

## 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 13 December 2011 at 6.30 pm.

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

Also present : Mrs Anne Elder, Chairman of the Standards Committee.

### 1. **Prayer**

In the absence of the Mayor's Chaplain, the Reverend David Fayle, the meeting was opened with a prayer offered by the Mayor.

### 2. **Minutes**

The minutes of the meeting of Taunton Deane Borough Council held on 4 October 2011, copies having been sent to each Member, were signed by the Mayor.

### 3. **Apologies**

Councillors Farbahi, Mrs Floyd, Ms Palmer, Prior-Sankey and Wren.

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

Councillors Brooks, A Govier, Prior-Sankey and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Henley declared personal interests both as a Member of the Somerset County Council and as an employee of Job Centre Plus. Councillors Mrs Hill, Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Slattery declared a personal interest as an employee of Sedgemoor District Council. Councillor Wren declared a personal interest as an employee of Natural England. Councillors Hayward and Ross declared personal interests as the Council's representatives on the Somerset Waste Board. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Ross also declared a personal interest as the alternate Director of Southwest One. Councillors D Durdan and Stone declared personal interests as Tone Leisure Board representatives. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Swaine, as a part-time swimming instructor at

St James Street Pool, declared a personal interest. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Councillor Ms Lisgo declared a personal interest as Chief Executive of Age UK Somerset Limited.

## 5. **Public Question Time**

(1) Mr Paul Partington asked the following four questions:-

(i) Permission for the development of the former cider works was granted on in August 2007. Footpath T 18/4 at Norton Fitzwarren had recently had a new footbridge fitted by developers which took into account those with mobility problems. As a result, the footbridge was some 2 m higher than the original. The footbridge was also supported on concrete piers and had a considerably longer span. This was due to the Halsewater being widened as part of the comprehensive flood scheme. Those using the new footbridge could look down on the back gardens of the adjacent properties. Was there planning permission for this new bridge?

(ii) In October 2010 the Department for Environment, Food and Rural Affairs published a document titled "Authorising Structures (gaps, gates and stiles) on Rights of Way – Good practice guidance for local authorities on compliance with the Equalities Act 2010". One of the recommendations in the document was that authorities should have a published policy on how it would meet the requirements of the Equality Act.

Did Taunton Deane have any policies as to how it would meet the requirements of the Equality Act 2010 in relation to public rights of way?

(iii) The Council had recently published a public path diversion order in respect of a footpath in the Parish of Oake. This diversion included a stile and a narrow pedestrian bridge. The present route had a culvert wide enough to take a vehicle, whilst part of the diversion route was on an uneven path at the top of a bank and down a steep slope. This would be difficult for someone who had mobility problems.

Did Taunton Deane believe it was complying with the Equalities Act 2010 in respect of this diversion order?

(iv) The same order made reference to a limitation of an extant stile to remain adjacent to a field gate at the Oake to Bradford on Tone road opposite Oake Green Lane. The Open Spaces Society had examined the Definitive Map at County Hall which suggested that the path did not go through the stile but through a nearby field gate.

Would Taunton Deane acknowledge that the public right of way passed through the field gate?

In response, Councillor Edwards confirmed that he would look into these issues and would send Mr Partington a written response to his questions.

(2) Mr Aldred reported that the Halcon North Tenants and Residents' Association had been set up as the people of the Halcon North community felt that the Council had not listened to their concerns and worries about the proposed Option 1 of the regeneration project. The community would like a regeneration project for the people of Halcon North, not a project that destroyed the local community and handed the valuable land over to private developers.

The Tenants and Residents' Association had asked the people of Halcon North about Option 1 and 157 people within the area had, so far, signed a petition saying "no" to Option 1 and that they would like an option to keep 179 Council houses. This way the tenants could move back into the area without having to change landlords.

The Association wanted to work with the Council on an alternative project which would not remove tenants from their community and extended families.

With over 400 new dwellings proposed under the regeneration project, people were worried about population density leading to more problems – not less.

Mr Aldred asked the following questions:-

- (a) Under the Localism Act, was there a possibility the residents could now have a referendum on Option 1 of the regeneration project?
- (b) Could the Tenants and Residents' Association put forward an alternative regeneration project with the help of a company like Savills, rather than the Council throwing Council-Tax Payers money at a project the community did not want?
- (c) Was the Council willing to work with the Tenants and Residents' Association to find a regeneration project more suited to the community of Halcon North?
- (d) Would the Council now reconsider the regeneration project now that the Localism Act was in place to establish if there would be any benefits in keeping 179 Council houses and the money this would bring into the Housing Revenue Account?

In reply Councillor Williams stated that the Council did not wish to impose a solution which was not wanted by local people. He added that a proposal which sought to retain the level of Council houses proposed by Mr Aldred would not produce sufficient return to make a regeneration of Halcon North possible.

Councillor Williams promised a full written response to the questions raised by Mr Aldred.

## **6. Improvements to the High Street, Taunton**

Considered report previously circulated, which sought approval for the receipt of a capital grant from the Homes and Community Agency (HCA) for improvements to the High Street, Taunton.

The HCA had made an informal offer of up to £250,000 to fund further improvement works to the High Street, Taunton as long as these were completed by 31 March 2012.

A final proposal had been submitted to the HCA which included the following proposed works:-

- A new lighting scheme;
- Sorting out all the electricity supplies so that the unsightly boxes were removed and the supply was extended to the top of the High Street so that markets particularly could be extended further up the street;
- Further work to the existing planters (removal and rebuilding), some new planting;
- Street furniture including new seating; and
- Additional signage.

It was anticipated that a response from the HCA as to whether the above scheme had received final approval would be received within the next few days.

**Resolved** that:-

- (a) The receipt of an offer of funding from the Homes and Communities Agency, on the understanding that it had to be spent on improvements to the High Street, Taunton by 31 March 2012, be authorised; and
- (b) If the money was made available, a supplementary budget be approved to increase the Council's 2011/2012 Capital Programme by £250,000 for the additional expenditure funded by this Grant.

## 7. **Works to the flood wall, Goodland Gardens, Taunton**

Considered report previously circulated, concerning the discovery of a large crack in the wall of the Mill Stream that flowed through Goodland Gardens, Taunton. The wall acted as part of the town's flood defence scheme.

Inspection of the crack, which had been found following the removal of three large Cypress trees opposite the former toilet block, had shown that it was not new. There had clearly been previous attempts to fill the crack with mortar.

The ownership of the wall had been checked and it had been confirmed as being part of the Council's estate. The Environment Agency required the relevant repairs to be made as soon as possible, particularly as the time of year with the highest flood risk was approaching.

The Agency had also agreed that the current contractor on site at Goodland Gardens could carry out the works, once the preferred method had been agreed by structural engineers. It was anticipated that the costs of repair should be within the budget proposed of £10,000.

**Resolved** that a supplementary budget be approved to increase the Council's

2011/2012 Capital Programme by £10,000 for the additional expenditure required for the repairs to the Mill Stream wall and that this funding be taken from the unallocated Growth Points Capital Reserve.

8. **Motion – Reduction in the Feed In Tariffs for the installation of Green Energy**

Moved by Councillor Henley, seconded by Councillor Alan Wedderkopp.

