

Executive – 11 November 2009

Present: Councillor Henley (Chairman)
Councillors Coles, R Lees, Paul, Prior-Sankey, Slattery, Mrs Smith,
A Wedderkopp and Mrs Wilson

Officers: Penny James (Chief Executive), Joy Wishlade (Strategic Director),
Brendan Cleere (Strategic Director), Tonya Meers (Legal and
Democratic Services Manager), James Barraah (Community Services
Manager), Tim Burton (Growth and Development Manager), Lesley
Webb (Housing Enabling Manager), Brian Yates (Building Control
Manager), Maggie Hammond (Strategic Finance Officer) and Richard
Bryant (Democratic Services Manager)

Also present: Councillors Bishop, Brooks, Cavill, Mrs Court-Stenning, Gaines,
Hayward, Horsley, House, Morrell, O'Brien, Stuart-Thorn and
Williams.
Phil Bissatt, UNISON Representative, Mark Green, Project Taunton
and Maurice Stanbury, Vice-Chairman of the Standards Committee

(The meeting commenced at 6.15 pm.)

90. Minutes

The minutes of the meeting of the Executive held on 14 October 2009, copies of which had been circulated, were taken as read and were signed.

91. Public Question Time

Councillor Morrell spoke in connection with the forthcoming further meeting of the Planning Committee to consider the application relating to the proposed residential development of land west of Bishops Hull Road.

He understood that arrangements had been made for the Planning Committee to hold its meeting in St. Andrews Church Hall in Taunton due to the numbers of local people who were likely to want to attend. However, in his view this was far from the ideal location.

He understood that some of the officers saw the merit of holding the meeting within the local community and therefore asked the Executive whether, at this relatively late stage, this could be considered.

In response, Councillor Henley promised to discuss this matter with both the Chairman of the Planning Committee and the Portfolio Holder for Planning and Transportation (Councillor Coles).

92. Declarations of Interest

Councillors Henley, Paul and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Prior-Sankey also declared

a personal interest as a Member of the Supporting People Commissioning Body. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Slattery declared personal interests both as a Member of the Somerset Waste Board and as an employee of Sedgemoor District Council.

93. **Proposed Redevelopment of Parmin Close, Taunton to provide 'Extra Care' Affordable Housing in Perpetuity for the elderly and those in need of Extra Care Housing in Taunton Deane**

Considered report previously circulated, concerning the opportunity of redeveloping a "land hungry", Council owned Sheltered Housing site at Parmin Close, Taunton to provide a state of the art Extra Care complex of 70 units of accommodation.

The proposal reflected the Core Council's Review, the Council's commitment to providing Affordable Housing and complimented Project Taunton.

Parmin Close was a sheltered housing scheme built in 1971, of traditional brick construction consisting of 30 elderly persons homes owned and managed by Taunton Deane Borough Council. The present complex comprised:-

- 1 x 3 bed house;
- 12 x 1 bed mini flats;
- 12 x 1 bed maxi flats;
- 6 x 1 bed bungalows;
- 1 x meeting room.

Plans to redevelop this site were not new. Details of proposals which had been designed five years ago were submitted. At the time, the Council made two bids for funding to the Department of Health, both of which were unsuccessful. The main reason for this lack of success was because the Council did not partner with a Registered Social Landlord.

Whilst Taunton Deane had 27 Sheltered Housing Schemes across the district, only two were Extra Care Housing Schemes. The fundamental difference between Sheltered and Extra Care was the partnership working provided in the past between the Council, Adult Social Care and the Care provider to ensure a continued 24/7 service, including sleep-in staff.

With the anticipated number of older people increasing over the forthcoming years, it was anticipated that the demand for such accommodation would increase and present a real alternative to going into residential care or a nursing home.

Reported that a number of meetings had been held with Sanctuary Housing Association who were renowned for their experience and expertise in providing Extra Care across the country.

An Architect had been instructed to carry out a feasibility study and to provide indicative drawings for an innovative scheme for this proposed scheme. This had shown that it would be possible to more than double the number of units on the site with 70 x 1 and 2 bed homes. The design and facilities of the scheme would ensure this development would become a 'Flag Ship' in Extra Care for Taunton Deane for local people.

