

## **Executive – 12 November 2014**

Present: Councillor Williams (Chairman)  
Councillors Mrs Adkins, Cavill, Edwards, Mrs Herbert, Hunt and Mrs Stock-Williams

Officers: Penny James (Joint Chief Executive), Shirlene Adam (Director – Operations), Heather Tiso (Revenues and Benefits Service Manager), Simon Doyle (Performance and Development Manager), Paul Fitzgerald (Assistant Director – Resources), Jo Nacey (Finance Manager), Tim Burton (Assistant Director – Planning and Environment), Tom Gillham (Assistant Director – Property and Development) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

Also present: Councillors Henley, Horsley and A Wedderkopp  
Mrs A Elder, a Co-opted Member of the Standards Committee

(The meeting commenced at 6.15 pm.)

### **56. Minutes**

The minutes of the meeting of the Executive held on 10 September 2014, copies of which had been circulated, were taken as read and were signed.

### **57. Public Question Time**

Councillor Ross Henley referred to the current roll-out of Superfast Broadband. It appeared that 5% of residents in Taunton Deane – many of whom lived on the Blackdown Hills – would not be able to benefit from the enhanced Broadband provision. He enquired what was going to be done to ‘close this gap’?

In response, the Chairman stated that he was aware Connecting Devon and Somerset was looking at ways of increasing the level of coverage. He undertook to arrange for a written response to be sent to Councillor Henley outlining what exactly was being proposed.

### **58. Declarations of Interest**

Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Hunt declared a personal interest as a Member of Somerset County Council.

### **59. Taunton Strategic Flood Risk Options Study**

Considered report previously circulated, concerning a study which had been commissioned to better understand existing and future flood risk and the impact of future development taking into account the impacts of climate change.

The original Taunton Vision proposals had been supported by a 'Flood Risk Management Guidance' document. As part of the evidence base for the Council's Core Strategy a Strategic Flood Risk Assessment (SFRA) was published in May 2011. The modelling to support this demonstrated that the flood risk in Taunton Town Centre was worse than previously identified and that further modelling would be necessary.

This improved version of the model (The Taunton Deane Model 2014) was the one that had been used by JBA Consulting to investigate the effects of climate change and to consider the effectiveness of various strategic solutions. A copy of the report produced by the consultants had been circulated to Members of the Executive.

The study had concluded that it was possible to implement proposed new development in the town centre provided that additional measures were included to mitigate potential adverse effects in the short term with more strategic solutions in the longer term to address climate change effects.

Whilst no single option could alleviate the climate change impacts, the study had shown that the priority option was the construction of a large storage area at Bradford on Tone and that this needed to be in place by 2026.

The study had also shown that new development did not materially affect flood risk downstream of the town centre, provided that the appropriate storage options were implemented.

However, the provision of the recommended flood storage area was not the only solution. It would be necessary to use a combination of Strategic Options to provide the appropriate standard of protection from flooding in 2106 and an Investment Strategy Approach should be used to ensure that funding arrangements were put in place and opportunities for contributions were not missed.

Further reported that securing funding for more detailed studies and design development (a Phase 2 Study) was a priority, as was securing funding for the required measures. A bid to the Heart of the South West Local Enterprise Partnership had been submitted and an outcome was expected early in 2015.

It was intended the Phase 2 Study would consider a further option that combined flood risk management improvements in Taunton with new infrastructure that supported economic growth and improved leisure and open space amenities closer to the town centre.

The issue had been considered earlier in the month by the Community Scrutiny Committee which had supported the approach outlined in the report.

**Resolved that:-**

- (1) The findings of the JBA Consulting Study be noted; and
- (2) Officers be given a mandate to set up a Project Team to ensure that Governance arrangements were in place to take proposals identified in the study

forward, including Phase 2 detailed options appraisal and design for a large strategic flood attenuation scheme at Bradford on Tone.

(Councillor Cavill left the meeting at 6.42 p.m. at the end of the discussion of the above item.)

#### 60. **Earmarked Reserves Review**

Considered report previously circulated, concerning the review of a number of earmarked reserves held by the Council for various purposes.

The level of earmarked General Fund reserves as at 31 March 2014 was £8,621,000. This was equivalent to 65.5% of the Council's Net Revenue Budget of £13.162m.

A fundamental review had been undertaken of all General Fund Revenue Earmarked Reserves, with a view to balances being returned to the General Fund.

As a result of this review, there were various earmarked reserves, totalling £65,060, that were no longer required. Details of these reserves were submitted for the information of Members.

This matter had been discussed by the Corporate Scrutiny Committee at its meeting on 28 October 2014 where it had been agreed to transfer the above reserves into their corresponding general fund.

**Resolved** that Full Council be recommended to approve a Budget Return of £65,060 to General Reserves of surplus balances currently held in Earmarked Reserves.