This Council called upon the Secretary of State for Energy to reverse the proposal to reduce the Feed In Tariff (FIT) for the installation of Green Energy.

This scheme had allowed a very valuable Green industry to grow whilst making an important contribution to promoting sustainable energy and to reduce the effects of Climate Change.

We call upon the Government to extend the existing deadline of 12 December 2011 until next April to allow schemes already planned to be completed and to still qualify for the full tariff. Businesses and residents had entered this scheme in good faith and had planned accordingly. They should be given the time to adapt to possible changes before the scheme was amended and not as was proposed by the Government setting an unrealistic deadline.

We also request action to enable a higher rate of FIT to be available for council buildings, social housing and projects which demonstrated a community benefit.

Furthermore, the Government should investigate the option of raising the overall budget for the FIT scheme by taxing the profits made through power generation of the big utility companies to be further invested into Green community based schemes.

The motion was put and was carried.

9. **Motion - Inappropriate use of “Blacktop” Tarmacadam to replace paving slabs in Taunton Town Centre**

Moved by Councillor Henley, seconded by Councillor Simon Coles.

Taunton Deane Borough Council had invested a huge amount of money enhancing the town centre and was therefore concerned at Somerset County Council's policy of using unsightly blacktop Tarmacadam to replace broken paving slabs. This policy would lead to a squalid look for our town centre and was not helping and supporting businesses either.

This Council called upon Somerset County Council to discontinue its policy of using blacktop Tarmacadam to replace broken paving stones in central Taunton Town Centre streets such as High Street, Fore Street, North Street and East Street. We also request that the County Council replaced blacktop already used in these areas with appropriate paving slabs.

Furthermore, to enhance Taunton High Street we request this Council to arrange for bins for chewing gum and recycling receptacles for bottles and cans to be placed at suitable locations to encourage recycling in the town centre.

The motion was put and was carried.

#### 10. **Members' Allowances 2012/2013**

Submitted report previously circulated of the Members' Allowances Panel following its annual review of Members' Allowances. A copy of the report and recommendations had been circulated to all Councillors.

Details of the Members' Allowances Scheme that had been recommended by the independent Panel were submitted. The Panel had once again recommended increases to the Special Responsibility Allowance paid to the two Scrutiny Committee Chairmen and the allowance paid to the independent Members of the Council's Standards Committee to recognise the increased responsibility they now had following the introduction of the Local Assessment Framework in May 2008.

The Panel had, for the second time, recommended that the Parish Council representatives on the Standards Committee should also receive the same allowance as the independent Members. In addition, it was recommended that the rate paid to carers of Councillor's dependents be increased from £5.93 per hour to £6.08 per hour, to reflect the current National Minimum Wage and that the car mileage rate be increased to 45p per mile which would be in line with the non-taxable rate introduced by Her Majesty's Revenues and Customs earlier in the year.

Moved by Councillor Denington and seconded by Councillor Williams, that the following be agreed:-

##### Summary of Recommendations

- No increase to the Basic Allowance;
- No increase to Special Responsibility Allowances;
- No increase in the Mayor or Deputy Mayor Allowance;
- No increase to the allowance paid to the independent Members of the Standards Committee;
- No allowance to be paid to the Parish Council representatives on the Standards Committee;
- To increase the car mileage rate to 45p per mile to reflect the non-taxable rate introduced by Her Majesty's Revenues and Customs

earlier in the year; and

- To increase the rate paid to carers of Councillor's dependents from £5.93 per hour to £6.08 per hour, to reflect the National Minimum Wage.

The motion was put and was carried.

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

### **From Councillor Coles to Councillor Williams**

1. At the Executive meeting on the 7 December 2011 you confirmed that it was your intention to use all of the New Homes Bonus, some £350,000 per annum, not only this year but in all subsequent years to plug the gap in the Budget! How would this help the neediest in our society to find suitable accommodation?

**Reply** - The proposal to use the Year 1 New Homes Bonus resource as part of our core funding was shared in the recent budget papers to the Corporate Scrutiny Committee and the Executive. It was a proposal – and Councillors were free to offer alternatives to this as the budget process progressed. Ideally I would like to be in a position where we could use the New Homes Bonus purely to fund one-off projects to promote growth – but at the moment that was simply unaffordable.

2. What was the staff complement before the start of the current staff review?

**Reply** - 479 Full-time Equivalents.

3. What was the total annual wage bill for those staff at that time?

**Reply** - This information would take some time to produce and a written response would therefore follow.

4. How many of the staff were subject to “market factors”?

**Reply** - 40.

5. What was the anticipated staff complement at the end of this current review?

**Reply** - 422 Full-time Equivalents.

6. What was the anticipated annual wage bill for staff at the end of this review?

**Reply** - This information would take some time to produce and a written response would therefore follow.

7. How many staff would be subject to “market factors”?

**Reply - 26.**

8. When would the “market factor” element be reviewed and what was the anticipated outcome?

9. The number of staff, on each grade, before and after the review and how many moved up a grade or more?

**Reply to both questions** - When the Job Evaluation Scheme was agreed, staff with Market Factors received protection for their market factor whilst they remained within that post and the post remained unchanged.

As part of the same Job Evaluation Agreement a new Market Factor Policy was agreed and says amongst other things:-

“Market supplements would be reviewed from time to time for those unprotected posts as appropriate and consequently might be withdrawn, should the review demonstrate that current evidence did not justify a supplementary payment continuing.”

A review would be carried out when an individual left a post that had attracted a market supplement.

Further reviews would be carried out whenever a post was re-evaluated through the job evaluation process.

Over the period of time covered and the nature of the Core Council Review this was a piece of work which would require some time to produce and identify the reasons for movement of staff.

### **From Councillor Coles to Councillor Mrs Warmington**

10. In view of the catastrophic cuts to voluntary groups, could the Portfolio Holder tell us just how many Commissioners she had put forward to be trained via the National Programme for Third Sector Commissioning (NPTSC) to work better with voluntary and community organisations to raise their awareness of the possibilities and benefits of including voluntary and community organisations working together to bid for contracts and work.....or was she content to merely preside over these unwelcome cuts without actually offering any mitigation at all? Did she not realise the enormous benefits that accrued from voluntary and community organisations?

**Reply** - This was a proposal that had been supported by all political groups through the budget process. The decision would be made as part of the budget. It was a proposal and Councillors were free to offer alternatives.

The voluntary sector delivered a huge amount of invaluable services to the communities across Taunton Deane, many of which were supported financially by the Authority through service level agreements and several small grant schemes. The Portfolio Holder was fully aware of the enormous



added value, expertise and increased outreach that was enabled by working this way.

For months now, officers and Council Members had been trying to minimise the impact of severe cuts to the Council's overall budget next year (we were expecting approximately 40% over four years). This had been really difficult and there had been extensive consultation amongst all Councillors.

The scale of the required savings meant that all budget areas needed to be considered, including those budgets for the Voluntary and Community Sector. The voluntary sector had been consulted throughout this process of review (in line with the guidelines drawn up under Somerset Compact and through new statutory guidance this year under Best Value Duty) and were generally supportive of the decision being taken by the Authority in light of the serious budget constraints it faced.