It was anticipated that funding for the scheme would come from several sources including the Homes and Communities Agency, Sanctuary Housing Association (either reserves or market borrowing), the Department of Health (Bid money) and Supporting People.

The standard of bids to the Department of Health was extremely high. Therefore, in an attempt to ensure success, the following issues would need to be addressed:-

- Innovative design;
- Innovative service delivery;
- Community use of the building;
- Hairdressing, Restaurant/Café/Tea shop, Internet café;
- Local partnership agreement;
- Funding arrangements;
- Value for money; and
- Deliverability within agreed timescales.

The new complex would be constructed to a very high standard, at least Code for Sustainable Homes Level 4, providing very comfortable living for the tenants and low energy costs.

To achieve this, the Council would need to work in partnership with Sanctuary Housing Association. Due to the lack of financial resources available, the Council would be required to dispose of the land to Sanctuary for a nominal amount, as the Council's contribution towards the scheme.

In return, these Extra Care properties would be let through the Choice Based Lettings system ring fenced for residents in Taunton Deane in perpetuity.

It was recognised that to achieve success with a proposed scheme like this, the most careful consultation with the existing tenants had to be carried out.

Noted that the tenants would be entitled to the Statutory Home Loss payment, which was currently £4,700. There would also be an entitlement to compensation for displacement issues such as removals, curtains, carpets and reconnection fees.

Further reported on the initial consultations that had taken place on 15 September 2009 involving the 30 existing tenants (who were invited to bring a relative) and residents living nearby. Submitted for the information of Members, a list of comments made by the tenants of Parmin Close and residents from Parmin Way.

As a result of these initial discussions Sanctuary had agreed that all existing tenants of Parmin Close, whether they fitted the Extra Care criteria or not, would be offered a tenancy of one of the new properties. They would also be allowed to take their pets with them, although Sanctuary had a no pet policy.

Reported that it was fully understood that most of the current tenants did not want to move. Some had indicated that they would like to take the opportunity to move nearer family and friends. Some wished to move out of the area. Those tenants who did wish to move elsewhere would be given priority with a direct match through the Choice Based Lettings system to any vacant properties that become available in their area of choice.

The Chairman invited Messrs Halliwell and Aldridge who were residents of properties in Parmin Close to address the meeting. Both spoke against the proposed redevelopment and suggested that the Council should perhaps look at acquiring land on the former Thales site to build this Extra Care facility. Mr Stevens from the Taunton and Wellington Pensioners Forum also spoke. He requested the Executive to take into account the views of the residents.

The Executive recognised that this was a very difficult decision. However, the proposed facility would be invaluable both to the existing residents who opted to move into one of the new units and the generations of elderly residents who would follow. The general view was that, on balance, the scheme was a viable option.

Resolved that:-

- (1) The principle of progressing the redevelopment and regeneration of an Extra Care complex in Parmin Close, Taunton which would replace the current Sheltered Housing units be agreed;
- (2) The land concerned be transferred to an appropriate Registered Social Landlord (Housing Association) for a nominal amount as this Council's contribution towards the scheme;
- (3) On disposal of the land it be legally agreed with the Housing Association that the land could never be used for anything other than for the provision of affordable housing;
- (4) It be agreed with the Housing Association that the disposal of the land, must in return, give letting priority to Taunton Deane residents through the Homefinder Somerset scheme;
- (5) Where possible, the tenants' aspirations for relocation be met, including:-
 - (a) Present tenants to be offered a property in the new complex whether they currently met the Extra Care criteria or not; and
 - (b) Present tenants to be given the opportunity to take their pets to the new complex; and

- (6) The Council would work closely with all the tenants of Parmin Close and keep them informed as to progress with the proposed redevelopment.

94. **Reconsideration of decision following call-in – Proposed commissioning of a County-wide Home Improvement Agency**

Reference Minute No. 82/2009, reported that the Executive's decision concerning proposals to commission a County-wide Home Improvement Agency taken at the meeting held on 16 September 2009, had been called in by Councillors Mrs Court-Stenning and Hayward.

The call in had been considered by the Community Scrutiny Committee at its meeting on 13 October 2009 where it had been decided to refer the decision back to the Executive for further consideration.

