the record keeping he proposes to use to ensure due diligence on costs for this stage of the project?

***Reply** - Costs for the Business Case will be split 80:20 unless there is evidence to suggest this should be varied for any particular piece of work required to complete this stage of the project.*

*In terms of ongoing work by the One Team, costs splits are kept under review by individuals, Managers and the Corporate Centre. Our auditors are satisfied with our current arrangements.*

**(iv) Broadband Provision**

I am given to understand that not only will the 90% threshold not be met by the target date (December 2016) but that it is most unlikely that the phase two target of 95% by the end of 2017 will be met. What actions does Councillor Williams propose to counteract this likelihood?

***Reply** – Connecting Devon and Somerset is hosted by Somerset County Council and therefore it would be best if Councillor Coles directs his question there in his role as a County Councillor. I am on the Board as the Somerset Districts representative for phase 2, so can enquire progress in that wider role, not just as Leader of Taunton Deane. As far as I am aware we are not at the end of Phase 1 works yet so final coverage has not been calculated.*

*In terms of Phase 2 that has not been let or started yet, so how any conclusion can be drawn is difficult to understand as it is planned to run to at least the end of 2017.*

- **To Councillor John Williams from Councillor Simon Nicholls**

Would Councillor Williams please explain to Members what he expects from Councillors in terms of time frames when responding to residents' questions?

I raise this as a resident within my Ward has recently experienced a four month delay from a question that was directed to Councillor Habgood at November's Full Council meeting. You, along with senior officers, recently highlighted the need for better communication between Taunton Deane and the Parish Councils, and this was recorded at a recent meeting with Bishops Hull Parish Council which features in their minutes of the 17 December 2015.

As Leader of the Council you will be well aware of the poor perception this causes. Could you please share with Members what action you have taken

since your statement in November - And if action has been taken, why it has not been followed by a senior Member of your Group?

**Reply** - *I of course support and promote prompt responses to any queries and can only apologise for the inadvertently delayed response from Councillor Habgood.*

*Councillor Habgood finds it very regrettable that his response was delayed, however dealt with it very quickly once brought to his attention. As it is always our aspiration to improve communication, it is a clear intention to respond quickly to any queries raised. If by chance we do not respond promptly, it is helpful if a timely reminder can be provided.*

- **To Councillor Catherine Herbert from Councillor Simon Nicholls**

Would Councillor Mrs Herbert share with Members in broad terms the new "Master Plan" for reinstating the Green Flag status for Victoria Park?

I raised this question late last year. Hopefully Members can now be briefed.

I attended Victoria Park Friends Group meeting earlier this year and considerable disappointment existed regarding lack of leadership and Council engagement. Presumably this has been addressed within the new "Master Plan".

**Reply** – *An Action Plan for Victoria Park, Taunton for 2016 has been produced with a series of proposed actions under the following 'Aims':-*

- (1) A Welcoming Place;*
- (2) Healthy, Safe and Secure;*
- (3) Clean and Well Maintained;*
- (4) Sustainability;*
- (5) Conservation;*
- (6) Heritage;*
- (7) Community Involvement;*
- (8) Marketing; and*
- (9) Management.*

*A copy of the detailed Action Plan had already been circulated to Members for information.*

- **To Councillor Richard Parrish from Councillor Richard Lees**

(a) HR and Organisational Development (Paragraph 3.2 of Councillor Parrish's Report)

With regard to Personal and Work Related Stress - Are we providing any counselling support for staff?

**Reply** - Yes. This is an area of staff wellbeing which Managers and Members regard with the utmost importance. Managers and key staff have had stress management awareness training and mental health awareness training and employees have access to a confidential external counselling help line service called Care First. I have sent Councillor Lees the Council's Wellbeing and Sickness Absence Policy by email for his information.

(b) ICT and Information (Paragraph 4.2)

Who makes up the Southwest One Steering Group, as some Councillors may not know?

**Reply** - The first meeting of this Steering Group is scheduled for 20 April 2016. It is comprised of the following Members; Councillors Parrish, Gaines, Mrs Herbert and R Lees. Minutes will be taken and disseminated to Members.

(c) Southwest One (SWO) (Paragraph 6.2)

When do you expect the due diligence as to the costs of repatriating services to be completed?

**Reply** - This issue is a complex one and has resulted in requiring more time to analyse responses from SWO. I am advised by officers that it is anticipated to have the full analysis during May. The Council will then be in a position to formalise an agreement with SWO by 31 May 2016.

(d) Revenues and Benefits Service (Paragraph 10.3)

The Department of Work and Pension's £118,000 is reported to have been distributed. How many people throughout Taunton Deane has this assisted?

**Reply** - We assisted 303 customers with Discretionary Housing Payments. There were a total of 375 awards meaning that some customers received more than one award.

(e) Law and Governance SHAPE Partnership Service (Paragraph 8.2)

I would just like to reiterate your kind words about Roy Pinney, and say a personal thank you to him for the work he has done for Taunton Deane and wish him well in his new appointment.

**Reply** - I will invite Councillor Lees to make his comments to Mr Pinney at the Full Council Meeting.

## 11. Recommendation to Council from the Executive

### Community Asset Transfer Policy

A consultation exercise had recently been completed in respect of the Council adopting a Community Asset Transfer (CAT) Policy.



The consultees had comprised:-

- o Councillors: County, Town and Parish as well as the Member of Parliament;
- o Education Organisations;
- o Faith Groups/Churches;
- o Internal Officers;
- o Partner Organisations; and
- o Voluntary and Community Organisations.

The Council had received a total of 27 responses giving a response rate of 7.9%.

The key themes of the consultation concerned:-

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

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

As a result of the consultation, a number of amendments had been made to the proposed CAT Policy a copy of which had been circulated to all Members along with a copy of the Initial Expression of Interest Form.

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

On the motion of Councillor Edwards, it was

**Resolved** that the Community Asset Transfer Policy and the Initial Expression of Interest Form be adopted by the Council.

## 12. **Reports of the Leader of the Council and Executive Councillors**

### (i) **Leader of the Council (Councillor Williams)**

Councillor Williams's report covered the following topics:-

- Devolution;
- Shared Services and Management with West Somerset Council;
- Proposed Firepool Development;
- Broadband Provision;
- Road Works, Taunton;
- Deane DLO Relocation;
- The Deane House Relocation Project; and
- Halcon One Team Award.

(ii) **Planning, Transportation and Communications (Councillor Habgood)**

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

- Planning Policy – Site Allocation and Development Plan (SADMP);
- Core Strategy Review;
- Regulation 123 Review;
- Neighbourhood Planning;
- Custom / Self-Build Register;
- Technical Consultation on implementation of Planning Changes;
- Quarterly Policy Update;
- Major Applications – Local Development Order; Staplegrove; Regeneration – Firepool; Transportation – Twenty Year Infrastructure; Transportation – Variable Message Signing; and
- Parking.

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

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

- Community Leisure and Play – Bandstand Concerts and Blackbrook Pool;
- Parks and Open Spaces – Vivary Café; Hanging basket deals for town centre traders; and Grass Cutting;
- Tone Leisure (Taunton Deane) Limited Activities – Health Development; Active Lifestyles; and Facility News.

(iv) **Corporate Resources (Councillor Parrish)**

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

- Corporate Strategy and Performance;
- Facilities Management;
- HR and Organisational Development;
- ICT and Information;

- JMASS Project and Transformation Project Management;
- Southwest One;
- Democratic Services;
- Law and Governance – Shape Partnership Services;
- Customer Contact Service Report;
- Revenues and Benefits Service; and
- Finance and Procurement.

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

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

- One Teams;
- RuraLReach;
- Let's Make Loneliness History! and
- Taunton Welcomes Refugees.

(vi) **Housing Services (Councillor Beale)**

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

- Deane Housing Development – Creechbarrow Road, Taunton, Weavers Arms, Wellington, Scooter Storage and Car Parking;
- Right to Buy Social Mobility;
- Affordable Housing Delivery;
- Insulation and Energy;
- Rent Arrears;
- Welfare Reform Visits;
- Discretionary Housing Payments;
- Universal Credit;
- Pathway for ASDults P4A;
- Housing Revenue Account; and
- Pre-Void Inspections and Tenancy Enforcement.

(vii) **Environmental Services and Climate Change (Councillor Berry)**

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

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

(viii) **Economic Development, Asset Management, Arts and Tourism and Communications (Councillor Edwards)**

The report from Councillor Edwards covered:-

- Creating, Commissioning and Supporting Local Business Networks;
- Supporting Inward Investment and Investor Fulfilment;
- Improving Employment Opportunities and Enhancing the Skills of the Workforce;
- Supporting Place Based Regeneration Projects and Initiatives – Firepool; Coal Orchard The Market House and Town Centre WiFi;
- Marketing the Areas as Business and Lifestyle Destinations with Links to Tourism and Culture – Taunton Visitor Centre; Town Centre Rotunda, promotional lamp-post and Castle Bow banner site; Town Centre Marketing Contract; Social Media and e-newsletters; Visit Somerset and South West Tourism Growth Fund; Promotional Literature and Cultural Events in Taunton;
- Asset Management Service General Fund Activities; and
- Communications.

(Councillors Davies left the meeting at 8.52 p.m. Councillors Miss Durdan, Stone, Ms Webber, Wedderkopp and Wren left the meeting at 8.55 p.m. Councillor Govier left the meeting at 9.12 p.m. Councillors D Durdan and Gage left at 9.25 p.m.)

(The meeting ended at 9.29 p.m.)

## APPENDIX A

### APPROVED AMENDMENTS TO THE TAUNTON DEANE BOROUGH COUNCIL CONSITUTION

REF.	CURRENT	PROSED
Notices of Motion (page 92) 4 (2)	Eight calendar days' notice are required in order to have a Notice of Motion included in the summons to a Council meeting.	Seven clear working days' notice is needed in order to have a Notice of Motion included in the summons. This means that written notice must be delivered to the Democratic Services Manager by 4 pm on the Thursday of the week prior to the week that the summons for the meeting is to be dispatched or by 4 pm on the day that provides seven clear working days before the council meeting (excluding the day of the meeting itself).
Amendments (page 94) (6)	If there is to be an amendment to the proposed budget then it must be received by the Democratic Services Manager by 12 noon the day before the Council meeting.	If there is to be an amendment to the proposed budget then it must be received by the Democratic Services Manager by 4 pm on the Thursday before the Council meeting or by 4 pm on the day that provides two clear working days before the Council meeting (excluding the day of the meeting itself).
Questions from Councillors (page 98) 14 (2)	Any Councillor upon giving two working days written notice to the Democratic Services Manager may ask ....	Any Councillor, upon giving written notice to the Democratic Services Manager by 4 pm on the Thursday before the Council meeting or by 4 pm on the day that provides two clear working days before the Council meeting (excluding the day of the meeting itself) may ask.....

## Taunton Deane Borough Council

At the Annual Meeting of Taunton Deane Borough Council, held at the Alan Rogers Centre, Wellington School, South Street, Wellington on Thursday, 12 May 2016 at 6.30 pm.

**Present** The Mayor (Councillor Mrs Hill)  
The Deputy Mayor (Councillor Mrs Stock-Wellington)  
Councillors Mrs Adkins, M Adkins, Aldridge, Beale, Berry,  
Mrs Blatchford, Booth, Bowrah, Brown, Cavill, Coles, Coombes,  
Davies, D Durdan, Mrs Edwards, M Edwards, Mrs Floyd, Gage,  
Gaines, Govier, Habgood, Hall, Mrs Herbert, C Hill, Hunt, James,  
R Lees, Mrs Lees, Martin-Scott, Nicholls, Parrish, Prior-Sankey,  
Mrs Reed, Ryan, Miss Smith, Mrs Smith, Stone, Sully, Townsend,  
Mrs Tucker, Mrs Warmington, Watson, Williams and Wren

The meeting was preceded by a Prayer offered by the Reverend Debbi Turley.

### 1. **Election of Mayor**

On the motion of Councillor Williams, seconded by Councillor Govier, it was **resolved** unanimously that Councillor Vivienne Frances Stock-Williams be elected Mayor of Taunton Deane for the ensuing year. Councillor Mrs Stock-Williams made and signed the declaration of acceptance of office.

### 2. **Deputy Mayor**

On the motion of Councillor Coles, seconded by Councillor Mrs Adkins, it was **resolved** that Councillor Hazel Ruth Prior-Sankey be elected as Deputy Mayor for the ensuing year. Councillor Prior-Sankey made and signed the declaration of acceptance of office.

### 3. **Councillor Marcia Jane Hill**

On the motion of Councillor Coles, seconded by Councillor R Lees, it was **resolved** that the best thanks of the Council be accorded to Councillor Marcia Jane Hill for the manner in which she had discharged the duties of the Office of Mayor during her term of office.

Councillor Mrs Hill replied.

### 4. **Past Mayor's Badge**

The Mayor presented Councillor Mrs Hill with her past Mayor's badge.

5. **Apologies**

Councillors Cossey, Miss Durdan, Farbahi, Mrs Gunner, Horsley, Ms Lisgo, Morrell, Ross, Ms Webber and Wedderkopp.

6. **Borough Council By-Election – 14 April 2016**

The Democratic Services Manager, on behalf of the Returning Officer, reported that Christopher Booth of 47 Farriers Green, Monkton Heathfield, Taunton had been elected to the vacancy in the Halcon Ward of Taunton.

7. **Appointment of the Executive 2016/2017**

**Resolved** that membership of the Executive would continue to comprise 8 Members for the ensuing year.

8. **Appointment of the Corporate Scrutiny Committee**

The appointment of a Corporate Scrutiny Committee for the ensuing year was agreed as follows:-

15 Members, 10 Conservatives, 4 Liberal Democrats, 1 Labour or Independent.

9. **Appointment of the Community Scrutiny Committee**

The appointment of a Community Scrutiny Committee for the ensuing year was agreed as follows:-

15 Members, 10 Conservatives, 4 Liberal Democrats, 1 Labour or Independent.

(Note: Neither of these Scrutiny Committees could be Chaired by a Member of the controlling administration).

10. **Appointment of Regulatory Committees and the Staffing Board**

(a) The appointment of a Planning Committee for the ensuing year was agreed as follows:-

15 Members, 10 Conservatives, 4 Liberal Democrats, 1 Labour or Independent.

(b) The appointment of a Licensing Committee for the ensuing year was agreed as follows:-

15 Members, 10 Conservatives, 4 Liberal Democrats, 1 Labour or Independent.

- (c) The appointment of a Corporate Governance Committee for the ensuing year was agreed as follows:-

15 Members, 10 Conservatives, 4 Liberal Democrats, 1 Labour or Independent.

- (d) The appointment of a Staffing Board for the ensuing year was agreed with membership being selected on a proportional basis, from a pool of Councillors.

**11. Standards Advisory Committee 2016/2017**

The appointment of a Standards Advisory Committee for the ensuing year was agreed, with membership to consist of 5 Councillors (3 Conservatives, 1 Liberal Democrat and 1 Labour or Independent), an Independent Person (Mrs L Somerville-Williams), 3 non-voting Parish Members (Mr M Marshall, Mr W Sparrow and Mr B Wilson) and 3 non-voting independent co-optees (Mr T Bowditch, Mrs A Elder and Mr L Rogers).

**12. Proposed Appointments to the Joint Independent Members' Remuneration Panel**

The appointment of Messrs. John Campbell Thomson and Mark Okuniewski to the Joint Independent Members' Remuneration Panel was agreed.

**13. Intercessional Prayer**

The meeting was closed at 8.09 pm with a prayer offered by the new Mayor's Chaplain, the Reverend Prebendary Christopher Rowley.



## **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 representatives – Councillors Gage and Stone**
- **Director of Tone FM – Councillor Ms Lisgo**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College.**
- **Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane.**
- **Councillor Hall declared a personal interest as a Director of Southwest One.**
- **Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and the owner of an area of land at Haydon, Taunton.**
- **Councillor Richard Parrish declared a personal interest as the District Council’s representative on the Somerset Pensions Committee.**

## **Council Meeting – 12 July 2016**

### **Hate Crimes**

#### **Motion proposed by Councillor Jane Warmington and seconded by Councillor Richard Parrish**

The attached open letter which has recently been received from the Avon and Somerset Police and Crime Commissioner and the Chief Constable has been prepared in response to a reported increase in hate crime victimisation and racial or anti-immigrant abuse within the local area following the outcome of the European Union Referendum on 23 June 2016.

The Council is therefore asked to formally endorse the content of the letter.



**AVON &  
SOMERSET**  
POLICE & CRIME  
COMMISSIONER

**AVON AND SOMERSET POLICE & CRIME COMMISSIONER**

Valley Road, Portishead, Bristol BS20 8JJ  
Tel: (01275) 816003 Facsimile (01275) 816388

e-mail : [sue.mountstevens@avonandsomerset.police.uk](mailto:sue.mountstevens@avonandsomerset.police.uk)  
**Sue Mountstevens**



**AVON AND SOMERSET CONSTABULARY**

Valley Road, Portishead, Bristol BS20 8QJ  
Tel: (01275) 816007 Facsimile: (01275) 816112

e-mail : [chief.constable@avonandsomerset.police.uk](mailto:chief.constable@avonandsomerset.police.uk)  
**Chief Constable: Andy Marsh**

## **An open Letter from Avon and Somerset Chief Constable Andy Marsh and PCC Sue Mountstevens**

In the wake of the EU Referendum we want to take the unusual step of writing an open letter to reassure our communities that we will do everything we can to keep them safe. We have been dismayed at the stories of hate crime victimisation and racial or anti-immigrant abuse reported in the media. Whatever your thoughts on the result, we hope you find the injustice and devastating effects of this as abhorrent as we do. There can never be any excuse for hate crime in any shape or form and this criminality will not be tolerated.

Nationally there has been a rise in the number of hate crime incidents to the national online reporting site, and we have seen a troublesome increase across Avon and Somerset too. Since the Referendum our police officers and staff have been reviewing the crime reports coming in to us with even greater scrutiny than before, and we have seen the numbers increase to an average of ten incidents per day in the last week compared to four. Thank you to those who showed courage in reporting.

We value the rich, multi-cultural diversity of the cities, towns, villages and rural communities where we live and work and the people that make them, and we know this is true of many of you. We would like to think that people will intervene to challenge, condemn and report abusive behaviour. We want to reassure victims that those behind it are not representative of Britain. In Bristol, we have seen shopkeepers hand out flowers to welcome migrants living and working in the city. Elsewhere local school children have shown random acts of kindness. Let's not react to the current climate but continue instead to be inclusive, accepting, welcoming and celebrate the difference that makes our communities so rich rather than letting it divide us.

More than ever in these uncertain times we want those who are victims of hate crime to feel confident in the belief that we'll take your reports seriously, protect you and make sure you get all the support you need.

So, if you are a witness or a victim of hate crime or feel vulnerable please contact someone to report it. More people are reporting hate crime than ever before but it is still significantly underreported. Don't suffer in silence; there are people who can help you. Call the **police on 101**, **Crimestoppers** on **0800 555111** or via their website at [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org), or visit the **True Vision** website ([www.report-it.org.uk](http://www.report-it.org.uk)) for information, advice and to report online. In an emergency, always dial 999.

We promise to continue to work together every day to make the communities of Avon and Somerset be safe and feel safe.

Yours sincerely

Sue Mountstevens  
Police & Crime Commissioner

Andy Marsh  
Chief Constable

# Taunton Deane Borough Council

## Full Council – 12 July 2016

### Bishops Lydeard and Cothelstone Neighbourhood Development Plan formal adoption (“made”) as a Development Plan Document for Taunton Deane Borough Council

This matter is the responsibility of Executive Councillor Roger Habgood

Report Author: Ann Rhodes (Planning Policy Officer)

#### 1 Executive Summary / Purpose of the Report

1.1 Bishops Lydeard and Cothelstone Neighbourhood Plan is a community led planning document which has been produced by Bishops Lydeard and Cothelstone Parish Council. The document and its evidence base passed an Independent Examination and was supported by 79.54% of those who voted in the referendum. The Bishops Lydeard and Cothelstone Neighbourhood Plan should be formally adopted (made) to enable it to be used to help it decide planning applications in the Bishops Lydeard and Cothelstone neighbourhood area.

#### 2 Recommendations

2.1 That the Bishops Lydeard and Cothelstone Neighbourhood Plan is formally adopted (“made”) as a TDBC Development Plan Document, and used in the planning application decision making process for the Bishops Lydeard and Cothelstone Parish area.

#### 3 Risk Assessment (if appropriate)

##### Risk Matrix

Description	Likelihood	Impact	Overall
As there are no legal reasons not to formally adopt (“made”) the Bishops Lydeard and Cothelstone Neighbourhood Development Plan, to not adopt risks Judicial Review	4 (Likely)	4 (Major)	16 (High)
As there are no legal reasons not to formally adopt (“made”) the Bishops Lydeard and Cothelstone Neighbourhood Development Plan, to not do adopt fails to implement Legislation	5 (Certain)	3 (Moderate)	15 (High)
As there are no reasons not to formally adopt (“made”) the Bishops Lydeard and Cothelstone Neighbourhood Development Plan, therefore risks the credibility of TDBC with the qualifying body undertaking the Neighbourhood Plan, and the community supporting it.	5 (Certain)	4 (Moderate)	20 (Very High)

### Risk Scoring Matrix

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

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

## 4 Background and Full details of the Report

- 4.1 The Localism Act introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan which reflect the growth needs and priorities of their communities.
- 4.2 The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990 and various Neighbourhood Planning Regulations provide the regulatory framework for neighbourhood planning.
- 4.3 From inception TDBC Neighbourhood Plans are community led development plan documents with the Local Planning Authority providing advice and assistance, and taking regulatory decisions at key legislative stages set out in the Act's and Regulations.
- 4.4 A Neighbourhood Plan must be predominantly land-use based (i.e. use of land, type and scale of development, allocate land for development). It cannot be contrary to National and Local Planning Policy (National Planning Policy Framework, Core Strategy, Site Allocations, Local Plan), nor can it conflict with European Legislation

(Equalities, Environmental and Ecological). A Neighbourhood Plan cannot restrict development but it can shape development that has been allocated through local Planning Policy and allocate land for development.

- 4.5 Bishops Lydeard and Cothelstone Parish Council began the process of developing a Neighbourhood Plan in 2012. An application was received from them on 11 March 2013 to produce a neighbourhood plan and for the designation of the Parish of Bishops Lydeard & Cothelstone as a Neighbourhood Plan Area. The application was published for statutory consultation between 20 March and 3 May 2013 (six weeks and two days) in accordance with Regulation 6 of the Neighbourhood Plans (General) Regulations.
- 4.6 A parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. In accordance with Section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) Bishops Lydeard and Cothelstone Parish Council are therefore a “relevant body” for the purpose of producing a neighbourhood development plan.
- 4.7 In accordance with Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and taking account of Government guidance TDBC formally designated the entirety of the Parish of Bishops Lydeard and Cothelstone as the Neighbourhood Planning Area on 30 May 2013.
- 4.8 The Bishops Lydeard and Cothelstone Neighbourhood Plan was developed through an iterative process over two and a half years using quantitative (e.g. factual studies and statistics) and qualitative (e.g. surveys, consultation and engagement) data. The Bishops Lydeard and Cothelstone Neighbourhood Plan contains nine policies:
- H1 Housing for Older People;
  - H2 Housing for Families;
  - H3 Housing Setting and Open Space;
  - H4 Separate Dwellings in Gardens;
  - H5 Housing Design and Density;
  - E1 Conversion of Existing Premises to Commercial Use;
  - E2 Change of Use of Public Houses;
  - TR1 Provision of Transport Infrastructure;
  - TR2 Foot and Cycle Paths.

The Neighbourhood Plan process was also used to establish Parish Priorities for Community Infrastructure Receipts. As this is not purely a land-use matter it cannot be a policy in the Neighbourhood Plan so it appears as an appendix in the document.

- 4.9 The Bishops Lydeard and Cothelstone Neighbourhood Plan and its supporting documents was submitted to Taunton Deane on 1 October 2015. In accordance with Regulation 16(v) of The Neighbourhood Planning (General) Regulations it was subject to regulatory consultation, which ran from 15 October till 27 November 2015, (six weeks and two days). 10 representations were received during the period of consultation which were submitted in their entirety to the independent examiner in accordance with Regulation 17(d).

- 4.10 In accordance with Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and in the Neighbourhood Plans (General) Regulations 2012 an Independent Examiner, John Mattocks, was jointly appointed by TDBC and Bishops Lydeard and Cothelstone Parish Council to carry out an independent examination of the Bishops Lydeard and Cothelstone Neighbourhood Plan.
- 4.11 The examination was conducted by written representations. The Independent Examiners report was received on 29<sup>th</sup> January 2016. The report concluded that:
- The BLCNDP is compliant with European Convention of Human Rights;
  - The BLCNDP is compatible with EU Environmental Obligations (Strategic Environmental and Habitats Assessment) and does not breach Convention Rights;
  - The BLCNDP, subject to modifications, meets all the Basic Conditions;
    - Has regard to national policies and to advice contained in guidance issued by the Secretary of State;
    - Contributes to the achievement of sustainable development;
    - Is in general conformity with the strategic policies contained in the development plan for the area [TDBC adopted Core Strategy];
    - Ensure that 'prescribed conditions' are met and 'prescribed matters' [the correct processes and procedures] have been complied with in plan preparation and submission.

and that,

- As such the BLCNDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Area to which the Plan relates [the Parish of Bishops Lydeard and Cothelstone].

- 4.12 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, Taunton Deane decided accept the recommendations and make modifications to the draft plan to ensure that it meet the basic conditions set out in legislation. This decision was published in the Weekly Bulletin of 4 February 2016, Record of Decision taken by an Executive Councillor.
- 4.13 In accordance with the Localism Act 2011, Neighbourhood Planning (Referendum) Regulations and Neighbourhood Planning (Prescribed Dates) Regulations the Bishops Lydeard and Cothelstone Neighbourhood Plan was subject to a referendum, on 5 May 2016, which posed the question *Do you want Taunton Deane Borough Council to use the neighbourhood plan for Bishops Lydeard and Cothelstone to help it decide planning applications in the neighbourhood area?*.
- 4.14 Persons on the electoral register in the referendum area eligible to vote in a local election for their area were entitled to vote. There are 2336 electorate in the Bishops Lydeard and Cothelstone Neighbourhood Plan Area and 733 persons voted. The results of the referendum were:-

- Yes 583 79.54%;
- No 132 18%;
- Rejected ballot papers 18 2.46%.

4.15 The Planning Guidance states that as soon as is reasonably practice following a referendum, the Local Planning Authority, must decide whether the Neighbourhood Plan should be made (brought into legal force). There are a narrow circumstances where the Local Planning Authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations.

4.16 Officers recommend to members of Full Council that the Bishops Lydeard and Cothelstone Neighbourhood Plan be made. The Independent Examiner's report said that the Bishops Lydeard and Cothelstone Neighbourhood Plan was compliant and compatible, subject to minor changes, which the Portfolio Holder accepted and those recommendations were applied to the Plan. The correct processes and procedures have been complied with in plan preparation and submission.

## **5 Links to Corporate Aims / Priorities**

5.1 The decision of Member's relates to a statutory duty. In addition to this, The Bishops Lydeard and Cothelstone Neighbourhood Plan has policies on:

- H1 Housing for Older People;
- H2 Housing for Families;
- H3 Housing Setting and Open Space;
- H5 Housing Design and Density;
- E1 Conversion of Existing Premises to Commercial Use;
- E2 Change of Use of Public Houses;
- TR1 Provision of Transport Infrastructure;
- TR2 Foot and Cycle Paths.

and therefore links to the following Corporate Strategy 2016-20 aims:-

- Theme 1b People - a range of additional housing types suitable in particular for single person households, young people in rural communities and elderly people;
- Theme 1c People - support the wellbeing of an older population and our most vulnerable residents;
- Theme 2b Business and Enterprise - Further develop the offering of the Deane in terms of social, leisure and culture in order to make the area an even more attractive proposition for investment;
- Theme 3a Our Place - Work with, lobby and influence others to further improve the Deane's transport links including additional cycle paths, measures that tackle congestion...;



- Theme 3g Our Place - Work with others to introduce measures that reduce the risk of flooding within our communities.

## **6 Finance / Resource Implications**

- 6.1 There are no known financial or resource implications if the Bishops Lydeard and Cothelstone Neighbourhood Plan is made (brought into legal force) through formal adoption by the Council.
- 6.2 If Taunton Deane do not adopt the Bishops Lydeard and Cothelstone Neighbourhood Plan the Council would be open to Judicial Review, with its associated financial and recourse costs, because the Plan is deemed compliant and compatible with The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990 and the various Neighbourhood Planning Regulations.

## **7 Legal Implications**

- 7.1 The Bishops Lydeard and Cothelstone Neighbourhood Plan would become a statutory TDBC Development Plan Document and therefore given material weight in the Development Management process. Applications for planning permission in the Neighbourhood Plan Area would be determined in accordance with it, unless (as any other development plan document) material considerations indicate otherwise.
- 7.2 If Taunton Deane did not adopt the Bishops Lydeard and Cothelstone Neighbourhood Plan it may be open to Judicial Review, because the Plan is deemed compliant and compatible with The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990 and the various Neighbourhood Planning Regulations.

## **8 Environmental Impact Implications**

- 8.1 The Bishops Lydeard and Cothelstone Neighbourhood Plan was subject of a Strategic Environmental Assessment (SEA) screening process, which included consultation with the three SEA statutory consultees (Environment Agency, Natural England and Historic England). The report was conducted by an independent environmental consultancy. There are no individual, or cumulative, adverse impacts on the environment as a result of the Plan.

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 No known implications

## **10 Equality and Diversity Implications**

- 10.1 No known implications

## **11 Social Value Implications**

- 11.1 No known implications.

## **12 Partnership Implications**

12.1 No known implications.

## **13 Health and Wellbeing Implications**

13.1 Bishops Lydeard & Cothelstone Neighbourhood Plan supports the Health & Wellbeing Objectives through policies on

- H1 Housing for Older People;
- H2 Housing for Families;
- H3 Housing Setting and Open Space;
- H5 Housing Design and Density;
- E1 Conversion of Existing Premises to Commercial Use;
- E2 Change of Use of Public Houses;
- TR2 Foot and Cycle Paths.

## **14 Asset Management Implications**

14.1 No known implications

## **15 Consultation Implications**

15.1 Throughout the development of the Bishops Lydeard and Cothelstone Neighbourhood Plan and after its submission to TDBC, the consultation has been undertaken in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act), Neighbourhood Planning (General) Regulations and Neighbourhood Planning (Referendum) Regulations, and in the case of its accompanying SEA screening report the Environmental Assessment of Plans and Programmes Regulations 2004.

## **16 Scrutiny Comments / Recommendation(s)**

16.1 The Bishops Lydeard and Cothelstone Neighbourhood Plan went before Community Scrutiny on the 7 June 2016. Community Scrutiny resolved that:-

1. The report be noted; and
2. The Community Scrutiny recommended to Full Council to formally adopted (“made”) as a TDBC Development Plan Document, and used in the planning application decision making process for the Bishops Lydeard and Cothelstone Parish area.