Funding was awarded to the Voluntary and Community Sector through four main service areas : Strategy, Community Development, Housing and Economic Development. About a third of this was through the Strategy Unit where the cut of £30,000 (equivalent to 4.9% of overall spend on Voluntary and Community Sector) had been proposed in order to make ends meet.

Work was ongoing to mitigate the effects of the proposed cuts to the Voluntary Sector detailed in the most recent reports to the Community Scrutiny Committee and the Executive. This included consultation and continued provision of Grantfinder/ Grantnet, work to make better use of public/Voluntary and Community Sector assets and co-ordinating bids. A review of Voluntary and Community Sector spending across the Authority covering the period 2007-2012 had taken place to enable more efficient ways of allocating resources. Voluntary and Community Sector grant funds from the Strategy Unit during this time had increased by 35%.

A Grants Panel has been proposed to introduce a single, transparent, efficient way of allocating grant aid across the Authority and had the support of the Voluntary and Community Sector. At the moment the Authority supported the Voluntary and Community Sector through grant aid rather than commissioning work from them. A change to commissioning (if that was desired) would need a strategic steer from Council through due processes.

The National Programme for Third Sector Commissioning had various funds available though and the Taunton Deane Partnership (TDP)/Promise (mentoring and advocacy for young people) recently submitted a bid to their Social Action Fund to develop mentoring capacity within the priority areas. Unfortunately the bid was unsuccessful.

Taunton Deane Partnership/Taunton Deane Borough Council/Voluntary and the Community Sector were aware of various funds (for example NPTSC/Lotto) to bid for to support Voluntary and Community Sector infrastructure in the priority areas. The action plans for North Taunton and Taunton East were near to completion and it had been decided to wait for these before submitting any further bids. The Partnership would then be in a

much stronger position to make bids in support of specific projects such as community agents, mentors, etc. All partners (within the TDP) were working together on this. For general infrastructure support, Taunton Voluntary Action had submitted bids to the Big Lotto and Vista had submitted a bid to the Transforming Local Infrastructure fund. The Strategy Unit had supported these with the provision of information and general statements of support. The Voluntary and Community Sector were greatly valued by all those at Taunton Deane and the Portfolio Holder would do her utmost to support them through this difficult financial time. Supporting the third sector should not be political and input from any Member was welcomed.

### **From Councillor Coles to Councillor Edwards**

11. Could the Portfolio Holder please advise me of the composition of the Public Art Panel?

**Reply** - The Public Art Panel was convened by the consultants currently working on public art for the Authority. The intention was to identify an officer who would then take up responsibility for supporting and managing the Panel. Members would have experience and/or expertise in the following areas of public art to ensure a broad base and a balance of skill and opinion:-

Maggie Bolt – MBA (note taker)  
Diana Hatton – public art consultant  
Caroline Corfe – Civic Society and Chair of the Panel  
Graham Ward – Civic Society  
Carol Carey – Somerset Art Works  
Tim Martin – The Brewhouse  
Robbie Lowes – Project Taunton  
Councillor Ken Hayward – TDBC and Design Champion  
Tim Burton – TDBC  
Bryn Kitching – TDBC  
Matt Parr - TDBC

12. On Civil Parking Enforcement (CPE) how confident was he that the new arrangements would be in place by the target date of June 2012?

**Reply** - The County Council's project plan included inviting tenders now with a return date in January 2012 and an award of contract by the end of February. The tenderers were all currently delivering CPE in other parts of the country. The three month lead in period was considered to be sufficient for an experienced operator to set up. The Department of Transport would respond in April 2012 to the County Council's formal application for Special Parking Area status for the parts of the County outside Taunton Deane.

Given the key stages now reached with the project there was no reason at this time to query the June 2012 date. This was very pleasing as this had taken many years to bring to fruition as the Councillor should be very aware. Indeed, throughout his time as portfolio holder no real progress was made at all so I am pleased we have managed to move this forward so significantly.

13. At the Executive meeting on 7 December 2011 it was reported that some £11,500 would be “saved” by not pursuing any more new Residents’ Parking Zones (RPZ). Could Councillor Edwards please confirm which unlucky residents who had thought up until the 7 December that they would be getting an RPZ, but due to his cut would no longer be seeing an RPZ “any time soon” - and, just as importantly, when was he going to advise these lucky residents of their good fortune?

**Reply** - We have done all the work that was presently agreed so the reserve was not needed as in future Somerset County Council (SCC) would be responsible for Residents’ Parking. If there were any minor adjustments required in the coming months officers were satisfied they had sufficient budget to deal with this.

I am rather surprised that this question was being asked as he should be well aware that SCC was going to be responsible for residents parking. He should therefore be aware we had no need to fund this as a County Council function?

14. The speed of processing “Major” Planning applications continued to fall below the mark. Whilst some of the blame could be laid at the door of SCC, whose Highway Department consistently failed to respond in the required timescale which in turn meant we failed to respond in a timely manner. Just what was he doing about it?

**Reply** - The Leader and Chief Executive had raised this issue with SCC. Please find below the response recently circulated to all Councillors in response to a question from Councillor Henley.

Joy Wishlade met with the relevant Director at SCC on 16 November and expressed our concerns around major applications. He had just commenced an internal review of how SCC dealt with these based upon their existing capacity. The areas he was looking at were:-

- Raising the level of where highways get actively involved – i.e. for lesser applications they would offer standard off the shelf advice and be available for queries and then focus on the bigger applications;
- The way legal support was given to them;
- Electronic transfer of information (a problem for their data capability);
- He also brought up looking at how we validated applications and whether they should be validated when they clearly had insufficient or inadequate transport information.

This final point was an issue that I discussed with Phil Lowndes the Group Manager at SCC, but the regulations did not allow us to refuse to register on this basis. I also discussed with him ways that they could raise income to fund increased resource in the event of local planning fee setting being implemented as promised.

SCC had also recently confirmed that they would have a dedicated contact for

the Monkton Heathfield Urban Extension work.

15. How did he explain away the fact that Sedgemoor District Council appeared to have a “hot line” to the SCC Highways Department and received a priority response from Highways on all of their Major applications? Just what did he propose to do to rectify this ludicrous situation?

**Reply** - I was personally unaware of this. However, Joy Wishlade raised it with SCC last month. They had been concentrating on getting work done on some of the priority major applications there in the last couple of months – however, this was not an ongoing situation and they said they would be pulling back resources to provide a more even service across the County.

16. What steps had he taken to protect and promote the Building Control income stream?

**Reply** - We have recognised that this service is losing income (Quarter 2 report to Scrutiny refers). Steps were being taken to deal with this in-year.

The significance of some of the larger housing projects around Taunton Deane and particular commercial projects that would come on stream over the next 12-18 months would have a favorable impact on workload and income within the area, specifically around support services connected to new housing sites currently being constructed, material alteration and the large projects that will be taking place with EDF.

We were currently involved in seeking applications and providing our services for a number of other major projects; these were deemed to be exemplar projects beyond those that we would be attracting from our day to day workloads. I cannot indicate which projects these were due to the confidentiality of such works and would not want to create any issues which could ultimately lose work for Building Control.