Since then, the Members of the Executive had reviewed its previously made decision taking into full account the views expressed by the Community Scrutiny Committee.

Although the Executive was minded to allow its previous decision to stand, it was committed to ensuring that the standard of the new service was at least as good as that currently provided. Accordingly, it was proposed that the new service would be reviewed after a year, with a report being brought back to the Community Scrutiny Committee.

Resolved that the decision made by the Executive on 16 September 2009 in connection with a County-wide Home Improvement Agency be confirmed.

95. **Revised Proposals for Financing the Purchase of the "Acolaid" Building Control Computer System**

Considered report previously circulated, concerning the proposal to purchase the Idox Plantech 'Acolaid' Building Control and Land Charges modules.

The Building Control Service was divided into two areas – the statutory service and the commercially competitive fee-earning Building Regulations service.

The fee-earning service accounted for 80% of the work of the section. This was required to be provided on a self-financing basis and the Council annually approved a Scheme of Charges in respect of the service. The Building (Local Authority Charges) Regulations 1998, required that the service achieved a break-even position over any three year rolling accounting period.

Prior to the introduction of SAP the Council's computer system, Universe, encompassed a number of specialist applications, including Development Control, Building Control and Land Charges. Difficulties and shortcomings with this system led Development Control to purchase and install the Idox Plantech 'Acolaid' support system in 2007/2008.

To similarly update and improve computer support systems in Building Control and Land Charges, and provide the essential interfaces between these

services and Development Control, the decision was made in 2008 to purchase the appropriate Idox Plantech Acolaid Building Control and Land Charges modules.

Subsequently it became apparent that the Universe system would not be supported into the future, so the purchase of 'Acolaid' proved opportune.

Funding for the Building Control purchase was agreed at £21,000 from the Housing and Planning Development Grant and £30,000 from the Building Control Reserve Fund.

Unfortunately the current economic recession had led to a severe drop in income and meant that the balance in the reserve at 31 March 2009 was only £13,059. The following options were therefore considered to meet the funding shortfall:-

- Unspent Grants or Allocations – there were no unspent funds that could be utilised;
- Use of Council Reserves – to maintain reserves at the levels consistent with Council policy, it would be necessary to make a compensating contribution in 2010/2011. This would be difficult to achieve and would mean a cut in service provision;
- Capitalisation – it would be possible to capitalise the shortfall of £51,900, recovering the costs over the useful life of the 'Acolaid' system (15 years) through contributions from the Building Control Trading Account.

Having considered these options, it was proposed that the shortfall in funding should be met from prudential borrowing to be serviced by revenue contributions from the Building Control trading account over the life of the system. Assuming interest at 5% and the repayment of debt over 15 years would imply an annual contribution from the trading account of approximately £6,055.

A new structure for the combined Taunton Deane/Sedgemoor Building Control Service was planned from 1 April 2010 that would build on the shared Manager and shared Support Team Manager already in place. Submitted details of the anticipated savings that would result from this structure.

The share of these savings accruing immediately to the fee-earning service amounted to £7,748, which would be sufficient to meet the ongoing costs of servicing any borrowing to meet the funding shortfall.

Resolved that:-

- (1) the principal of meeting the shortfall in funding of £51,900 from prudential borrowing to be serviced by revenue contributions from the Building

Control Trading Account over the life of the 'Acolaid' system be endorsed;
and

(2) a commensurate increase in the 2009/2010 capital programme be agreed.

96. **The Taunton Protocol—Adoption and Application by Taunton Deane Borough Council**

Considered report previously circulated, concerning the Taunton Protocol which had been developed in conjunction with leading national experts in the fields of carbon reduction, building design and valuation.

The Protocol set ambitious and auditable targets for sustainable development which were ahead of current national standards either in scope or timing, or both. If implemented these would produce significant reductions of Co2 and help meet the Government's challenging targets for reducing the impact of climate change.

The Protocol had been acknowledged as one of the most comprehensive and well developed documents of its kind produced to date and had won significant acclaim both locally and more widely.

