

## **Executive – 12 November 2008**

**Present:** Councillor Henley (Chairman)  
Councillors Brooks, Coles, Horsley, R. Lees, Mullins, Prior-Sankey  
and Mrs Smith

**Officers:** Penny James (Chief Executive), Shirlene Adam (Strategic Director),  
Brendan Cleere (Strategic Director), Tonya Meers (Legal and  
Democratic Services Manager), James Barrah (Chief Environmental  
Health Officer), Nigel Kerr (Operations Manager, Environmental  
Health), Sarah Taylor (Scientific Officer – Air Quality), Ralph  
Willoughby-Foster (Forward Plan Manager), Phil Bissatt (Senior  
Planner – Forward Plans), Juliette Dickinson (Managing Director,  
Tone Leisure) and Richard Bryant (Democratic Services Manager)

**Also present:** Councillors Bowrah, Mrs Court-Stenning, Edwards and Williams.

(The meeting commenced at 6.15 pm.)

### **211. Apology**

Councillor A Wedderkopp.

### **212. Minutes**

The minutes of the meetings of the Executive held on 9 and 15 October 2008, copies of which had been circulated, were taken as read and were signed.

### **213. Public Question Time**

Mrs G Cautley stated that although she supported the proposals for free swimming, she hoped that this would not be provided at the expense of concessions for old aged pensioners at the Sports Centres. She added that a petition containing over 1,600 signatures had already been collected against any reduction in the concessions and hoped the Council would keep them as they were.

In response the Chairman, Councillor Ross Henley, confirmed that there were no plans to scrap subsidies. He added that the Council would endeavour to keep them at the current set level.

### **214. Declarations of Interest**

The Chairman and Councillors Brooks and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Coles declared a personal interest as a Director of Southwest One.

### **215. Air Quality Strategy**

Considered report previously circulated, concerning the production of the Somerset Air Quality Strategy by the six Councils that formed the administrative region of Somerset.

Air pollution in the United Kingdom was estimated to reduce the life expectancy of every person by an average of 7-8 months with associated estimated health costs of up to £20 billion each year.

The Environment Act 1995 had established a national framework for air quality management and placed obligations on Local Authorities to undertake reviews of the air quality in their particular areas. If objectives were not met, Air Quality Management Areas would be established and Action Plans implemented to improve air quality.

The Government had recommended that all Local Authorities should consider developing a Local Air Quality Strategy in order to maintain good air quality and where appropriate, improve air quality locally.

Reported that the air quality across the County was generally good, with the only pollutant to pose a problem being nitrogen dioxide resulting from traffic pollution.

The focus of the review and assessment process had therefore been primarily focussed on areas where the local population was exposed to pollution above acceptable levels.

The aim of the County-wide Air Quality Strategy was to complement the Local Air Quality Management process by working collectively and ensuring consistency. It also encouraged a holistic approach to the problems of air quality, rather than targeting particular areas. It aimed to raise the issue of air quality within a wide range of Local Government and Regional Planning frameworks.

The Strategy had recognised the significant growth experienced in the South West, which brought the need for additional accommodation, transport networks, health, education and other services.

The Strategy also recognised that air quality and Climate Change should be integrated into policy to meet the expectation of Government to deal with these two considerable environmental issues.

Proposals for the provision of information to the public were set out and would enable people to make informed choices.

The Strategy made a number of recommendations for action by Local Authorities and various stakeholders, relating to work that was fundamentally important to improving air quality.

The effectiveness of the Strategy would be monitored to ensure that the aims and objectives were being met.

**Resolved** that the Somerset Air Quality Strategy be adopted.

## 216. **Planning Obligations Supplementary Planning Document**

Considered report previously circulated, which summarised the responses that had been received during the statutory consultation period on the draft Planning Obligations Supplementary Planning Document (SPD).

The SPD was originally commissioned to provide guidance for securing contributions from developers towards the major town centre development proposals in Taunton.