**Democratic Path:**

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

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

**List of Appendices**

Appendix A	Bishops Lydeard & Cothelstone Neighbourhood Plan

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# Taunton Deane Borough Council

## Full Council – 12 July 2016

### Heart of the South West Formal Devolution Bid

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

Report Author: Brendan Cleere, Director - Growth and Development

#### 1 Executive Summary / Purpose of the Report

- 1.1 This report seeks approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. An 'in principle' agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process will open up negotiations with HM Treasury to work towards a Deal.

#### 2 Recommendations

The recommendations below seek to gain authority to pursue solutions that help the Council maximise the opportunities of devolution. They do not commit the Council to a formal Devolution Deal, only to the principle of a Combined Authority to open up negotiations with Government.

At this stage of the process the Council is not required to take decisions on the detail of future service provision but rather to be actively aware and involved in discussions.

It is recommended that Full Council:

1. Endorse the Leader's current approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;
2. Note that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

### 3 Risk Assessment

The involvement of technical specialists such as S151 officers and legal advisers in the development of any draft deal and combined authority model will help to understand the risk implications for the Council and the wider partnership. A risk register will be developed to sit alongside the development of the draft deal and the combined authority.

### 4 Background and Full details of the Report

4.1 Devolution for the Heart of the South West (HotSW) is being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership and the three Clinical Commissioning Groups. The group has become an informal partnership working towards a Devolution Deal with Government to secure greater powers, and control and to have a stronger voice with Government.

Our shared Devolution Statement of Intent was submitted to Government on 4 September 2015, in response to announcements in the July Budget and the deadline set by the Chancellor of the Exchequer.

Since September 2015, the partnership has strengthened and evolved, and jointly developed the HotSW Prospectus for Prosperity (Appendix 1). The Prospectus builds on the three basic ambitions: - to raise productivity levels; improve health, care and wellbeing; and improve connectivity and resilience. A number of thematic groups were established to develop the detail for the proposition.

- Health, social care and wellbeing
- Skills and employment
- Business support
- Infrastructure, resilience and connectivity
- Housing and planning
- Governance

Our Prospectus for Prosperity was submitted to Government at the end of February 2016. Since then the Partnership has pressed the Secretary of State to enter into discussion with its negotiation team to secure a Devolution Deal for the Heart of the South West area. Following an invitation from the Secretary of State, on the 25th May 2016, leaders from the upper tier authorities met with the Greg Clarke, Secretary of State for the Department of Communities and Local Government to seek his views on our next steps forward.

Following that meeting, he invited us to come forward with a proposal and the following points were clarified:

- **Geography** – the Devon and Somerset area is agreed as the appropriate scale. Our proposal will need clearly demonstrate why this is the right geography for the Devolution agreement and all councils and MPs must support the proposal.
- **Combined Authority** – the Partnership will move forward into the negotiation process based on a Combined Authority model. The Mayoral issue may

be considered at a later stage, within the timeline agreed by our Partnership. A Mayor will not be imposed or be a pre-condition of any initial deal.

- **Extent of the Deal** – areas that have agreed to have a Mayor will get more powers than a non-Mayoral Combined Authority. However, the negotiation process will be an opportunity to push the limits of this initial Deal, and the process should be viewed as being incremental
- **Timeline** – we will still work towards an Autumn Statement timeline for the announcement of an initial Deal
- **Growth Deal 3** – the LEP will not be penalised in Growth Deal 3 negotiations just because the area has decided to pursue a Devolution Deal based on a Combined Authority without a Mayor. The decision for allocation will be based purely on the quality of the Growth Deal bid.

The Secretary of State went on to advise that if the Partnership, backed by each Council and MPs, would sign up to the principle of creating a Combined Authority by the end of July 2016, he would arrange for HM Treasury to open up negotiations towards a Devolution Deal.

This report seeks approval to sign up *'in principle'* to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. An *'in principle'* agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process will open up negotiations with HM Treasury to work towards a Deal.

Any final Devolution Deal with Government will be subject to further approval / ratification by all partners individually. A Heads of Terms document will be used as a negotiating tool to draw down additional powers and funding to provide a significant boost to the Heart of the South West economy by creating new jobs, accelerating the delivery of new homes, and raising skills levels.

It should be noted that there is no intention for a new Combined Authority to take existing powers or funding from local authorities, or existing City Deal governance structures, without the explicit agreement of those constituent local authorities. Further detailed work will be undertaken to identify the decision making powers and the constitution of the Combined Authority, and all partners will be fully involved and consulted on these arrangements as they develop over the coming months.

## 4.2 Alternative options considered and rejected

1. To decline the Secretary of State's offer and continue at our own pace.

Reason for rejection: As far as we are aware we may be the first two tier area to be given the opportunity to enter into negotiation with Government for a Devolution Deal without committing to a directly elected Mayor (except for Cornwall which has a different arrangement). This is a prime opportunity to test Government and push as far as we can for powers to be devolved to the HotSW. The offer is likely to be time-limited due to Government schedules and announcements.

2. To make separate approaches to Government, rather than as a Heart of the South West partnership.

Reason for rejection: Since the submission of the Statement of Intent in September

2015, the 17 local authorities, 2 National Parks, the HotSW Local Enterprise Partnership and the 3 Clinical Commissioning Groups have worked very effectively together to create a strong and credible Prospectus that has been acknowledged by the Secretary of State. We should remain united moving forward into negotiations to have a stronger voice, and secure a better Deal.

### **4.3 Next steps**

If HM Treasury agree to open up negotiations towards a Devolution Deal for the Heart of the South West, further work will be required as detailed below. The timescales to deliver this work will be extremely tight if the Partnership is to achieve its target of establishing a Combined Authority in May 2018. The Programme Management Office oversees the delivery of the work plan and maintains communications between each partner. Consideration will need to be given to whether the capacity of the PMO will need to be increased to meet these potentially tight timescales.

### **4.4 Productivity Plan**

The HotSW partnership has already committed to develop a Productivity Plan which will guide the powers and resources received in our devolution agreement, together with local contributions. This plan represents a refresh of the LEP's current Strategic Economic Plan (SEP).

Regardless of whether the Government agrees to open up negotiations for a Deal, the development of a Productivity Plan for the Heart of the South West sub-region will be an imperative to describe the long term future growth of the area, in order to provide a better quality of life for our residents. Therefore, work will continue on the development of a sub-regional Productivity Plan irrespective of whether there is an announcement in the Chancellor's Autumn Statement.

The Productivity Plan will focus on each of the six 'golden opportunities' that have been identified in the prospectus - Marine, Nuclear, Aerospace and Advanced Engineering, Data Analytics, Rural Productivity and Health. Sitting beneath each of the 'golden opportunities' will be detailed plans setting out our ambitions for the region and what plans we need to have in place to achieve those ambitions.

### **4.5 Governance Review**

A Governance Review is already underway. This is examining existing structures and developing options for the best governance structure for the Heart of the South West sub-region. As part of this review, the following key issues will be considered and all partners will be involved in this process:

- The extent of the decision making powers to be vested in the Combined Authority
- What decision making structures or advisory committees (including place-based arrangements) will be required under the Combined Authority– including any joint committee arrangements
- Proposed voting arrangements

### **4.6 Engagement with Members and partners**

Council Members will be kept informed as work continues, including through:

- Newsletters from the Heart of the South West devolution partnership
- A Member Development Programme to be run across the whole area and

It is possible that one or more partners may choose not to proceed with a formal bid. This would be unfortunate as there is strength in all partners coming on board; however it is possible for a Devolution Deal to go ahead even if one or more local authorities choose to opt out. There is significant discussion underway between partners to produce proposals that are acceptable to all, and this will be fully explored as the bid develops.

## **5 Links to Corporate Aims / Priorities**

- 5.1 Devolution potentially covers a wide range of services and plans. The detail of these will develop as formal proposals are developed locally and through negotiation with Government, and when the final Devolution Deal is put into place.
- 5.2 Our devolution proposals seek to deliver priorities and targets across all parts of the TDBC Corporate Vision and Strategy, namely:
- Vision: “Working with our communities to keep Taunton Deane a great place in which to live, work and learn and enjoy”
  - Key theme 1 – People (supporting the needs of our increasingly older population, greater housing provision, greater high-quality employment opportunities)
  - Key theme 2 – Business and enterprise (sustaining our local economy, keeping our town centres vibrant)
  - Key theme 3 – Our Place (Taunton Deane a place to be proud of, well maintained, welcoming to resident, visitors and businesses, and easy to get around)

## **6 Finance / Resource Implications**

- 6.1 Each of the partner councils S151 officers will be involved in the development of the draft Deal and the investment framework that would support a Combined Authority. This will allow each partner Council and the Partnership as a whole to understand the financial implications of a Combined Authority and any Devolution Deal.

## **7 Legal Implications**

- 7.1 Each of the Councils’ legal teams will be involved in the development of the draft Deal and the structure of a Combined Authority for the Heart of the South West. This will allow each Council and the Partnership as a whole to understand the legal implications of any Devolution Deal and new Combined Authority body.

## **8 Environmental Impact Implications (if any)**

- 8.1 No environmental / sustainability impacts associated with the publication of this report (in itself) have been identified however a key objective of the draft bid concerns sustainability and will be addressed as the detail of the devolution deal is negotiated, ratified and delivered.



## **9 Safeguarding and/or Community Safety Implications (if any)**

- 9.1 No impacts on community safety associated with the publication of this report (in itself) have been identified however they will be addressed as the detail of a devolution deal is negotiated, ratified and delivered.

## **10 Equality and Diversity Implications**

- 10.1 None at this stage however the whole population of our authority could be affected by a devolution deal. Any final devolution deal with government will be subject to further approval / ratification by all partners, and will require other implications and impacts to be considered at that stage.

## **11 Social Value Implications (if any)**

- 11.1 No impacts on Social Value associated with the publication of this report (in itself) have been identified.

## **12 Partnership Implications (if any)**

- 12.1 Devolution for the Heart of the South West (HotSW) is being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, Clinical Commissioning Groups, and the Local Enterprise Partnership.

## **13 Health and Wellbeing Implications (if any)**

- 13.1 No impacts on health and wellbeing associated with the publication of this report (in itself) have been identified however a key objective of the draft bid concerns health and wellbeing and will be addressed as the detail of the devolution deal is negotiated, ratified and delivered.

## **14 Asset Management Implications (if any)**

- 14.1 No impacts on Asset Management associated with the publication of this report (in itself) have been identified.

## **15 Consultation Implications**

- 15.1 Individual councils will need to set out what communication they have undertaken to keep their members and staff informed about the potential Devolution Deal and Combined Authority approach. The Partnership is developing a video piece for Members, explaining its work and next steps. It has also developed a Member Development Training Programme that will be delivered in the Autumn.

The Partnership regularly produces a newsletter, and key documents are posted on each Council's website.

Based on advice from other Devolution areas the Heart of the South West partnership will undertake more widespread public consultation when negotiations are at a more developed stage.

Members are asked to note that

- Any final Devolution Deal with Government will be subject to:
- Further approval / ratification by all partners
- Consultation, as appropriate, before delivery of parts of the Deal

## 16 Scrutiny Comments / Recommendation(s)

16.1 N/A

### Democratic Path:

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

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

### List of Appendices (delete if not applicable)

Appendix 1	Prospectus for Prosperity – click on link to HoSW LEP website below: <a href="http://www.heartofswlep.co.uk/sites/default/files/user-1889/Heart%20of%20the%20South%20West%20Devolution%20Prospectus.pdf">http://www.heartofswlep.co.uk/sites/default/files/user-1889/Heart%20of%20the%20South%20West%20Devolution%20Prospectus.pdf</a>
Appendix 2	'What Devolution will mean for my local authority area'
Appendix 3	Briefing Note - What is a Combined Authority?

### Contact Officers

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June 2016

## **What does Devolution mean for the Heart of the South West - and for my own organisation and local authority area?**

Since the submission of the Statement of Intent in September 2015, the Heart of the South West Partnership have been working together to try and draw down greater powers, funding and freedoms from Government by securing a Devolution Deal for the area.

## **There are a number of underlying reasons to pursue a Devolution Deal and Combined Authority as a Heart of the South West Partnership**

The partnership has agreed the rationale and benefits for being involved in this process as follows:

- This is a unique opportunity to release powers and funding from Whitehall and enable us to have greater influence to deliver on the priorities we know are important to our sub-region
- It places our Partnership into an exclusive club with the 10 other deal areas and the advantages this can bring in terms of incremental shifts of power from the centre to local areas
- It is the start of an ongoing process that will allow us to build on our track record and credibility for delivery that makes a tangible difference to our communities

By working together as a Partnership we have a stronger voice with Government and greater clarity about our shared priorities. It puts decision-making closer to our communities so that we can plan, sequence and deliver what our areas need over the longer term. It will create a firm foundation for working together and for having conversations at a strategic level with neighbouring areas across the South West.

## **The benefits across the whole partnership of working together towards a Devolution Deal include access to new powers, for example around:**

- **Transport** – for example around bus franchises, and determining local bus network routes
- **Learning and Skills**– for example, control of the Adult Education Budget to redesign further education
- **Business Support** – having the freedom to join up a range of Government agencies locally to provide a better, more coordinated offer to businesses
- **Employment Support** – the ability to influence commissioning of the new DWP Health and Work Programme
- **Land and Housing** – greater influence over the use or disposal of central Government land and assets, and working with Government on planning reforms

# Devolution

for the Heart of the South West

## **Benefits within my own organisation and for my local area**

[This section is for completion within each organisation reflecting on local context, individual organisational priorities and the perceived benefits it wishes to draw down for their communities. For example, provides a position at the table to influence sub-regional policy on a range of new powers that are important to its particular patch.]

DRAFT

## What is a Combined Authority?

### Summary

Combined authorities (CAs) were introduced under in the [Local Democracy, Economic Development and Construction Act 2009](#) ('2009 Act'), and subsequently amended by the [Cities and Local Government Devolution Act 2016](#). The Heart of the South West Partnership has developed this briefing note as a simple explanation of both a Mayoral and Non-Mayoral Combined Authority (CA). Following a meeting with the Secretary of State in late May, and in line with the briefing note circulated shortly afterwards, the Partnership is considering establishing a Non-Mayoral CA.

It should be noted that we are not seeking to establish a Mayoral CA at this stage, but we are keeping our options open to see what additional powers this could unlock in the future. It is important that we collectively agree to the principle of setting up a Non-Mayoral CA initially to allow us to enter into negotiations with Government at this time.

### What is a Combined Authority (CA)?

England has one of the most centralised governance systems in the world. By creating a CA, the Heart of the South West partnership aims to draw down a range of new strategic powers and funding from central Government, through a Devolution Deal. This will mean that more decisions can be taken locally to better reflect local priorities. A CA can be set up by two or more local authorities. It is a formal structure with a recognised legal status. It usually has one representative from each of the constituent member local authorities, and operates on either a Leader and Cabinet, or Committee structure. A Mayoral CA also has a directly-elected Mayor who is the overall Leader or chair.

The 2016 Act removes previous limitations on the powers that a CA can exercise and permits the Secretary of State to transfer a wide range of statutory functions, including functions from public bodies. The only qualifications on this relate to the transfer of health service functions. The extent of the powers transferred depends on the Devolution Deal agreed with Government. The Secretary of State has been clear that the Mayoral CA model enables areas to draw down the most extensive range of powers. Examples of some pre-existing Combined Authorities that will become Mayoral CAs by May 2017:

- [Greater Manchester Combined Authority](#)
- [Sheffield City Region](#)
- [Liverpool City Region](#)

### What it's not.....

A Combined Authority is **not**:

- part of a process to instigate local government reform, or bring about unitary status.
- a take-over by any authority, nor a merger of authorities to form a 'super council'.
- about ceding (transferring) powers to a single body without the express will of the constituent local authorities.
- a 'physical entity,' for example with teams of regeneration officers from the constituent authorities sitting in one building – **unless** the constituent local authorities wish it to be. (Except for a very small core support team that is required by law)

## What is a Mayoral CA?

A Mayoral CA is a new variant introduced under the 2016 Act and is different to the elected mayors that a number of councils already have in place such as Torbay.

Up until recently, the Mayor of London had a unique position within English local government, with powers over strategic planning, transport, fire and emergency planning, policing and crime, and economic development over all of London, together with an elected 25-member London Assembly with scrutiny powers. The remaining local government functions in London are performed by the 32 borough councils.

Through Devolution Deals a number of areas have agreed to have a directly elected Mayor and a CA in return for a range of additional powers. An example of this is Greater Manchester Combined Authority. It will have a different model from London as they will operate a cabinet model CA, where all GMCA leaders have a clear portfolio of responsibilities that will act as a supporting and advisory function to their Mayor and CA in respective policy areas. Elections for the GMCA Mayor will take place in May 2017.

In this example the Mayor will need to consult the Cabinet on his/her strategies, which it may reject if two-thirds of the Members do not agree. Some functions such as the Statutory Spatial Framework will need to be approved by a unanimous vote of the Cabinet.

## What is the process for setting up a CA?

There are a number of routes for establishing a CA.

- 2009 Act – requires the authorities to carry out a governance review and publish a scheme recommending the creation of a combined authority. This requires the consent of the authorities involved in the scheme and the Secretary of State will agree to make a Parliamentary Order under the Act to create the CA.
- 2016 Act – the Secretary of State can establish a Combined Authority if the councils in the area consent. The Secretary of State must hold a public consultation if this has not already been undertaken locally. The Secretary of State needs to be satisfied that the CA is likely to “*improve the exercise of statutory functions*” in the area. The typical timeframe for establishing a CA through this route is 6-9 months.

An existing CA can be changed into a Mayoral CA through a Statutory Order from the Secretary of State. Any authorities that do not consent must be removed from the CA when the elected Mayor is established.

The governance review stage is important in determining the best model of CA for an area and is part of the overall scheme. In a Non-Mayoral CA the constituent members need to decide if they want a Leader and Cabinet, or a Committee style model for the CA

## Can the membership of a CA be changed?

It is possible for councils to leave, or for new councils to join a CA, however Government agreement is required to amend or dissolve the Combined Authority. If a local authority wishes to leave the Combined Authority, a new review of governance arrangements would have to take place, and a revised scheme would need to be published, before the Statutory Order could be amended.

## What sort of powers could the HotSW Combined Authority expect to receive through its first Devolution Deal?

No other areas of the country have been given a Devolution Deal based on the establishment of a new Non-Mayoral Combined Authority, however the Deals struck with Cornwall and West Yorkshire provide a guide as to what we might expect to be in our Deal.

We believe we are in a strong position to push for as much as possible in our first Deal with Government.

Devolution Deals tend to be incremental and to evolve over time. Once areas are able to demonstrate that they have strong and accountable governance arrangements in place, and that they can successfully deliver on the new functions, Government is willing to transfer further powers by negotiating subsequent deals. In March 2016, Greater Manchester, the pioneers of Devolution, successfully secured their 4<sup>th</sup> Deal with Government which gave them greater powers over more public services, including the criminal justice system.

All Devolution Deals have a common set of themes; however the greatest powers, funding control, and influence are reserved for areas with Mayoral Combined Authorities. We believe that the following examples would be available to us as a bare minimum:

- **Transport** – for example around bus franchises, and determining local bus network routes
- **Learning and Skills**– for example, control of the Adult Education Budget to redesign further education
- **Business Support** – having the freedom to join up a range of Government agencies locally to provide a better, more coordinated offer to businesses
- **Employment Support** – the ability to influence commissioning of the new DWP Health and Work Programme
- **Land and Housing** – greater influence over the use or disposal of central Government land and assets, and working with Government on planning reforms

We will be pushing hard for all the powers and influence reflected in the 'Asks' in our Prospectus. In particular we will be making a strong case to secure a long term investment commitment for the infrastructure we need to unlock growth.

## How would it impact on my Council?

The CA does not replace the existing member Councils, it operates alongside and allows those members to draw down and exercise a range of powers and control funding from Government they would not otherwise be able to access. It means that local politicians have greater control over decision making traditionally held in Westminster. The extent of the powers is determined by the Devolution Deal negotiated with Government.

It is not intended for any existing council functions across Devon and Somerset councils to transfer to the CA at the time of its establishment, but once established it would be possible, where there is a clear benefit, for councils to transfer functions into the CA, subject to agreement.

## Further information

House of Commons Briefing Paper on Combined Authority – February 2016

<http://researchbriefings.files.parliament.uk/documents/SN06649/SN06649.pdf>

# Taunton Deane Borough Council

## Full Council – 12 July 2016

### Tone Leisure merger with Greenwich Leisure Limited

This matter is the responsibility of Executive Councillor Cllr Catherine Herbert

Report Author: Alison North

#### 1 Executive Summary

- 1.1 Since July 2014 Tone Leisure have been in discussion with the UK's largest leisure charitable social enterprise, Greenwich Leisure Limited (GLL), to explore the potential for Tone Leisure's responsibility for the provision of leisure services within the Borough being merged with GLL. These discussions were triggered by the shifting market for local authority provision and the recognition at the tender that Tone Leisure was a small local trust and therefore disadvantaged in terms of competing successfully to win contracts.
- 1.2 Members were advised of the general nature of the current proposals in May 2015 in a briefing note, which also updated that Tone Leisure had become a wholly owned subsidiary in GLL's group structure with a view to further integration being progressed over time. A further briefing was carried out as part of the Members induction programme and as part of the regular Scrutiny reports submitted by Tone Leisure. Since that time discussions have continued to the point where the proposal is now a merger between Tone and GLL. GLL and Tone are now formally seeking the support of TDDB for the merger and this report sets out the issues which Councillors will need to consider in approving the assignment of the existing leases and funding arrangement, pre the Council progressing a procurement exercise for new arrangements starting 2019.

#### 2 Recommendations

- 2.1 It is recommended that Full Council approve the merger between Tone Leisure and Greenwich Leisure Limited, and in order to facilitate the transfer of leisure service provision from Tone Leisure to Greenwich Leisure Limited, should agree for the three years remaining of the current arrangements with Tone Leisure:-
  - The assignment of relevant property leases from Tone Leisure to Greenwich Leisure Limited; and
  - The transfer of the funding agreement from Tone Leisure to Greenwich Leisure Limited.



### **3 Background**

- 3.1 In 2002 following a strategic leisure study the Council resolved that a leisure trust should be formed in order to provide leisure services within the Borough. This proposal was put forward in recognition of the challenges the Council was facing at the time in sustaining capital investment and securing ongoing revenue provision for its six leisure assets. The formation of a leisure trust was identified as the best means of addressing these issues, with such an arrangement providing savings through NNDR/VAT which could be earmarked for reinvestment for the purposes of future maintenance leisure assets. A trust was also seen as an appropriate mechanism for imposing a requirement on any operator to provide community benefit projects.
- 3.2 In June 2004 Full Council approved the recommendation that the Council's leisure facilities and development services be transferred to Tone Leisure, set up as a company limited by guarantee. The arrangements for the provision of these services were set out in formal agreements which provided for annual funding, supported by fifteen year leases for each facility. These arrangements are all due to end in June 2019.
- 3.3 It is clear that the changing climate of public expenditure and the future requirements for leisure services are now very different from when Tone Leisure was formed in 2004. Pressures on Councils through declining revenue and increased capital maintenance costs have forced a change in how the leisure operator market functions, with a greatly increased emphasis on more commercial contracts which places more onus on the operator rather than the Council in the future provision of services.
- 3.4 Against this emerging financial and operational background, it was recognised by the Tone Leisure Board Trustees that they needed to identify a strategy which would provide the organisation with the best chance of achieving sustainability and longevity as a service provider in the leisure sector. There is also a need to consider their position as a local employer and those within the community that rely upon this employment. As such they began discussions with the UK's largest leisure charitable social enterprise, Greenwich Leisure Limited (GLL), in order to explore the potential for Tone Leisure to utilise the national expertise of GLL, their financial strength and skills whilst maintaining local networks and employees. By considering a merger rather than remaining as an owned subsidiary has enabled Tone Leisure to become the lead for the South West Region as GLL expand on their regionalisation strategy.
- 3.5 Appendix A sets out Tone Leisure's recommendation from the Board Chair.

#### **4. Who are Greenwich Leisure Limited (GLL)?**

- 4.1 GLL was formed in the early 1990's and has grown to be a major provider of leisure services within the charitable social enterprise sector. The company operates over 200 leisure centres nationwide through a growing network of regional hubs operating diverse services across a variety of health, fitness, sport, library, arts and cultural facilities. GLL employ approximately 10,000 members of staff and have a turnover of approximately £250m.

- 4.2 Overall GLL are the largest leisure operator in the UK with continued growth having brought more than £80m direct capital investment in to facilities
- 4.3 Tone Leisure's Board were particularly keen to explore possible engagement with GLL not just because of GLL's significant size and expertise in the industry, but also because of the close alignment between GLL's community-focused corporate values and those of Tone. In seeking a merger with GLL it is felt that Tone have been proactive in safeguarding the service in the manner identified later in the report.

## **5. The proposals in detail**

- 5.1 On the assumption that the Council ultimately supports the proposals for merger, the merger of Tone Leisure into GLL can be achieved in one of two ways.
- 5.2 The first and potentially simplest way is for the assignment of the existing leases from Tone Leisure to GLL.
- 5.3 The second and arguably more complex approach involves Tone Leisure (and its two subsidiary companies) being converted into community benefit societies, following which the engagements of these companies could then be formally transferred to GLL via the statutory transfer process as set out in the Co-operative and Community Benefit Societies Act 2014.
- 5.4 Due to the complications of the second approach and the relatively straight forward mechanism of assigning leases to enable what is required 5.2 is the recommendation of this report. Whichever approach is followed, the merger process will ultimately lead to leisure services within the Borough being provided by GLL as a business entity. In operational terms this means that the Tone Leisure brand will no longer be seen at the Council's facilities and once the merger is complete GLL branding will be seen across the Borough's leisure sites, for the remainder of the current service period up to 2019. In terms of service, GLL would continue to be required to provide the services in the same manner as Tone have to date, in full accordance with the service agreement as currently operated by Tone. Overall customers will see no change to the services which they currently enjoy and they will benefit from the ability to use other GLL sites across the country if they hold a membership. It should be stressed that GLL will only be able to continue with the provision of services on this basis until 2019 (the same date as that on which the current arrangements with Tone are due to terminate), at which point the entire service will need to be subjected to a full formal procurement exercise, this will be for a different offering than is in place now.
- 5.5 Following the transfer to GLL, the annual grant management fee that is currently paid by the Council to Tone Leisure will be payable to GLL, but there will be no change to how this payment is administered which is through quarterly instalments. The Council will continue to control the level of payment set at each budget as now.
- 5.6 GLL recognise and value the importance of local connectivity and Members part in influencing and monitoring services. Following transfer and absorption, it is proposed that GLL will operate via an advisory board which will have the purpose of maintaining the connection of service delivery with the community through Councillor Representation. The requirement within the current funding agreement – which

stipulates that an annual business plan be produced setting out the key area of work for

each forthcoming year – will also remain in force, as will the requirement for a company representative to attend Scrutiny Committee quarterly.

5.7 Overall, the merger will lead to a situation in which Council leisure services will be provided by a major operator with a significant position in the market, which it is argued will make leisure services within the Borough more resilient to economic and financial pressures, while securing significant benefits in terms of access to capital, cash flow support and general risk management.

5.8 Tone Leisure staff will transfer via TUPE to GLL and new employees will have access to GLL's current pension provision.

## 6. Considerations for the Council

6.1 There are numerous aspects of the proposed merger which Members will need to consider before reaching an informed decision in this matter. These considerations have been confirmed formally by GLL as per Appendix B

6.2 **Service provision** –As stated above, GLL will continue to be bound by the same service arrangements as are currently operated by Tone.

6.3 **Corporate aspects** –If GLL assume responsibility for the provision of leisure services within the Borough, the Council will effectively have no direct representational interest in the new provider. In this situation, Members may need to consider if the replacement with an Advisory Board is sufficient to ensure that local needs for leisure services are met. The view of officers is that the Council's control over GLL will be predominantly exercised via the funding agreement and other supporting documents, and that the current interest in Tone via its board is merely secondary to the Council's already-significant ability as contracting authority to secure appropriate levels of leisure service provisions within the Borough

6.4 **Procurement** – Clearly the transfer of leisure services from Tone to GLL will entail the award of a significant service to a provider without a formal competition process. However, such a transfer is specifically envisaged within Regulation 72(1)(d)(ii) of the Procurement Regulations 2015, which provides that "*Contracts may be modified without a new procurement procedure...where a new contractor replaces the one to which the contracting authority had originally awarded the contract as a consequence of...universal or partial succession into the position of the original contractor, following corporate restructuring including takeover, merger, acquisition...of another operator that fulfils the criteria for qualitative selection originally established...*". Therefore the transfer to GLL is permissible within the 2015 Regulations. The issue for Members is whether they wish to make use of this exemption from the requirement to engage in a full procurement exercise at this stage. The view of officers is that the best approach would be to secure the provision of services by GLL (via transfer) for the period 2016-19, and then to undertake a full procurement of the leisure service in 2019 (as originally intended with Tone) under a very different offering. GLL have confirmed in their letter at Appendix B that they will indemnify TDBC for any costs which are incurred by the Council if the decision to transfer direct to GLL is – for whatever reason

- subject to any legal challenge.

6.5 **Pensions** – The local government Pension Scheme will remain in place for those existing employees who TUPE transfer from Tone Leisure to GLL. Any new employees will have access to the GLL current pension scheme.

6.6 **Practical issues** – Members must necessarily consider the situation which will arise if, contrary to officer recommendation, the proposal to transfer the services to GLL is not supported, following which the services will remain with Tone

## 7 **Legal implications**

7.1 From the legal perspective, there are two main aspects to this report which need to be specifically borne in mind.

7.2 First, as highlighted above, the current proposals will effectively entail a decision by the Council to defer exposure of its leisure services to a full procurement exercise until 2019, and to use the exception within Reg 72 of the 2015 Regulations in support of the proposed transfer to GLL. This approach is supported by officers, and is also consistent with external legal advice, which concludes specifically that the GLL transfer comes directly within the Reg 72(1)(d)(ii) exception.

7.3 Secondly, the GLL proposal (if approved) will effectively entail a transfer of the leases of the Council's various leisure sites to GLL from Tone. It should be noted this is a transfer of leases not the assets themselves which remain with the Council as per the current arrangements. At the moment, these leases all contain a specific prohibition on assignment or transfer, and so will need to be amended before any transfer to GLL can be formalised. This can be done and in the circumstances is reasonable.

## 8 **Asset Management Implications**

8.1 These are contained in the main body of this report. Each lease concerned will require a variation to enable assignment and then the subsequent assignment of those amended leases. Other lease terms to remain as existing and therefore the Council could still enforce the lease terms in the same manner as currently. It could be argued for the reasons set out in this report that with GLL'S stronger tenant covenant, that the Council would be in a stronger position.