The standards contained within the Protocol covered:-

- Low Environmental Impact Building Design;
- Climate Change Adaptation;
- Sustainable Lifestyles and Community Involvement;
- Materials;
- Construction Site Management; and
- Biodiversity and Ecology.

These standards could be applied either comprehensively or in part and were sufficiently flexible to ensure that their application would not jeopardise scheme viability and delivery.

The standards had been incorporated within the signed Development Agreement for the Firepool Site and had been embraced by St Modwen Developments Limited. They had also been supported by other major local businesses.

During the discussion of this item, the Chairman proposed changes to both recommendations (1) and (2) in an attempt to strengthen the wording to ensure as many large developments as possible in Taunton where built in accordance with the Protocol.

Resolved that:-

- (1) In principle, the standards contained within the Protocol be applied to all future development on land owned by Taunton Deane Borough Council subject to viability;
- (2) Taunton Deane Borough Council raises the application of the Protocol in all pre-application discussions with developers of other non-Council owned sites so that consideration is given to the application of some or all of the standards contained within the Protocol; and
- (3) The Protocol be regularly reviewed and updated to reflect emerging best practice and future changes to legislation.

97. Windfall Value Added Tax (VAT) Receipt

Considered report previously circulated, concerning a one off windfall VAT receipt of £649,119.

Some time ago, HM Revenue and Customs altered the regulations relating to claims for overpaid VAT but gave no lead period. Following a House of Lords judgement that this was unfair, a window was opened enabling claims to be made back as far as 1974 up to the date that the three year cap was brought in. The cut off for these claims was 31 March 2009

The Council had engaged Pricewaterhouse Coopers to conduct a review of VAT activity on a "no win no fee" basis, removing any risk of paying Pricewaterhouse Coopers unless benefits were identified.

The Council had now been able to reclaim overpaid VAT and associated interest in several areas including excess parking charges, cemetery supplies and leisure admissions amounting to £783,833.

The charge made by Pricewaterhouse Coopers for this work was £134,714 resulting in a net receipt of £649,119.

Resolved that the receipt be transferred to the General Fund Reserve to fund any redundancies from the next phases of the Core Council Review.

98. Core Council Review Proposals – Themes 2 and 4

Considered report previously considered, concerning the proposals for Themes 2 and 4 of the Core Council Review.

The new structure for the Core Council had been approved in February 2009 and was based on five themes:-

1. Strategy and Corporate;

2. Growth and Development;
3. Business (DLO);
4. Operations and Regulation; and
5. Chief Executive, Strategic Directors and support staff.

Phase 1 had been operational from 1 April 2009 and Theme 3 of the Core Council Review was subject to an independent study by consultants.

The Core Council Review had identified the following three critical areas which had to underpin the whole organisation, its future direction and development:-

- Understanding of the drivers for change in the organisation;
- A clear overall vision for the authority; and
- New ways of working.

The Executive had given officers informal direction on the review in terms of areas for investment and areas to explore reducing investment. Key projects included climate change, tackling deprivation and community development and affordable housing. Officers had also been asked to address economic development priorities by focussing resources on the delivery of the economic vision and decreasing investment in economic development.

Decreased investment would be sought in management, administration and support, tourism and the tourist information service, Heritage and Landscape and the natural environment, waterways, private sector housing (including grants) and Environmental Health.

Theme 2 - The Growth and Development Theme comprised the Council's Development Management function, Planning Enforcement, Landscape and Heritage services, Housing Enabling, Building Control and Economic Development (including Tourist Information). Existing structure charts were submitted for the information of the Executive.

The proposal had been developed following discussions with managers, elected Members and the Change Programme Member Steering Group. The proposed structure sought to maximise the available resource in areas that would deliver the future growth agenda and to facilitate more project related working across themes.

The theme would be led by a single Theme Manager who would have direct line management responsibilities for seven lead officers, covering Landscape, Heritage, Development Management, Housing Enabling and Economic Development (2 posts). The seventh lead was a Business Support role. The detailed proposals for Theme 2 were outlined.