In parallel with the production of the SPD, the Government had abandoned its proposals for a Planning Gain Supplement, replacing it instead with a proposed Community Infrastructure Levy (CIL). However, even if the CIL was implemented, it could not be adopted in the absence of a Local Development Framework (LDF) Core Strategy. This meant that, without the SPD, there would be an absence for a number of years of detailed policy on planning obligations in Taunton Deane. This omission could become important given that the Council had now adopted the Taunton Town Centre Area Action Plan (TTCAAP), which the SPD was required to amplify.

Further reported that there was also a need for detailed guidance to secure the repayment of any monies awarded to the Borough Council under the Regional Infrastructure Fund (RIF). In addition, discussions with the Government Office for the South West had made clear that the Council needed to make serious efforts to secure contributions from developers. Failure to do so could affect the availability of grant funding for projects.

Taunton's designation as a New Growth Point (NGP), and the scale of development allocated to the Taunton Deane in the Regional Spatial Strategy, meant that a comprehensive policy framework for planning obligations was required. In major urban areas, the days of site-by-site negotiation for each developer contribution had now gone and other local authorities in growth areas were already well ahead in developing policy.

Reported that a team of consultants (Three Dragons, Roger Tym and Michael Beaman) had been appointed in March 2007 to prepare the SPD. The consultants had assembled a range of information on service and infrastructure requirements from numerous stakeholders who might be expected to seek contributions from developers.

The draft SPD document was published and was the subject of a six week statutory consultation period in June – July 2008.

Whilst a substantial number of replies were received during the consultation period, the issues raised fell under a number of main headings which were detailed in the report together with the Council's response to these matters.

It was felt that many of the issues could be addressed by making the amendments set out below to the SPD to enable it to proceed to adoption:-

- (i) The SPD be modified to acknowledge that 100% affordable housing schemes might need to be given special consideration;
- (ii) In the case of schemes comprising a mixture of market and affordable dwellings, the SPD be clarified to state that the overall quantum of community facilities needed for the total number of dwellings, must be provided;
- (iii) The SPD be amended to state that the timing of payment of obligations might need to be different for different types of development, and that payments might be staged;
- (iv) The SPD be amended to make clear that planning obligations had to reflect the differing impact of particular dwelling types and floorspace and could not be purely based on an outline proposal;
- (v) The SPD be amended to ensure that residential and non-residential developments were treated similarly, as far as this was possible;
- (vi) The SPD made reference to the conservation of biodiversity as something that needed to be addressed at a site-specific level, and that other requirements might be introduced when the SPD was reviewed;
- (vii) The text of the SPD be revised to explicitly state that equivalent contributions in kind would be acceptable;
- (viii) That clarification be included in the SPD to state that where brownfield sites had an established development value, where a developer could demonstrate that they could not afford to pay planning obligations, these could be waived or reduced;
- (ix) The SPD be amended to state that contributions would only be used for the purposes specified in the relevant Section 106 Agreement;
- (x) The SPD be amended to reflect Policy ED2 of the TTCAAP, which retained the 1% figure but incorporated the development size thresholds;
- (xi) The requirement in the SPD to contribute towards the cost of allotment provision be removed;
- (xii) The level of contributions sought for public realm works took account, as far as possible, of the availability of public funding;

- (xiii) The SPD be amended to state that – at least until it was reviewed in parallel with the preparation of the Core Strategy - contributions towards education would continue to be negotiated on a site-by-site basis;
- (xiv) The SPD be amended to remove the requirement for developers to contribute to transport measures (apart from the town centre road schemes and Silk Mills Park and Ride), but to state that these would be reconsidered when the SPD was reviewed.

**Resolved** that Full Council be recommended to formally adopt the Planning Obligations Supplementary Planning Document.

## 217. **National Free Swimming Programme**

Considered report previously circulated, concerning the Government's Free Swimming 'offer'.

The Department for Culture, Media and Sport (DCMS) had recently announced that it intended to fund Councils to provide free swimming for over 60s and under 16s for the financial years 2009/2010 and 2010/2011.

The grant enabled participating local authorities to offer either:-

- (a) Free swimming for those aged 60 or over; or
- (b) Free swimming for those aged 60 and over and free swimming for those aged 16 or under.