## 9 **Financial aspects**

9.1 These are set out throughout this report, but the following points are emphasized in particular.

9.2 **Leases** – Currently a number of leisure property assets are leased to Tone Leisure on individual fifteen year leases which are due to expire in June 2019 when the current leisure contract is due for retendering. It is proposed to transfer the unexpired portion of these leases, approximately three years, to GLL. As stated above, it will be necessary to vary these leases beforehand, as they currently contain a total prohibition

on assignment. There are also a number of leases for gym equipment etc. which would need to be novated.

- 9.3 On completion of Blackbrook Pool it is currently anticipated that this will also be leased to GLL on similar terms and conditions to other leisure land and buildings currently within the Borough's leisure portfolio, pending a full and very different procurement in 2019.
- 9.4 **The Funding Agreement** – As stated above, this would be transferred to GLL. No amendments are expected to the current arrangements for payment of the quarterly management fee.
- 9.5 **Control and influence** – The proposal for Tone Leisure to become a wholly owned subsidiary of GLL has no adverse effect on Taunton Deane Borough Council. There is currently no requirement for the Council to prepare group accounts and this would still be the case were the merger to go ahead.
- 9.6 **Section 151 Officer Statement** – The issues associated with a merger are set out in this report. The key piece of work post this change must be to focus on an affordable long-term solution for our leisure facilities.

## 10 **Health and Wellbeing Implications**

- 10.1 The merger of Tone Leisure with GLL – and the ultimate takeover of Tone by GLL - will continue and strengthen access to good quality, affordable and accessible services for all ages and abilities in the community. The maintained charitable trust status of our operator will also maintain community benefits.

## 11 **Links to Corporate Aims / Priorities**

- 11.1 The strengthened provision of the Borough's leisure operations supports Key Theme 2 b "*Further develop the offering of the Deane in terms of social, leisure and culture in order to make the area and even more attractive proposition for investment*".

## 12 **Community Scrutiny Committee Comments**

- 12.1 This issue was considered by the Community Scrutiny Committee at its meeting on 26 April 2016 when Members supported the proposed merger.

### **Democratic Path:**

- **Scrutiny - Yes**
- **Executive – No**

- Full Council – Yes

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

### List of Appendices

<b>Appendix A</b>	<b>Tone Leisure Board Letter of recommendation</b>
<b>Appendix B</b>	<b>GLL Letter of confirmation</b>

### Contact Officers

<b>Name</b>	<b>Alison North</b>	<b>Name</b>	<b>Roy Pinney</b>
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Email	a.north@tauntondeane.gov.uk	Email	roy.pinney@mendip.gov.uk
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Email	c.hall@tauntondeane.gov.uk	Email	s.adam@tauntondeane.gov.uk
<b>Name</b>	<b>Steve Meers</b>	<b>Name</b>	<b>Sue Williamson</b>
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Email	s.meers@tauntondeane.gov.uk	Email	s.williamson@tauntondeane.gov.uk
<b>Name</b>	<b>Tim Child</b>	<b>Name</b>	<b>Martin Griffin</b>
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2 Barn Court  
Sock Lane,  
Mudford,  
YEOVIL.  
BA21 5TW



Tone Leisure (Taunton Deane) Ltd.

7th March, 2016

Mrs. A. North,  
Community Leisure Manager,  
Taunton Deane Borough Council,  
The Deane House,  
Belvedere Road,  
TAUNTON.  
TA1 1HE

Dear Alison,

### **TONE LEISURE/GLL MERGER**

I am writing on behalf of Tone Leisure Group Limited and Tone Leisure (Taunton Deane) Limited to formally request Taunton Deane Borough Council's consent to approve the merger of Tone Leisure and GLL later this year. As you are already aware, Tone Leisure became an owned subsidiary of GLL in June 2015.

I would like to assure you that the Board's decision to progress to full merger has not been taken lightly and this strategic move has been well debated and discussed. We began informal discussions with GLL in July 2014. This then led to a series of further meetings and negotiations over the following ten months. On 28th April, 2015 Tone Leisure (Taunton Deane) Limited called an EGM and agreed to the future partnership with GLL. On 8th May, 2015 Tone Leisure Group Board met and all the Group Board Trustees supported and signed the required Written Special Resolution.

Whilst I and all the Trustees associated with Tone Leisure feel sad that this will be the end of the journey for Tone as a small independent Leisure Trust, we equally feel excited and inspired by the new opportunities that becoming part of GLL presents. As Trustees we have taken our responsibilities seriously and our primary concern has been to pursue a strategy that gives the organisation the best chance of sustainability and longevity. In particular, we want to ensure that our staff are transferring to another organisation that values its people and the delivery of health, leisure and sport in the local community. Having completed extensive due diligence we are assured that GLL shares similar ethics and values to those of Tone.

I trust that the Council will support and consent to this request, as we very much hope that this move will strengthen our Taunton partnership.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Karen Arnold', written in a cursive style.

**Karen Arnold**  
**Chair of Tone Group Limited and**  
**Chair of Tone (Taunton Deane) Limited**



INVESTOR IN PEOPLE



Registered Office: [The Deane House, Belvedere Road, Taunton, Somerset TA1 1HE](#)  
Head Office: 01823 217111

Registered in England : 4983733. Registered Charity No. 1110756

[www.toneleisure.co.uk](http://www.toneleisure.co.uk)

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London, SE18 6SX  
T: 020 8317 5000  
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W: www.gll.org

29<sup>th</sup> March 2016

Dear Alison,

### **Tone Leisure and GLL Merger**

Further to our recent discussions please see below the responses to questions raised by yourself and Chris which I trust you will find in order.

**1. An outline of your request to the Council i.e. that Tone Leisure is fully merged with GLL.**

Tone Leisure and GLL have been working together for some time whereby Tone Leisure is now a wholly-owned subsidiary of GLL and part of GLL's group structure. Both organisations now wish to undertake a transfer of Tone's assets, contracts, agreements and employees to GLL to effectively merge the organisations. We see this as the best way to continue to provide the highest level of service to the Taunton and Deane residents through a charitable social enterprise delivery model.

**2. Confirmation that there is no material change to the funding agreement as is - current for service or cost**

There would be no material change to the funding agreement with the council.

**3. Confirmation that GLL are in a position to maintain service provision**

GLL can confirm that we are in a position to maintain service provision

**4. Confirmation that GLL are in a financially stable position to maintain the transferred assets from Tone Leisure and fulfil the maintenance requirements of the lease agreements**

GLL is financially stable and can satisfactorily fulfil the requirements currently placed on Tone in the lease agreements

**5. Confirmation that GLL will accept the novation of the leases**

GLL will accept novation of the leases

**6. Confirmation of the governance arrangement going forward. In particular the Advisory Board**

We would wish to discuss this further with officers and Members to assess the best way forward but we will commit to:





- Attending Scrutiny, Cabinet and such other Council meetings as is felt appropriate and desirable
- Establishing an Advisory Board to include Members and working with Members and Officers to agree the heads of terms to enable significant influence
- Regular meetings with the Portfolio Holder

**7. Confirmation of arrangements for Tone Leisure staff i.e. they will TUPE transfer**

Tone Leisure staff will TUPE transfer to GLL

**8. Confirmation that GLL will provide an indemnity covering any costs which TDBC would incur in the event of a legal challenge to procurement**

To confirm the legal advice received on this point (specifically Regulation 72 of the new Procurement Rules – the Public Contract Regulations 2015) and as previously shared with Roy Pinney:

Regulation 72 sets out where contracts can be modified during their term without the need for a new procurement, and includes at section 1(d) the following:

"(d) where a **new contractor replaces the one to which the contracting authority had initially awarded the contract** as a consequence of—

(i) an unequivocal review clause or option in conformity with sub-paragraph (a), or

(ii) **universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency**, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Part"

In our view the above is quite clear. The Council can modify the contract where GLL is replacing Tone as the contractor, without going out to procurement, because the trigger for that change is the merger of Tone into GLL (which clearly falls into the wording of the Regulation above).

In our view and the view of our legal experts, therefore, the likelihood of there being any successful challenge on procurement grounds is low and we are therefore prepared to indemnify TDBC against any reasonable costs that it might incur in the event of legal challenge.

Please contact me with any further questions or issues for clarification.

Best wishes



PP. Jon Argent

National Partnerships Director: GLL

# Taunton Deane Borough Council

## Full Council – 12 July 2016

### Housing Revenue Account Business Plan Review

This matter is the responsibility of Executive Councillor Terry Beale

**Report Author: Lucy Clothier – Project Manager - Housing Revenue Account Business Plan Review**

#### **1 Executive Summary**

- 1.1 The Housing Revenue Account (HRA) Business Plan contains the aims and objectives of the HRA, and includes a financial model of the next 30 years. A number of largely external changes has meant that a full refresh of the Business Plan is necessary. This report identifies the changes and the impact of these changes.
- 1.2 The updated Business Plan is included with this report, along with a new Asset Strategy and Development Strategy.
- 1.3 The new Business Plan is more robust than previously with the inclusion of better quality data, in particular around our assets. However, the financial margins are now much tighter with the plan relying on the delivery of savings which will require the imposition of ongoing management vigilance in order to maintain a viable business plan.

#### **2 Recommendations**

- 2.1 Full Council is **recommended** that:-

##### **Business Plan:**

1. The Housing Revenue Account Business Plan 2016-2046 is approved

##### **Finance:**

2. The policy for voluntary revenue provision for the repayment of capital debt in the HRA is changed to be over the average life of Housing Revenue Account assets (estimated at 60 years)

##### **Development Strategy:**

3. The new Housing Revenue Account Development Strategy is adopted
4. A supplementary estimate of £950,000 is added to the Housing Revenue Account Social Housing Development Fund capital programme in 2016/17. This brings the

total development programme to £1,950,000 which represents the 15 units in the new Development Strategy to be delivered in 2017/2018. This would be funded through capital receipts and revenue funding in line with the Business Plan

### **Asset Strategy:**

5. The new Housing Revenue Account Asset Strategy is adopted

## **3 Background**

3.1 In 2012 Taunton Deane moved away from a national subsidy system, which meant an annual payment from the HRA to central government, to be 'self-financing'. As part of the self-financing agreement, a one-off payment of £85.12m was made to government, in return for being able to retain all income locally to manage and maintain the housing stock. The total debt in the HRA at the start of self-financing was £99.7m.

3.2 In order to manage the freedoms gained by the HRA through self-financing, a new 30 year Business Plan (2012-2042) was introduced. This set out the Council's overall aims and objectives for Housing Services, as well as laying out plans to manage the increased risks and opportunities. The HRA Business Plan has been reviewed and updated annually since 2012, but recently there have been many changes in national policies and local aspiration that means a full update of the Business Plan is required rather than an annual review.

3.3 Changes in national housing policy are having widespread impact on all social landlords, with housing associations being affected as well as local authorities. Legislation in the Welfare Reform and Work Act 2016 and the Housing and Planning Act 2016 mean that the financial position of the HRA is now less favourable and therefore expenditure needs to be prioritised to ensure the best use of funding for tenants within tighter affordable limits.

## **4 Achievements**

4.1 Since the adoption of the Business Plan in 2012 the Housing Service has evolved to incorporate the greater responsibility of self-financing, in particular establishing the Business Plan at the centre of decision making regarding resources in both the short and longer term. This has given the service a longer perspective when decisions are made to provide a business that remains viable for the longer term to ensure homes and services are secure for our residents.

4.2 Overall the service has continued to improve since 2012. Particular achievements include the establishment of a development team and the delivery of a new build programme, and the changes to our ways of working via the 'One Team' approach which has received national recognition in the way more joined up support is provided to our residents.

## **5 Consultation**

5.1 Consultation has been held with Members, Tenant Services Management Board, Tenants Forum, and all staff members in the Housing and Communities Directorate.

5.2 The conclusion of this consultation is as follows:-

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

## 6 Business Plan

6.1 The Business Plan brings everything together and sets out the aims and objectives of the HRA. It describes:

- the way in which services are delivered
- the housing stock and other assets in the HRA
- the financial resources position

6.2 It details the way in which the HRA will work in the future, including setting out a new operating model that allows tenants, where appropriate, to move into additional services such as shared ownership. This model shows the way in which the HRA will support tenants into and through the housing service.

6.3 This includes new ways of working, for example the use of flexible tenancies as directed within the Housing and Planning Act 2016. It also includes the potential introduction of new products such as affordable rented housing and shared ownership. This could be available for tenants who aspire to move into a new product type.

6.4 The full Business Plan is attached to this report in Appendix A. A revised Action Plan is also included.

## 7 Business Objectives

7.1 The Business Plan 2016 has the updated strategic objectives for the service:

- **Providing Quality Homes**

This means we are committed to investing in our existing homes to deliver good quality of life for residents and value for the money spent, and to developing new homes that meet local needs.

- **Supporting the most vulnerable**

This means we are committed to letting homes to people who have the fewest housing options, and will provide additional support that helps people who are older, disabled, or socially excluded to live comfortably in their council-owned home.

- **Better Service**

This means we are customer and community focused and are committed to improving our services in line with what our residents have said matters to them. Our approach will support people to move through our social housing to cater for their changing needs and aspirations over time.

- **A Stronger Business**

This means we will prioritise efficiency to support delivery of our social priorities and objectives. It sets out how we will improve our business practices, drive out value for money and pursue new activities.

## **8 Financial Position**

8.1 There are a number of changes, driven by both internal and external factors, that have substantially impacted on the financial position of the Business Plan and we have proposed some corrective action to mitigate these impacts within the updated Plan.

### **8.2 Rental Income**

8.2.1 National rent policy has changed substantially since the implementation of self-financing in 2012. With rent accounting for 92% of income to the HRA any changes in rent policy can significantly impact on the financial position.

8.2.2 At the point of self-financing in 2012, the national rent policy was that rents should increase by the inflationary rate of the Retail Price Index (RPI) plus 0.5%, as well as an annual convergence figure of up to £2 per week, in order to bring rents up to the Target Rent for social housing. This is the rent determined on a national formula, based on the value of the dwelling in 1999, along with local wages, local house prices and the number of bedrooms. Target rents were introduced to ensure that social rented dwellings of similar size and type in any area have similar rents regardless of the landlord.

8.2.3 In April 2015 a new national rent policy was implemented, and annual increases were changed to be linked to the Consumer Price Index (CPI) plus 1%. CPI is usually lower than RPI, but the increase in the amount over inflation from 0.5% to 1% was intended to account for this. However the allowance for 'convergence' in order to bring rents up to the Target rents, was removed, and changes above the standard inflationary rent could only be implemented for new tenancies. This policy was implemented as a 10 year policy in order to provide security to landlords.

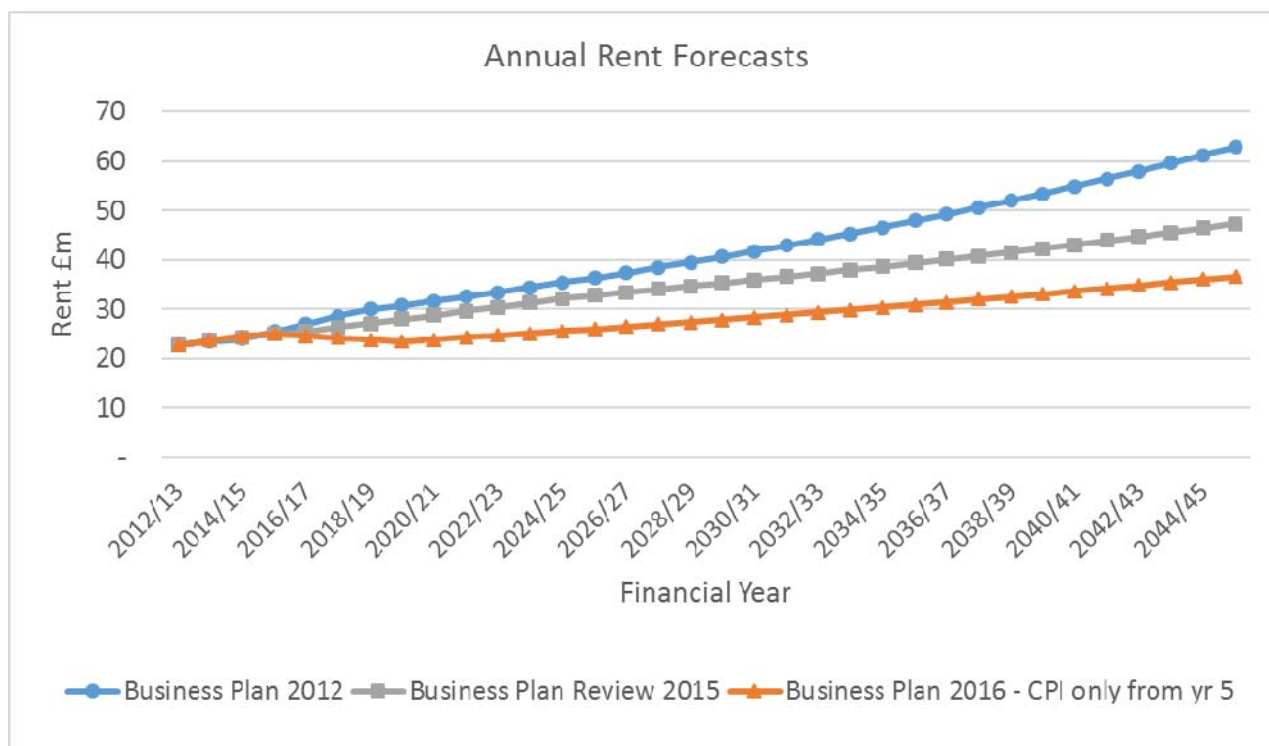
8.2.4 In July 2015 it was announced that affordable housing rents, which includes those at social rents, would reduce by 1% each year for four years from April 2016. This has been included within the Welfare Reform and Work Act 2016. The 1% reduction is actually a higher loss to the business plan than 1%, when compared to the CPI plus

1% increase expected. CPI is currently forecasted at 2% with a total rental increase of 3% (CPI at 2% plus 1%) forecasted, so this is actually a 4% reduction from current business plan expectations. However, CPI at September (from which rental increases are taken) was actually -0.1% and so increases would have been 0.9% (-0.1% plus 1%). Later concessions allowed for a one year exception for supported housing (which accounts for 17% of Taunton Deane stock). It is still unknown what will happen following a Government review of supported housing.

8.2.5 It is unknown what increases, if any, will be allowed under rent policy after this four year period. If rental increases are to be linked to CPI only, the total reduction in rental income expectations over 30 years is £185m. This is a significant reduction and would not be possible to cover from reserves within the existing version of the Business Plan.

8.2.6 Low inflation, reducing stock numbers (as detailed in paragraph 8.6.4), together with these changes in the rent policy have significantly reduced the income expectations over the 30 year period. The below graph shows the difference in rental income forecasts between 2012, 2015 and 2016.

Graph 1: Changes in rent forecasts



8.2.7 The graph shows the reduction in forecasted rental income. The rental income forecast for financial year 2041/42 (year 30 of the Business Plan 2012) has reduced from £56.4m to £34.2m. A substantial reduction of 39%.

8.2.8 Although lower inflation should mean that costs are also lower as well as income, maintenance costs have not reduced fully in line with inflation. There are also some

costs, such as fixed interest payments, that are not linked to inflation rates. This has led to reduced overall buying power of the HRA.

### 8.3 Right to Buy and Pay to Stay

8.3.1 Whilst enquiries on Right to Buys (RTBs) have reduced from levels experienced when RTB discounts were increased in 2012, RTB sales have remained at a higher level.

Table 1: RTB sales

Year	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Number of RTB sales	9	11	37	47	35	38

Note: 2012 saw the introduction of increased RTB discounts

8.3.2 The Housing and Planning Act 2016 included a section on Rents for high income tenants, known as 'Pay to Stay'. This legislation means that tenant households of local authorities earning over £31,000 pa must be charged a higher rent, depending on their income, up to market, or near market, rents. The additional rent is set in regulations and is equivalent to approximately £2.88 per week per £1,000 income a year over the £31,000 limit. The additional rental income, less the cost of administration, must be passed back to Government. It is not currently known how many tenants will be affected by this legislation.

8.3.3 It is expected that Pay to Stay will increase the levels of RTB sales over the short term, as those tenants who will have to pay increased rents are those more likely to be able and willing to obtain a mortgage, and so they may choose to exercise their Right to Buy, rather than pay the increased rent charges.

8.3.4 The Business Plan has therefore been updated to include 60 sales for a three year period, followed by a reduction to 30 sales a year. This is an increase from the previous assumption of 20 per year and will reduce the number of dwellings, and so rental income, in the HRA.

8.3.5 Higher levels of Right to Buy would, however, increase capital receipts available for development. The additional 'one for one' receipts that are to be used to replace dwellings lost through RTB can only be used for (up to) 30% of the cost of the replacement. The remaining 70% (or more) must come from other funding (either resources already available or additional borrowing).

8.3.6 A second Income Assistant is to be added to the Income Team that administer RTBs in order to support the Income Officer. This will be funded from the RTB receipts – a proportion of which can be used to cover related administration costs.

### 8.4 Welfare Reform

8.4.1 Provision has previously been made in the HRA to make an allowance for Welfare Reform, and the expectation that the changes would lead to an increase in non payment of rent and other charges. In the Business Plan 2012 the Provision for Bad

Debt was increased from 0.5% to 2% for a period of three years. It was intended that this would cover the major changes in welfare, however there have been delays in implementation of some policies, particularly Universal Credit.

8.4.2 The Business Plan 2016 includes a new three year period of increase Provision for Bad Debt from 0.5% to 2%. This will cover the roll out of Universal Credit in Taunton Deane, now known to be later in 2016, and is partly funded by the underspend of the Provision for Bad Debt in 2015/16 of £433k which is in an earmarked reserve for this purpose.

8.4.3 This additional provision will be reviewed annually to ensure it continues to be appropriate.

## 8.5 Stock Condition Survey

8.5.1 The Business Plan Review identified that the data held on the condition of dwellings needed updating and members approved the funding of a large scale stock condition survey. 50% of dwellings, including all communal areas for flats and supported housing, have been surveyed and the results have allowed a fully updated capital programme to be included.

8.5.2 The like for like cost of the capital programme has increased by £25.2m over the 30 year period. This is due to a number of factors – new survey data and areas of works not previously costed, for example lifts, fire alarms and warden call equipment. However the assumptions on reduced dwelling numbers have reduced this to £15.8m since spend on the capital programme is directly linked to the number of homes needing refurbishment.

## 8.6 Development

8.6.1 The Business Plan has previously included significant annual contributions of £1m (from 2015/16) towards the development of housing schemes.

8.6.2 In line with the introduction of a Development Strategy, the Business Plan 2016 instead includes an average annual addition of 15 dwellings, which would include a combination of new development, redevelopment and acquisitions. These units are fully funded within the Business Plan, partly through capital receipts from RTBs, and partly through revenue resources. This means that unlike for current schemes, where the revenue contribution of only £1m is included, additional capital borrowing should not be needed as it is already taken into account in the Business Plan.

8.6.3 The total budget for development over the full 30 years, including revenue and capital receipt funding, is £77m. This equates to 15 units a year at an average rate of £130k per unit, rising with inflation. The annual capital budget and associated revenue funding will be approved as part of the budget setting process. This is an increase in revenue contribution from the £1m pa Social Housing Development Fund of approximately £21.5m over 30 years.

8.6.4 Even with this increased provision, due to losses through RTB, the total stock numbers will still decline.



Table 2: Forecasted stock numbers

Year	2,016	2,017	2,018	2,019	2,020	2,021	2,022	2,023	...	2,046
Opening	5,785	5,800	5,781	5,736	5,691	5,676	5,661	5,646		5,271
RTB Sales	-30	-60	-60	-60	-30	-30	-30	-30		-30
Development	48	38	15	15	15	15	15	15		15
Closing	5,800	5,781	5,736	5,691	5,676	5,661	5,646	5,631		5,256

Note: this includes new housing at Creechbarrow Road and Weavers Arms. It doesn't include any disposals of stock due to the sale of higher value homes included in the Housing and Planning Act 2016 (paragraph 9.3)

8.6.5 Any additional units over and above the 15 units a year would need to continue to be funded through additional borrowing within the available headroom. Further detail on headroom can be found in paragraph 8.13.9.

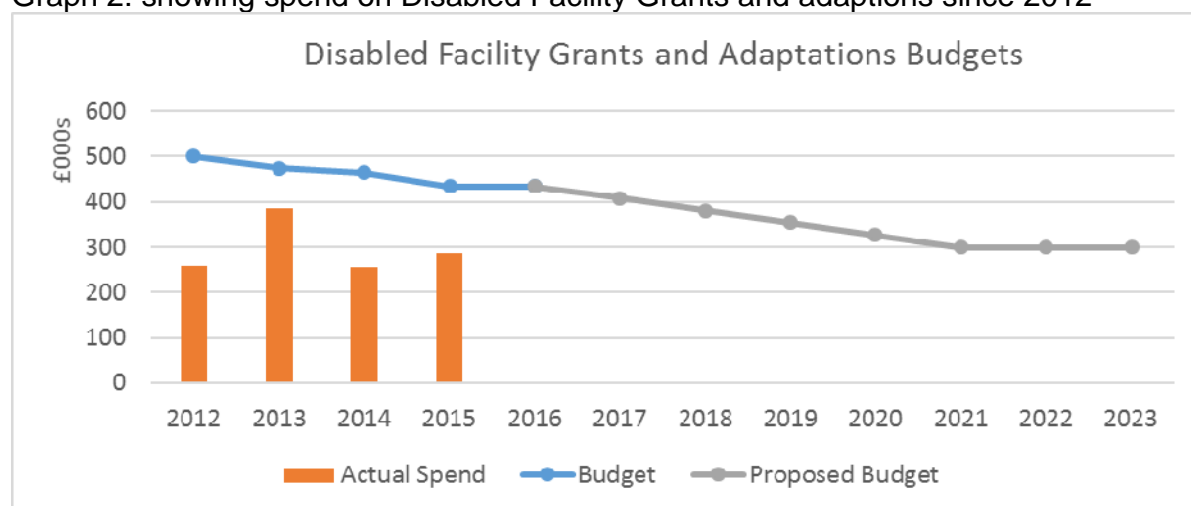
8.6.6 Further details on the Development Strategy can be found in Section 10.

## 8.7 Disabled Facility Grants and Adaptations

8.7.1 The demand for Disabled Facilities Grants (DFGs) and adaptations in our stock has historically been lower than budget and this has provided us with the opportunity to reduce this budget in the Business Plan. In addition a number of steps are being taken to ensure that this does not impact on front-line services and tenants, including: moving towards more cost effective installations of wet floor shower rooms through a new fixed-price contract; switching from concrete ramps to better value metal modular ramps; and a move toward stairlift loans and recycling, rather than purchases. These measures will ensure that the service stays within reduced budgets without impacting tenants.

8.7.2 The budget will therefore be reduced from £435k pa to £300k pa over a five year period.

Graph 2: showing spend on Disabled Facility Grants and adaptations since 2012



## 8.8 Capital Improvements

### 8.8.1 Sustainable Energy

The Business Plan 2012 included an additional budget for Sustainable Energy. This funding was put aside for tackling fuel poverty. This provision has now been 'mainstreamed' into the heating replacement programme and is included within the core capital programme with the installation of energy efficient boilers and Air Source Heat Pumps. This separate budget therefore removed from the Business Plan from 2017/18.

8.8.2 There is a residual balance of £123k from previous years funding which will remain, along with a £100k budget in 2016/17, and will continue to be utilised for sustainable energy initiatives.

#### 8.8.3 Estate Improvements

The Estate Improvement budget has been utilised for the installation of scooter stores. These schemes has been found to have a very long lead in time, and has been very intensive in officer time, with officer time in the Development Team being prioritised in new build. The annual budget for Estate Improvements is currently at £50k pa, but it was intended that this would increase to £150k in 2021/22. The financial constraints facing the HRA mean that this is no longer possible, however it is recognised that features such as parking and scooter stores are very important to tenants and so the ongoing contribution of £50k will remain.

8.8.4 The remaining balance from 2015/16 of £240k will remain in order to fund schemes going forward, along with the continued annual contribution of £50k.

### 8.9 Repairs and Maintenance

8.9.1 It has been identified that spend on repairs and maintenance is high when benchmarked against other social landlords. Advice indicates that savings of 10% on responsive repairs and 30% on void costs are achievable based on the stock held. This is a substantial saving to be found and equates to approximately £832k pa. This has been included gradually over a five year transitional period, meaning that the full savings have been included by year 2021/22.

8.9.2 This will need to be closely managed and monitored by the Assistant Director – Property and Development to ensure that the savings, which are not yet fully identified, can be found. With a restructure of Property Services and Building Services recently implemented, the new service will be tasked with finding these savings through efficiencies and closer working.

8.9.3 These savings will be incorporated in the corporate transformation work currently being undertaken by iESE regarding failure demands for repairs activities.

### 8.10 Management Costs

8.10.1 Savings of £253k have been identified from management and service costs. These include £40k savings from the Terms and Conditions review and the loss of subsidy to the Extra Care Housing service due to the change in contract with Somerset County Council from March 2017.

8.10.2 Also included is a reduction in the budget for Transfer Removal Grants (grants given to

tenants downsizing) from £50k pa to £35k pa, a reduction in the training budget in the HRA of £40k in line with current spend, and savings in other central management budgets. Based on current forecasts it is not expected that these savings will have a major impact on service delivery, but management will monitor these areas closely.

#### 8.11 Community Provision

8.11.1 In line with the new objective of Supporting the Vulnerable, permanent provision of £140k pa is being included in the Business Plan for schemes currently being covered with temporary funding.

8.11.2 These are:

- Mental Health Support, currently commissioned through Mind - £41k pa  
The three Area Community Managers and One Team Co-ordinators are reporting mental health as an issue within many of our households. 56% of our tenants have a member of their household whose day-to-day activities are limited due to a health problem and we know that Mental Health will be a significant proportion of this. This has been escalated and is one of the three strategic priorities for the One Teams in Taunton Deane. The £41k would be used to bring in support for our tenants and therefore help us to provide a better One Team response to support them in addressing a range of issues that they may have.
- Employment Support, currently commissioned through Inspire to Achieve - £46k pa  
This funding will provide support to tenants to have the skills and confidence to access work. In the long term this will also help protect our rental income by residents being able to more effectively manage tenancies.
- Money Matters Advice, currently commissioned through Citizens Advice Bureau - £35k pa  
To provide money matters advice across the three One Team areas to provide advice and support to tenants
- Top up of Community Development budgets to £10k per area, £18k pa  
Current community development budgets are minimal, currently £4k per area, and often unable to support genuine community development activities and groups.  
This increase will be shared across the three area teams and will help address that.

#### 8.12 Repayment of Borrowing

The loan structure in the Business Plan 2012 means that the borrowing is paid off as soon as the Business Plan allows. This means that the self-financing borrowing of £85.1m is due to be repaid within 18 years (in 2030). There are, however, a number of existing loans from pre 2012 that have a later payment date, the latest being 2077 (70 years from the borrowing date).