Reported that the formal consultation process generated comments from the Corporate Scrutiny Committee, staff and UNISON. As a result, the following changes to Theme 2 proposals had been made:-

- Planning Enforcement was to be incorporated in the Growth and Development structure. The two Planning Enforcement Officers would report to the Development Management Lead, whilst the Enforcement Support Officer would be part of the Business Support Team.
- Building Control would be managed as part of the Growth and Development Theme. However, in the light of the shared management arrangements, opportunities for thematic working were limited and Building Control would retain its separate administrative support.
- The original proposal showed the Planning Officer resource reduced from 4.5 Full Time Equivalents (FTE) to 3 FTE. In response to concerns in respect of the implications of an upturn in workloads as a result of economic recovery and, in order to assist Legal and Democratic Services with negotiations relating to footpath diversions, this was now proposed to be increased back to 3.5 FTE.

The overall reduction in planning staff would still result in a reduced ability to respond effectively should workloads return to previous peak levels. This area, therefore, would need to be kept under review.

Overall, the proposals for Theme 2 were likely to deliver annual savings of approximately £250,000 and the detailed proposed structure was reported. This would result in a reduction in the levels of service the Council was able to provide in terms of landscape and rights of way, although statutory requirements would still be able to be met.

The overall number of Planning Officers was to be reduced, but a good level of service should be able to be maintained in light of the recent reduction in application numbers. However, there would be an adverse impact if workloads increased to their previous levels.

The review of Tourist Information would need to balance service delivery with cost, whilst the new Housing Enabling post would significantly enhance frontline delivery. The reduction in Economic Development posts should be outweighed not only by having a dedicated senior role, but also more flexible roles at appropriate levels.

Theme 4 – The Community Services (formerly Operations and Regulation) Theme encompassed the current services of Cemeteries and Crematorium, Building Control, Environmental Health, Housing Operations and Car Parking and Civil Contingencies. The proposal also included the addition of Community Safety and Leisure Development. Existing structure charts were submitted for the information of Members.

The proposal sought to maximise the effectiveness of the available resources and to facilitate more project related working across themes. The work had been guided by the following principles:-

- A recognition that many of the services within the theme were working well and many were already organised in an effective way;
- Recognising the priorities set by Members;
- Where possible, protecting front line service delivery and staff;
- Being mindful of business continuity of front line services, in particular in relation to staff put “at risk”;
- The Housing Revenue Account ring fence that prohibited many housing related teams from being able to contribute to General Fund savings; and
- To make substantial savings where possible.

The diverse nature of the services in the theme meant that a range of external pressures and issues had to be taken into account.

The Community Services theme would be led by a single Theme Manager who would have direct line management responsibilities for four new lead officers for Housing Services, Community Development, Community Protection and Business Support. Detailed proposals for Theme 4 were submitted.

Reported that the formal consultation process generated comments from the Corporate Scrutiny Committee, staff and UNISON. As a result, the following changes to Theme 4 proposals had been made:-

- Building Control had been moved to the Growth and Development Theme.
- Planning Enforcement had also been moved to the Growth and Development Theme.

This, however, had created a position of increased isolation for the remaining small Licensing service in the Community Protection part of the structure. Additionally concern had been expressed by Members in relation to the decline in resources in the Licensing service.

Consequently a new structure for the Licensing Service was proposed that included a new post of Licensing Manager and re-shaping the rest of the team to make three Licensing officers. This was considered to be a more viable team and service for the future. Capacity in this team would be increased from 3 FTE in the original proposal to 4, including the addition of a dedicated manager for this busy and high profile

service. The additional cost involved in this change had mainly been met by the removal of a further part time (0.6 FTE) Senior Environmental Health Officer from the Food and Health and Safety Team following a recent staff resignation.

- Tenant Empowerment. Additional posts had been added into the Housing Services Structure, funded by the Housing Revenue Account.
- Community Development – an additional Community Development Officer post had been added to this team.

The projected annual savings for Theme 4 were approximately £200,000.

Reported that at this stage it was very difficult to accurately assess the full impact on services and customers from these proposals. Attempts had been made to follow the informal direction provided by the Executive, focussing on new ways of working and Council priorities, keeping day to day services running effectively and ensuring the Council's statutory and other duties could continue to be fulfilled.

However, the proposals did include a significant reduction in management capacity and some reduction in front line resource that would have a clear impact that would have to be effectively managed into the future.