We were also entering into negotiations with another Authority with a view to carrying out their validation and plans vetting function. This was mainly due to personnel and workload issues. This would be based on a recharge system to the other Authority for applications validated and plans vetted. This could present a significant income opportunity for Taunton Deane.

We had further increased our business partners of the past 12 months from four to ten. This allowed our unit to effectively plan work outside our boundary restrictions. We would continue to seek new partners as this allowed us to gain income from work outside of Taunton Deane. Over the next 12 months we would be actively seeking to gain larger architects to partner who predominately worked outside our area. Building Control felt that they could service Bristol from Sedgemoor and Exeter from Taunton Deane.

17. What provisions had he made to increase the amount of car parking in the lead up to the hugely important pre-Christmas Shopping period? And did he still feel that closing the Castle Green Car Park over this vital shopping period was a good idea despite the fact that no work would start on it until well

into the New Year? Just how could he justify the loss of this invaluable income, some £125,000 p.a. to Taunton Deane?

**Reply** – General car park usage was lower this year than we have seen previously. There was capacity within the existing parking stock to deal with the expected demand, taking into consideration that there were 1600 spaces available at the Park and Ride sites. There was additional pressure on the central car parks in the run up to Christmas and it might be that not everyone finds an empty space in their first choice car park and had to park further out than they would ideally like.

The closure of Castle Green Car Park had been part of the accepted Project Taunton proposals for several years. Work had started on Castle Green - they were currently doing the archaeological investigations which must be done prior to work on top due to the very sensitive nature of the site. Some other minor works had been done including sign removal and a small wall removed but the absolute key issue was the archaeological work.

The contractor was originally scheduled to have carried out more works than they currently had, due a) to a delay in the English Heritage approval process and b) the archaeological firm we were using closing down. However, they were well advanced now with the many aspects of the sensitive archaeological works that always needed to be completed before any significant works to the bridge / services could commence. The contractor had always stated that they needed to occupy the car park to accommodate their site set up and to create a safe working environment for both them and the public.

The next stage of the work was to demolish the Castle Hotel's boundary wall which would take away the hotel's car parking adjacent to the wall for the duration of this element of the works. This car parking would be relocated to an area of the former Castle Green Car Park during the works, as a contractual obligation of Taunton Deane.

A significant amount of survey and excavation works had been carried out which was not obvious to the casual observer.

The programme had always shown that no obvious physical works would start until February but the work taking place was vital.

The reduction in income involved was built into the Medium Term Financial Plan some time ago, and dealt with in overall budget proposals. The level of reduction mentioned would occur only if all those motorists who previously paid to park in Castle Green never entered a Council car park again, which was an unlikely occurrence. Therefore the £125,000 as he was fully aware was exaggerated.

I would add that he was fully supportive and enthusiastically voted for this closure of Castle Green as a member of the Traffic Regulation Orders Panel. It was only days after we actually closed the car park that he then proclaimed it was a bad decision, a fact I find most disappointing as until that point we

had always had nearly 100% support from the Members of the Council.

### **From Councillor Coles to Councillor Cavill**

18. I was extremely disappointed to note that there was no mention of "Inward Investment" nor any suggestions for "Income Generation" in his report. Is the Portfolio Holder, like so many of his colleagues, bereft of ideas?

**Reply** - As you were aware the Council officers were dealing with a number of enquires relating to inward investment at the moment. However, in the current economic conditions it was difficult to bring interest through to definite "deals" and until they were confirmed, it would not be wise to publish these in public documents.

19. What news of unpaid rents at two of Taunton Deane's sites both operated by the same company. Had a distraint order been served? If not, why not? Or was he waiting to see if the "leopard changed his spots" or possibly, some other organisation (HMRC for example) issuing a distraint order first - thus ensuring that Taunton Deane received nothing!! This could only be seen as particularly poor management control or more accurately lack of any management control at all.

**Reply** - In response to the specific questions "Had distraint been used?" and "If not, why not?"

Bailiffs had not been used.

It was not an appropriate remedy as it was specifically not permitted where the debt was in dispute. In the last meeting held at The Deane House with the tenant company's Finance Director he stated that he considered the rent to be fully paid up. The debt was therefore in dispute and distress was not a permissible remedy.

History, Current Position and Future Action -

Southwest One on behalf of Taunton Deane Borough Council had been chasing this tenant for arrears on all properties it rented from the Council since August. The tenant had claimed to be up to date and the Finance Team had consistently requested proof of payment which had not been forthcoming.

Following a period of a few weeks when Southwest One Estates Team members tried various means of contacting the Finance Director (our nominated contact) without success, instructions were issued to Legal Services not to proceed with the grant of leases on the units which were subject to Tenancies at Will until the matter of arrears was resolved. This brought a response and one of the tenant's accountants produced a spreadsheet in late October detailing payments which he had recorded. Unfortunately this person had left the tenant company immediately thereafter.

The Finance Team reconciled the payments which were substantially agreed (a minor discrepancy of £449.92 was noted and "parked"). The tenant

company's Finance Director had subsequently stated that he believed that there were more payments made which had not been picked up by his accountant. This was his position at a meeting at The Deane House on 1 December 2011.

He had once again been challenged to prove the payments. He had now verbally agreed to make a payment on the basis that should he prove his payments, due credit would be given. This was awaited.

Should nothing show in the Taunton Deane account by Wednesday enforcement of the debt would be resurrected.

The most likely remedy to be adopted would be termination of the Tenancies at Will under which the tenant company held two of the properties it occupied. One of these properties was the tenant company's Registered Office. The Council had the right to do this at any time and for any purpose. Guidance from the Council's Legal Services Team would be sought on timing and process. Following such termination any items left at the premises could be sold to offset against the debt if of sufficient value. Taunton Deane could still pursue the debt as a civil claim.

#### **From Councillor Coles to Councillor Mrs Adkins**

20. How many "affordable homes" did the Portfolio Holder expect to actually deliver in the year 2012/2013?

**Reply** - The current pipeline of schemes indicated that 200 affordable homes would be delivered in 2012/2013.

21. At the Executive meeting on 7 December 2011 it was confirmed that this administration intended to use the entire New Homes Bonus to plug the budget gap for the next 6 years! How was this a good spend of this New Homes Bonus and how would spending this on anything other than new affordable homes be a benefit to the poorest people in Taunton Deane?

**Reply** - The proposal was not to use 100% of our New Homes Bonus – we were proposing to use the Year 1 element only.

22. What was the size of the settlement figure for the Negative Subsidy buy out?

**Reply** - The settlement figure, as updated by the Department for Communities and Local Government (CLG) on 21 November 2011 was £85,763,000.

23. What was the risk factor from the Government's declaration that they would not preclude coming back at some time in the future and demand more money from the hard pressed people of Taunton Deane? What provision had she made to accommodate this should it happen?

**Reply** - The Localism Act 2011 stated that the CLG could only vary the amount Taunton Deane paid in settlement at a later date, i.e. after 28 March

2012, if the base information used for calculating the payment was found to be incorrect or had changed. An example would be if the number of properties was found to be inaccurate. To minimise this risk Taunton Deane had checked the accuracy of all the figures used by the CLG to ensure they were correct and did not need to be amended.