8.12.1 The payment of the self-financing borrowing within 18 years was based on affordability in 2012. There have been many changes (as detailed in Section 8) that have affected the affordability of this repayment schedule that make it no longer possible without a major impact on service quality and the number of new homes delivered.

#### 8.12.2 Taunton Deane Minimum Revenue Provision

Where the Council finances capital expenditure in the General Fund (GF) by debt, it must put aside resources to repay that debt in later years. The amount charged to the revenue budget for the repayment of debt is known as Minimum Revenue Provision (MRP).

8.12.3 In February 2016, Council approved a change in the Taunton Deane General Fund Minimum Revenue Provision Policy, moving to MRP being linked to the asset life. Based on the assets held in the GF, the weighted average asset life approved was 45.57 years. This released annual budget savings for the GF by stretching the debt repayment over a longer period.

8.12.4 If this policy was also adopted in the HRA, a conservative average asset life of 60 years could be used. It can be assumed that the housing stock should last more than 60 years as a full capital maintenance and improvement programme, which is more generous than most privately owned homes, is included within the Business Plan. This, together with the changes in paragraphs 8.2 – 8.11, would allow a balanced Business Plan, without the need for a reduction in service level.

8.12.5 It should be noted that the HRA does not have to make the revenue provisions that are required in the GF, and all provision in the HRA is voluntary. Members could choose to keep the debt in the HRA and continue to make interest payments, indefinitely.

8.12.6 It should also be noted that the current policy is to repay debt as soon as the Business Plan allows. At the point of self-financing this was 18 years, but due largely to external factors this is no longer affordable.

8.12.7 If the current repayment schedule of 18 years from 2012 is to be kept, additional savings of £42.7m would need to be found over the next 14 years. This equates to an average of £3.05m pa. Savings of this level would detrimentally affect the service offered to tenants and investment in our stock over this period.

8.12.8 By extending the period of debt repayment to 60 years, the service to tenants would continue, thereby preventing current tenants from a reduced service in order to repay debt for which the interest payments are affordable.

8.12.9 Consultation with tenants and members has shown that there is appetite to extend debt if it is in the best interest of tenants and in consultation with our treasury advisors.

#### 8.13 Financial Appraisal

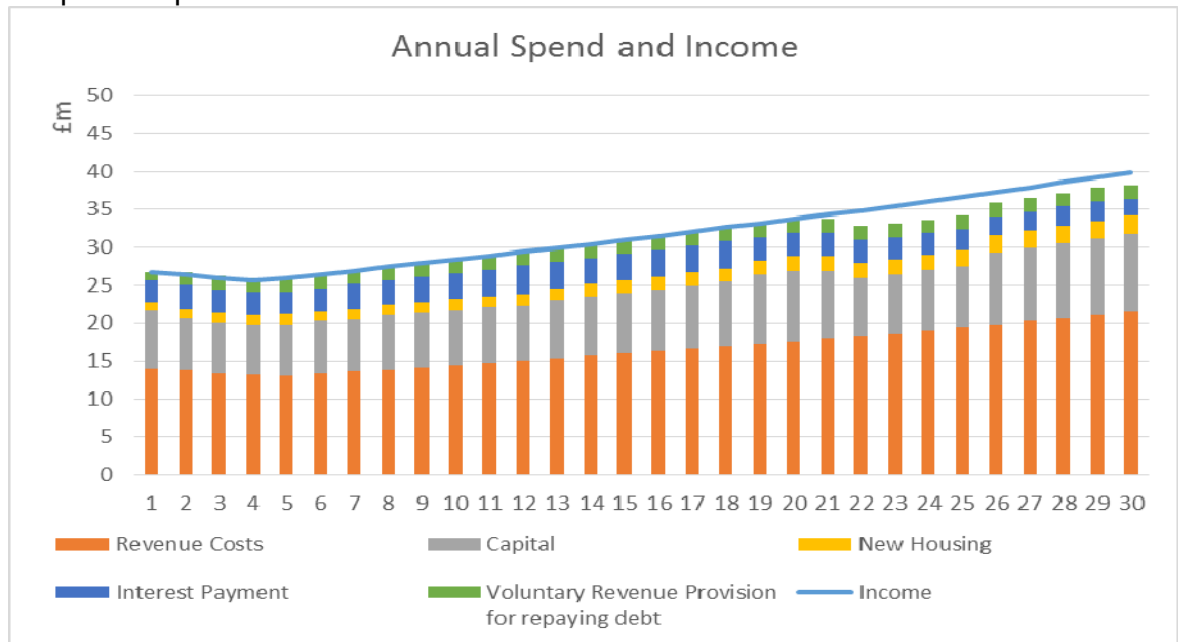
The Business Plan Review in 2015 forecasted a reserves balance of £160m in 2042 (the 30 year period from 2012). As stated in paragraph 8.2 the expected reduction in rental income alone is £185m, and so this reserves balance would not support a reduction in rent of this magnitude without other changes being made.

8.13.1 Based on all of the amendments listed in paragraphs 8.2 – 8.12, the proposed new HRA Business Plan has a balanced financial position over the 30 year period. The

substantial impact of external changes, particularly changes in rental income, have been managed with the minimal impact on services to tenants.

8.13.2 Expenditure and income are closely linked up to year 21 (2036/37) as shown in the below graph which shows the breakdown for the 30 years.

Graph 3: Expenditure and Income within the Business Plan

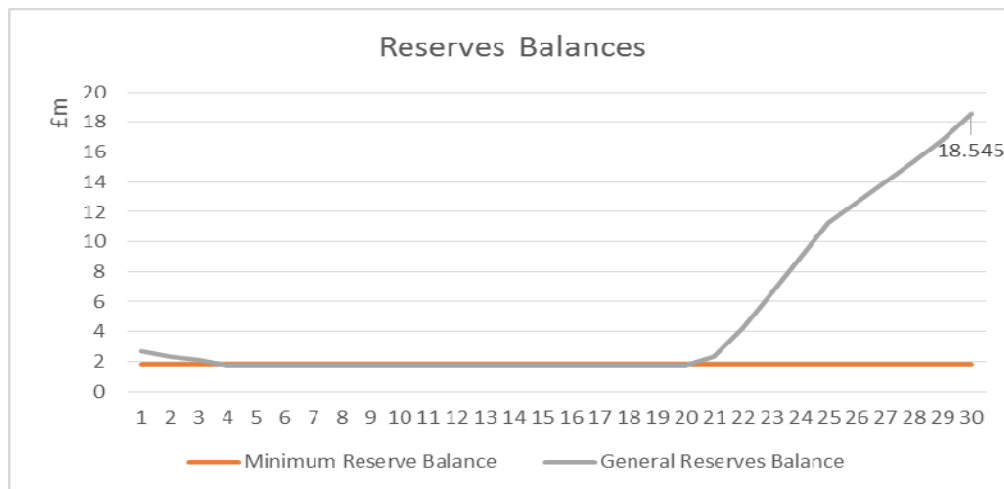


8.13.3 The Business Plan includes a capital programme of £245m over 30 years, and ensures a programme that allows the continued improvement and maintenance of dwellings and related assets in line with industry standards.

8.13.4 In order to maintain general reserves above the minimum recommended balance of £1.8m over the length of the Business Plan, smoothing of capital programme is needed in years 18 – 21. It is a maximum of 6.6% of the annual budget and so it is expected that this can be managed with minimum disruption to the programme.

8.13.5 With these amendments, a forecast of the General Reserves balance is included below.

Graph 4: General Reserves position over 30 years



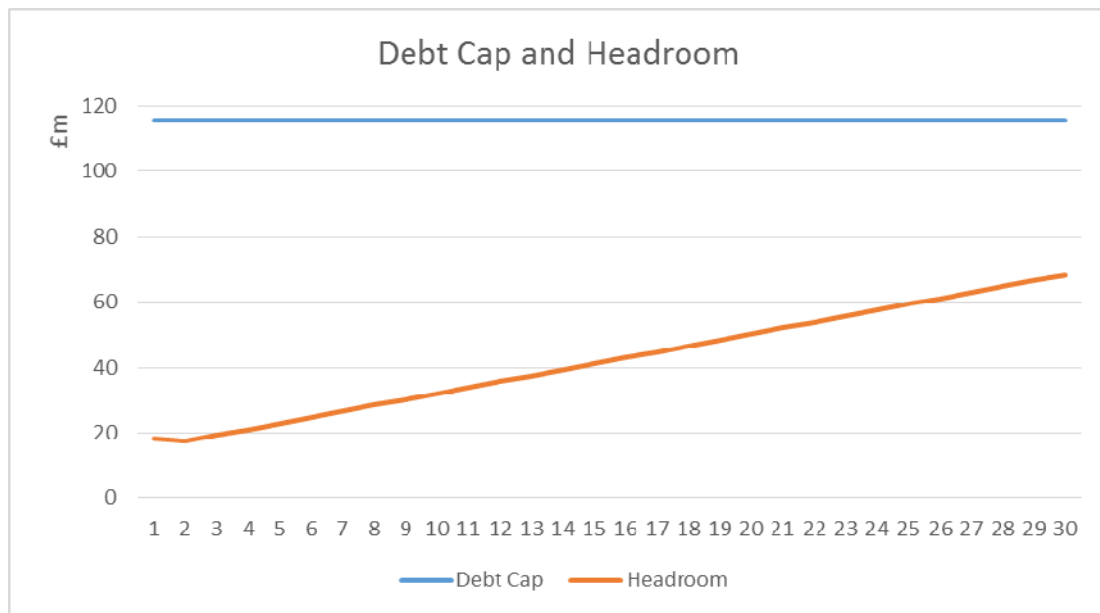
8.13.6 It shows that the general reserves position remains at £1.8m, until 2036/37 (year 21), at which point it starts increasing as income is greater than expenditure. At the end of the 30 year period reserves are expected to be at £18.5m. As with the previous Business Plan this is an indication of the funding available, and it is not expected that the HRA would build up this balance in practice.

8.13.7 Changes to the way in which the HRA makes provision for the repayment of debt will alter the headroom available. The HRA is limited in the amount of debt it is able to sustain by a debt cap of £115.784m, set by Central Government. The headroom is the difference between the borrowing held less and revenue provision made, and the debt cap, and so is the amount of additional borrowing that the HRA could take on at that time.

8.13.8 The change in voluntary revenue provision to allow for the repayment of debt over a 60 year period gives an annual revenue provision of £1.8m. This is the amount that will be included in the HRA budget each year. The budgeted provision in 2016/17 is £1.0m and so a future provision of £1.8m is an increase on the provision in 2016/17. However it was expected that this would increase in line with income rises that are no longer available. The new policy would have a flat rate of £1.8m in each year.

8.13.9 This annual provision of £1.8m means that if there is no further borrowing, the headroom will increase by £1.8m pa, as shown in the below graph.

Graph 5: HRA debt cap and headroom



8.13.10 The availability of headroom shows the amount of additional borrowing that the HRA could take on for new capital investment whilst remaining within the debt cap set by Government, for instance for the development of new housing over and above the 15 units included within the Business Plan.

**Recommendation 1: The HRA Business Plan 2016-2046 is approved**

**Recommendation 2: The policy for voluntary revenue provision for the repayment of capital debt in the HRA is changed to be over the average life of HRA assets (estimated at 60 years)**

## 9 Future Risks and Uncertainties

9.1 The Business Plan faces a number of risks and uncertainties that are not currently quantifiable and so have not been included within the Business Plan finances.

### 9.2 Pay to Stay – Housing and Planning Act 2016

Local authority landlords will need to charge tenants earning over £31,000 a year an increased rent. The rent will be linked to their income, with an increase for every £1,000 of income over the threshold, up to market rents. It is not yet known how this will be implemented or monitored.

9.2.1 Any income raised is to be transferred to Government, although any administration costs may be deducted. The increased rent may lead to an increase in tenants exercising their Right to Buy. The Business Plan includes an increased provision for Right to Buy as included in paragraph 8.3. In the first year of enforcement it has been announced that the payment will be based on actual income raised, however the legislation allows for a levy to be put in place, based on a formula of expected income. Therefore, in future payments to Government may not be linked to actual income received.

### 9.3 Higher Value Voids – Housing and Planning Act 2016

Local authorities will be expected to consider selling higher value dwellings as they become void. In reality a formula based system will be put in place, with an annual contribution expected from each authority with housing stock. The formula, yet to be determined, would relate to the properties held, the turnover of tenancies, and the value of the housing within that authority's stock (not all housing within the area). All sales would need to be replaced on a one for one basis either by the Local Authority, or through the Homes and Communities Agency, in the local authority area. It is expected to operate in a similar way to RTBs where only a certain percentage (30% for RTB, but not yet confirmed for Higher Value Voids) can be used towards the replacement, with the remaining funding needing to come from alternative funds. This means that it is unlikely that Taunton Deane will be able to replace all dwellings lost and prejudice whether we could keep the portion of the receipt we are allowed to.

9.3.1 It is intended that the Asset Strategy and accompanying model will allow the best use of existing dwellings, and that decisions can be made to dispose of properties that return the lowest contribution (either financially or non financially), and therefore the impact on the Business Plan would be minimised where possible.

### 9.4 Local Housing Allowance (LHA) Rates – Announced in the Spending Review and Autumn Statement 2015

Tenants in social housing will in future only be able to claim Housing Benefit up to the LHA rate. This is determined by the Valuation Office Agency and is based on local rents. Currently the LHA rates are only applicable for Housing Benefit claims in private rented stock. From April 2018 (for tenancies starting from April 2017) it has been announced that this will also apply to tenants in social housing.

9.4.1 In Taunton Deane this may have an impact on some of our Supported Housing residents, as the LHA rate includes service charges which are higher in Supported Housing, and single claimants under 35, who will only be eligible for the shared accommodation rate (currently £64.14 per week). Officers will consider what support can be provided to individuals affected, once further details are known. The majority of Taunton Deane housing is within the LHA rates for the area.

### 9.5 Rent Levels

As stated in paragraph 7.2 it is not currently known what will happen with rent charges after the four year rent reduction within the Welfare Reform and Work Act 2016. The Business Plan prudently includes a CPI only rental increase (rather than the previous policy of CPI plus 1%), however it is possible that rent policy will not include inflationary uplifts after this period. Any additional reductions would further impact on Business Plan as evidenced in the sensitivity analysis completed by Savills in the Business Plan document.

### 9.6 Universal Credit

Universal Credit, which replaces Housing Benefit, Job Seeker's Allowance and other benefits to support those on low incomes, is due to roll out across Taunton Deane later



in 2016. Universal Credit differs from the benefits it replaces as it is a single monthly payment, made directly into the bank account of the recipient. Currently any rent covered by Housing Benefit is transferred direct to Taunton Deane as the landlord, however under Universal Credit this will be paid to the tenant who will be responsible for paying their rent in full. With approximately 48% of all income (£13.1m in 2015/16) currently being paid through Housing Benefits, this greatly increases the risk of reduced income through non payment of rents and charges.

- 9.7 The HRA has already taken steps in order to try and prevent loss of income where possible. Tenants are now able to pay through direct debits on any day of the month (rather than only three options previously) in order to allow them to make payments on the same day as their Universal Credit payment, salary, pension or other income. There are also currently additional officers working within the One Teams such as a Welfare Reform Officer and an additional Debt and Benefit Advisor in order to support tenants affected by welfare changes.
- 9.8 If it can be proven that a tenant is unable to manage within the new payment structure it will be possible, after a set period of time, to request that their rent reverts to being paid directly. However, it is expected that there will be a reduction in income in the short term due to these changes, and this is set out in paragraph 8.4.

## 10 Development Strategy

- 10.1 The HRA has a well-established development programme. In order to ensure an ongoing and deliverable programme, and the best use of the funding, a Development Strategy has been established.
- 10.2 The Business Plan has previously included an annual allowance of £1m pa, but has not given an indication as to how this would be used. New schemes are evaluated separately and in isolation. The Development Strategy allows the development pipeline to be appraised together to give an ongoing plan. It gives a framework to underpin future development plans and gives an indication of the number of schemes and units the council should aspire to.
- 10.3 Savills have prepared a strategy that reviews progress to date, looks at the local housing market and has an analysis of the Taunton Deane pipeline and opportunities over the next five years.
- 10.4 The full Development Strategy report is attached as an appendix to the Business Plan.
- 10.5 The development pipeline shows a summary of identified schemes, showing when they can be expected to be delivered. A summary of the estimated pipeline identified in the strategy is shown in the below table.

Table 3: Development Strategy pipeline

	2016/17	2017/18	2018/19	2019/20	2020/21
Pipeline – approved schemes	48	26	0	0	0
Pipeline – uncommitted	0	14	12	24	40

Total	48	40	12	24	40
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- 10.6 The Business Plan includes provision for 15 units a year (on top of existing schemes with approval). In reality this number will fluctuate year on year, but it allows for an average of 15 units. An average cost of £130k per unit has been modelled, which gives a total annual budget of £1,950k, to rise annually with inflation. It would be our intention that the allocation of this would be through an Executive Portfolio Holder decision in conjunction with the Director – Housing and Communities.
- 10.7 It will be possible for additional units to be built or acquired, but these would require additional funding through borrowing not included within the Business Plan, and would go through the standard approval process.
- 10.8 The Pipeline identifies the opportunity to build 18 new units for completion in 2017/18 and 2018/19. This comprises of three Phase 2 small site schemes. A summary of these schemes is as follows:
- Laxton Road  
The demolition of 16 garages, and erection of 8 one bed flats
  - Moorland Close/Outer Circle  
The conversion of 12 Moorland Close to accommodate the Link Centre, with two one bed flats above. The existing Link Centre in Outer Circle would then be returned to four bedsits
  - Oake  
The acquisition of four affordable housing units in Oake, from a developer. This would comprise of two one bed flats, one two bed house, and one three bed house
- 10.9 In order for these schemes to commence for completion in 2017/18, a supplementary budget of £950k is required in 2016/17 to increase the £1,000k Social Housing Development budget to £1,950k in line with the assumptions set out above. The funding of these schemes would be included from within the Business Plan and would come from capital receipts (Right to Buy receipts) and revenue funding. No additional borrowing over and above that included in the Business Plan would be needed to fund these schemes.
- 10.10 Future allocations would be approved as part of the annual budget setting process.

**Recommendation 3: The HRA Development Strategy is adopted**

**Recommendation 4: A supplementary estimate of £950,000 is added to the HRA Social Housing Development Fund capital programme in 2016/17 which represents the 15 units in the new Development Strategy to be delivered in 2017/18. This would be funded through capital receipts and revenue funding in line with the Business Plan. This brings the total development programme to £1,950,000**

**11 Asset Strategy**

- 11.1 The Housing and Planning Act 2016 states that local authorities have a duty to

consider selling higher value housing. The capital receipt from the sales are to go to Central Government, although it is possible that an element of the receipt could be kept locally. Full details are anticipated, but it is thought that a formula would be used based on an estimation of higher value voids becoming vacant each year. This would put in place an annual contribution that Taunton Deane would need to make to Central Government, but decisions could be made locally on how it is funded. This would mean that it wouldn't have to be higher value housing, which is likely to be larger family homes, or those in desirable rural areas, that are sold.

- 11.2 An Asset Strategy has been developed not only so that decisions can be made in order to fund the contribution to Government, but also to start active asset management and stock churn. This is in order to make sure that the housing held is right for both the HRA and tenants.
- 11.3 The Asset Strategy looks at the investment needed in the housing, largely the capital and maintenance programmes. As well as looking at the financial performance it also looks at non-financial information such as social and economic factors. These include resident satisfaction with the home and area, the number of bids received in the area, health, education and employment data for the area and anti social behaviour.
- 11.4 An asset management tool has been created that takes all of this data and assesses the housing stock with this information. The asset management tool does not indicate what housing should be sold, it shows which groups should have an options appraisal. For example, where the financial position is positive, but the non financial and social position is poor, this could mean that where possible, additional resources are directed in this area in order to improve the indicators causing the poor position. Each group would be appraised separately.
- 11.5 Following an appraisal, it is our intention that decisions regarding disposal of vacant dwellings or related assets would be made through an Executive Portfolio Holder decision in conjunction with the Director – Housing and Communities.
- 11.6 The Asset Strategy is attached as an appendix to the Business Plan.

**Recommendation 5: the Asset Strategy is adopted.**

**12 Links to Corporate Aims / Priorities**

- 12.1 The Business Plan has strong links with the People key theme, particularly with the availability of Council homes and supporting our most vulnerable residents.

**13 Finance / Resource Implications**

- 13.1 The new Business Plan has a balanced position over the 30 year period from 2016 – 2046. The position has changed considerably from a forecasted reserves balance of £156m at 2042 (year 30 of the existing Business Plan) to £18m at 2046 (year 30 of the new Business Plan). This is largely due to external changes such as the national rent policy which has greatly reduced income expectations as detailed in paragraph 8.2.

- 13.2 These changes mean that the HRA is not able to continue the financing of the repayment of the current self-financing loans by year 2030 (year 18 of the Business Plan 2012) without a significant reduction in service quality.
- 13.3 Arlingclose, our treasury advisors, have been consulted on the revised position. They have confirmed that the HRA will have a shortfall in cash when the loans are repaid. They have reviewed the updated position and have advised that it is not beneficial to refinance the existing loans immediately and replace with new longer term loans – the premiums that would be required for early redemption of the loans is prohibitive. The HRA should instead look to refinance the loans on maturity, and as and when there are cash shortfalls, over the period needed.
- 13.4 This will mean that where the HRA is unable to support the repayment of existing loans due, on top of the revenue and capital commitments in any year, that additional borrowing will be required. The cost of this borrowing is included within the Business Plan.
- 13.5 Arlingclose have recommended that Taunton Deane should consider not making voluntary revenue provision (VRP). The prudent inclusion of VRP is, however, included within the Business Plan.
- 13.6 This report, as detailed in section 8, proposes that the VRP is amended to be over 60 years (based on a conservative estimate of average lifespan). The HRA is not required to make VRP, and, as suggested by Arlingclose, could instead keep the debt ongoing. This would mean that interest payments are made year on year, and do not decrease as debt is repaid. Including VRP over 60 years is currently affordable, and so the prudent provision of VRP, and the repayment of debt over 60 years, has been included.
- 13.7 Based on the changes in Section 8, the medium term forecast of income and expenditure is as follows,

Table 4: Medium term income and expenditure

Year	2016/17	2017/18	2018/19	2019/20	2020/21
	1	2	3	4	5
	£000s	£000s	£000s	£000s	£000s
Income	(26,698)	(26,429)	(25,999)	(25,607)	(26,002)
Expenditure	26,698	26,775	26,195	25,607	26,002
(Surplus)/Deficit	0	346	196	0	0

- 13.8 This shows that there are forecasted deficits in 2017/18 and 2018/19 which would need to be covered through budgeted transfers from HRA general reserves. The current expected level of reserves is sufficient to cover this, as shown in the below table.

Table 5: Medium term general reserves forecast

Year	2016/17	2017/18	2018/19	2019/20	2020/21
	1	2	3	4	5
	£000s	£000s	£000s	£000s	£000s
Opening	2,675	2,342	1,996	1,800	1,800
Transfers Requested*	(333)	0	0	0	0
Surplus/(Deficit)	0	(346)	(196)	0	0
Closing Balance	2,342	1,996	1,800	1,800	1,800

\*An approval for transfers from HRA general reserves is included within the Financial Outturn 2015/16 report

13.9 The current balance of HRA general reserves is £2,686k, which is £886k over the minimum recommended balance of £1,800k. These forecasted deficits would reduce the HRA general reserves balance to £1.8m in 2018/19. This means that all of the available funding in general reserves (over the minimum balance) is needed over the next two years, and no further allocations would be possible.

13.10 There are a number of risks facing the HRA, as identified in section 9. A number of sensitivity analyses have been carried out and are included within the Business Plan.

#### **14 Legal Implications**

14.1 Any changes proposed to tenancies that the Council offers will be fully evaluated for any legal implications.

#### **15 Environmental Impact Implications**

15.1 Housing Services aims to take action to reduce carbon emissions across the housing stock through investment planning, service delivery, partnership and community action.

#### **16 Safeguarding and/or Community Safety Implications**

16.1 The Business Plan continues to have positive implications for community safety. Housing Services aims to take action so that disadvantaged communities will have better access to local housing services, training and employment. Housing Services also aims to continue its support for a range of vulnerable people and to tackle crime and fear of crime through reducing anti-social behaviour.

#### **17 Equality and Diversity Implications**

18 An equalities impact assessment has been completed to assess any positive and any negative impacts that the decisions in the new business plan may have on our customers and employees. The impact assessment prepared for the HRA business plan is set out as an appendix of the business plan.

#### **19 Social Value Implications (if any)**

19.1 There are no social value implications directly linked to this report. The HRA will continue to consider social value in any future procurement exercise.

## 20 Partnership Implications (if any)

20.1 The HRA will provide ongoing support for key partnerships.

## 21 Health and Wellbeing Implications

21.1 Housing Services continues to prioritise health and wellbeing and is committed to continuing links between housing, Health and Social Care.

## 22 Asset Management Implications

22.1 The new Asset Strategy is include with this report that details the way in which assets will be managed. The Housing and Planning Act 2016 includes that local authorities have a responsibility to consider selling higher value housing and this will be taken into account when implementing the strategy.

22.2 The new Development Strategy sets out a framework for the build and/or acquisition of housing to assets to the housing stock.

### Democratic Path:

- Scrutiny – Yes
- Executive – Yes
- Full Council – Yes

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

### List of Appendices

Appendix A	Housing Revenue Account 30 Year Business Plan 2016-2035 (Not attached)

### Contact Officers

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# **Taunton Deane Borough Council**

## **Council Meeting – 12 July 2016**

### **Part I**

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

#### **(i) Councillor Roger Habgood**

##### **Delivery of Electronic Car Park Signage and Pay on Foot Systems to Key Car Parks**

The Executive has recently considered a report which introduced a proposed new approach to car park signage in Taunton.

This proposal has been developed in close collaboration with Somerset County Council (SCC) and its principal contractor Parsons Brinkerhoff (PB). It has three key components which are:-

- A comprehensive signage package for Taunton incorporating electronic parking signage (VMS – Variable Message Signage) which would improve the flow of traffic to key car parks, create an early warning system for events and enable improved traffic flow management;
- Improvements to seven key car parks by the installation of pay on foot systems which would enable customers to pay on exit from car parks. This would replace the current pay and display approach used in these car parks; and
- Connecting the electronic signage and the pay on foot systems together for key car parks together to create a comprehensive and informative way-finding system for motorists. This would provide real time data on space availability at key points on the highway network.

The report contained a comprehensive Signing Strategy which was commissioned to examine how effective the existing signage package was in serving the needs of Taunton. The strategy focussed on three significant component parts of the network which were mentioned in the Council's Corporate Strategy - the park and ride provision, car park signage and tourist (brown) signage.

Although this network is maintained and managed by SCC, the introduction of new electronic way-finding to Taunton Deane owned car parks and changes to the associated signage package has been instigated by the Council which would be the major funder of this infrastructure. Noted that the proposals are a defined project

within the Council's growth programme which supports delivery of the Council's Growth Agenda.

The report also comprehensively examined the provision of electronic signage and the improvements created by installing pay on foot parking systems.

The broad benefits of this investment include:-

- (1) A reduced time in finding a space. The signage would reduce unnecessary circulation to car parks and minimise queuing at car parks through influencing driver behaviour;
- (2) Improving user experience as pay on foot would remove the time limitation created by pay and display car parks. The inference was that people would spend more money into the economy whilst shopping; and
- (3) The installation of these systems has seen revenue rise in other towns generated by the car parks. This was in the order of 15-20% so would enable the Council to invest further in car park improvements.

The likely costs of implementing the electronic car park signage and pay on foot systems, are as follows:-

### Capital Costs and Funding

The estimated capital costs are:-

	£
<b>Total costing</b>	
Variable Message Signage (VMS)	486,283
Pay on Foot (POF)	555,927
Fees, Contingency	157,790
<b>Total Capital Budget Requirement</b>	<b>1,200,000</b>
<b>Funded by</b>	<b>£</b>
Approved in current 2016/2017 Capital Programme (a)	400,000
Revenue Budget Contributions – (b)	450,000
From New Homes Bonus – (c)	350,000

- (a) There was a capital approval in the 2016/2017 Capital Programme for "Major Transport Schemes" which was to be funded from the New Homes Bonus.
- (b) With regard to car parking fees, Full Council agreed in December 2015 to earmark £450,000 over the 2016/2017 to 2018/2019 financial years to fund "Projects". Approval was sought to fund £450,000 of the VMS expenditure from the New Homes Bonus reserve initially, but for this to be replenished over the three year period by these earmarked "Projects" funds within the approved Revenue Budget.
- (c) Full Council had also agreed in December 2015, the profiled expenditure for



“Major Transport Schemes” which indicated £800,000 in 2017/2018. Approval is also sought to bring forward into 2016/2017 £350,000 of this outlined spend to be allocated to this project.

The Council currently has £4,200,000 in the New Homes Bonus Reserve which has yet to be committed to specific projects. The requested funds via New Homes Bonus is therefore available and in keeping with the proposed spending themes.

### **Revenue Implications**

Intrinsic to this Business Case were IT interface revenue costs of approximately £36,000 per annum. Approval is therefore sought to set aside these funds from the anticipated additional parking revenues generated annually to address this budget pressure.

### **Replacement Cost**

Within the Business Case the projected replacement cost of the system has been factored in before arriving at the “Net Present Value” of the estimated cash flows over a 15 year period. In order to ensure the funds are available to fund this replacement, approval is sought to earmark sufficient funds from each year’s parking income and to hold this in an earmarked reserve. The current projected cost would be £972,000 and the projected increase in forecast income of £300,000 per annum would be more than adequate to make this affordable.

This proposal clearly represents a significant investment for Taunton and is also one which is supported widely by the business community, including the Taunton Chamber of Commerce and Destination Taunton. The aim would be to complete delivery of this investment by the end of 2017.

### **Recommended that:-**

- (i) An increase to the Major Transport Schemes Capital Budget of £800,000, from £400,000 to £1,200,000 be approved;
- (ii) The earmarking of parking income to the value of approximately £36,000 to fund the annual revenue expense of the IT interface, when these costs had been formalised through the procurement process be approved; and
- (iii) The setting aside on an annual basis an appropriate sum of approximately £70,000 from parking income to fund the replacement system in 15 years’ time which was currently estimated to be £972,000 in total be also approved.

## **(ii) Councillor Richard Parrish**

### **(a) Corporate Debt Policy**

Consideration has been given to the Council’s Corporate Debt Policy which had

been adopted in 2012. In line with good practice, the policy has recently been reviewed to ensure it remains fit for purpose.

The Corporate Debt Policy covers the management of all debts owed to the Council. This includes the billing/invoicing, collection, enforcement and write offs for the five income streams of Council Tax, Business Rates, Housing Rents, Housing Benefit Overpayments and all other debts (known as Sundry Debts).