Most notably there had been reductions in capacity in the existing Environmental Health and Housing Options Teams, which would result in increased tensions in these services with potential failure to meet inspection programmes or to provide the same level of service as was currently provided.

Generally with the Thematic Working approach, it was proposed to make a small addition to job descriptions of posts in the new structure to reflect the aims and objectives of the review. The addition did not constitute a material or significant enough change to warrant a re-evaluation of these posts.

Significant consultation had taken place with the UNISON Change Forum and a Staff Care and Support Plan had been developed.

Staff affected by the proposals had been notified as being at risk of redundancy and details of these posts were submitted together with the 'ring fencing' arrangements that would apply.

Recruitment to all new posts in Themes 2 and 4 would be completed where possible by the end of March 2010. A review of accommodation would be commissioned if the proposals were approved by Full Council.

The ongoing General Fund (GF) savings by the proposals for Themes 2 and 4 would be approximately £450,000 per annum. This entire sum would be contributed towards the Council's budget gap position for 2010/2011 onwards.

The net revenue cost to the Housing Revenue Account (HRA) was £130,000, but managers were working on savings plans to offset this cost.

The one-off costs to the GF associated with Theme 2 and 4 proposals would not be known with certainty until the recruitment process was completed. Analysis of potential outcomes had been undertaken, indicating that the one-off costs to the GF Reserves would, depending on the recruitment outcomes, be in the range of £134,000 (best case) to £592,000 (worst case). The more likely outcome was somewhere in the middle.

It was vital that the Council's GF Reserves were in a sufficiently healthy position to support this review. Noted that the windfall VAT receipt of £649,119 (Minute No 97 refers) would be transferred into the GF Reserve. It was recommended that a sum of £592,000 be ring-fenced to fund the one-off costs of this proposal. Any surplus would be automatically returned to GF Reserves in late March 2010.

Similarly, the one-off costs of these proposals on the HRA Reserves would not be known with certainty until recruitment had been completed. Financial modelling indicated the one off costs to the HRA being in the range £0 - £127,000. It was recommended that a sum of £127,000 be ring-fenced from the HRA Reserves to fund the one-off costs of this proposal again with any surplus being automatically returned to HRA Reserves.

The proposals preceded the longer term proposals coming out of the Pioneer Somerset Programme and the Core Council would work in a way to shape the further development of Pioneer Somerset proposals and respond to these as they emerged.

Further reported that the formal consultation period on the first phase of this proposal had run from 24 September until 24 October 2009. Points made during the consultation process, and the response to these, were submitted. The process of developing the Theme 2 and 4 proposals also involved informal consultation and dialogue with staff and Members over a considerable period of time.

The UNISON representative, Phillip Bisatt, circulated a representation on behalf of the union. He added that UNISON, whilst recognising the difficult financial position the Council faced, was pleased that many of the points made at scrutiny had been taken into account.

Noted that Full Council had previously requested a review of political management arrangements alongside the Core Council Review. It was likely proposals would come before Members after Christmas with the aim of achieving implementation in the next Municipal Year.

Resolved that:-

- (1) The comments of the Corporate Scrutiny Committee and those received from staff and UNISON during the formal consultation

process, as detailed in the report, be noted; and

- (2) Full Council be recommended to approve:-
- (a) The detailed proposals for Themes 2 and 4 of the Core Council Review, as described in the report.
 - (b) That a sum of £592,000 is ring-fenced from the General Fund (GF) Reserves to fund the one off costs of Theme 2 and 4 proposals. Any earmarked fund remaining at the end of this phase to be returned to the GF Reserve at the end of March 2010.
 - (c) That a sum of £127,000 is ring-fenced from Housing Revenue Account (HRA) Reserves to fund the one off costs of Theme 2 and 4 proposals. Any earmarked fund remaining at the end of this phase to be returned to the HRA Reserve at the end of March 2010.
 - (d) That political management arrangements be reviewed separately with Members with the aim of achieving implementation in the new Municipal Year (2010).
 - (e) The phasing arrangements for the remaining Themes of the Core Council Review, as set out in the report.

99. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

Resolved that the Forward Plan be noted.

(The meeting ended at 8.23 p.m.)