Authorities that chose option (b) would be offered £60m under the Government's Free Swimming Capital Modernisation Programme. £10m would be available in 2008/2009 and £25m in subsequent years. The programme aimed to support capital projects designed to modernise pool provision, which were integrated with providing free swimming.

Noted that Government guidance stated that the revenue grant funding available nationally would cover 75 to 100 per cent of the revenue costs.

DCMS had fixed the grant offered to the Council for over 60s at £37,420 per annum. This was based on the population of Taunton Deane. In addition the Primary Care Trust (PCT) had offered a grant of £31,500 over two years to part fund the Council's participation in the scheme. The funding from the PCT could be used for both elements of the scheme. Over 60s would be able to swim free of charge, at any time, throughout the year.

For under 16s, the grant offered by DCMS had been fixed at £52,766 per annum, based on the resident population of Taunton Deane. Under this part of the programme, under 16s could swim out of normal school hours through the year, free of charge.

The Government funding for free swimming would be ring-fenced for this purpose until the end of 2010/2011 and local monitoring of the success of the schemes would determine future funding and delivery arrangements.

A share of a £10m one-off capital reward grant would be available in 2008/2009 for local authorities who signed up for both the over 60s and under 16s elements of the scheme. For this Council, the grant would be £24,440 and this could be used to meet swimming related project development costs for capital bids in 2009/2010 and 2010/2011. Further funding bids could be made for the development of capital infrastructure. The closing date for capital funding bids for 2009/2010 (Round 1) was 24 October 2008 and details of Round 2 would be published in April 2009.

Discussions were taking place with Tone Leisure Limited regarding a bid under Round 2.

Details of the financial implications were submitted and included:-

- Lost income to Tone Leisure for which they would require some recompense;
- Increased costs through, for example, life-guarding, utility costs and cleaning;
- The level of external funding to cover the scheme; and
- An unknown level of take-up of the scheme in either age group.

Expected annual costs, based on an estimated increase in usage of 50% were as follows:-

| <b>Heading</b>             | <b>Over 60's<br/>£000</b> | <b>Under<br/>16's<br/>£000</b> | <b>Total<br/>£000</b> |
|----------------------------|---------------------------|--------------------------------|-----------------------|
| Lost Income                | 41                        | 94                             | <b>135</b>            |
| Additional Staffing Costs  | 4                         | 35                             | <b>39</b>             |
| Cleaning/Water costs       | 3                         | 5                              | <b>8</b>              |
| <b>Total Cost</b>          | <b>48</b>                 | <b>134</b>                     | <b>182</b>            |
| PCT Grant                  | (8)                       | (8)                            | <b>(16)</b>           |
| DCMS Grant                 | (37)                      | (53)                           | <b>(90)</b>           |
| <b>Net Cost to TDBC/TL</b> | <b>3</b>                  | <b>73</b>                      | <b>76</b>             |

Government funding had been offered for an initial 2 year period. Funding beyond this period would depend on the outcome of a national evaluation of the programme. If funding was withdrawn, the Council would have to consider whether to continue with the scheme and fund it entirely. The expected annual cost of the scheme was £182,000 and if discontinued, it would have to be recognised that swimming for over 60s and under 16s could suffer a decline in participation.

The Council expected the funding to fully cover the cost of the over 60s swimming but that the under 16s swimming would run at a deficit and would have to be funded by the Council and Tone Leisure.

The budget gap that had been previously reported did not allow for this new initiative.

It was not clear if other Somerset District Councils would support free swimming and there was a probability of people coming from outside Taunton Deane to swim.

It was proposed that for 2009/2010 the Council should reimburse Tone Leisure for the lost income that free swimming would cost them at a rate of 60p for a 0-5 age group swim, £2.10 for a 5-15 age group swim, £2.40 for a fun swim and £2.50 for an over 60s swim. This liability, after taking into account the external Government and PCT grant would be capped at £45,000.

This was the equivalent of £1.12 on a Band D Council Tax (0.85%). This assumed an increase in usage of 50% over current levels. For Taunton Deane this equated to 60% of the expected net cost of the scheme, with Tone Leisure bearing the remaining 40%, including full liability for all additional costs, for example staff, which the scheme might incur.