It is essential that all monies owed to the Council are actively pursued. The Policy therefore reflects a range of measures to help customers pay sums due, therefore maximising the level of resources available to support service delivery.

The Policy follows the debt recovery principles set out below:-

- **Proportionality:** establishing an appropriate balance between the potential loss of income to the Council, recovery costs and any emerging Council or third party costs relating to welfare, care or housing support;
- **Consistency:** the Council aims to achieve consistency in the advice it gives, the use of its powers and the recovery procedures adopted;
- **Transparency:** ensuring people understand what is expected of them and what they should expect from the Council. Taunton Deane aims to take early recovery action before debts become unmanageable for the customer and is committed to providing appropriate support and will readily engage with relevant welfare and debt agencies;
- **Offset:** where a customer owes money to the Council but this is less than any funds due from the Council, this will be offset against what is owed and the net balance settled. Where the sum involved is greater than any funds due to the customer, these funds will be used to reduce the amount owed and the customer contacted about arrangements to repay the outstanding balance; and
- **Appropriate Costs/Fees:** where legislation permitted, the Council will seek to apply and recover from the debtor any costs/fees/charges that are legitimately due to the Council or its agents.

The Executive has noted that a small proportion of the Council's overall income might not be collectable due to matters outside its control. Where a debt was assessed to be irrecoverable it will be subject to a write off process that is in accordance with the Council's Financial Regulations.

A range of indicators have been developed to monitor performance against agreed targets and to ensure the Corporate Debt Policy achieved its objectives. These will continue to be included in the Council's performance reporting updates.

**Recommended** that the revised Corporate Debt Policy – shown in the attached appendix – be adopted.

## **(b) Financial Monitoring - Outturn 2015/2016**

The Executive has now considered the report relating to the Council's financial performance for the 2015/2016 financial year. The outturn figures included are provisional subject to external audit review, the findings of which will be reported to the Corporate Governance Committee in September 2016.

Monitoring the budget is an important part of the Council's performance management framework. Crucially it enables remedial action to be taken in response to significant budget variances, some of which might be unavoidable. It also provides the opportunity to assess any consequent impact on reserves and the Council's Medium Term Financial Plan.

The revenue outturn position for the financial year 2015/2016 is as follows:-

- The General Fund (GF) Revenue Outturn position for 2015/2016 was a net underspend of £280,000 (2.07%). The underspend had increased since the end of quarter 3 due to significant variances in the Street Cleansing budget and Interest Costs and Income.
- The Housing Revenue Account (HRA) is a 'Self-Financing' account for the Council's Housing Landlord function, which is budgeted to 'break even' (net of approved transfers to/from HRA Reserves). The HRA Outturn for 2015/2016 is a net underspend of £476,000 (1.8% of gross income).

The year-end financial statements reported that Deane DLO made an overall profit of £47,000 after contributing £101,000 to the GF. This surplus has been transferred to the DLO Trading Account Reserve which has increased the reserve balance to £365,000.

The Deane Helpline has reported a net deficit of £67,000 for the year, which is an underspend of £13,000 against the final budget and represents the net cost of the service to the GF.

Under regulations the Council has to report how its Licencing and Land Charges services performed in the financial year. These services set fees and charges based on estimated reasonable costs, and aimed to break even each year. When this did not occur, the Council transferred any surplus/deficit to a self-financing reserve. During the next round of fees and charges setting, adjustments are made with the view of achieving a break-even position on a three year rolling basis.

With regard to the budget for the Unparished Area of Taunton, although £46,170 has been allocated to a variety of schemes during the 2015/2016 financial year, £55,610 is available for allocation during the current year.

The capital outturn position for 2015/2016 is as follows:-

- The General Fund profiled Capital Programme at the end of 2015/2016 is £17,345,000. The actual expenditure on the Capital Programme during 2015/2016 is £7,244,000, with £9,976,000 being carried forward to support delivery of approved schemes in 2016/2017. This will leave a net underspend of £125,000 (0.7%) against the overall programme.

These figures had been amended slightly from those reported to the Corporate Scrutiny Committee following final completion of the 2015/2016 Statement of Accounts.

- The HRA approved Capital Programme at the end of 2015/2016 is £23,759,000. This relates to schemes which will be completed over the next five years. The actual expenditure on the Capital Programme during 2015/2016 is £11,391,000, with £10,214,000 for planned investment to implement approved schemes in future years. A net underspend of £2,154,000 (9%) is reported against the overall programme.

The GF Reserves balance as at 31 March 2016 stood at £2,113,000. The balance remains above the minimum reserves expectation within the Council's Budget Strategy (£1,600,000).

The HRA Reserves balance as at 31 March 2016 stood at £2,675,000, which is above the minimum level (£1,800,000) set within the Council's Budget Strategy and the HRA Business Plan.

The total General Fund Earmarked Reserves balance as at 31 March 2016 is £16,722,000, and for HRA Earmarked Reserves the balance is £4,985,000, representing funds that have been set aside for specific purposes to be spent in 2016/2017 or later years. This has grown largely in respect of funds committed to support growth and infrastructure development, future capital programme spending, the Business Rates funding volatility, and funding set aside to support service restructuring and Transformation Projects. The majority of this is planned to be spent over the next two years, although experience has shown this might be over a longer period.

**Recommended that:-**

- (1) The Council's financial performance and end of year position for the General Fund and the Housing Revenue Account, including pre-approved carry forwards and transfers to earmarked reserves be noted; and
- (2) Full Council be recommended to:-
  - (a) Note the reported General Fund Revenue Budget underspend of £280,000 in 2015/2016 and the General Reserves Balance of £2,113,000 as at 31 March 2016;
  - (b) Approve the General Fund Revenue Budget Carry Forwards totalling £892,000;
  - (c) Approve a General Fund Capital Programme Budget Carry Forward totalling £9,976,000;
  - (d) Approve a Housing Revenue Account Capital Programme Budget

Carry Forward totalling £10,214,000;

(e) Approve £333,000 of Supplementary Budget allocations in 2016/2017 for the Housing Revenue Account, utilising 2015/2016 underspends, for the following areas:-

- i. £33,000 to fund an extension to the employment of the Welfare Reform Officer to March 2018;
- ii. £38,000 to fund an extension to the additional Debt and Benefit Advisor to March 2018;
- iii. £198,000 to increase the Estate Officer capacity by one in each area until March 2018;
- iv. £21,000 to fund an extension to the Mental Health support until March 2017;
- v. £25,000 to provide funding to Pilot a dedicated part-time resource to roll-out, drive and oversee the 'Chill and Chat' peer support group to vulnerable women across all three One Team areas; and
- vi. £18,000 to increase funding available to Community Development Officers in each of the One Team Areas for 2016/2017.

# Appendix

## Taunton Deane Borough Council - Corporate Debt Policy

### 1. Overview

This document details the Council's policies on the billing, collection and recovery of money due to Taunton Deane Borough Council.

Sums due to the Council can be a mixture of statutory and non-statutory charges. Statute tightly prescribes methods for billing and recovery of the statutory debts. Our enforcement practices must take account of this diversity.

Effective debt management is crucial to the success of any organisation. The Council needs an effective policy to support the maximisation of debt collection in an efficient, consistent and sensitive manner. In developing this policy we have considered guidance issued by Audit, the Local Government Ombudsman as well as best practice in debt recovery.

This document sets out the general principles we will apply to debt management across all the services we provide.

This corporate policy covers all of the Council's service areas which raise bills or invoices for payment. We will process personal information and financial details for the purposes of administering and collecting local taxes and other revenue. Where necessary we will share some or all of this information, as appropriate, with debt collection and tracing agencies, local and central Government, courts and tribunals in accordance with our data protection registration and in observance of the requirements of the Data Protection Act.

#### Mission Statement

*"Taunton Deane Borough Council seeks to collect all monies owed to the Council for the benefit of all its residents. Bills and invoices will be issued promptly and correctly and in cases where recovery action is required, the Council will act quickly, fairly and impartially, but with due regard to the social welfare and human rights of all of our customers"*

### 2. Key Aims of the Policy

This Policy aims to strike a fair balance between the financial needs of the Council and the social needs of our customers by:

- coordinating income collection, recovery and debt management activities;
- ensuring circumstances are taken into account when determining appropriate recovery action, including potential emerging costs for ongoing support and care;
- adopting a debt hierarchy for multiple debts;

- providing advice and or signposting to receive appropriate support to those owing money to the Council, ensuring they are maximising reliefs, discounts or benefit entitlements;
- taking prompt recovery action before debts become unmanageable for the customer;
- applying best practice debt collection methods e.g. timely and accurate billing;
- offering a range of cost effective payment methods;
- ensuring that we treat everybody with integrity, fairness, respect and trust;
- recognising that failure to recover monies duly impacts on the Council's ability to provide key services;
- aiming to be consistent in our approach in similar circumstances to achieve similar ends;
- taking a proportional view will be taken against loss of income and costs incurred;
- being transparent to maintain public confidence;
- producing accurate and timely management reports;
- identifying vulnerability and acting or responding appropriately.

### 3. Scope

This Policy applies to the collection of all debts, including:

- Council Tax
- Non-Domestic Rates (Business Rates)
- Housing Benefit Overpayments
- Sundry Debts (invoices raised on the Corporate Finance system for a variety of Council Services)
- Council House Rents

### 4. Debt Recovery Principles

The Council's debt recovery principles are outlined below.

- **Proportionality:** establishing an appropriate balance between the potential loss of income to the Council, recovery costs and any emerging Council or third party costs relating to welfare, care or housing support.
- **Consistency:** the Council aims to achieve consistency in the advice it gives, the use of its powers and the recovery procedures adopted. Council officers will take account of the social circumstances of the debtor, the debtor's payment history and their ability to pay.
- **Transparency:** ensuring people understand what is expected of them and what they should expect from the Council, including explaining clearly the reasons for taking debt recovery action. The Council aims to take early recovery action before debts become unmanageable for the customer.
- **Offset:** where a customer owes money to the Council but this is less than any funds due from the Council, this will be offset against what is owed and the

net balance settled. Where a customer owes money to the Council that is greater than any funds due to them by the Council, these funds will be used to reduce the amount owed and the customer contacted about arrangements to repay the outstanding balance. Any such arrangements will be undertaken in a fair and legal manner and with the customer's agreement wherever possible.

- **Appropriate Costs/Fees:** where legislation permits, the Council will seek to apply and recover from the debtor any costs/fees/charges that are legitimately due to the Council or its agents. The Fees and Charges are agreed by Full Council in December each year. Only in exceptional cases, where it would not be in the public interest to pursue such costs/fees/charges, will these be waived.
- We will also ensure that we pay suitable regard to our Core Values of:
  - **Integrity** - we will be honest, do what is right and stick to it;
  - **Fairness** - we will consistently treat everyone equally, respecting their individual needs and abilities;
  - **Respect** - we will always show respect for everyone; and
  - **Trust** - we will show trust and confidence in our staff and Councillors.

We intend to be firm and fair and our manner will be polite and professional.

Detailed recovery action for the key debt types are outlined in the numerous appendices to the Corporate Debt Policy.

## 5. Hierarchy of Debt

Customers, citizens and businesses within Taunton Deane have a responsibility to pay for the services they receive and the charges and rents they are liable for. In some instances customers will owe more than one debt to the Council. The Council will adopt a co-ordinated approach when dealing with multiple debts, taking into account the person's circumstances, legislation, the level of debt and the potential for financial hardship. Where the Council, or its identified collection agent, is pursuing multiple debt then payments will be allocated firstly to debts where non-payment could lead to loss of the customer's home or have direct implications for an individual's wellbeing.

Priority debts have then been ranked as follows:

- Non-Domestic Rates (Business Rates) / Council Tax
- Council House Rents
- Housing Benefit Overpayments / Sundry Debts

All debt will be actively pursued in accordance with the Corporate Debt Policy, however, for accounting and collection purposes the above debts will have priority.

The Council's Corporate Debt Policy and complementary third party collection arrangements will ensure that incidences of multiple debt are effectively monitored.



These arrangements will provide timely and regular information to facilitate the annual review of the Policy and assess the ongoing appropriateness of the hierarchy of debt.

## **6. Vulnerability**

This protocol has been drawn up in agreement with representatives of Taunton Deane Citizens Advice Bureau. It sets out a strategy to increase the likelihood of successful collection without causing unreasonable distress to those liable.

### Definition

A vulnerable person is a person who, by characteristics and/or circumstances, is unable to act or respond appropriately to the normal collection procedures, or for the same reason is unreasonably affected by them. The Council recognises that vulnerability can come in many forms and it can also be multi layered. Vulnerability can also be temporary, permanent or come in a series of episodes and anyone at any time could potentially be deemed vulnerable. The characteristics or circumstances that **may** lead to identifying a person as vulnerable are as follows:

- Carers
- Cognitive Impairment
- Debt Management Agency involvement and overall debts need to be managed
- Disability
- Financial Impoverishment
- Learning Difficulty (including literacy difficulties)
- Language Difficulty
- Late Term Pregnancy
- Lone Parents – with young children
- Medication
- Mental Health (including personality disorders)
- Physical Health (including fragility due to advance years)
- Possession Proceedings
- Probation Service Involvement
- Recent Bereavement
- SMI (Severely Mentally Impaired)
- Substance Abuse
- Social Services Involvement
- Terminal Illness
- Victim of Abuse
- Victim of War

This list of factors is not definitive and all the circumstances must be taken into account.

## **7. Methods of Payment**

The Council recognises that the easier it is to pay, the more likely that payment will be made and the less likely that debts will accrue. The Council's preference is for low

cost payment options that provide a high degree of accuracy and certainty, such as Direct Debit. However to provide our customers with the greatest flexibility a range of payment types appropriate to the debt type and size is offered.

Customers currently use a mixture of payment methods and channels for different services, including cash, cheque, postal order, debit cards, standing orders and other electronic banking methods, such as online internet banking and touch tone telephone payments. Payments can also be made via the Council's website [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) by clicking on "Pay for it" under the popular services on the home page.

## **8. Write offs**

The Council recognises that a small proportion of its overall income may not be collectable due to matters beyond its control. Where a debt is assessed to be irrecoverable it will be subject to a write off process that is consistent with recognised accounting practices. The Council will seek to minimise the cost of write offs by taking all appropriate action to recover what is due including the use, where appropriate, of inhibitions.

Income deemed irrecoverable must satisfy one of the pre-determined criteria including but not restricted to:

- the customer has died and there are no or insufficient funds in the estate;
- the customer cannot be traced;
- it is uneconomical to pursue the debt;
- the income is uncollectable due to insolvency;
- all recovery methods have been exhausted;
- it is not in the public's interest to pursue e.g. at risk and vulnerable service users; and
- the debt is prescribed under the Limitation Act 1980.

All write offs will be carried out in accordance with the relevant provisions contained within the Council's Financial Regulations, as supplemented by the Finance Rules.

It should be noted that just because a debt is written off it does not rule out the possibility of writing the debt back and pursuing it to the full extent of the law. An example of when this may occur is if a debtor absconds with no forwarding address but is subsequently traced. A further example would be in insolvency cases where an individual/company goes bankrupt or is made insolvent, partial/full dividend(s) can be received many years later.

## **9. Performance Monitoring**

The Council recognises that prompt recovery action is essential for effective debt management. The Council will:-

- regularly monitor the level and age of its debt;
- set clear targets for the recovery of debt;

- have written recovery procedures;
- assess recovery methods to ensure maximum returns; and
- regularly review irrecoverable debts for write off.

To ensure the Council achieves its objectives a range of high level indicators has been developed to monitor performance. Key quarterly indicators (unless stated otherwise) include:

- In year collection targets (Council Tax, Business Rates & Housing Benefit Overpayments) - Monthly
- Top 20 Sundry Debts outstanding by value reported to JMT (with a progress report if a debt remains outstanding from the previous quarter)
- Sundry Debt value of debts over 90 days to be lower than corresponding point in previous year
- HRA Collection Rates, responsive maintenance, housing voids and tenant satisfaction

The Council recognises that failure to achieve income and collection targets will have financial and service consequences. Performance will be reviewed on a quarterly basis by the Finance Manager, liaising as appropriate with relevant service managers, and this information will be reported as part of the Council's wider performance updates to members.

Where an external agency assists the Council's collection and recovery process it will also be required to produce detailed performance and management information.

## **10. Stakeholders**

The Council recognises that personal indebtedness is increasing and that any debt recovery action can potentially cause distress, particularly where the person has other debts or is on a low income. The Council will make every effort to support customers in managing their Council debts and will engage with relevant welfare and debt agencies where appropriate.

## **11. Confidentiality**

The Council will ensure that all information about a customer's personal and/or financial circumstances is dealt with in the strictest confidence.

## **12. Review**

The Corporate Debt Policy will be reviewed on an annual basis. This review will take account of changes in legislation, service improvements, regulations and wider policy initiatives. Any proposed changes will be discussed with appropriate stakeholders and updated in line with related policies.

## **13. Segregation of Duties**

The Council will ensure that income and debt recovery transactions are governed by robust controls, with clear segregation of duties. Financial decisions will be made by

identified officers and reviewed by appropriate managers. These arrangements will be clearly detailed in relevant service operation manuals and the Finance Rules.

**Supporting Policy Documents (not attached)**

Appendix B – Council Tax and Business Rates Recovery Strategy

Appendix C – Overpaid Housing Benefit Overview

Appendix D – Sundry Debts Overview

Appendix E – HRA Recovery Strategy

Appendix F – Good Practice Protocol

Appendix G - Equality Impact Assessment Form

# **Council Meeting – 12 July 2016**

## **Report of Councillor John Williams – Leader of the Council**

### **1. The Referendum - Decision to Leave European Union**

- 1.1 The referendum was held 23 June 2016, only a short while ago, and the democratic vote was to leave the European Union. What a momentous decision and not one that I supported but now the decision is made it is incumbent on all of us to get behind it and make the best of the situation we find ourselves in.
- 1.2 Unfortunately, it seems, the fight to leave was carried out without any plans or forethought and we are now left rudderless with no apparent plans to take us forward. Hopefully this will be addressed soon and sensible plans emerge as to how we deal with a potential crisis facing the Country with our currency de-valuing, our credit rating being downgraded and the Stock Market in a spin with the loss of direction in the Country.
- 1.3 On the positive side I reiterate an early notice to all Councillors that I sent in respect of our own finances and future:-

“The EU Referendum result last week has clearly introduced uncertainty. Whilst the longer term effect is uncertain I want to assure Councillors that our officers are working with our advisors to carefully monitor the effects on our financial position. Initial advice on the day was to ‘keep calm and carry on’. We are well positioned within our portfolios having acted on previous advice and adopted prudent policies on dealing with our investments and borrowing. We do not need to take any immediate action, and our officers are continuing to monitor guidance and information from our advisors on a daily basis. We will respond accordingly to minimise any emerging risks to our investment and borrowing arrangements.”

Be assured, this monitoring of our position is still relevant and continuing.

- 1.4 In an article from South West Business Insider headed “Too Early to Speculate on Brexit Impact” the international commercial agents Colliers offered the following:-

“A head of retail agency at Colliers International has said private investors and Local Government must pull together to take a proactive

approach to property investment following Britain's decision to leave the EU.

David Fox, who leads Colliers retail agency in the North, was speaking at the firm's launch of its Midsummer Retail Report in Manchester.

He said any effects of Brexit, which was decided by a 48-52 majority on Friday, will "be slow to drip down".

"It's not like the 2008 crisis when effectively the money tap was turned off," he added. "Here, it's not a case of consumers not having the money; it's a Europe-wide worry and one that will take longer to sort out, but I don't think it will lead to inactivity."

"If interest rates go up, consumers won't spend as much but at the moment the indication is that interest rates will stay down."

Fox also said it is "too early" to be speculative and all of the uncertainty in the market can be solely placed on Brexit.

"Retail volumes in the US are down 30 per cent year-on-year. We're still getting strong indications that the UK will remain attractive to international investors."

1.5 The clear message from this seems to be just "steady as we go" as it will take some time for any impact, positive or negative, to become apparent but it is good that as a Country it is thought we remain attractive to investors.

1.6 In a briefing note circulated by Devonshires Solicitors the following comment was offered which Members may find of interest under the heading:-

"Brexit: The Implications for Public Procurement in the UK"

"All public procurement procedures applied in Member States are governed by EU Procurement Laws and principles which aim to promote fair competition between EU businesses in securing public sector contracts in EU countries.

One of many questions that arise following the referendum decision on the UK's membership of the EU is: what effect will Brexit have on the regulation of public procurement in the UK?

In the short term.....

In England and Wales the EU Procurement Directives have been implemented through regulations, including the Public Contracts

Regulations 2015, the Utilities Contracts Regulations 2016 and the Concessions Contracts Regulations 2016 (the “Procurement Regulations”).

The general consensus amongst practitioners is that the current Procurement Regulations will continue to act as the UK’s legislative framework until the terms of Brexit are known. Article 50 needs to be invoked by the UK giving formal notice to leave the EU, following which there will be at least two years of negotiations. In the meantime the Procurement Regulations apply and are in full force. Accordingly, contracting authorities (which include Central Government, local authorities and registered providers) will need to continue to comply with the Regulations and bidders can continue to enforce their rights under the Regulations if they believe there has been a breach.

So, at the moment nothing changes.

What happens once the UK has left the EU?

It is important to remember that the Procurement Regulations are all national laws, based on EU Directives. So, each set of Regulations would need to be actively repealed by the Government in order to lose their effect in the UK. Changing national legislation is likely to be a highly complex process,

The extent of any changes to the Procurement Regulations post-Brexit will depend on the outcome of the Government’s negotiations with the EU member states and what it wishes to achieve.

It has been suggested that the UK could adopt a similar approach to countries like Norway and Switzerland, opting to join the European Free Trade Association (EFTA) which promotes the free trade of goods and economic integration amongst its members. Should the UK elect to join the European Free Trade Association and then become part of the European Economic Area (EEA), nothing is likely to change. EEA countries have very similar procurement rules to the UK. This includes the availability of the remedy of a declaration of ineffectiveness for above threshold contracts.

As an alternative, the UK may look to enter other agreements with countries outside of the EU, like the recently established CETA agreement between Canada and the EU, or rely upon membership of the World Trade Organisation. Such arrangements are based on similar procurement arrangements to the EU and so there may well be less change in practice to the application of procurement regimes than anticipated.

## Conclusion

Therefore, in our view, Brexit is very unlikely to mean the end of procurement regulation in the UK. There may be changes to existing procurement legislation following our exit from the EU, but these changes may not be that significant in practice.”

1.7 I thought Members would find this of interest to understand the likely options available for our future procurement process and the conclusion of “not much change!”

## 2. Heart of the South West Devolution

2.1 Recapping, we submitted our prospectus for growth to the Government in February 2016 and recently a meeting has been held between the Secretary of State, Department of Communities and Local Government CLG and senior Members of the Devolution bid. This was a positive meeting resulting in the following;

2.2 The Secretary of State made the following comments:-

- **Geography** – the Devon and Somerset area is agreed as the appropriate scale. Our proposal must clearly demonstrate why this is the right geography for our Devolution agreement - and all Councils and MPs must support the proposal.
- **Combined Authority** – the Partnership will move forward into the negotiation process based on a Combined Authority model. The Mayoral issue may be considered at a later stage, within the timeline agreed by our Partnership. A Mayor will not be imposed or be a pre-condition of any initial deal.
- **Extent of the deal** – areas that have agreed to have a Mayor will get more powers than a non-Mayoral Combined Authority deal. However, the negotiation process will be an opportunity to push the limits of this initial deal, and the process should be viewed as being incremental.
- **Timeline** – we will still work towards an Autumn Statement timeline for the announcement of an initial deal.
- **Growth Deal 3** – the Local Economic Partnership (LEP) would not be penalised in Growth Deal 3 negotiations because we do not have a Devolution deal with a Mayor. The decision for allocation will be based purely on the quality of the Growth Deal bid.

2.3 This is felt to be a very positive response from the Secretary of State who advised that if the Partnership, backed by each Council and our MPs, can sign up to the principle of a Combined Authority by the end of July 2016 he will arrange for the Treasury to open up negotiations towards a deal.

2.4 This is a very pressing timetable and set out below are the activities each partner needs to undertake:-

1. Secure an ‘*in principle*’ agreement from your Council or Board in the July cycle of meetings to the creation of a Combined Authority Governance model, subject to a further report seeking final ratification in the Autumn.



2. Develop and agree a draft Heads of Terms document that can be the basis of discussion with the Treasury and our negotiation team. A draft document will be circulated to Leaders and Chief Executives for consideration.
  3. Consider and agree a Member Development Programme to be rolled out across all Councils to address some of the myths surrounding devolution and give a fuller explanation of the Combined Authority model.
  4. Agree the messages for communication with key stakeholders including MP's
- 2.5 Why is it important to support Devolution? Currently productivity in the South West is running at less than 80% of the national average, the promise is that if local Councils have greater freedom to act, by 2030 they will help deliver:-
- A £4 billion uplift to the economy;
  - 163,000 new jobs;
  - 179,000 more homes;
  - Higher wage levels which are above the national average;
  - Apprenticeship starts up by 400%;
  - Every young person in education, employment or training;
  - A better qualified workforce;
  - Faster, more reliable rail services with greater capacity;
  - Faster road journeys with less congestion;
  - 100% Superfast Broadband coverage; and
  - A UK centre of excellence for skills development.
- 2.6 This in turn should give us the greatest opportunity of “upping our game” to address the lack of productivity and our low wage economy which impacts on all of our community.
- 2.7 The actions noted above (1 – 4) are in hand to implement and indeed the “In principle agreement for a Combined Authority is before us tonight and I hope Members support it. Please be assured this does not commit us as I fully accept that Members will want to see the full detail of the deal before finally committing to a Combined Authority.

### **3. Shared Services and Management with West Somerset Council**

- 3.1 The three Business Cases have now been prepared and circulated to all Members which is the result of frenetic activity by our great team of officers. A great big thank you to all the team that has worked so hard to compile the necessary information in a relatively short space of time and producing it to schedule. Thank you again.

- 3.2 The Business Cases have now been evaluated by independent assessors who, from verbal feedback on conclusion of their examination, have indicated the budgets allowed and assumptions made are sound and credible. So unless other issues are flagged up in the written report (not available at the time of writing this) Members can proceed with confidence based on the figures as presented to us.
- 3.3 The democratic process of considering the various options has commenced, with a Members Briefing to all Councillors 29 June 2016, the full report issued to all Members on 4 July, Scrutiny on 11 July and culminating in a final debate at a Special Full Council meeting on 26 July.
- 3.4 At this latter meeting, whichever way forward is resolved, it will be necessary to then work it up in detail for final approval and implementation. I look forward to all Members constructive input into this process.

#### **4. Proposed Firepool Development**

- 4.1 The current planning application for the proposed redevelopment of the Firepool site is due to be considered by the Planning Committee later this month.
- 4.2 Somerset County Council are still reporting completion of the Northern Inner Distributor Road (NIDR) is on track for the end of the year which will include the entrance bellmouth off the NIDR to service the Firepool access road for the development. We are also making progress towards assembling the full site by procuring the various plots of land in others ownership.
- 4.3 The Acorn Blue housing development adjacent Firepool Lock is now nearing completion and have proved to be very popular with quite a number being sold already. If the plans as proposed for the Livestock Market site are approved this will result in a total number of about 750 homes being developed on brown field land comprising the East Goods Yard, Livestock Market site and the old car park. A tremendous achievement.

#### **5. Junction 25 (J25) and A358 Improvements with Access to Employment Site**

- 5.1 Detailed plans for the all-important J25 upgrade and improvements have been prepared and the next step is final approval of the Business Case by the Local Enterprise Partnership for available funds to be released. This process is under way as we need work to commence on this soonest.

- 5.2 Highways England are working up various options for the much needed upgrade of the A358 with a view to “options” being available for public consultation later this year and aiming for a 2018 submission for Planning Consent.
- 5.3 Obviously with all the upheaval in Central Government of late there could be a risk of major projects such as this being postponed or removed from the budget. But, so far all I have seen stresses the need for infrastructure development to continue as it is very important to the economy. One thing is certain, this new road and the enabling of a major employment site has always shown a great return on expenditure. Therefore on that measure plus road safety it should continue.
- 5.4 The team for preparation and securing the Local Development Order (LDO) are due to be appointed imminently which will allow the planning process to commence and hopefully secure consent to open up much needed employment land around Taunton. This will be a major step forward towards attracting existing and new investors to Taunton Deane.

## **6. Merger of Bridgwater College and Somerset College**

- 6.1 The merger of the above two colleges took effect as from 14 June 2016 and it was gratifying to meet with the now Principal of both colleges and hear his plans. Somerset College is a very important part of their growth and development plans going forward, using the existing campus and developing as necessary. The proposed move from Canonsgrove to new Halls of residence on campus is seen as a very important move and one that will be implemented.
- 6.2 Higher Education will generally be concentrated in Taunton and the joint college will be actively pursuing University status which is to be applauded as this is a long held aspiration to secure a University for Somerset. As a Council we have welcomed this and offered all help possible.

## **7. Blackbrook Swimming Pool**

- 7.1 May I congratulate Councillor Catherine Herbert and the whole team for the great achievement of delivering this major project more or less on time and within budget. A major feat in these difficult times, thank you to all.
- 7.2 As a result our community have a fantastic facility which is just about to open to the public which I am sure will be welcomed by many. Great facilities in an eye catching building, we can be justly proud of our achievement in delivering this.

## **8. Deane DLO Relocation**

- 8.1 I was pleased and proud to attending a 'Topping Out' ceremony at the new DLO premises and it was good to see the building works well advanced and no concerns about handing over on time or within budget. Again my thanks to the team achieving this.
- 8.2 Successful completion of this building allows vacation of the existing DLO premises along Toneway and redevelopment of this major site by a prestigious company so providing a major boost to our economy from the extra employment and trade they will create. This is to be welcomed.

### **And finally.....**

Thanks to all involved, we have excelled in the number of new homes delivered across Taunton Deane in the last year. An enormous number of 883, of which 205 were affordable homes, the greatest number delivered in any one year for this century. A tremendous achievement and testament to the attractiveness Taunton Deane as a place to live, work and play.

Councillor John Williams

# **Council Meeting – 12 July 2016**

## **Report of Councillor Mark Edwards – Economic Development, Asset Management, Arts and Tourism**

### **Section 1: Business Development**

#### **Economic Development Service Plan**

- 1.1 The team has completed its Service Plan for Economic Development, which sets out the context in which the team operates, the resources and the services available to support the Growth agenda and business investment. A glossy summary of the Plan has also been produced, and I have asked the team to furnish each Member with a copy.

#### **Support for Digital Innovation**

- 1.2 Over the past few months the team has been building a small network of business leaders to advise on a strategy to stimulate innovation amongst digital and data-centre businesses in Taunton. At the same time, and with support from Somerset County Council (SCC), officers have appointed a consultant to produce a Prospectus to focus this work.
- 1.3 This is a particularly exciting new strand of activity, which will produce a clear plan on how the Council can stimulate a high growth sector of businesses, through nurture and support for digital innovation. It is my intention to organise a conference in the autumn to feed back our progress and capture further business involvement in this project.