It should be noted that the legislation sought to correct any settlement payments to and from the Government. If, therefore, it was found that the amount paid to the CLG should have been less there was provision for the Council to receive a beneficial financial adjustment.

The prudent repayment of the debt had been planned to allow Taunton Deane the flexibility to minimise and manage any risks associated with the Housing Revenue Account reform.

### **From Councillor Coles to Councillor Mrs Stock-Williams**

24. We understand that an outside company had been engaged to conduct Health and Safety work on Taunton Deane's behalf. Would the Portfolio Holder agree with me that it would have been much more sensible to retain qualified staff?

**Reply** - I have not been able to ascertain to which company this question specifically relates. The general Health and Safety function for Taunton Deane was provided by Southwest One. They might choose to periodically bring in outside resource to assist in that function, which would be at no extra cost to the Council.

Alternatively, external companies were sometimes engaged in respect of external build projects where CDM accredited expertise was required.

25. What steps was she taking to compensate for the appalling £3,200,000 shortfall in savings via Southwest One or was she just going to lament this situation and sit on her hands doing nothing?

**Reply** - The savings figure, originally proposed by IBM in 2007, were projections and therefore there was no contractual penalty which could be imposed should those sums not be delivered at the rate anticipated.

To date, £2,000,000 of savings initiatives had been signed-off of which £1,200,000 had already been delivered for the Council.

Taunton Deane officers continued to work with Southwest One's Strategic Procurement Service to identify further areas of spend in which savings could be found. Further potential savings opportunities, worth several £millions, had been identified and Southwest One were actively pursuing these options. Ian Conner's procurement update, going before the Corporate Scrutiny Committee on 15 December 2011 would detail the range of initiatives his team were currently working on with, and for, the Council.



It is of course very disappointing that at present it would appear that the original forecast sum would not be achieved at the end of the ten year Southwest One contract; although of course there are six years of that contract still to run.

Many outside and internal factors, not least the reduced sums we were spending, would impact on Southwest One's ability to deliver procurement savings for the Council. Equally, savings the Council was making by other means, such as a result of the Budget Savings Project, would also result in the Council spending less and consequently further savings in those areas, through procurement activity, would be harder to achieve.

If Members felt there were specific significant areas of Council spend which had not been given attention by Ian Conner's Team, please let me have the details and I will happily progress these with Southwest One.

26. What additional costs would be incurred by this Council by the anticipated two year delay in repayment of the loans taken out to fund this project and what, if anything, is she doing to alleviate these costs?

**Reply** - The delay in repayment would lead to additional interest costs being incurred. The calculation of interest costs were based on the CRI (consolidated interest rate – effectively the average of interest cost % and interest income %). On this basis it was estimated that a delay in repayment would cost £2,000,000 x 3.05% (current CRI) = £61,000 per year.

There was a standard annual calculation for the repayment of capital debt – called Minimum Revenue Provision (MRP) – which provided for 4% of capital borrowing debt to be repaid each year. Therefore the Council had already started to repay the £2,100,000 capital debt in the accounts:

The MRP requirement was already factored into the Medium Term Financial Plan and failure to repay these capital borrowings would not widen the present budget gap although the interest costs and 4% capital repayment were opportunity costs to the Council, as would otherwise have been available to support the budget.

#### **From Councillor Horsley to Councillor Williams/Adkins**

27. Could you please explain to fellow Councillors what the role of the Deane DLO Steering Panel was and how often it met? Could you also let the Council know to whom it reported?

**Reply** - The role of the DLO Transformation Member Steering Group was to oversee progress with the DLO Transformation Project. The Group did not replace the routine financial and performance monitoring role carried out by Scrutiny and the Executive - and reporting on DLO performance would continue to feature on a quarterly basis at these meetings, alongside other services. The Group comprised relevant Portfolio and Shadow Portfolio Holders, as well as representation from the Labour and Independent Groups.

At the Group's last meeting (November 2011) it was agreed that the Group would meet on a quarterly basis, or by special arrangement outside this schedule should the need arise.

The Group did not report to a specified Committee. In this respect it operated in a similar way to the broader Members Change Programme Steering Group.

28. Is he/she aware that there was a great deal of uncertainty arising from the lack of information provided to the Executive on 7 December 2011 on the finances and the performance of the Deane DLO? Did he/she accept that for a commercial organisation with a turnover of £8 million in a highly competitive market there was a danger which could put the Council at significant risk if there was no effective monitoring of the organisation?

**Reply** - Improving performance and financial management was one of the five improvement priorities of the DLO internal transformation plan approved by Full Council in August 2011. We were now four months into this four year programme and recognised that improvements needed to be made in the way that this information was presented.

Recruitment to a new management team had now been completed and the team would be at full strength in January 2012. A new post of Business Support and Finance Manager, based at the DLO, would bring a greater rigour to business and financial management, monitoring and reporting.

It was important to recognise that the majority of the £8,000,000 turnover was made up of internal work. As part of the approved transformation plan, we were simplifying and streamlining the way the accountancy process was organised for this internal work, through the introduction of direct charging. A commercial mindset would increasingly be applied to all DLO services through the newly established management team.

External work carried out on a commercial basis was a risk to the authority as well as an opportunity. We would continue to bid for external works, subject to a demonstrable business case. We needed to balance delivery of external traded work against the need to continue to deliver core services to the authority as efficiently as possible. The DLO internal transformation plan represented the Council's approved direction of travel, balancing such risks and opportunities.

29. Could he/she inform the Council that he/she had seen hard evidence of the current trading position of the Deane DLO and that this was satisfactory? Or did he/she take matters simply on trust?

**Reply** - The majority of the DLO's services were carried out for the Authority, as opposed to external customers in a trading environment. Although financial information was limited at present, this was an identified area for improvement as highlighted in the previous answer.

30. Does he/she agree that Annex I of Agenda Item Number 7 on page 41 of the report that went to the Executive on 7 December 2011 was telling the

Council nothing and was totally inappropriate for such an organisation which was beholden to the tax payer? Would he/she run his/her own business on such a basis?

**Reply** - Greater rigour in financial management, monitoring and reporting was an identified area for improvement within the DLO Transformation Plan. Changes were already being made with assistance from the Southwest One Finance Advisory Team to make necessary changes in accountancy practice. A newly established DLO Management Team in January 2012 would address this issue as a priority.

### **From Councillor Horsley to Councillor Williams**

31. Could the Leader outline what steps he was taking to prepare a contingency plan for Taunton Deane in the likelihood of the contractual arrangements with our back office provider Southwest One (SW1) coming to a premature conclusion?

**Reply** – SW1 was on record as having made losses in previous years. Consequently the Board of SW1 was currently identifying actions to improve the company's financial standing whilst maintaining service delivery to the partner Authorities. The submission of the accounts for 2010 had been delayed to allow for the completion of this process.

As was the case with any major partnership or contract of this size, we had undertaken contingency planning in respect of possible scenarios. However, we also had strong contractual provisions in place, which protected the Authority both in terms of maintaining service delivery and in mitigating any costs resulting from any early termination of the contract should this occur.

32. Could he further identify for Councillors what the financial and budget implications of this breakdown would have for Taunton Deane? Could he further let us know how many staff currently employed by SW1 would have to be transferred back to Taunton Deane in the event of the demise of SW1?