Tone Leisure would need to review its swimming programme in order to accommodate an introduction of free swimming in April 2009. The current programme of restricted swimming sessions to over 50s would need to be looked at as part of this review. There were no plans to extend opening hours at swimming pools to accommodate free swimming.

During 2009/2010 the Council would work with Tone Leisure to develop a model for 2010/2011 which more accurately shared the additional costs, and risks based on actual usage data. However, any commitment to offer free swimming would be for the two years up to and including 2010/2011. It was therefore proposed for budget setting purposes that the Council's share of the financial risk for providing free swimming to both age groups in 2010/2011 should not exceed £46,350, pending development of a model based on actual usage. Considerations for such a model would include:-

- Auditable usage data across all age groups;
- Scheme review frequency, probably quarterly;
- Actual costs incurred;
- Actual income lost by Tone Leisure; and
- Income gained by Tone Leisure (such as increased vending and participation by paying adults accompanying free swimmers).

Should the Council decide to participate in either element of the free swimming scheme, Tone Leisure advised the introduction of a simple 'card entry' system for eligible members of the public from April 2009, to assist with the administration of the scheme and to provide reliable data for the Council

and Government. Tone Leisure would charge a small one-off fee to eligible customers wishing to take part in free swimming, to cover the cost of introducing this card system.

Noted that the Overview and Scrutiny Board had considered the National Free Swimming Programme at its meeting on 30 October 2008. Although the Board had recommended the Executive to support the introduction of free swimming for both the over 60s and the under 16s, Members had expressed the view that it had been a difficult recommendation to make without knowing how the current budget gap was to be reduced.

**Resolved** that:-

- (1) The views of the Overview and Scrutiny Board be noted;
- (2) Having considered the proposed model for operating free swimming in Taunton Deane, it be agreed to participate in the National Free Swimming Programme for both over 60s and under 16s for the 2009/2010 and 2010/2011 financial years; and
- (3) The position in respect of capital funding as described above, be noted.

## 218. **Housing and Planning Delivery Grant**

Reported that the Council had recently received notification that the Housing and Planning Delivery Grant (HPDG) allocation for 2008/2009 would be:-

Revenue: £88,905                      Capital: £43,789

When added to sums brought forward from 2007/2008, the total amount to be allocated was therefore:-

Revenue: £282,208                      Capital: £59,561

It was proposed to allocate some of the funding for 2008/2009 as follows:-

| <b>Revenue items</b>   | <b>Cost</b>   |
|--|---|
| Continue to fund staff in Forward Plan and Development Control for 2008/2009   | £87,000   |
| Consultants' studies including:- <ul style="list-style-type: none"> <li>• Planning Obligations Supplementary Planning Document</li> <li>• Core Strategy Appropriate Assessment</li> <li>• Hestercombe Appropriate Assessment</li> <li>• Green Infrastructure Strategy</li> <li>• Wellington Urban Fringe Landscape Character Assessment</li> </ul> | £10,000<br>£ 3,000<br>£ 7,500<br>£10,000<br>£ 4,000 |

|   |                    |
|---|--------------------|
| <ul style="list-style-type: none"> <li>• Strategic Housing Land Availability Assessment</li> <li>• Affordable Housing Protocol</li> </ul> | £12,000<br>£16,000 |
| <b>Total</b>  | <b>£149,500</b>    |

|  |                |
|--|----------------|
| <b>Capital items</b>   | <b>Cost</b>    |
| Firepool Weir Study (in partnership with Environment Agency) | £10,000        |
| <b>Total</b>   | <b>£10,000</b> |

If the above proposals were approved this would leave unallocated:-

Revenue: £132,708                      Capital: £49,561

Further reported that a proportion of this money could be allocated to funding requirements identified for 2009/2010. This would be finalised during the budget setting process.

**Resolved** that the proposed 2008/2009 allocation of the Housing and Planning Delivery Grant be approved.

(The meeting ended at 7.14 p.m.)