#### **The Glass Box**

- 1.4 In a similar vein I was very pleased to note the opening by the SCC last month of the 'Glass Box' in the former Tourist Information Centre on Paul Street, Taunton. Run alongside the Library Service, the Glass Box will provide information and cutting edge technology to support businesses, and will host learning and networking opportunities for businesses and the public. It is important that this new facility is well used by customers, and I would urge all Members to visit the centre and to spread the word about such an excellent resource.

#### **Wiveliscombe Business Park**

- 1.5 I would congratulate SCC for investing in employment land at Sandy's Moor, Wiveliscombe. Taunton Deane's Economic Development Team has worked closely with colleagues in SCC to build up the business case for the project, which includes the development of an Enterprise Centre within the site.

- 1.6 Premises for business growth have been in short supply in Wiveliscombe recently, so the new employment site and Enterprise Centre will become valuable resources in enabling business growth and investment.

### **Taunton Deane Business Awards**

- 1.7 Following six months of promotion and shortlisting an awards evening was held at Somerset County Cricket club earlier this month. 150 business people attended a black tie event and eagerly awaited news of who had won awards in the seven categories.
- 1.8 Our MP Rebecca Pow was in attendance alongside Deborah Meaden. Entries were of a very high standard and after interviews and much judge discussion the overall winners were:-
- Start-up - Porrt Payroll;
  - Micro business - Granny Gothards;
  - Small business - Earlam and Christopher; and
  - Medium business - Ministry of Cake.
- 1.9 I attended along with officers, and I was particularly pleased to be able to present the award for Corporate Social Responsibility to Claims Consortium.

### **Heart of the South West Growth Hub**

- 1.10 Businesses can now access a single point of contact for all the support they require, along the lines of the former Business Link. Whether looking to set up a business or looking for help and advice on diversification/ expansion businesses are urged to make contact with business advisors. For more information go to [www.heartofswgrowthhub.co.uk](http://www.heartofswgrowthhub.co.uk).
- 1.11 In past months Officers have been working with the other County and District Councils in the Heart of the South West LEP area on an European Regional Development Fund bid to enhance business services and support available through the Growth Hub.

### **Wiveliscombe Business Showcase**

- 1.12 The 10 Parish business group held a business showcase in Wiveliscombe on Saturday, 25 June 2016. Many businesses took the opportunity to take a stand to promote themselves to other businesses and the local community. A new Food, Drink and Accommodation Guide was launched and there was an opportunity for businesses to meet our local MP Rebecca Pow to discuss the economic needs of the local area.

### **Business Communications**

- 1.13 A core element of the team's work is communication with businesses and investors. Over recent months attention has been focussed on increasing and cleansing the recipient list of the monthly newsletter, and it is now distributed

to 1400 business people. The read-rate of the newsletter is strong; the national average is 20% yet ours is achieving around 27% and is growing. The team also regularly meets businesses on a face to face basis, supporting them to overcome obstacles and to realise their growth ambitions.

## **Section 2: Marketing the Area to Businesses and Visitors**

### **Marketing to Visitors**

- 2.1 The Taunton Visitor Centre (TVC) has recently increased its staffing, appointing Katie Harris to a permanent Visitor Centre Assistant position, and appointing Mike Brook and Katherine Cruikshank to the team as Casual Visitor Centre Assistants. The new appointments will increase the number of staff on hand to serve customers, and to generate additional income to enhance the service.
- 2.2 In recent months the team has done particularly well to increase income from the town centre rotundas, the banner site at Castle Bow, and the new TV 'promo' screen in the Visitor Centre. I would encourage all Members to visit the TVC in the Market House to meet the new staff members and to see the excellent services the team provides to locals and visitors.
- 2.3 The team has also appointed Christopher Bowditch in the position of Marketing Assistant. Chris is due to commence in the role in mid-July on a one year industrial placement, and he will support the Marketing Manager in promoting Taunton Town Centre. This service has been brought in-house having been provided for the past 18 months by a contractor, Destination CMS. Chris will bring expertise in social media and communications to the team; he will continue the close liaison that the Council has with town centre businesses and event organisers, raising awareness of promotions and festivals throughout the year to encourage more visitors to the town centre.

### **Somerfest**

- 2.4 Fuse Performance again put on Somerfest on Saturday, 18 June 2016 on commission from the Council. It was a very successful event, attracting crowds of people, including young and old, families, schools and arts groups. The event provided a day-long celebration of Taunton's arts and culture amongst all of the open spaces in the town centre.
- 2.5 The event was extended into East Street, to take advantage of the road closure and to increase footfall in that direction, and I was particularly pleased to see greater activity on Somerset Square and around The Brewhouse Theatre. It was the first time the event ran into the evening with a fire parade performance on Goodland Gardens, which had a fantastic turnout. I would congratulate FUSE Performance for delivering an innovative, fun day, which celebrated our cultural diversity and talent in a safe and well organised event.

### **Taunton Live**

- 2.6 The Taunton Events Group, which I Chair, is coordinating a summer long programme of arts and cultural activities. Plans are well underway by Go Create for a repeat of the successful Taunton Live, towards which the Council is providing funding. It will be a week-long celebration between 18 and 24 of July, and this year it will be focused on Castle Green. Each day of the festival will have a different cultural theme, and I would encourage Members to visit and to take part in the array of arts activities on offer.

### **Arts and Events Grants**

- 2.7 For many years the Council has provided funding to arts organisations and event organisers to support their work and the provision of services to our community. This year the two funding streams have been brought together into one Arts and Events Grant, totalling £20,000, and I am pleased to report that the monies have been allocated to a broad range of organisations, including:-

- SPAEDA;
- Somerset Art Works;
- Take Art;
- FUSE;
- Somerset WI;
- CICCIC;
- The Brewhouse Theatre;
- Taunton Choral Society;
- the Wassail Theatre Co.;
- The Brew Food Fest;
- Taunton Live; and
- Taunton Carnival.

- 2.8 A full description of the organisations, activities and services to be supported through the grant is available.

### **Social Media and Website**

- 2.9 Over the past six months the team has increased significantly our use of social media channels to raise awareness of Taunton as a visitor and investment destination, and of the Council's work in supporting Economic Development. As a result the number of followers and 'likes' is increasing. Members will be pleased to note that @moreTaunton on Facebook has risen from 3,660 to 4,436 likes in the period January to 30 June 2016. @moreTaunton on Twitter has risen from 4,522 followers to 5,217 over the same six months. @moreTaunton on Instagram was introduced in March, and it now has 693 followers.
- 2.10 On the business marketing side, @TauntonBusiness on Twitter has risen from 1,846 followers in January to 1,987.
- 2.11 The team also maintains the Visit Taunton website. From May to June, the site had over 20,000 users with 79% being new and 24% being returning



visitors. It also received over 8,000 plus views on the What's On calendar between May and the end of June.

### **Section 3: Regeneration in Taunton Town Centre**

No report.

### **Section 4: Asset Management Service General Fund Activities**

- 4.1 The past three months have been busy, finalising year end work, implementing a new staffing structure with additional functions now sitting within Asset Management, progressing a number of high value transactions and delivery of the Asset Strategy.
- 4.2 This is in addition to the 150 or more live projects for the General Fund currently being delivered by the Estate Management Team, these being smaller and more routine but nevertheless critical for the smooth operation of the portfolio. With summer arriving, there have also been the usual traveller encampment issues on Council owned land.
- 4.3 During the past three months the following projects are particularly worthy of mention:-
- Former Mike Chedzoy Motors premises on Greenbrook Terrace, Taunton – Exchange of contracts expected during July. Capital receipt of £750,000 expected spring 2017.
  - Community Asset Transfer Policy – Now adopted.
  - Former Park Keepers Cottage, 277 Cheddon Road, Taunton – A report is intended to be taken forward in July for a decision to sell.
  - Land at Frobisher Way – A report is intended to be taken forward in July for a decision to sell.
  - Continuing Asset Management support through dedicated Asset Projects Surveyor towards the Firepool redevelopment scheme. Positive progress has been made in respect of due diligence and general land assembly. Also supporting other key Growth projects.
  - Having been vacant, the Asset Strategy Surveyor post dedicated to the Taunton Deane General Fund work was filled in April and therefore this work stream is progressing once again.
  - Statutory Asset Valuations of General Fund portfolio completed.
  - The recently agreed structure which is now being implemented includes three dedicated Asset Surveyors along with an Asset

Technician to ensure that the quality of asset data is improved and supports proactive management of the portfolio. The Asset Surveyors will manage stock condition data, compliance matters and other corporate Asset Management activities, visiting all assets on a rolling basis over a five year programme, some inspections being annual depending on the nature of the asset and the risks arising through Health and Safety compliance.

- A Landlord Health and Safety Compliance Project Manager has been appointed for 18 months to manage key compliance related projects across all portfolios including the General Fund.
- A formal Officer based Asset Management Group has been established to provide strategic ownership, direction and support in delivering key objectives.

## **Section 5: Asset Development Sites in Taunton**

### **Lisieux Way, Taunton (Thales Site)**

- 5.1 Thales has recently confirmed they will now contract with Taunton Deane and take on a new 999 year Lease. MRMU will be advising Thales including project management of the relocation of GSI Exotec to new premises within the site. A price and headline terms have been agreed in principle with Thales, which are basically the same terms as those agreed following lengthy negotiations between Taunton Deane and their prospective developer partner MRMU.
- 5.2 The deal will give the Council control of new frontage enabling the potential reconfiguration of car parking and/or an opportunity for future new development on the site.
- 5.3 The price and terms are subject to exchange of conditional contract that achieves best value for the Council by increasing income and enabling the development of employment space for technology based businesses.

### **New footbridge at Longrun Meadow**

- 5.4 A sale price and heads of terms have been agreed with the land owner, subject to contract. These include an arrangement with Somerset Highways to adjust access arrangements to the bridge.
- 5.5 Positive pre-application discussions have been held with our Development Management Team following relocation of the facility due to flood erosion. Black and Veatch have been appointed as specialist engineers and technical project manager to advise the Council. Quotes to install the bridge are currently being assessed with the aim of starting this summer and completing in the autumn. Ground surveys have been completed.

## **Unlocking Employment Land**

- 5.6 Working alongside the Business Development Team, the Council is taking professional advice on bringing forward key employment sites for business occupancy. Sites currently under consideration include Langaller Lane and Hyde Lane at Monkton Heathfield, and other sites elsewhere in Taunton that have been frustrated in coming to the market. Options under investigation include potential joint ventures, acquisition and investment opportunities.
- 5.7 Members will also be aware that significant progress is being made by Somerfield Developments to bring forward a major Strategic Employment Site on land to the east of Junction 25 of the M5. Officers are liaising closely with the developer to ensure that the site becomes a prestigious business park of national repute, occupied by high value organisations and technology based businesses.

Councillor Mark Edwards

# **Council Meeting - 12 July 2016**

## **Report of Councillor Roger Habgood – Planning Policy and Transportation**

### **1. Planning Policy**

Officers remain actively engaged in developing Policy with Core Strategy, Site Allocation and Development Management Plan and Neighbourhood planning being the main themes.

#### **Core Strategy Development**

- 1.1 Preparation is underway for Core Strategy / Area Action Plan Reviews. Early steps will include taking a paper through Members of the Local Development Framework Steering Group to help scope the envisaged extent of the Reviews.

#### **Site Allocation and Development Management Plan (SADMP)**

- 1.2 Consultation on proposed main modifications to the SADMP closes soon (on the 15 July 2016). Shortly thereafter the Council anticipates being in receipt of the Inspector's Report recommending the adoption of the Plan subject to the Main Modifications we are currently consulting on.

#### **Neighbourhood Planning**

- 1.3 Lots of activity continues in this area of Planning Policy and I believe we should celebrate the fact that we are among, if not, the first in Somerset to bring a Neighbourhood Plan before Council.
- 1.4 The great deal of work is undertaken by our officers, our Parish Councillors and other contributors in putting together Neighbourhood Plans, I believe they add not just to planning policy but to local democracy and I thank them for their involvement time and effort.

#### **Bishops Lydeard and Cothelstone to be “made” (adopted)**

- 1.5 Following a successful referendum the Bishops Lydeard and Cothelstone Neighbourhood Plan (c.80% of those voted supported it) is being put before Members tonight to be adopted (“made”). This is the first Neighbourhood Plan in Taunton Deane to reach this stage and is the accumulation of years of hard work by the Parish of Bishops Lydeard and Cothelstone.

#### **Two new Neighbourhood Plan Areas Designated**

- 1.6 The Council has designated Neighbourhood Plan areas for the Parishes of Creech St Michael and Ruishton and Thornfalcon. This has defined the geographical area that their respective plans will cover. They are now beginning the task of identifying what is unique about their area and what topics their plans will cover.

### **Neighbourhood Planning Grant**

- 1.7 Changes have been made to the amount of grant Local Planning Authorities (LPAs) receive for helping support Neighbourhood Planning in their area (from £30,000 to £20,000). In the past the Council has used this money to help cover cost of technical evidence, legal advice, statutory notifications and consultation, Independent Examination, and the referendum. The grant communities can claim directly remains unchanged at £9,000.

### **Timescales for Decisions on Neighbourhood Plans**

- 1.8 The Housing and Planning Act has imposed timescales on Local Planning Authority's decisions at regulatory stages of the Neighbourhood Plan. Their aim is to speed up the regulatory process and the Council is looking into the additional resource (financial and human) implications for the Council.

### **Sharing Information and Experience**

- 1.9 The Council is part of a new South West Neighbourhood Planning Hub/Group. This enables officers and academics from further education to share information and experiences of neighbourhood planning, helping each other with queries and issues. This activity benefits this Council both directly and indirectly as the knowledge pool increases.

### **Custom/Self-Build Register**

- 1.10 Taunton Deane has updated its self-build and custom house building register. The information helps the Council understand the range and type of self-build and custom house building project needs for our area. It will be used by the Council in Planning Policy, Asset Management, Development Management and Housing Enabling.

## **2. Development Management**

Development Management has made a strong start to the New Year, having met all performance targets. All Planning Officer posts are now filled. We have vacancies in Planning Enforcement and for a Conservation Officer. The posts have been advertised and the recruitment process is underway; meanwhile, support is in place to maintain the service.

## **Major Planning Applications**

- 2.1 The two most significant outstanding applications form the urban extension proposals for Staplegrave. It is hoped that both applications will be before the same Planning Committee at the end of the summer. A briefing session for the whole Council on these two applications is being planned before they are presented to the Planning Committee. The briefing is for information and clarification.
- 2.2 The two applications have so far received approximately 150 representations from Members of the public and these are currently being analysed so that they can be reported to Members and discussed appropriately.

## **Local Development Order**

- 2.3 We are undertaking a tendering exercise that will, I trust, lead to the appointment of consultants to assist us with the preparation of a Local Development Order for the Strategic Employment Site east of J25 of the M5. Interviews will take place with prospective consultants shortly and a decision on appointment will follow thereafter.

## **Making Saving Bringing Benefit**

- 2.4 Exploration of efficiency savings, particularly reducing their reliance on paper is continuing which should bring significant time and cost benefits.

## **3. Transportation**

### **20 Year Transport Strategy**

- 3.1 Work continues with Somerset County Council (SCC) colleagues to refresh the Transport Strategy, the key outputs of this work being:- a Supplementary Planning Document; the full technical piece of work, that will form part of this Council's Core Strategy review, preceded by a document aimed at a public audience that outlines and explains the strategy.
- 3.2 The latter will be with us in the Autumn.

### **Car Park Performance**

- 3.3 Performance has been good for April and May both in terms of usage across all Taunton Deane Car Parks with the odd exception in Wood Street where usage has dropped slightly which follows a six-month trend.
- 3.4 SCC are reporting a drop in on-street parking volumes in comparison

with last year, and level comparative usage at the Park and Ride facilities. It is still early days and whilst the performance is encouraging other factors are also at play such as retail shopping trends. We continue of course to work with retailers to ensure we do our part in enhancing our retail experience across Taunton Deane.

## **Signage**

- 3.5 We have before us this evening a recommendation regarding Electronic Variable Message Signage and Pay as You Leave parking payment which, if adopted, will help transform the car parking experience in Taunton.
- 3.6 I commend the proposal to you. We have an exciting opportunity here that I feel we should take as I think it will benefit residents and visitors in more ways than one.
- 3.7 It will utilise proven technology, will help with wayfinding drivers to the car park spaces which in turn will help us with traffic congestion and lessen frustration in finding a car parking space. It will also remove the pressure of shoppers rushing to get back before their ticket runs out and boost trade in the shops.

Councillor Roger Habgood

# **Council Meeting – 12 July 2016**

## **Report of Councillor Mrs Catherine Herbert - Sports, Parks and Leisure**

### **1. Parks**

- 1.1 Planting out of bedding displays has started and hanging baskets have been put up in the town centre. We have already received some lovely feedback from members of the public.
- 1.2 Green Flag judging which had been planned for Friday, 3 June 2016 was moved at the last minute to Thursday, 2 June 2016 which unfortunately meant I was unable to attend. Feedback from those who were present was positive that it went well.
- 1.3 Nursery contract work has been going out to customers and feedback from them has been great, very impressed with the quality of product and service. Thank you to Steve and the team.
- 1.4 The tree survey work has been continuing.

### **2. Play and Leisure**

- 2.1 The Vivary Bandstand concerts have been well received and we were pleased to have again hosted a group from the Youth Orchestra at Hestercombe House.
- 2.2 Work is progressing on the planning of Section 106 Agreement play areas and looking at the priority list for refurbishment and repairs required on our existing stock.
- 2.3 The Blackbrook Pool project is on schedule. I was able to visit last week and it really is going to be great to show this off to the public! Tone are working on a way of remembering St James Street Pool, so if you have any memories of the pool then please do share these with Tone as soon as possible.

### **3. Tone Leisure**

Tone continues to develop and support a number of community outreach programmes:-

#### **Active Lifestyles**



- 3.1 Tone Leisure is launching its “Bumps and Beyond” project in July in partnership with Knightstone, NHS Taunton and Somerset Midwifery Team. Tone are putting on a timetable of exercise classes for antenatal and postnatal ladies across Taunton and Wellington. Classes include Aquanatal, Pregnancy Circuits, Pregnancy Yogalates, Mums and Babies Fitness and Core classes. This is a six month project funded by Sport England aimed at promoting health and wellbeing to expectant and new mums.
- 3.2 Tone Leisure is working with Taunton Deane Borough Council to provide free swimming over the summer holidays to low income and targeted families in the three areas of highest social need in Taunton: Halcon, North Taunton and Wellington. Tone Leisure is working closely with the One Teams, Getset Services and schools to encourage families to engage in swimming over the summer holidays. Over 1,500 vouchers will be distributed.

## **Facility News**

### Blackbrook Pavilion

- 3.3 The Blackbrook Pavilion Swimming Pool and Spa are due for handover to Tone Leisure in early July 2016, with the new facilities opening on Saturday, 16 July and the official opening on Friday, 22 July.
- 3.4 Tone Leisure has relocated 1,400 swimmers from its Learn to Swim programme at St. James Street Baths to Blackbrook and 200 to Taunton Pool, with a comprehensive pool programme built to complement Taunton Pool due to launch. The new Spa area will be branded ‘Spa Experience’ and will offer affordable spa treatments for the Taunton community. All this will be complemented with the launch of ‘Coffee Corner’, the new café brand.

### St. James Street Baths

- 3.5 St. James Street Baths will close its doors to the public on Sunday, 10 July 2016 with a closing ceremony on Monday, 11 July. Tone Leisure is offering the community a last opportunity to swim in the pool at various times during the week commencing Monday, 4 July.

### Wellsprings Leisure Centre

- 3.6 Wellsprings Leisure Centre proudly hosted a charity comedy evening with Russell Howard and guests in June. A full house resulted in £23,587 being raised for the Stand Against Violence charity.
- 3.7 VIBE youth group have been awarded a capital grant of £9,962 for new equipment for their Friday night sessions. The grant includes parkour equipment, which will enable more young people to participate in parkour, an outdoor table tennis table and a variety of sports equipment.

Councillor Catherine Herbert

# **Council Meeting – 12 July 2016**

## **Report of Councillor Richard Parrish – Corporate Resources**

### **1. Democratic Services**

- 1.1 First of all it is welcome to a new member of staff, Nicola Paling, who started on 4 July, 2016. Nicola will be the Executive Assistant to the Leader and Chief Executive and be based in Richard Bryant's team.
- 1.2 The past few weeks have been very busy with the enjoyable Annual Council meeting taking place at Wellington School on 12 May, 2016, which saw Councillor Mrs Vivienne Stock-Williams elected as Taunton Deane's latest Mayor.
- 1.3 The team also helped facilitate a successful Air Cadet Parade through Taunton on Saturday, 11 June, 2016 to celebrate their 75<sup>th</sup> Anniversary and held a ceremony to raise the Armed Forces Day Flag at The Deane House on 20 June, 2016.
- 1.4 Members of the team have been helping with the development and preparations of the Transformation Business Case and the holding of the European Union Referendum in addition to undertaking their 'normal' committee work. I am grateful for their extra efforts in this regard.

### **2. Electoral Services**

- 2.1 Since the last meeting the Police and Crime Commissioners Election was successfully held on 5 May, 2016 (along with the Neighbourhood Planning Referendum for Bishops Lydeard and Cothelstone Parish Council).
- 2.2 Undoubtedly the 'main event' was the European Union Referendum held on 23 June, 2016. Due to the high national profile there was an unprecedented turnout which made for an extremely busy day.
- 2.3 In addition, which is not always so well recognised, there were weeks of hectic preparation leading up to Polling Day and unforeseen circumstances to deal with such as the last minute extension of the registration deadline.
- 2.4 This has involved Elisa Day and her Elections Team to work at a much pressurised level for a number of weeks and I should like to place on record my appreciation of the dedication of Elisa and her team and indeed all the other many people who helped to ensure the referendum was successfully managed.

### 3. Electoral Review

- 3.1 Following the Council's majority decision to suggest that the size of the Council should be 43 councillors, the Local Government Boundary Commission for England have announced that their preferred council size is 43.
- 3.2 There will now be a second consultation process on possible warding patterns to reflect this size. Any submissions in this regard will need to be made by 5 September, 2016 and a special meeting of the Council has been pencilled in for 22 August, 2016 to give the Council the opportunity of agreeing to make any formal representations within this timescale. The intention is to enable all Councillors to feed into this process.

### 4. Law and Governance SHAPE Partnership Service

- 4.1 The latest figures for the use of the service are set out below:-

#### Legal Referrals – April to June 2016 (Partial)

Received from TDBC	104
Received from WSC	20
<b>Total</b>	<b>124</b>

Category	Sub-Category	No. of Referrals WSC	No. of Referrals TDBC
Commercial, Contracts and Procurement	Advice – existing contracts		1
	Drafting and negotiation of new contracts		2
Employment	Advice on Employment Law & Procedures		2
	TUPE	1	1
Enforcement/ Prosecutions	Planning enforcement		1
	Statutory and other nuisance		
	Housing		1
Governance	Constitution		
	Corporate/Policy advice		3
Housing	General advice on all aspects of housing including policy and tenancy agreements		11
	Homelessness		1

Information and Complaints	Legal advice on FOIA, DPA SAR and EIR requests and policies		
	Corporate complaints and Ombudsman investigations		
Licensing	Advice		1
	Attendance at licensing committee and sub-committees	4	4
Litigation	Trespass	1	1
	Debt recovery		3
	Housing/property repossessions & advice		1
	Personal Injury		1
Planning	Advice on town and country planning matters	2	3
	Section 106 Planning Obligations, Enforcement Notices and Stop Notices		11
	Conservation Areas (Order and enforcement) plus Article 4 Directions	2	
	Public Inquiries and Appeals		
	Tree Preservation Orders		
	Lawful Development Certificates (CLUEDs and CLOPUDs)	3	9
Property	Property law advice	1	18
	Right to buy		17
	Sales	1	3
	Leases	3	4
	Agreements	1	2
	Licences	1	2
	Purchases		1
	<b>TOTAL</b>	<b>20</b>	<b>104</b>

## 5. Revenues and Benefits Service

- 5.1 We have a considerable amount of work within the Revenues Team following the usual trend of annual billing. While slightly below target, collection is broadly on track for both Council Tax and Business Rates. The time taken to process new claims and changes in circumstances for Housing Benefit and Council Tax Support recipients remains well within target at 8.55 days.
- 5.2 Public consultation on our local Council Tax Support (CTS) scheme for 2017/2018 starts on 4 July 2016 and will run for 10 weeks.
- 5.3 We will be consulting on four options for our CTS scheme for working age households for 2016/2017. These options are:-
1. No change;
  2. Reduce the maximum support we provide;
  3. Increase the maximum support we provide; and
  4. The ability to change our local scheme to reflect changes made to other welfare benefits
- 5.3 Pension age CTS recipients will not be directly affected by any of these options as they will continue to receive support of up to 100% through a scheme set by the Government.
- 5.4 However, everyone liable to pay Council Tax pays for the CTS scheme through their Council Tax payments. Therefore, it is important we get a broad cross section of views, regardless of whether residents receive CTS or not. To assist in achieving this aim, the Scrutiny Committee supported a proposal that every Member attempts to obtain views on the options from at least 10 constituents within their Ward. Consultation questionnaires have been distributed to all Members and I would encourage everyone to help in getting as many residents as possible to participate.

## **6. Procurement**

- 6.1 As at 1 June 2016, the strategic and operational aspects of the function will be delivered by the new Procurement Team within the ONE Team. This follows the return of this service area from Southwest One, with two people returning to form the team. For Taunton Deane, the transactional elements of the function will continue to be delivered by Southwest One.
- 6.2 An early priority for the Procurement Team will be to review and align strategic and operational procurement arrangements across both Taunton Deane and West Somerset Council, to provide the benefit of consistent specialist advice and support across the ONE Team. Although the function consists of a small team, it will focus on strategically important procurement activity, as well as corporate processes and compliance work.
- 6.3 The Assistant Director - Resources provided a briefing note to all Councillors in early June setting out the main responsibilities and activities for the Procurement Team in more detail. The return of the service means that long-

standing procurement savings targets are no longer the responsibility of Southwest One to deliver. The new team will continue to progress existing opportunities and it is proposed to develop new procurement savings targets during 2016.

## **7. Finance**

- 7.1 The Finance Service has been working through the financial year end period – always a particularly busy time of year.
- 7.2 The financial outturn position against budget has been confirmed for the last financial year, with details of performance against budget reported to the Corporate Scrutiny Committee on 30 June 2016 and to the Executive on 7 July 2016.
- 7.3 Overall, financial performance is positive with net spending remaining within budget and adequate reserves maintained.
- 7.4 The General Fund Revenue Outturn position for 2015/2016 was a net underspend of £280,000, with the Housing Revenue Account Outturn position reporting a net underspend of £476,000.
- 7.5 In respect of the Capital Outturn positions, the General Fund Capital Programme reported a net underspend of £125,000 against the overall programme, with the Housing Revenue Account Capital Programme reporting a net underspend of £2,154,000 against the overall programme. The future HRA capital requirements are being reviewed as part of the work on the new HRA Business Plan.
- 7.6 The General Fund reserves balance as at 31 March 2016 stands at £2,113,000, therefore £513,000 above the Council's recommended minimum reserves balance.
- 7.7 The Housing Revenue Account Reserve Balance as at 31 March 2016 stands at £2,675,000, therefore £875,000 above the Council's recommended minimum reserves balance.
- 7.8 As well as monitoring the position against the budget the Authority has produced the Annual Statement of Accounts for 2015/2016 and these were approved by the Director of Operations by 30 June 2016 in line with the statutory deadline. These accounts are now subject to examination by the external auditor, with the audited accounts then scheduled to be presented to and approved by the Corporate Governance Committee in September.
- 7.9 Going forward, the year-end process will be even more challenging with the statutory deadline for completing the unaudited accounts being brought forward to 31 May, and audited accounts approved by 31 July, from the 2017/2018 financial year onwards.

- 7.10 The Assistant Director - Resources has reviewed and updated the Council's Medium Term Financial Plan (MTFP). Hopefully all Councillors have kept up to date with the latest forecasts – with the five-year MTFP being reported to the Corporate Scrutiny Committee on 30 June 2016, supplemented with a briefing note to all Councillors setting out a lot of supporting information behind our projections. It is important that all Councillors appreciated the financial position when considering important decisions such as our future Transformation Business Case.

## **8. Finance Systems Replacement Project**

- 8.1 As part of the wider exit arrangements for Southwest One (SWO), the Council has approved the replacement of the SAP system. This project includes the replacement of the main accounting, purchasing and income systems that are currently part of the SAP solution. The project team have been busy preparing for this, and the procurement process is underway with bids invited on possible solutions to meet the Council's requirements. The plan is to secure the preferred solution in July/August with the replacement system planned for launch in April 2017.
- 8.2 This project will inevitably require significant support from the Finance Service. One of our team is seconded into the Project Manager role, and the change in system will mean we will need to review and update all of our main business processes affecting all parts of the service. This will also impact more widely with the new system and processes to be embedded in all services across the Council.

## **9. Corporate Services**

- 9.1 The key priorities for Corporate Services in recent months have been around the following:-
- 9.2 Supporting the development of the JMASS Phase 2 Business Case. Specifically this has involved producing the draft business case, working with the external consultants to understand the approach to transformation, potential savings and costs and to evaluate different approaches to reducing customer demand, implementing channel shift and to identify the ICT and HR support required to implement the programme.
- 9.3 Proceeding with the SWO exit negotiations. We now have a deal in principle and are aiming to sign a deal with SWO by the end of June/early July. The deal negotiated can be delivered within the budget set by Members.
- 9.4 SAP Replacement – we have now commenced procurement activity to replace the SAP system and will report further as the exercise progresses.

Councillor Richard Parrish



# Council Meeting – 12 July 2016

## Report of Councillor Mrs Jane Warmington - Community Leadership

*The strategic vision for Taunton Deane's most disadvantaged areas, is that resident's lives will improve significantly and that these priority areas will look better, feel safer and in the future place a more proportionate demand on public services. These services will be delivered in urban areas through co-ordinated, frontline, problem-solving, multiagency teams of individuals, already working in the areas, providing early help and based together. Rural parishes with more scattered communities will be helped to access services through community centres and local village agents identifying, signposting and supporting isolated residents to get the help they need. Urban priority areas need excellent education and health facilities on the doorstep which are then accessible to all, if we are to build independence, resilience and raise aspirations in individual people, families and communities, to sustain improvements and continue to reduce the need for and costs of intervention in the future.*

### 1. Three Priority Area One Teams

- 1.1 The One Team model continues to work on the basis of co-locating our Estates Officers in the areas of Housing Estate which generate the most demand and to work alongside other partners to provide the best joined up to solution to these issues. Estates Officers working in this way continue to have responsibility for covering all council houses in Taunton Deane and supporting tenants from all areas, but there are significant benefits to the multi-agency approach we are taking in these priority One Team areas.
- 1.2 Partnership working continues to be good in some areas but challenging in others. A facilitated day has been organised with GetSet Services later this month to try to agree closer working arrangements and better understanding to ensure we provide a responsive service to families who need help. Conversations continue with Musgrove Park Hospital and the Ambulance Trust about sharing information and closer working to reduce future demand on their and our services.
- 1.3 Feedback on the MIND support to tenants has been positive both from tenants and the One Teams. MIND have been able to take referrals to provide support to individuals, and also train and support staff with difficult cases. A separate pilot is being developed in North Taunton funded by Public Health in Somerset County Council to provide a stronger framework of mental health support to One Teams and the community.
- 1.4 Inspired to Achieve are receiving increasing numbers of referrals to support unemployed tenants into work. With changes to Welfare Reform, families will become more disadvantaged in future if they continue to be unemployed. This also helps convert the practical experience gained through Link Power for some of our long term unemployed in Halcon and help them into paid work. The work of Inspired to Achieve will not only benefit tenants and their families but should also help protect future rental income. Inspired to Achieve has received national recognition as a best practice organisation for delivering this kind of support.