**Reply** - The Taunton Deane staff within SW1 were seconded to the partnership. The intention under the secondment agreement was that when the contract came to an end (whether that be early or at the end of the 10-year term) the seconded staff would return to the Authority. Currently there were 135 secondees within SW1. SW1 had also appointed a number of staff directly. The Authority to whom these directly hired staff would transfer would have to be determined in accordance with the TUPE regulations.

33. Would he commission a report at the earliest opportunity for Councillors and the taxpayers of Taunton Deane to explore the funding implications of this unfortunate contract and its likely consequences?

**Reply** - The SW1 partnership had and remained the subject of a significant amount of scrutiny by this Authority. Regular reports were taken to the Corporate Scrutiny Committee regarding the progress of the partnership as a whole and specifically regarding the Procurement Transformation Project

(reports on both were being taken to Corporate Scrutiny this week). Periodic reports were taken to both Corporate Scrutiny and the Executive regarding the funding arrangements for the SW1 transformation projects. The SAP system implementation had been the subject of a specific Task and Finish Group review and continued to be monitored by the Members Change Programme Steering Group. Consequently I do not feel it would be a prudent use of time and money to commission yet further scrutiny investigation into SW1 at this time.

### **From Councillors Farbahi and Mrs Smith to Councillor Williams/Cavill**

34. Land (approximately 4.6 acres) at Mount Street, Taunton, the site of the former garden nursery, was sold at the beginning of the year and a conditional contract with McCarthy and Stone was exchanged in May 2011. A deposit was paid to this Council. Some seven months later there appeared to be no progress and Taunton Deane was no nearer to closing the deal on disposal of this site.

**Reply** - The officer recommendation was that this site should be sold with outline planning permission. However, both the Conservatives and the Liberal Democrats were concerned with this and a small working party was set up (Councillors Cavill and Farbahi, Adrian Priest, Joy Wishlade). Full Council in December last year agreed that market testing should take place on the following terms:-

- Sale subject to planning;
- Sale with outline planning;
- Each of the above should also include the option of purchasing the area of green space adjoining the development area.

The market testing brought in a good bid from McCarthy and Stone that all parties (Group Leaders and the working party) agreed they wished to accept. This bid was “subject to planning”. The heads of terms were agreed and the deposit, again “subject to planning” was paid.

McCarthy and Stone had been drawing up their planning application and were due to submit this fairly soon. However, in the meantime, the Council had commissioned work to update the Strategic Flood Risk Assessment which was required for the Core Strategy.

Although the formal report had not been received, the indicative results were showing that some areas of the town centre had an increased flood risk, under the new assessment process. The Environment Agency had agreed that any sites with planning permission would not be required to meet the new standards but those without would. Mount Street was in this category.

However, this was very new information and a full assessment of what it meant for this particular site and the impact it would have on the McCarthy and Stone development was still to be done. The work was continuing.

Further assessment of the methodology and figures used and possible mitigation work was also underway.

35. Could the Leader/Portfolio Holder confirm that negotiations were taking place concerning the requirements of the Environment Agency and the desire of the purchaser to reduce the purchase price arising from the fact that part of the land lay within Flood Plain Zone 3? Would he care to comment on whether the purchaser was using the opportunity to provide less affordable housing on this or any other site in Taunton Deane?

**Reply** - As above.

36. Could the Leader of the Council confirm or deny whether or not the £4,000,000 pledged for a new swimming pool at Blackbrook and fulfilment of part of his manifesto was reliant on some of this capital receipt? Did this mean that the Conservative Group was about to renege on both its commitments to affordable housing and also the promise to build a new swimming pool at Blackbrook out of the reduced proceeds?

**Reply** - The Council had not committed any resources to a new swimming pool – we had simply accepted the “solution” offered by the excellent work of the Task and Finish Group. Officers were now working on how this could be delivered – including the funding – and further reports would come before Members before any decisions were made. The capital receipt from Mount Street had not been allocated in our Capital Programme.

37. Would the Leader/Portfolio Holder further agree that it would have been better to have obtained outline planning permission before the property was marketed rather than going through the current possible adjustment downwards of the consideration by a substantial amount?

**Reply** - As above.

#### **From Councillor Wedderkopp to Councillor Hayward**

38. Was the Executive serious in their desire to further the Green Aspirations of Taunton Deane Borough Council?

If so, in view of the Government suggesting as early as July that they were reviewing "Feed in Tariffs", on what date did the Portfolio Holder for Environmental Services make a "request for service" from SW1 to install photovoltaic panels on Station Road Pool? When was a reply received and what did you do in the interim to move the project forward, given the short time frame that was available to you?

If Climate Change was one of our Corporate Priorities, why did we have just one full time employee assigned to reducing our Carbon footprint?

**Reply** - The review to which Councillor Wedderkopp referred would be the 'first comprehensive review' announced by the Government on 7 February 2011. From the outset of the Feed in Tariff Scheme in April 2010 it was

anticipated that there would be a regular (most likely annual) degeneration of tariffs. I am not aware of anyone outside Government anticipating that Phase 1 of the comprehensive review would produce much more than a new level of tariffs to come into effect from April 2012. Everyone in the industry was geared towards this deadline. The shock came when the result of the review, published on 31 October and now under consultation, revealed a new much earlier deadline of 12 December 2011. No-one in the industry that I had been speaking to anticipated this move.

With regard to the Council, following agreement on the Carbon Management Action Plan from the Executive on 10 August 2011 which included pursuing the PV installation on the Station Road Swimming Pool roof, (Action 5), officers had worked with SW1 to progress the scheme.

With regard to the second of Councillor Wedderkopp's questions, it was true that we only had one full time employee employed to undertake Climate Change in the Strategy Team, where this corporate priority lay.

The Council had other officers dealing with issues that overlapped with Climate Change (for example, Economic Development dealing with promoting the Green Economy), although this was not necessarily their core work.

So officers from all levels were actively involved in many ways, and to suggest that there was "just one full time Officer", was over simplifying things. It could not be measured in officer-time only.

Further, I believe that your concept of "Climate Change" was too restrictive. A point I have shared with Councillor Wedderkopp at length on several occasions.

I want to see the Climate Change Corporate Priority re-branded to embrace other environment-related matters, such as sustainability and peak oil. "Sustainability and Energy Resilience" was my preferred option at the moment, and I have asked officers to work on this.

Given the tight budgetary restraints under which our Council had to operate, we had to consider 'value for (taxpayers) money'. There had to be a tangible return on investment. At this point in time I am quite satisfied with the resources we were putting to this Corporate Priority. But of course, as with everything, it was under constant review.

## 12. **Recommendations to Council from the Executive**

### **(a) Theme 5 of Core Council Review - Corporate Management Team, Project Taunton, Economic Development, Growth, and Legal and Democratic Services**

The Executive had recently given consideration to a number of proposals for Theme 5 which was the remaining part of the Core Council Review (CCR) that needed to be completed. Future proposals for Project Taunton and Economic Development and Growth had also been considered.

The Corporate Management Team (CMT) had last been reviewed in 2008 when it was reduced in size by one Director. Since then, it had been considered essential to maintain corporate capacity whilst the organisation had continued to manage its high level ambitions, good quality services and the change programme.

It had been recognised that the Council's current financial position dictated a need to further rationalise expenditure on staffing capacity to generate a saving for the 2012/2013 Budget and to provide a Direction of Travel to meet the requirements of the Budget Review Project for the next three to four years.

Both Scrutiny and the Executive had previously agreed that the current Corporate Priorities should be maintained which would require the continued resourcing of a comprehensive Growth and Regeneration delivery capacity.

The Council had also agreed to retain Deane DLO and implement a comprehensive investment and savings plan that would deliver significant savings to the Council.

Taunton Deane therefore needed to continue to have the capacity and skills/experience to continue to:-

- Plan for, deliver and secure external funding for growth – physical, social and economic;
- Focus on securing and supporting our existing businesses and encourage and support further inward investment;
- Address levels of inequality in our communities, both social and economic;
- Support the delivery of affordable housing, through new innovative ways as public funding becomes increasingly squeezed;
- Focus on the “Green Agenda”, both in terms of our own performance as a business, and in terms of the community and the promotion of Taunton Deane as a place for green business and industry to flourish;
- Have capacity to appropriately support, develop and adequately manage our external partnerships and contracts;
- Ensure the Deane DLO transformation was a success and delivers the level of savings and quality promised;
- React to the Localism and Open Public Services White Paper; and
- Manage the increased pace of service transformation in response to unprecedented reductions in funding and future central Government policy developments.

The Council also has three statutory roles that it had to maintain, which were:-

- (1) Head of Paid Service – currently the Chief Executive (CEO)/Penny James;
- (2) Section 151 Officer – currently Strategic Director/Shirlene Adam;  
and

(3) The Monitoring Officer – currently a Theme Manager/Tonya Meers.

Over the past months, the Corporate Scrutiny Committee, the Political Groups and the Executive had given consideration to the future structure of CMT and had concluded that:-

- The post of CEO should be retained;
- The number of Directors should be reduced by one. It was therefore proposed that the Council should have three Directors as set out below:-
  - (1) Strategic Director – Corporate;
  - (2) Strategic Director – Growth and Regeneration; and
  - (3) Strategic Director – Services.
- The Section 151 Officer role should continue to be held by a Director who was a qualified accountant;
- One of the Strategic Directors could reduce their hours by 2/5ths;
- If a significant change was made at Director level, then care should be taken not to destabilise the operational management of the organisation by significantly changing the current arrangements at Theme Manager level; and
- The Monitoring Officer role should be retained as an integral part of the Legal and Democratic Services Manager's post.

Various options with regard to the Project Taunton Delivery Team had also been considered by the Corporate Scrutiny Committee the Executive and informally by all of the Group Leaders.

The Project Taunton Team was currently funded by residual Project Taunton partnership money and Growth Points and therefore would not represent a direct cost to the Council until 2012/2013.

It had been agreed that for the future, Project Taunton should be brought "in house" and that historic reserves should be used to fund some of the posts required going forward for a three year period.

Together with all of the growth, regeneration and economic development functions of the Council, it was proposed that a new Growth and Regeneration Team should be created to:-

- become the Council's 'shop window' for inward investment purposes;
- act as the Council's Property Client;
- take the lead in marketing Taunton and Taunton Deane; and
- provide a function for the entire district, with the regeneration of Taunton Town Centre and the urban extension of Monkton Heathfield remaining as priority projects.

The team would be directly managed by the post of Strategic Director - Growth and Regeneration and would comprise posts of:-

(a) Commercial Manager, for a fixed two year period, who would focus



on the major regeneration projects in Taunton and lead on commercial and property negotiations;

- (b) Regeneration Manager who would focus on the delivery of wider regeneration, infrastructure and growth including schemes within Project Taunton. This latter post would replace the existing 'Project Taunton Regeneration Manager' on the establishment and would be funded for three years from historic reserves; and
- (c) Economic Development Manager (currently the Economic Development Specialist) to whom the Economic Development Team would report directly. The current vacant Lead role in the Economic Development Team would be deleted with 50% of the cost retained to allow for more restructuring and 50% being returned to the General Fund.

The current workload associated with the Project Taunton Project Co-ordinator post and Project Taunton Office Manager post had reduced in recent months to the extent that both posts could be deleted from the establishment.

The proposal also freed up some capacity for the Theme Manager - Growth and Development to focus on a number of key functions and retain the responsibility long term for:-

- Development Management;
- Conservation and Landscape; and
- Planning Enforcement.

One of the other proposals was to create an Apprentice post to support the newly formed Growth and Regeneration Team. The new post holder would have the opportunity to work across the whole Growth and Development 'Directorate'.

Another proposal related to the proposed creation of a Corporate Support Unit where all of the posts within Democratic Services, the Personal Assistants and the two administrative posts within Theme 1 would be part of a Support Team for Theme 5 and Theme 1 and the Leader of the Council.

The Legal and Democratic Manager had been tasked with the creation of the Corporate Support Unit with a budget saving of at least £50,000 to become live on 1 April 2012.

The above proposals set out a way of achieving a saving in year one of approximately £360,000. This went beyond the initial Core Council Review target of a 10% saving for CMT.

On the motion of Councillor Williams, it was

**Resolved** that the following be agreed:-

- (a) The number of Strategic Director posts be reduced from four to 2.6 with

the allocation of £103,000 from reserves (£62,000 General Fund, £21,000 Housing Revenue Account, £20,000 CCR Earmarked Reserve) in 2011/2012 to fund the associated costs;

- (b) The creation on the establishment of the post of 'Commercial Manager' for a fixed two year period funded from historic reserves;
- (c) The change of the establishment post of 'Project Taunton Regeneration Manager' to 'Regeneration Manager' funded for three years from historic reserves;
- (d) The change of the establishment post of 'Economic Development Specialist' to 'Economic Development Manager';
- (e) The deletion of 0.5 FTE vacant Economic Development Lead;
- (f) The creation of an Apprentice post for the Growth and Regeneration Team for a two year period funded from the year one General Fund saving;
- (g) Minor changes to reporting arrangements as set out in the report to the Executive;
- (h) The creation of a Corporate Business Support Unit delivering a minimum saving of £50,000 to the Council;
- (i) The deletion of the Project Taunton Officer and Project Taunton Office Manager posts from the establishment; and
- (j) The allocation of £55,000 from historic 'growth' reserves to fund the one-off costs of creating the Growth and Regeneration proposals, set out in the report to the Executive.

#### **(b) General Fund Earmarked Reserves Review**

A review had recently been undertaken of a number of earmarked reserves held by the Council to ensure that the level of each reserve was adequate and that the purpose for which the funds were set aside still applied.

The level of earmarked General Fund reserves as at 31 March 2011 was £6,858,000. This included money set aside for specific revenue purposes, but did not include the £2,937,000 in General Fund balances.

As a result of the review, there were various earmarked reserves, which totalled £159,003, that were no longer required.

On the motion of Councillor Williams, it was

**Resolved** that £159,003 of surplus earmarked reserves be transferred to the General Fund Reserves in the current financial year.