- 1.5 The three areas the One Teams focus on in Taunton Deane have seen some key achievements:-
- 1.6 In Halcon these include: progress at Halcon Primary School with RedStart Academy taking over and engaging with partners; Taunton East Development Trust developing their Business Plan with a greater focus on becoming an educational hub; continued success of Link Power and letters of recognition for their work on the estate; safeguarding and providing early help in the community. However there are still some vacant posts across partner agencies to be filled; loss of frontline engagement from GetSet Services following restructure; significant safeguarding concerns in the community; and crime and Anti-Social Behaviour are starting to creep back up.
- 1.7 In North Taunton key achievements include: well attended One Team meetings; MIND working really well to support identified need; Taunton Academy fully committed and attending every One Team meeting; two DreamScheme events planned with Knighstone Housing Association; a potential site identified for a multi-agency office - a business case will be developed; crime and Anti-social Behaviour are starting to reduce (although still relatively high). However, Chill and Chat is struggling to establish (local support for victims of domestic abuse); the One Team is experiencing significant demand from a handful of households where poor mental health is a contributing factor.
- 1.8 Key achievements in Wellington include: positive eight months building relations and embedding One Team model in; good levels of rent collection and management of rent arrears; support from Wellington Town Council who are contributing financially towards One Team Co-ordinator and projects; responding well to safeguarding and Early Help concerns; and about to interview for part-time Co-ordinator post up until March 2018. However, Wellington is still struggling with sexting and related concerns; it needs better engagement of schools, Housing Associations and GP Surgeries; and there are concerns about supporting families during delays in Children Services engagement.
- 1.9 All three areas have thriving community activity days planned for the school holidays in addition to the support the local community centres and voluntary groups offer residents throughout the year and this is to be applauded.

## **2. Link Power Project**

- 2.1 The aspirations of the Link Power project based in Halcon are to offer local people the opportunity to contribute, learn new skills, build trust and confidence and prove to themselves that work can make a difference. PCSO Paul Johnson coordinates a growing group of volunteers, which is now a thriving business and a joint One Team project with the Taunton East Development Trust. Volunteers now help to run it and the project is making a huge difference.
- 2.2 Link Power deploys two litter carts daily across the Ward (a significant saving to the local authority); volunteer gardeners venture out across the Ward, cutting grass on our open spaces, verges and hedges, to keep the area looking clean and tidy; street work training is undertaken, ensuring all the volunteers are kept safe and

comply with Health and Safety requirements, including safe use of tools and machinery.

- 2.3 Link Power have a donated van in daily use which has reduced Deane DLO's workload in the area (another saving). They also collect and return shopping trolleys to the nearby ASDA superstore which makes the area look much tidier.
- 2.4 In the past six months, twenty-two and a half tonnes of rubbish have been removed from the Ward by them; over 3000 volunteer hours put in; 900 shopping trolleys were removed; 50 vulnerable families supported to clear unwanted clutter from their homes and gardens offering them a fresh start; and Link Power raised £500 for Children in Need.
- 2.5 We would like to thank PCSO Paul Johnson for his excellent work, following in the footsteps of previous project coordinators, PCSOs Linda Ebdon and Ian Warren (who are now both Police Constables).

### **3. Raising Aspirations through Mentoring in Schools**

- 3.1 Somerset Community Foundation (SCF) expanded its successful mentoring programme. Raising Aspirations to Taunton Academy and Courtfields School in Wellington last year as a result of funding from Taunton Deane Borough Council. The scheme had already been running successfully for over three years at Crispin School in Street, having been launched by SCF in 2011 with support from the Ninesquare Trust. With the support of their mentors, young people in the schools have flourished, with testimony from parents, teachers and the young people themselves about their increased self-esteem and confidence.
- 3.2 SCF's Mentoring Recruitment Manager Jenny Perez, is keen to hear from people from all sectors of business and the wider community interested in becoming a volunteer mentor. Courtfields School is looking for twenty new mentors for 2016/2017. If you know anyone who may be interested, please contact Jenny at [raisingaspirations@somersetcf.org.uk](mailto:raisingaspirations@somersetcf.org.uk) / tel: 01749 344949.

### **4. Let's Make Isolation and Loneliness History**

- 4.1 Following a successful event in West Somerset last year, Taunton Deane held its own 'Let's Make Isolation and Loneliness History' event in Wellington on Friday, 3 June 2016 and shared good practice, ideas and what is already going on (an awful lot which most of us are not aware of).
- 4.2 The Housing and Communities Team in preparation for the day compiled a registry of Activities in Taunton, Wellington and the Parishes which they hope to update at least yearly with input from across Taunton Deane. We would like to thank the Parish Councils, churches, village halls, voluntary and community groups who responded which enabled this to be done. The team also produced a List of Services available for people in Taunton Deane; and a revised edition of A-Z of Taunton Deane Services.

- 4.3 These will be emailed out to all Councillors, made available on the website, and libraries, community centres and other local hubs can print these off for easier in house reference. We would like to thank St John the Baptist Parish Church for hosting the event and making us very welcome and our Housing and Communities Team for organising this very successful day.

## **5. Quantock Hills Area of Outstanding Natural Beauty**

- 5.1 The Quantock Hills were the first Area of Outstanding Natural Beauty (AONB) to be designated in the country and have just celebrated their sixtieth birthday. Shared between the three local Somerset districts, many of us look north up to the wild tract of upland running east west, made up of moorland heath, natural wooded combes and planted forest and home to a variety of wildlife.
- 5.2 Traditional grazing by wild deer, ponies, sheep and sometimes cattle keeps the top of the hills open. Stock mostly belong to commoners (farmers/small holders with grazing rights) although the Quantocks still have relatively few landowners, all involved in sympathetic management supported by Natural England and the AONB Service. The recent appointment of a Health and Wellbeing Officer to join the team illustrates the varied benefits such a relatively wild tract of land has to offer us all.

## **6. Community Safety**

- 6.1 Sue Mountstevens was re-elected in May 2016 as the Police and Crime Commissioner for Avon and Somerset and we offer her our congratulations. She has launched 'your policing priorities' consultation for the views of residents, community groups, businesses and partners to inform the strategic policing priorities, which will help shape and develop the next Police and Crime Plan for Avon and Somerset.
- 6.2 Vulnerability, strengthening and improving local Policing teams are some of the areas that the Police and Crime Commissioner believes should be strategic priorities for the Police and she wants to hear your views. The Police and Crime Plan sets out the strategic priorities, aims and objectives for the Constabulary for policing Avon and Somerset.
- 6.3 People can respond to the consultation on-line by visiting [www.avonandsomerset-pcc.gov.uk](http://www.avonandsomerset-pcc.gov.uk) or alternatively call 01275 816377 for hard copy surveys. Copies of the consultation will also be available at Police Stations, libraries and on request. The consultation closes on Tuesday, 30 August 2016.

## **7. Businesses Against Crime**

- 7.1 A Memorandum of Understanding (MOU) has been drafted by our Community Safety Lead (we are an interested party) for Somerset Businesses Against Crime (SBAC) and Sedgemoor CCTV Monitoring following the recommendation from Community Scrutiny last month. This is a MoU rather than a Service Level Agreement because no finances are involved. Both parties are considering the

contents which can then be ratified by the SBAC Board as a more formal arrangement between the two partners.

## **8. Psychoactive Substances Act 2016**

- 8.1 The Psychoactive Substances Act 2016 (the Act) came into force on 26 May 2016 which banned so called Legal Highs. The intention is that supplies and usage will reduce although simple possession has not been made illegal so as not to criminalise users (especially the young).
- 8.2 A programme of education to include Illegal Highs will be delivered from September in primary and secondary schools across Taunton Deane through Stand Against Violence on our behalf. A report is coming to the Community Scrutiny Committee in July for Members to have the opportunity to comment on this.
- 8.3 Offences under the Act are: producing (S 4 of the Act); supplying or offering to supply (S 5 of the Act); aggravation of an offence under section 5 (e.g. if the supply is in the vicinity of a school, using couriers under 18 years of age to commit an offence or the offence occurs in a custodial institution. Note: the aggravated offence can only be committed by a person aged 18 or over (S 6 of the Act); possession with intent to supply (S 7 of the Act); importing or exporting (S 8 of the Act); possession in a custodial institution (S 9 of the Act); simple possession is not an offence, other than under S 9 of the Act.
- 8.4 A psychoactive substance is any substance capable of producing a psychoactive effect in the person who consumes it, and it is not an exempted substance. 'Psychoactive substance' is an umbrella term for products that are intended to mimic the effects of controlled drugs.

## **9. Syrian Refugee Resettlement**

- 9.1 Since January 2016 Somerset has resettled six families under the UK Government Syrian Vulnerable Person Resettlement Scheme. Markers of success include private rental sector tenancies established for all families, school aged children settling well at school, nursery provision established for younger children, English classes arranged for all adults with early progress in language noted, and early signs of community integration. All families have expressed their profound thanks to the people of Somerset.
- 9.2 A working group comprising representatives from the County and District Councils (including this Portfolio Holder) and led by Public Health with input from other relevant organisations including the Clinical Commissioning Group, has overseen the resettlement process including monitoring any pressure on existing services and the financial balance.
- 9.3 The Somerset Resettlement Programme has benefited hugely from the support of local faith and community organisations which have enabled many costs to be mitigated, especially around furnishing properties and interpreting. Taunton Welcomes Refugees has been working alongside the working group with over thirty volunteers with various skills and some additional training who are able to directly

support families. This is an exemplar of collaboration and has the full support and participation of The Right Reverend the Bishop of Taunton, Ruth Worsley.

- 9.4 Somerset has been asked to provide an indication of capacity in the County over the next three years to feed into a regional plan for resettlement. This is being considered by County following consultations within District Housing, Family Support and Health services and local volunteer support capacity.
- 9.5 A longer horizon of three years would enable further resettlement in each area to be staggered and flexible to match fluctuations in capacity alongside the ability of local communities to absorb and welcome families. Further resettlement would continue to be on the basis that private rental properties are used and that there is local capacity to support families without undue impact on other services which would be provided to local residents. In particular, the expansion would need to be conscious of differential pressures on school places across the County and other movements of population.

## **10. Referendum**

- 10.1 Following the Referendum result to leave the European Union and the disgraceful display we had to witness leading up to this with most of our senior politicians resorting to personal attacks instead of sticking to disinformation whichever side they were on, few seemed to have emerged unscathed. Interesting times if a little unsettling. Let's hope a few heads get banged together before the leadership of both major parties is settled and they put the Country first, then knuckle down and collectively work out how best to achieve what we dare to hope for.

Councillor Jane Warmington

# **Council Meeting - 12 July 2016**

## **Report of Councillor Terry Beale – Housing Services**

### **1. Deane Housing Development**

#### **Creechbarrow Road, Taunton**

- 1.1 A further four homes were handed over on 22 June 2016. The total completions to date are 20. The remaining 40 homes will continue to be handed over in phases during 2016. Discussions are still continuing with Galliford Try regarding progress on site.
- 1.2 Work has started on the construction of Moorland House (previously called The Hub)

#### **Weavers Arms, Rockwell Green**

- 1.4 Demolition of Council properties on site is now complete. The demolition of these buildings including the remaining front section of the Weavers Arms Public House will take place once work has been undertaken to divert infrastructure by two utility companies. The Development Team are working with the local primary school for the children to produce some art work to be displayed on site. A similar offer will then be extended to community groups using the local meeting room.

#### **Parmin Close, Taunton**

- 1.5 The first site meeting was held on Tuesday 28 June, 2016 and work has started on site. The perimeter fence and gates have been installed and the temporary pedestrian fence is about to be put in.
- 1.6 The soft strip and asbestos strip have commenced and the Tree Surgeon is on site for reduction or removal and attention to hedgerows.
- 1.7 There will be a ground breaking photo shoot at the beginning of September 2016 and completion of the scheme is set for 2 March, 2018. Congratulations to Housing Options and Lesley Webb-Crooks in particular for rescuing this development from what, at one time, seemed a non-starter!

#### **Extensions**

- 1.8 The tender process is underway and properties have been identified for the families to ensure a smooth decant while work is undertaken.

#### **Scooter storage**

- 1.9 32 scooter stores have been delivered and a further six are under construction

currently across Taunton Deane with more installations in the pipeline. Kilkenny Court residents will have further consultation shortly regarding the proposed scooter store installation there.

### **Car parking**

- 1.10 The Planning Application for the proposed additional parking at Bulford, Wellington has been approved and work is underway to procure a contractor.
- 1.11 Parking solutions are being investigated at Polkesfield, Stoke St Gregory.

## **2. Affordable Housing**

### **Delivery**

- 2.1 The 2015/2016 affordable housing completions were 222, which exceeded the annual target of 200 homes with a strong affordable housing pipeline continuing to come forward.

### **Affordable Housing Open Day 2016**

- 2.2 Over 200 residents came to the affordable housing open day on the 8 June 2016 to find out more about affordable housing opportunities in Taunton Deane. The exhibitors ranged from our own Housing Development Team, Deane Housing Development, Housing Options and Revenues and Benefits through to our Housing Association Partners, mortgage advisors and legal advice. The feedback received from both the residents and the exhibitors has been extremely positive and we look forward to the 2017 event.

## **3. Welfare Reform**

### **Welfare Reform Visits**

- 3.1 The number of tenants affected this month are 321, however this is subject to change on a daily basis due to tenants moving in and out of employment and any changes in their family makeup.
- 3.2 Tenants are still downsizing to more suitable accommodation however the pace of this has now slowed and people are choosing to amend their budgeting to stay in their current accommodation.

### **Discretionary Housing Payments**

- 3.3 All affected tenants are being offered advice on Discretionary Housing Payments (DHP's) and assistance to help them complete the application form.
- 3.4 In the financial year 2015/2016 the total DHP budget was £117,000 out of this 107 DHP's were awarded to Taunton Deane's tenants.



3.5 The DHP budget for 2016/2017 is £150,984.00 so far this year 39 tenants have had a successful award.

### **Universal Credit (UC)**

3.6 Universal Credit went live on 20 April 2015. To date Taunton Deane have 42 tenants who have submitted a claim, however not all of these have been entitled to UC for various reasons and some of these have now found work so are currently not entitled to payments. I have been working closely with these tenants and the level of help and support needed is substantial and needs to be tailored to each of their personal circumstances.

3.7 Currently only single newly unemployed people are able to make claims for UC, this accounts for the small number of affected tenants at this time. We have now been informed by the Department of Work and Pensions that the roll out of the Full UC service will start in Taunton Deane and West Somerset Councils in October 2016, we have yet to be given a firm date. This will see a significant increase in our UC case load as anyone making a new claim for any of the following benefits will then have to make a UC claim online and then manage the claim online:-

- Housing Benefit;
- Working Tax Credit;
- Child Tax Credit;
- Job Seekers Allowance (income based);
- Employment and Support Allowance (income related); and
- Income Support.

3.8 It will also include anyone on these existing benefits who report certain changes in circumstances. Our existing UC claimants will also have to re-apply for UC on line but their payment dates should not be affected and their claims should continue to run as they do now it will mean for them that they will also managed their claims online.

### **Rent Arrears**

3.9

- 1<sup>st</sup> January 2016 Bedroom Tax rent arrears were £38,148.32 with 181 tenants in rent arrears. With an increase in rent arrears of £1,709.07 on the previous month
- 1<sup>st</sup> February 2016 Bedroom Tax rent arrears were £35,653.73 with 164 tenants in rent arrears. With an decrease in rent arrears of £2,494.59 on the previous month
- 1<sup>st</sup> March 2016 Bedroom Tax rent arrears were £32,713.81 with 154 tenants in rent arrears. With an decrease in rent arrears of £2,939.51 on the previous month
- 1<sup>st</sup> April 2016 Bedroom Tax rent arrears were £33,464.98 with 164 tenants in rent arrears. With an increase in rent arrears of £751.15 on the previous month
- 1<sup>st</sup> May 2016 Bedroom Tax rent arrears were £36,784.46 with 168 tenants in rent arrears. With an increase in rent arrears of £3,319.48 on the previous month
- 1<sup>st</sup> June 2016 Bedroom Tax rent arrears were £37,914.66 with 164 tenants in rent arrears. With an increase in rent arrears of £1,130.20 on the previous month

- 3.10 It must be remembered that any data is a snapshot in time and the overall figure over the six month period varies from month to month. However I am pleased to report that in the six months to the 1 June the overall figure fell as did the number of people in arrears.
- 3.11 The Estate Teams work very hard to reduce the amount but this can be a difficult task particularly as enforcement action can take time and eviction is a very last resort. I commend them on their work.

## **4. Anti-Social Behaviour Service**

### **Performance**

- 4.1 Satisfaction with the service remains high, at end of Quarter 3 97% (target 66%) of tenants who reported ASB in year to date rated the help and advice received as good or excellent. This is a slight improvement since the last update.

### **Casework**

#### **4.2 ASB cases recorded between 29/06/15 – 27/06/16 (12 months)**

84 cases were opened during the period:-

14	Alcohol
1	Communal Areas
1	Domestic Abuse
11	Drugs
5	Garden Nuisance
18	Harassment
4	Hate Crime
14	Noise
1	Other Crime
1	Pets
8	Physical Violence
1	Rubbish/Fly Tipping
2	Sexual Acts
3	Vehicles

### **Closed cases**

- 4.3 48 cases were closed during the period, all cases were resolved.

### **High Profile/Risk Cases**

4.4

- Lyngford Road – Noise, assault on neighbour. County Court Possession hearing 19/2/16 – Mental Health.
- York Road – Situation quiet, which is likely to be the result of significant additional support put in place by HOT partners.
- Laxton Road – closure order tenancy ended.

- Juniper Road – Seeking Injunction – Mental Health.
- Selworthy Road – Tenant transferred to new property progressing well - Mental Health.
- Outer Circle – Relationship breakdown, due to lifestyle clashes, impacting negatively on emotional development of 7 children all under 9 – Options to resolve to be finalised.
- Moorland Road – Relationship breakdown, resulting in community tension – All One Team partners involved in particular Social Services.
- Pickeridge Close – Hate crime – victim vulnerable – perpetrator arrested - in court – Options once court outcome known.
- Kelway Road, Wellington – Mental Health, perpetrator currently in long term supported accommodation.

Councillor Terry Beale



# Council Meeting – 12 July 2016

## Report of Councillor Patrick Berry – Environmental Services

### 1. Environmental Health

- 1.1 The team has achieved its Quarter 1 target to complete the required number statutory routine food hygiene inspections.
- 1.2 In July, Taunton Deane Food Officers will be taking part in a National Food Hygiene Rating Scheme Consistency exercise. This involves a virtual scenario set in a food business; information including photos and videos are available on line and each local authority scores the premises and submits the assessment to the Food Standards Agency. This ensures that officers are making correct assessments in line with the brand standard and consistently across all areas.
- 1.3 An updated Food Service Plan is now available for Taunton Deane and West Somerset Council.
- 1.4 Dog Action Day : This took place on 25 May 2016 and involved officers patrolling areas throughout the whole district including the parks within Taunton plus areas of Wellington and Wiveliscombe. Officers gave advice on responsible dog ownership to those out walking their dogs. Owners were advised on the new legislation regarding micro-chipping dogs and also on the use of licensed animal boarding establishments. Further Dog Action Days are planned for the future. Areas where we have received high volumes of complaints regarding dog fouling will be targeted.
- 1.5 Environmental Health Reactive Work : The Environmental Health Team investigates service requests and complaints regarding, noise from music and barking dogs, excessive bonfires, overgrown gardens and rat sightings. The team also investigate complaints regarding drainage, smoke and odour and also respond to the Planning department regarding applications and queries relating to contaminated land and air quality as well as many FOI requests. Officers working in food safety respond to issues regarding food premises and infectious diseases.
- 1.6 Revised Private Water Supplies Regulations have been issued and are due to come into force in the coming months. The new regulations require Radon to be included in risk assessments in high risk areas. The Regulations will introduce Radon hazard maps for groundwater for first time in the UK. Taunton Deane is classed as a low risk area for Radon in ground water supplies. Officers working in this area will be attending workshops later in the summer regarding the new regulations.

- 1.7 Public Health Officers in the Environmental Health and also the Licensing Team attended training on Illegal tobacco during June. The training was provided by an experienced colleague from the Trading Standards service. The training was aimed at officers visiting retail and other commercial premises and explained the signs to look out for during the course of our work in the community. The sale of illegal tobacco is very profitable and is often aimed at young people as it is much cheaper and easier to buy than legitimate tobacco.
- 1.8 Staffing Update: Claire Haines started in the team in April 2016 as a Technical Officer. She will be working across all areas of Environmental Health to help her achieve her qualifications to become a fully qualified and registered Environmental Health Officer. She has recently been offered 4 weeks of work experience with Public Health England (PHE) in Exeter. This will be a benefit to the team as this will not only strengthen our relationship with our colleagues at PHE but also she will be able to bring examples of good practice back to Taunton Deane and develop her knowledge and skills in this area of work.

## **2. Licensing**

- 2.1 The isolated backlog of applications received during 2015 was finally cleared in April.
- 2.2 Performance over the first quarter; 95% of all applications received after 1 April 2016 was determined within the 14 day time scale. For the month of June the figure was 99%. However because the department was still dealing with the remaining backlog during April and May, the overall figure for the quarter was 88%.
- 2.3 Thanks to efforts to mediate between applicants, interested parties and responsible authorities, Licensing Officers have been able to dispense with two formal hearings during the quarter. Instead, decisions to grant licences to Buddhafield Festival and North Curry Sports Pavilion were reached by members of the Licensing Committee in an informal meeting.
- 2.4 The Taxi Forum met again recently and caused interesting discussion regarding small differences in regulations and requirements between adjacent authorities. These differences may cause drivers to try to switch authorities to avoid a particular requirement. There was also a debate on the use of in-cab cameras. The meeting was addressed by Reverend Adrian Prior-Sankey, who talked about the work of the Street Pastors and how they relied on and worked with the taxi community.

## **3. Deane DLO**

- 3.1 Street Sweeping and Toilet Cleaning Tender : The tender documents have been issued and pre-bid meetings held. The target dates for the bid submission, evaluation and recommendation to Council are:-

- i. Closing Date for Bid submission; 15 July
- ii. Evaluation 18 – 22 July
- iii. Interview Bidders 29 July
- iv. Recommendations to Council 2 – 22 August
- v. The proposed commencement date for any awarded contract would be 1 December 2016.

3.2 The DLO Manager Cyril Rowe will be leaving on 29 July 2016 after many years of service. We wish him all the best wherever he goes and thank him for his efforts. A new manager will be appointed and announced in due course.

#### **4. Somerset Waste Partnership (SWP)**

4.1 The Cashless Trial at Chard Recycling Centre, in which a no-cash, card only pilot was put into effect, has been very successful. It has now been rolled out at Taunton (Priorswood) Recycling Centre from 3 May 2016.

4.2 The only part of the Taunton Recycling Centre that is not giving up cash is the Reuse Shop, which sells items that would otherwise have been recycled or sent to landfill. The Taunton Recycling Centre was chosen as the pilot site as the level of transactions, although considerable, is manageable and the staff is experienced in handling payments by plastic. If all continues to go well, it is likely that the Somerset Waste Board (SWB) will consider rolling the same arrangements out to all SWP Recycling Centres later in the year.

4.3 With effect from Monday, 4 April 2016 the SWP Recycling Centres started charging for asbestos and plasterboard disposal. The charges for these are £12 per sheet (or equivalent) for asbestos containing materials and £4 per sheet for plasterboard or plaster, with payment which must be in advance, on-line by debit or credit card. Asbestos must be sealed in thick plastic before being taken to a recycling site. More advice on handling these materials is available on the SWP website.

4.4 Nearby authorities continue to limit the use of their recycling facilities to non residents. At the same time our facilities are becoming more congested especially at week-ends. The SWB has therefore taken the decision, at its meeting in June, to implement a permit scheme for Somerset residents who visit our recycling centres in a commercial type vehicle or use a trailer to transport their household waste.

4.5 The permits, which will be available free of charge to Somerset residents, will restrict access to such vehicles at peak usage times. The permit scheme will be implemented towards the end of the Summer, with publicity beginning to appear at the recycling centres and in the local press soon - remember if you drive a van or use a trailer to transport your household waste to site, keep an eye out for the permit information. Non Somerset residents will not be eligible to apply for a van or trailer permit.

- 4.6 SWP is also aware that the refuse collection vehicles are reaching the end of their working lives and will need replacement soon. The tonnages of refuse going to landfill are not reducing and SWP are looking at ways of trying to reduce landfill and the associated charges. Both areas are being studied.
- 4.7 Increasing the amount recycled is essential and residents are encouraged to put more of their waste food in the waste food bin. It is also the best way to end smelly bins. Currently it is estimated that @ 50% of all waste food goes in to the black refuse bin thereby adding to landfill charges when it could be recycled.
- 4.8 Residents of flats and apartments who dispose of waste in communal bin stores do not currently have the ability to recycle as wide a range of materials as residents who present waste for kerbside collection. The SWP continues to receive support and encouragement from the partner authorities to seek ways to enable residents of communal properties to recycle more.

Councillor Patrick Berry



## 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 12 July 2016 at 6.30 p.m.

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

Mrs A Elder – Chairman of the Standards Advisory Committee

### 1.      **Mayor's Cadet**

The Mayor introduced Lance Corporal Paul Bowler to the Council who had recently been appointed 'Mayor's Cadet'.

### 2.      **Minutes**

- (a) The minutes of the meeting of Taunton Deane Borough Council held on 12 April 2016, copies having been sent to each Member, were signed by the Mayor subject to the resolution of Minute No. 7 being amended to read as follows:-

**“Resolved** that it be agreed to endorse:-

- (1) The additional text clarifying the current Regulation 123 infrastructure list;
- (2) The proposed draft Payment in Kind Policy;
- (3) The proposed draft CIL Charitable Relief Policy;
- (4) The proposed draft CIL Exceptional Circumstances Relief Policy; and
- (5) That the Taunton Unparished Area Advisory Panel be consulted in respect of the allocation / spending of the CIL Meaningful Proportion Payments (derived from the Payment in Kind Policy) passed to the Unparished Area following the approval of developments within Taunton.”

- (b) The minutes of the Annual Meeting of the Council held on 12 May 2016, copies having been sent to each Member, were signed by the Mayor.

### 3.      **Apologies**

Councillors Bowrah, Mrs Edwards, C Hill and Wedderkopp.

#### **4. Declaration of Interests**

Councillors M Adkins, Coles, Govier, Prior-Sankey and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Wren declared a personal interest as the Clerk to Milverton Parish Council. Councillors Stone and D Durdan declared prejudicial interests as Tone Leisure Board representatives. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Hall declared a personal interest as a Director of Southwest One. Councillor Parrish declared a personal interest as the District Councils' representative on the Somerset Pensions Committee. Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM and as a Trustee of both Hestercombe House and Gardens and the Somerset Building Preservation Trust. Councillor Federica Smith declared a personal interest as Chairperson of Refugee Aid from Taunton.

#### **5. Public Question Time**

Mr Alan Debenham asked whether there was any chance of extending the opening hours of the Priorswood Household Waste Recycling Centre in Taunton beyond 4 p.m. to 6 p.m. during the summer months?

Councillor Berry responded by stating that although there was a fine balance between costs and opening hours, he would arrange for this request to be seriously considered. He would respond to Mr Debenham in due course.

Mr Debenham went on to talk about the proposed devolution arrangements referred to in the agenda. He felt that devolution was a further step towards mergers and yet more public sector savings. In particular, he felt that an Elected Mayor to run a conglomeration of Local Authorities was wrong and hoped that this would be strongly resisted.

He went on to refer to potential problems with future Council funding especially when the Rate Support Grant and New Homes Bonus was phased out By the Government. This could only be mitigated by further austerity savings or by 'real' devolution where Councils could raise their own funding, for example via Business Rate retention, then deciding themselves how such funding should be spent.

In reply, Councillor Williams reported that the Government had confirmed that an Elected Mayor was not a pre-requisite to negotiating a devolution deal. Under this arrangement, funding provided by the Government would be prioritised by the Combined Authority to meet the cost of projects in the Heart of the South West Region. There were no plan to move any powers away from Local Councils to the Combined Authority.

Councillor Williams added that it would be excellent if Councils could raise its

own funding. However, in terms of Business Rate retention there was little likelihood the Government would allow Councils to retain anywhere near 100% of Business Rates. If they did, the Councils current financial concerns would be considerably eased.

**6. Motion - Hate Crimes**

Moved by Councillor Mrs Warmington, seconded by Councillor Parrish.

“The recent open letter received from the Avon and Somerset Police and Crime Commissioner and the Chief Constable has been prepared in response to a reported increase in hate crime victimisation and racial or anti-immigrant abuse within the local area following the outcome of the European Union Referendum on 23 June 2016.

It is noted that the Police want those who are victims of hate crime to feel confident in the belief that their reports will be taken seriously and that the Police will provide protection and any support that is needed.

The Council is therefore asked to formally endorse the contents of the letter”.

The Motion was put and was carried.

**7. Bishops Lydeard and Cothelstone Neighbourhood Development Plan - Formal adoption as a Development Plan Document for Taunton Deane Borough Council**

Considered report previously circulated, concerning the Bishops Lydeard and Cothelstone Neighbourhood Plan.

Through the introduction of the Localism Act, Neighbourhood Development Plans had been introduced into the Planning system. The intention was to give communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan which reflected growth needs and priorities.

From inception, Taunton Deane Neighbourhood Plans were community led development plan documents with the Local Planning Authority providing advice and assistance, and taking regulatory decisions at key legislative stages set out in the Acts and Regulations.

A Neighbourhood Plan was required to be predominantly land-use based. It could not be contrary to National and Local Planning Policy, nor could it conflict with European Legislation. A Neighbourhood Plan could not restrict development but it could shape development that had been allocated through local Planning Policy and allocate land for development.