### **(c) Fees and Charges 2012/2013**

Consideration had been given to the proposed fees and charges for 2012/2013 for the following services:-

- Cemeteries and Crematorium ;
- Housing and Deane Helpline;
- Licensing;
- Planning; and
- Environmental Health.

Details of the proposed increases were submitted. No increase was proposed to Waste Services or Land Charges fees or the fees for recovering Court Costs.

The results of previous public consultation events had clearly indicated that the public preferred to see increases in fees and charges, rather than in Council Tax, as a way for the Council to raise income.

On the motion of Councillor Williams, it was

**Resolved** that the fees and charges for 2012/2013 in respect of Cemeteries and Crematorium, Housing and Deane Helpline, Licensing, Planning and Environmental Health, as submitted, be agreed.

### **(d) Proposal for Exemption to Contract Standing Order 13 for the Procurement of Development, Construction and related services from the Partner Panel set up by the Homes and Community Agency**

The Council had previously endorsed the use of the South West Regional Development Agency's (SWERDA) consultant's list by Project Taunton.

However, with SWERDA ceasing to exist in March 2012, the Homes and Communities Agency (HCA) had made a similar list of contractors, who had been through the European Procurement process, available for Local Authorities to use. It was proposed to make use of the HCA's list for a period of three years ending in December 2014.

Due to the size of the contracts handled by Project Taunton, some of the commissions were in excess of the Council's Standing Orders Threshold 2 and Threshold 3.

Usually all contracts that fell under paragraphs 13(c) and (d) in the Contract Standing Orders had to comply with the process laid down. However, for contracts under 13(c), an exemption existed for such contacts under 14(e) if it was to be dealt with in a prescribed manner under agency arrangements

entered into by the Council with another authority.

Unfortunately, this exemption did not also cover 13(d), which related to contracts above Threshold 3 in the Contract Standing Orders. A further exemption for such contracts was therefore sought.

The advantages of using this exemption were submitted.

On the motion of Councillor Cavill, it was

**Resolved** that:-

- (1) The exemption to the Council's Standing Orders at paragraph 14(e) being extended to cover paragraph 13(d) be approved; and
- (2) The use of the Homes and Communities Agency Framework under exemption 14(e) to cover the three year period, 2011 – 2014 be also approved.

(The Mayor declared a prejudicial interest in the following item, as a local resident, and left the meeting during its consideration. The Deputy Mayor took the Chair.)

(Councillor Bowrah considered that he had 'fettered his discretion' with regard to the following item and also left the meeting during its consideration.)

### **(e) Halcon North, Taunton Regeneration Project**

The Executive had considered a report concerning proposals to redevelop the Halcon North area of Taunton which comprised 7.25 hectares of housing land and approximately 220 dwellings.

A Development Appraisal had explored the financial viability of the proposed scheme by considering the various elements including:-

- The number and type of new homes to be built on the site;
- The tenure mix to be provided;
- Build costs;
- Sales values; and
- Future rental income.

The appraisal had calculated a gross development value of the various different types of home, and then deducted development costs to produce a scheme surplus or deficit.

In order for the scheme to have a neutral impact on Council finances, the surplus needed to be sufficient to fund the costs of buying back properties previously sold under the Right to Buy and the decanting costs of moving tenants to enable the development to take place. It also needed to fund the cost of developing any units which the Council wished to retain.

Different scenarios had been assessed in order to determine the scheme which produced the best financial viability, while addressing as many of the project objectives as possible.

The development appraisal had shown that it was possible to produce a broadly viable scheme of approximately 400 dwellings by reducing the percentage of affordable units on the scheme to 50%. At this level the scheme produced a surplus which would be larger if fewer retained units were required.

Both the Community Scrutiny Committee and the Executive had considered a number of options relating to the proposed redevelopment and had accepted that the wider benefits of regeneration outweighed any concerns around mix and tenure.

The Executive had therefore agreed that the project should proceed to the next stage and a developer should be procured, but with a view to 50 dwellings or more being returned to the Council.

The next stage would involve the following in preparing for procurement:-

- Drafting an information brief;
- Procuring advisors;
- Consulting residents;
- Legal and procurement advice;
- Specification/employers' requirements;
- Drafting heads of terms; and
- Establishing an evaluation panel.

Making these preparations would have a cost and a Supplementary Estimate was therefore sought to provide the necessary funding.

On the motion of Councillor Mrs Adkins, it was

**Resolved** that a Supplementary Estimate of £65,000 from the Housing Revenue Account Reserves, to fund the next stage of the Halcon North Regeneration Project, be approved.

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

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

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

Councillor Williams's report covered the following topics:-

- M5 Motorway Tragedy;
- Budget Setting;
- Regeneration of Taunton;

- Broadband Issues; and
- Future Initiatives.

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

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

- Localism Act;
- Taunton Deane Core Strategy 2011-2028;
- Highway Network : Winter Services 2011/2012;
- The Public Art Panel;
- County-wide Civil Parking Enforcement (CPE) Project;
- RingGO;
- Electric Charging Points; and
- Communications.

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

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

- Police Reform;
- Community Policing Awards;
- Somerset Health and Wellbeing Board;
- North Taunton and Taunton East;
- Rural Areas;
- Somerset Business Against Crime Partnership;
- Green Deal; and
- Passivhaus/Passive House.

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

The report from Councillor Cavill covered:-

- Keeping Members informed;
- Stimulating Business Growth and Investment;
- Ensuring a Skilled and Entrepreneurial Workforce;
- Creating an Attractive Business Environment; and
- Taunton Tourist Information, Ticket and Travel Centre.

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

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

- Waste Management;
- Environmental Health Teams;
- Climate Change / Carbon Management; and
- Crematorium.

(vi) **Sports, Parks and Leisure (Councillor Mrs Herbert)**

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

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

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

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

- Empty Homes and New Homes Bonus;
- Landlords Forum and the Landlord Accreditation Scheme;
- HRA 30 Year Business Plan and Self-financing;
- Estates Team and Anti-social Behaviour;
- Solar Panel Project;
- Annual Servicing and Maintenance Contract;
- Halcon Regeneration Project; and
- Affordable Homes.

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

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

- Customer Contact Centre;
- Legal and Democratic Services;
- Performance and Client Team;
- Revenues and Benefits; and
- Southwest One.

(Councillors Stone and Mrs Allgrove arrived at the meeting at 6.59 pm and 7.01pm respectively. Councillors Nottrodt left the meeting at 7.03 pm. Councillor Mrs Messenger left the meeting at 8.27 pm. Councillors Mrs Adkins, Mrs Baker, D Durdan, Ms Durdan, C Hill, Morrell, D Reed, Mrs Smith, P Smith, Ms Webber and D Wedderkopp all left the meeting at 9.20 pm. Councillor Bishop and Mullins left the meeting at 9.35 pm. Councillor Edwards left the meeting at 9.40 pm. Councillor Mrs Hill left the meeting at 9.47 pm. Councillors A Govier, Mrs Govier, Horsley, Mrs Reed and Stone all left the meeting at 9.53 pm. Councillors Gill Slattery, T Slattery and Watson all left the meeting at 9.56 pm.)

(The meeting ended at 9.58 pm.)