The Bishops Lydeard and Cothelstone Parish Council began the process of developing a Neighbourhood Plan in 2012 and an application was subsequently received to produce a Neighbourhood Plan and the designation of the Parish as a Neighbourhood Plan Area. As required by the Regulations,

the application was published for statutory consultation.

Following this consultation exercise, Taunton Deane formally designated the entirety of the Parish of Bishops Lydeard and Cothelstone as a Neighbourhood Planning Area on 30 May 2013.

The Neighbourhood Plan was developed through an iterative process over two and a half years using quantitative and qualitative data. The Plan contained nine policies covering such areas as Housing for Older People and Families, Housing Design and Density, the Conversion of Existing Premises to Commercial Use, the Provision of Transport Infrastructure and Foot and Cycle Paths.

The Neighbourhood Plan process was also used to establish Parish Priorities for Community Infrastructure Receipts. However, as this was not purely a land-use matter, this appeared as an appendix in the draft Plan.

The Neighbourhood Plan and its supporting documents were submitted to the Council on 1 October 2015 and, in accordance with the regulations, it was subjected to regulatory consultation, also for a six week period. A total of ten representations were received during the period of consultation.

These representations were submitted to an Independent Examiner who was jointly appointed by Taunton Deane and the Parish Council, in accordance with the Regulations, to carry out an independent examination of the Neighbourhood Plan.

The Independent Examiner's report was received in January 2016 and stated that the Neighbourhood Plan was compliant and compatible, subject to a number of minor changes being incorporated.

These changes were accepted by the Portfolio Holder whose decision was reported through the Council's Weekly Bulletin on 4 February 2016.

Further reported that to comply with the Neighbourhood Planning (Referendum) Regulations and Neighbourhood Planning (Prescribed Dates) Regulations, the Neighbourhood Plan had to be subjected to a referendum. This took place on 5 May 2016. Those persons on the Electoral Register eligible to vote were asked whether they wanted Taunton Deane to use the Neighbourhood Plan for Bishops Lydeard and Cothelstone to help it decide planning applications in the neighbourhood area?

From the 2,336 electorate in the Neighbourhood Plan Area, 733 persons voted with 583 (79.54%) in favour.

Noted that the Planning Guidance stated that as soon as it was reasonably practical following a referendum, the Council - as the Local Planning Authority – was required to decide whether the Neighbourhood Plan should be adopted.

**Resolved** that the Bishops Lydeard and Cothelstone Neighbourhood Plan be formally adopted ("made") as a Taunton Deane Borough Council

Development Plan Document, and used in the planning application decision making process for the Bishops Lydeard and Cothelstone Parish area.

## 8. **Heart of the South West Formal Devolution Bid**

Considered report previously circulated, which sought approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West (HotSW) sub-region to administer the powers and funding devolved through the Deal.

Devolution for the HotSW was being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership and the three Clinical Commissioning Groups. The group had become an 'informal partnership' working towards a Devolution Deal to secure greater powers and control and to have a stronger voice with the Government.

A shared Devolution Statement of Intent had been submitted to the Government on 4 September 2015. Since then, the partnership had strengthened and evolved, and jointly developed the HotSW Prospectus for Prosperity which built on the three basic ambitions:-

- To raise productivity levels;
- Improve health, care and wellbeing; and
- Improve connectivity and resilience.

The Prospectus for Prosperity had been submitted to the Government at the end of February 2016 and, following the receipt of an invitation, the Leaders from the upper tier authorities had met with the Secretary of State for the Department of Communities and Local Government to seek his views on the next steps forward towards a Devolution Deal.

Following the meeting, the Secretary of State had invited the partnership to come forward with a proposal and the following points were clarified:-

- **Geography** – That the Devon and Somerset area was the appropriate scale. The proposal would need to clearly demonstrate why this was the right geography for the Devolution Agreement and all Councils and Members of Parliament would be required to support the proposal.
- **Combined Authority** – That the partnership would move forward into the negotiation process based on a Combined Authority model. The Mayoral issue might be considered again at a later stage, within the timeline agreed by the partnership. A Mayor would not be imposed or be a pre-condition of any initial deal.
- **Extent of the Deal** – That areas that had agreed to have a Mayor would receive more powers than a non-Mayoral Combined Authority. However, the negotiation process would be an opportunity to push the limits of this

initial Deal, and the process should therefore be viewed as being incremental.

- **Timeline** – That the partnership would still work towards an Autumn

Statement timeline for the announcement of an initial Deal.

- **Growth Deal 3** – That the Local Enterprise Partnership (LEP) would not be penalised in Growth Deal 3 negotiations just because the area had decided to pursue a Devolution Deal based on a Combined Authority without a Mayor. The decision for allocation would be based purely on the quality of the Growth Deal bid.

The Secretary of State went on to advise that if the partnership, backed by each Council and Members of Parliament, signed up to the principle of creating a Combined Authority by the end of July 2016, he would arrange for HM Treasury to open up negotiations towards a Devolution Deal.

Any final Devolution Deal with the Government would be subject to further approval / ratification by all partners individually. A Heads of Terms document would be used as a negotiating tool to draw down additional powers and funding to provide a significant boost to the HotSW economy by creating new jobs, accelerating the delivery of new homes and raising skills levels.

Further reported that the following alternative options had been considered and had been rejected for the reasons given:-

1. To decline the Secretary of State's offer and continue at the current pace - As far as it was known, this might be the first two tier area to be given the opportunity to enter into negotiation with the Government for a Devolution Deal without committing to a directly elected Mayor. This was a prime opportunity to push the Government as far as possible for powers to be devolved to the HotSW; and
2. To make separate approaches to Government, rather than as a partnership - Since the submission of the Statement of Intent, the partnership had worked very effectively together to create a strong and credible Prospectus that had been acknowledged by the Secretary of State. It was considered that the partnership should remain united moving forward into negotiations to have a stronger voice and secure a better Deal.

The HotSW partnership had already committed to develop a Productivity Plan which would guide the powers and resources received in the Devolution Agreement, together with local contributions. This plan represented a refresh of the LEP's current Strategic Economic Plan (SEP).

Regardless of whether the Government agreed to open up negotiations for a Deal, the development of a Productivity Plan for the HotSW sub-region would be an imperative to describe the long term future growth of the area, in order to provide a better quality of life for our residents. Therefore, work would continue on the development of a sub-regional Productivity Plan irrespective

of whether there is an announcement in the Chancellor's Autumn Statement.

The Productivity Plan would focus on each of the six 'golden opportunities' that had been identified in the Prospectus with detailed plans setting out the ambitions for the region and how these would be achieved.

Further reported that a Governance Review was already underway. This was examining existing structures and developing options for the best governance structure for the HotSW sub-region. As part of this review, the following key issues would be considered and all partners would be involved in this process:-

- The extent of the decision making powers to be vested in the Combined Authority;
- What decision making structures or advisory committees (including place-based arrangements) would be required under the Combined Authority – including any joint committee arrangements; and
- Proposed voting arrangements.

Noted that it was possible that one or more partners might choose not to proceed with a formal bid. Although this would be unfortunate, it would still be possible for a Devolution Deal to go ahead. There was significant discussion underway between partners to produce proposals that were acceptable to all, and this would be fully explored as the bid was developed.

**Resolved** that:-

- (1) The Leader's current approach to devolution be endorsed and it be agreed to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with the Government towards a Devolution Deal for the area;
- (2) It be noted that giving this endorsement did not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with the Government.

## 9. **Tone Leisure Merger with Greenwich Leisure Limited**

Considered report previously circulated, concerning the proposed merger of Tone Leisure (Tone) with Greenwich Leisure Limited (GLL).

Since July 2014 Tone had been in discussion with the United Kingdom's largest leisure charitable social enterprise, GLL, to explore the potential for Tone's responsibility for the provision of leisure services within Taunton Deane being merged.

It had been recognised by the Tone Board Trustees that a strategy needed to

be identified, which would provide the organisation with the best chance of achieving sustainability and longevity as a service provider in the leisure sector. This had been triggered by the shifting market for Local Authority provision and the recognition that Tone was a small local trust and therefore disadvantaged in terms of competing successfully to win contracts.

The discussions with GLL had been undertaken in order to explore the potential for Tone to utilise the national expertise of GLL, their financial strength and skills whilst maintaining local networks and employees. By considering a merger rather than remaining as an owned subsidiary had enabled Tone to become the lead for the South West Region as GLL expanded on their regionalisation strategy.

If the Council chose to support the proposed merger, this could be achieved in one of two ways. The simplest approach would be for the assignment of the existing leases from Tone to GLL or the more complex approach which would involve Tone being converted into a community benefit society, which would then be formally transferred to GLL via the statutory transfer process. The recommended approach was the former.

In terms of service, GLL would continue to be required to provide the services in the same manner as Tone had to date, in full accordance with the current service agreement. Overall customers would see no change to the services which they enjoyed and they would benefit from the ability to use other GLL sites across the country if they held a membership.

Noted that GLL would only be able to continue with the provision of services on this basis until 2019, at which point the entire service would need to be subjected to a full formal procurement exercise. This would be for a different offering than was in place now.

Following the transfer to GLL, the annual grant management fee that was currently paid by the Council to Tone would be payable to GLL, but there would be no change to how this payment was administered, which was through quarterly instalments. The Council would continue to control the level of payment set at each budget.

Following transfer and absorption, it was proposed that GLL would operate via an Advisory Board, which would have the purpose of maintaining the connection of service delivery with the community through Councillor Representation.

The requirement within the current funding agreement, which stipulated that an annual Business Plan should be produced setting out the key areas of work for each forthcoming year would also remain in force, as would the requirement for a company representative to attend the Community Scrutiny Committee on a quarterly basis.

Tone staff would transfer via TUPE to GLL and new employees would have access to GLL's current pension provision.



Members had been advised of the general nature of the current proposals in May 2015 in a briefing note, which also announced that Tone had become a wholly owned subsidiary in GLL's group structure with a view to further integration being progressed over time.

A further briefing was carried out as part of the Members Induction Programme last year and as part of the regular reports submitted by Tone to the Community Scrutiny Committee.

Overall, the merger would lead to a situation in which Council leisure services would be provided by a major operator with a significant position in the market, which it was argued would make leisure services within Taunton Deane more resilient to economic and financial pressures, whilst securing significant benefits in terms of access to capital, cash flow support and general risk management.

**Resolved that:-**

- (1) The proposed merger between Tone Leisure and Greenwich Leisure Limited be approved; and
- (2) In order to facilitate the transfer of leisure service provision from Tone Leisure to Greenwich Leisure Limited, that for the three years remaining of the current arrangements with Tone Leisure:-
  - The assignment of relevant property leases from Tone Leisure to Greenwich Leisure Limited be agreed; and
  - The transfer of the funding agreement from Tone Leisure to Greenwich Leisure Limited be also agreed.

## 10. **Housing Revenue Account Business Plan Review**

Considered report previously circulated, which provided an update on the progress of the review of the Housing Revenue Account (HRA) Business Plan.

The Business Plan contained the aims and objectives of the HRA, and included a financial model of the next 30 years. A number of largely external changes had meant that a full refresh of the Business Plan was necessary. The report therefore identified the changes and the impact of these changes.

The new Business Plan was more robust than previously with the inclusion of better quality data, in particular around the Council's assets. However, the financial margins were now much tighter with the plan relying on the delivery of savings, which would require the imposition of continuing management vigilance in order to maintain a viable Business Plan.

The Business Plan had brought everything together and had set out the aims and objectives of the HRA. The review had updated strategic objectives for

the service, which were to provide quality homes, support the most vulnerable, provide a better service and build a stronger business.

The review had also detailed the way in which the HRA would work in the future, including setting out a new operating model that would allowed tenants, where appropriate, to move into additional services such as shared ownership. This model showed the way in which the HRA would support tenants into and through the Housing service.

Following consultations with Members, the Tenant Services Management Board, the Tenants Forum and all staff members in the Housing and Communities Directorate, the following conclusions had been established:-

- The HRA's Core Business should be social rented housing for the most vulnerable in our communities.
- The proposed new objectives for the HRA were appropriate.
- That much could be done to improve the customer experience of the Housing Service.
- Subject to continuing commitments with repairs and maintenance service standards, that it would be acceptable to prioritise new build projects over some maintenance expenditure.
- The priority for the tenants groups was not to allow standards in the Council's existing housing to fall.
- To make better use of current repairs and maintenance service in order to free up resources.
- There was an appetite for looking at housing products closer to the market in order to generate additional income on new build/regeneration schemes.
- The current revised debt repayment approach was acceptable based on treasury management advice and to achieve a viable Business Plan and protect services.

Due to a number of changes driven by both internal and external factors, which included a reduction in rent by 1% for four years, rental income by 2042 was likely to be reduced by 39%. Noted that there was likely to be a reduction in income of £185,000,000 over the next 30 years. This substantial impact on the financial position of the Business Plan had meant the Council had to consider some corrective action to mitigate these impacts within the updated Plan.

The new financial position and baseline assumptions of the HRA Business Plan included the following:-

- Right to Buy (RtB) – This had been updated to include 60 sales per annum for a three year period, followed by a reduction to 30 sales a year. This would result in a reduced number of dwellings in the Housing stock and reduced rental income.
- Pay to Stay – The introduction of this meant that tenant households of local authorities earning over £31,000 per annum must be charged a higher rent, depending on their income, up to market, or near market

rents.

- Welfare Reform – This included a provision for lower income for a period of three years due to an increase in bad debt. This would cover the roll out of Universal Credit in Taunton Deane.
- Maintenance – Inclusion of a slight increase to major works spend following the recent Stock Condition Survey as well as a reduction over five years to the day to day spend on maintenance.
- New Developments – Committing a budget over the full 30 years of £77,000,000, which equated to 15 units per year at an average rate of £130,000 per unit, rising with inflation.
- Disabled Facilities Grant – A budget reduction from £435,000 per annum to £300,000 per annum over a five year period.
- Capital Improvements - This once separate budget for Sustainable Energy had been 'mainstreamed' into the heating replacement programme and would now be included within the core capital programme. The Estate Improvements annual budget of up to £50,000 would be continued, which the Council had acknowledged was very important to tenants.
- Management Costs – This included efficiency savings of £253,000, which had been identified from management and service costs as well as a new permanent provision of £140,000 per annum was being included for schemes currently being covered with temporary funding.
- Debt – Where the Council's reserves allowed debt was being repaid, otherwise it would be refinanced. Also included were provisions for long term debt repayment to be spread over 60 years. This should result in the debt being reduced to less than £50,000,000 by year 30.

Further reported that the Business Plan faced a number of risks and uncertainties that were not currently quantifiable and so had not been included within the Business Plan finances. These included the introduction of Pay to Stay, selling off Higher Value Void Stock, the introduction of Local Housing Allowance Rates and the full roll out of Universal Credit replacing Housing Benefit.

The HRA had a well-established development programme and to ensure a continuing and deliverable programme, and the best use of the funding, a Development Strategy had been established which would allow opportunities for the development pipeline and other new challenges to be identified. A copy of the Development Strategy was attached as an appendix to the Business Plan for the information of Members.

The review had also identified some future drivers for the HRA priorities, which included dealing with the loss of housing stock through Right to Buy, the Council's investment priorities and dealing with non-traditional stock and poor performing stock as identified in the Asset Management Strategy.

Through the Asset Management Strategy, the Council had identified its objectives and principles in relation to active asset management and these included:-

- Objectives:-
  - Good quality homes and environmental standards;
  - Strengthening financial viability; and
  - Improving social sustainability.
  
- Principles:-
  - Using information on performance to target investment; and
  - The use of Options appraisals where performance was poor – prior to long term investment decisions.

This strategy had been developed so that decisions could be made in order to fund the contribution to Government, but also to start active asset management and stock churn. This was in order to make sure that the housing held was right for both the HRA and tenants.

This tool had been created to take all of the data and assess the Housing stock using this information. This did not indicate what stock should be sold but showed which groups should have an options appraisal. Following an appraisal, it was the Council's intention that decisions should be made regarding the disposal of vacant dwellings or related assets through an Executive Portfolio Holder decision in conjunction with the Director of Housing and Communities.

The financial position of the HRA Business Plan had changed considerably from a forecasted reserves balance of £156,000,000 at 2042 (year 30 of the existing Business Plan) to £18,000,000 at 2046 (year 30 of the new Business Plan). This was largely due to external changes such as the national rent policy, which had greatly reduced income expectations.

These changes meant that the HRA would not be able to continue the financing of the repayment of the current self-financing loans by year 2030 (year 18 of the Business Plan 2012) without a significant reduction in service quality.

The Council's Treasury Advisors had confirmed that the HRA would have a shortfall in cash when the loans were repaid. It would not therefore be beneficial to refinance the existing loans immediately and replace them with new longer term loans. Instead, it had been recommended to refinance the loans on maturity as and when needed, over the period required.

The current balance of HRA General Reserves was £2,686,000, which was £886,000 over the minimum recommended balance of £1,800,000. These forecasted deficits would reduce the HRA general reserves balance to £1,800,000 in 2018/2019. This meant that all of the available funding in general reserves (over the minimum balance) was needed over the next two years, and no further allocations would be possible.

As a result of the review, an Action Plan had been developed based on the HRA Business Plan's key priority areas of providing quality homes, supporting

the most vulnerable, providing a better service and building a stronger business. This detailed the future action for each priority and the sponsor for that priority.

**Resolved that:-**

**Business Plan:**

- (1) The Housing Revenue Account Business Plan 2016-2046 be approved;

**Finance:**

- (2) The policy for voluntary revenue provision for the repayment of capital debt in the Housing Revenue Account be changed to be over the average life of Housing Revenue Account assets (estimated at 60 years);

**Development Strategy:**

- (3) The new Housing Revenue Account Development Strategy be adopted;
- (4) A supplementary estimate of £950,000 be added to the Housing Revenue Account Social Housing Development Fund capital programme in 2016/2017. This would bring the total development programme to £1,950,000 which represented the 15 units in the new Development Strategy to be delivered in 2017/2018. This would be funded through capital receipts and revenue funding in line with the Business Plan; and

**Asset Strategy:**

- (5) The new Housing Revenue Account Asset Strategy be adopted.

## 11. Recommendations to Council from the Executive

### (a) Delivery of Electronic Car Park Signage and Pay on Foot Systems to Key Car Parks

The Executive had recently considered the introduction of a proposed new approach to car park signage in Taunton.

This proposal had three key components which were:-

- A comprehensive signage package for Taunton incorporating electronic parking signage (VMS – Variable Message Signage) which would improve the flow of traffic to key car parks, create an early warning system for events and enable improved traffic flow management;

- Improvements to seven key car parks by the installation of pay on foot systems which would enable customers to pay on exit from car parks; and
- Connecting the electronic signage and the pay on foot systems together for key car parks together to create a comprehensive and informative way-finding system for motorists.

A comprehensive Signing Strategy had also been commissioned to examine how effective the existing signage package would be in serving the needs of Taunton. The strategy focussed on three significant component parts of the network which were mentioned in the Council's Corporate Strategy - the park and ride provision, car park signage and tourist (brown) signage. The proposals were a defined project within the Council's growth programme which supported delivery of the Council's Growth Agenda.

The broad benefits of this investment included:-

- (1) A reduced time in finding a space. The signage would reduce unnecessary circulation to car parks and minimise queuing at car parks through influencing driver behaviour;
- (2) Improving user experience as pay on foot would remove the time limitation created by pay and display car parks. The inference was that people would spend more money into the economy whilst shopping; and
- (3) The installation of these systems had seen revenue rise in other towns generated by the car parks. This was in the order of 15-20% so would enable the Council to invest further in car park improvements.

The likely costs of implementing the electronic car park signage and pay on foot systems, were as follows:-

### Capital Costs and Funding

The estimated capital costs are:-

	£
<b>Total costing</b>	
Variable Message Signage (VMS)	486,283
Pay on Foot (POF)	555,927
Fees, Contingency	157,790
<b>Total Capital Budget Requirement</b>	<b>1,200,000</b>
<b>Funded by</b>	<b>£</b>
Approved in current 2016/2017 Capital Programme	400,000
Revenue Budget Contributions	450,000
From New Homes Bonus	350,000

Intrinsic to this Business Case were IT interface revenue costs of approximately £36,000 per annum. Approval was therefore sought to set aside these funds from the anticipated additional parking revenues generated annually to address this budget pressure.

Within the Business Case the projected replacement cost of the system had been factored in before arriving at the "Net Present Value" of the estimated cash flows over a 15 year period. In order to ensure the funds were available to fund this replacement, approval was sought to earmark sufficient funds from each year's parking income and to hold this in an earmarked reserve. The current projected cost would be £972,000 and the projected increase in forecast income of £300,000 per annum would be more than adequate to make this affordable.

This proposal clearly represented a significant investment for Taunton and was also one which was supported widely by the business community. The aim would be to complete delivery of this investment by the end of 2017.

On the motion of Councillor Habgood, it was

**Resolved** that:-

- (i) An increase to the Major Transport Schemes Capital Budget of £800,000, from £400,000 to £1,200,000 be approved;
- (ii) The earmarking of parking income to the value of approximately £36,000 per annum to fund the annual revenue expense of the IT interface, when these costs had been formalised through the procurement process, be approved; and
- (iii) The setting aside on an annual basis an appropriate sum of approximately £70,000 from parking income to fund the replacement system in 15 years' time, which was currently estimated to be £972,000 in total, be also approved.

## **(b) Corporate Debt Policy**

Consideration has been given to the Council's Corporate Debt Policy which had been adopted in 2012. In line with good practice, the policy had recently been reviewed to ensure it remained fit for purpose.

The Corporate Debt Policy covered the management of all debts owed to the Council. This included the billing/invoicing, collection, enforcement and write offs for the five income streams of Council Tax, Business Rates, Housing Rents, Housing Benefit Overpayments and all other debts (known as Sundry Debts).

It was essential that all monies owed to the Council were actively pursued. The Policy therefore reflected a range of measures to help customers pay

sums due, therefore maximising the level of resources available to support service delivery.

The Policy followed the debt recovery principles of Proportionality, Consistency, Transparency, Offset and Appropriate Costs/Fees.

It had been noted that a small proportion of the Council's overall income might not be collectable due to matters outside its control. Where a debt was assessed to be irrecoverable it would be subject to a write off process that was in accordance with the Council's Financial Regulations.

A range of indicators had been developed to monitor performance against agreed targets and to ensure the Corporate Debt Policy achieved its objectives. These would continue to be included in the Council's performance reporting updates.

On the motion of Councillor Parrish, it was

**Resolved** that the revised Corporate Debt Policy be adopted.

#### **(c) Financial Monitoring - Outturn 2015/2016**

A report relating to the Council's financial performance for the 2015/2016 financial year had recently been considered by the Executive. The outturn figures included were provisional subject to external audit review, the findings of which would be reported to the Corporate Governance Committee in September 2016.

Monitoring the budget was an important part of the Council's performance management framework. Crucially it enabled remedial action to be taken in response to significant budget variances, some of which might be unavoidable. It also provided the opportunity to assess any consequent impact on reserves and the Council's Medium Term Financial Plan.

The revenue outturn position for the financial year 2015/2016 was as follows:-

- The General Fund (GF) Revenue Outturn position for 2015/2016 was a net underspend of £280,000 (2.07%). The underspend had increased since the end of quarter 3 due to significant variances in the Street Cleansing budget and Interest Costs and Income.
- 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 2015/2016 was a net underspend of £476,000 (1.8% of gross income).

The year-end financial statements reported that Deane DLO had made an overall profit of £47,000 after contributing £101,000 to the GF. This surplus had been transferred to the DLO Trading Account Reserve which had



increased the reserve balance to £365,000.

The Deane Helpline had reported a net deficit of £67,000 for the year, which was an underspend of £13,000 against the final budget and represented the net cost of the service to the GF.

With regard to the budget for the Unparished Area of Taunton, although £46,170 had been allocated to a variety of schemes during the 2015/2016 financial year, £55,610 was available for allocation during the current year.

The capital outturn position for 2015/2016 was as follows:-

- The General Fund profiled Capital Programme at the end of 2015/2016 was £17,345,000. The actual expenditure on the Capital Programme during 2015/2016 was £7,244,000, with £9,976,000 being carried forward to support delivery of approved schemes in 2016/2017. This would leave a net underspend of £125,000 (0.7%) against the overall programme.
- The HRA approved Capital Programme at the end of 2015/2016 was £23,759,000. This related to schemes which would be completed over the next five years. The actual expenditure on the Capital Programme during 2015/2016 was £11,391,000, with £10,214,000 for planned investment to implement approved schemes in future years. A net underspend of £2,154,000 (9%) was reported against the overall programme.

The GF Reserves balance as at 31 March 2016 stood at £2,113,000. The balance remained above the minimum reserves expectation within the Council's Budget Strategy (£1,600,000).

The HRA Reserves balance as at 31 March 2016 stood at £2,675,000, which was above the minimum level (£1,800,000) set within the Council's Budget Strategy and the HRA Business Plan.

The total General Fund Earmarked Reserves balance as at 31 March 2016 was £16,722,000, and for HRA Earmarked Reserves the balance was £4,985,000, representing funds that had been set aside for specific purposes to be spent in 2016/2017 or later years. This had grown largely in respect of funds committed to support growth and infrastructure development, future capital programme spending, the Business Rates funding volatility, and funding set aside to support service restructuring and Transformation Projects.

On the motion of Councillor Parrish, it was

**Resolved** that:-

- (1) The Council's financial performance and end of year position for the General Fund and the Housing Revenue Account, including pre-approved carry forwards and transfers to earmarked reserves be

noted; and

- (2) (a) The reported General Fund Revenue Budget underspend of £280,000 in 2015/2016 and the General Reserves Balance of £2,113,000 as at 31 March 2016 be noted;
- (b) The General Fund Revenue Budget Carry Forwards totalling £892,000 be approved;
- (c) A General Fund Capital Programme Budget Carry Forward totalling £9,976,000 be approved;
- (d) A Housing Revenue Account Capital Programme Budget Carry Forward totalling £10,214,000 be approved;
- (e) Supplementary Budget allocations of £333,000 in 2016/2017 for the Housing Revenue Account be approved, utilising 2015/2016 underspends, for the following areas:-
- i. £33,000 to fund an extension to the employment of the Welfare Reform Officer to March 2018;
  - ii. £38,000 to fund an extension to the additional Debt and Benefit Advisor to March 2018;
  - iii. £198,000 to increase the Estate Officer capacity by one in each area until March 2018;
  - iv. £21,000 to fund an extension to the Mental Health support until March 2017;
  - v. £25,000 to provide funding to Pilot a dedicated part-time resource to roll-out, drive and oversee the 'Chill and Chat' peer support group to vulnerable women across all three One Team areas; and
  - vi. £18,000 to increase funding available to Community Development Officers in each of the One Team Areas for 2016/2017.

## 12. Reports of the Leader of the Council and Executive Councillors

### (i) Leader of the Council (Councillor Williams)

Councillor Williams's report covered the following topics:-

- The Referendum – Decision to Leave European Union;
- Heart of the South West Devolution;
- Shared Services and Management with West Somerset Council;

- Proposed Firepool Development;
- Junction 25 (J25) and A358 Improvements with Access to Employment;
- Merger of Bridgwater College and Somerset College;
- Blackbrook Swimming Pool; and
- Deane DLO Relocation.

(ii) **Economic Development, Asset Management, Arts and Tourism and Communications (Councillor Edwards)**

The report from Councillor Edwards covered:-

- Business Development
  - Economic Development Service Plan;
  - Support for Digital Innovation;
  - The Glass Box;
  - Wiveliscombe Business Park;
  - Taunton Deane Business Awards;
  - Heart of the South West Growth Hub;
  - Wiveliscombe Business Showcase; and
  - Business Communications.
- Marketing the Area to Businesses and Visitors
  - Marketing to Visitors;
  - Somerfest;
  - Taunton Live;
  - Arts and Events Grants; and
  - Social Media and Website.
- Asset Management Service General Fund Activities
- Asset Development Sites in Taunton
  - Lisieux Way (Thales Site);
  - New footbridge at Longrun Meadow; and
  - Unlocking Employment Land.

(iii) **Planning, Transportation and Communications (Councillor Habgood)**

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

- Planning Policy
  - Core Strategy Development;
  - Site Allocation and Development Plan (SADMP);
  - Neighbourhood Planning;
  - Bishops Lydeard and Cothelstone to be 'made' (adopted);
  - Two New Neighbourhood Plan Areas Designated;
  - Neighbourhood Planning Grant;
  - Timescales for Decisions on Neighbourhood Plans;
  - Sharing Information and Experience; and
  - Custom/Self Build Register.

- Development Management
  - Major Planning Applications;
  - Local Development Order; and
  - Making Saving Bringing Benefit.
- Transportation
  - 20 Year Transport Strategy;
  - Car Park Performance; and
  - Signage.

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

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

- Parks – Bedding displays and hanging baskets; Green Flag Judging; Nursery Contract Work; and Tree Survey.
- Play and Leisure – Vivary Bandstand Concerts; Section 106 Agreement play areas; and The Blackbrook Pool Project.
- Tone Leisure (Taunton Deane) Limited Activities – Active Lifestyles; and Facility News.

(v) **Corporate Resources (Councillor Parrish)**

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

- Democratic Services;
- Electoral Services;
- Electoral Review;
- Law and Governance – Shape Partnership Services;
- Revenues and Benefits Service;
- Procurement;
- Finance;
- Finance Systems Replacement Project; and
- Corporate Services.

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

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

- Three Priority Area One Teams;
- Link Power Project;
- Raising Aspirations through Mentoring in Schools;
- Let's Make Isolation and Loneliness History!
- Quantock Hills Area of Outstanding Natural Beauty;
- Community Safety;
- Businesses Against Crime;
- Psychoactive Substances Act 2016;

- Syrian Refugee Resettlement; and
- Referendum.

(vii) **Housing Services (Councillor Beale)**

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

- Deane Housing Development – Creechbarrow Road, Taunton; Weavers Arms, Wellington; Parmin Close, Taunton; Extensions; Scooter Storage and Car Parking;
- Affordable Housing – Delivery and Affordable Housing Open Day 2016;
- Welfare Reform – Welfare Reform Visits; Discretionary Housing Payments; Universal Credit; Rent Arrears; and Right to Buy Social Mobility;
- Anti-Social Behaviour Service – Performance; Casework; Closed Cases; and High Profile/Risk Cases.

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

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

- Environmental Health;
- Licensing;
- Deane DLO; and
- Somerset Waste Partnership.

(Councillors Miss Durdan left the meeting at 8.19 p.m. Councillors Mrs Gunner and Hall left the meeting at 8.24 p.m. Councillors Coombes and D Durdan left the meeting at 8.39 p.m. Councillors Davies and Stone left the meeting at 8.50 p.m. Councillors Farbahi, Govier, Morrell, Mrs Reed and Wren all left the meeting at 8.52 p.m. Councillor Hunt and James left the meeting at 9.02 p.m. Councillor Mrs Lees left the meeting at 9.07 p.m. and Councillors Gaines and Ross left the meeting at 9.25 p.m.)

(The meeting ended at 9.27 p.m.)