#### 61. **Review of the Council Tax Support Scheme for 2015/2016**

Reference Minute No 47/2013, considered report previously circulated, concerning the proposed continuation of a Council Tax Support (CTS) Scheme for the 2015/2016 Financial Year.

On 1 April 2013 Council Tax Benefit (CTB) was abolished and replaced with a locally designed "CTS" (CTS) Scheme. The Government provided each billing authority with a grant and expected Councils to design a CTS scheme to help those on low incomes to meet their Council Tax liability. Initially, 90% of funding previously granted by the Government for CTB was provided for localised CTS.

Whilst the Council had discretion on the rules for CTS for people of working age, the Government had stipulated that pensioners should be fully protected under the same criteria that previously applied to CTB. The Government had also stipulated that, as far as possible, CTS for vulnerable groups should be protected too.

Full Council had adopted the current local CTS Scheme at its meeting on 11 December 2012. For people of working age, the scheme had a number of key elements including:-

- Maximum support was 80% of Council Tax - everyone of working age had to pay something;
- Child maintenance was counted as income; and
- A hardship fund was set up for short-term help.

On 10 December 2013, Full Council had decided to continue the 2013/2014 CTS scheme for 2014/2015. However, as indicative figures showed the Local Government Finance Settlement (LGFS) would reduce by 14.2% in 2014/2015 and by a further 16.3% in 2015/2016, officers were tasked with consulting on proposals to amend our existing CTS scheme from 1 April 2015.

Noted that any local scheme had to be agreed with the major precepting authorities such as the Somerset County Council, Avon and Somerset Police and Devon and Somerset Fire and Rescue Authority by 31 January 2015.

In 2013/2014 the Government had provided funding of £6,110,080. However, the indicative figures shown above would reduce funding for CTS in 2015/2016 by £1,600,000 to £4,503,377 (a cut of £179,000 for Taunton Deane in isolation).

As the Council was prevented from reducing CTS spending for those of pension age, if cuts were applied they had to be made from the support provided to people of working age. In 2014/2015, it was estimated that CTS of £3,122,765 would be paid to pension age customers and in 2015/2016 this figure was expected to increase to £3,170,566.

By reducing the overall budget for CTS in 2015/2016 to £4,503,377, it would mean the remaining budget for CTS for working age recipients would be reduced to £1,332,811. Based on the current CTS Scheme it was estimated that £2,643,757 would be required for working age recipients. However, the reduction would mean an overall CTS budget shortfall of £1,310,000, with Taunton Deane's share of that shortfall being £127,000.

Under CTB, Taunton Deane spent £3,540,000 in 2012/2013 for people of working age. If spending on CTS in 2015/2016 was reduced to £1,332,811 it would equate to a reduction in help offered to this group of 62%.

There were approximately 8,300 people who had moved from the CTB Scheme to the localised CTS Scheme. As at 31 March 2014, this had reduced to 8,106. The average weekly CTS award for a Pension Age claim was £16.11, whilst for people of Working Age, it was £12.13.

Reported that the number of households billed for Council Tax had increased from 50,211 in 2012/2013 to 50,882 in 2013/2014. Although, the collection rate had remained the same as the previous year, it had become clear that the volume of recovery action (reminders and summons) had again increased to ensure collection levels remained high. A review of the current circumstances had revealed that:-

- (1) Despite overall in-year collection for 2013/2014 being 98.0%, the collection rate for working age CTS recipients was just 79.9%;
- (2) While working age CTS recipients represented 8% of households, the value of their debt accounted for nearly 37% of all Council Tax arrears; and

(3) One in four Council Tax bills issued for working age CTS recipients in 2013/2014 had costs totalling £115,000 for summonses and liability orders added.

Although a decision to alter the scheme for 2015/2016 could be taken, the Council had to consult with any major precepting authorities, publish a draft scheme and then consult with other such persons who were likely to have an interest in the operation of such a scheme.

To ensure consultation was meaningful, the Council had included potential ways of achieving each option as well as a number of proposals on how the CTS scheme could be changed to mitigate the effects on vulnerable groups.

The consultation exercise had taken place during the Spring. At the closing date, 475 responses had been received. Of these, 47 (10%) had been from people currently receiving CTS. Full details of the consultation responses were detailed in the report.

The outcome had shown the majority of respondents (52%) were not in favour of reducing the CTS scheme by the full cut in funding from the Government. On passing on some of the grant cut, the consultation had shown 45% in favour and 44% not in favour. Whilst there was clear preference on protecting people with disabilities and those with caring responsibilities from a reduction in support, 47% were in favour of protecting lone parents with children under 5, while 48% were not in favour of this proposal.

Further reported that within the 2013/2014 LGFS the Government had included funding for CTS that included a proportion related to parishes and Special Expenses. The Council had decided to pass on a proportion of this funding to parishes to reflect their reduction in funding as a result of CTS. For 2013/2014, a grant was given to parishes based on the tax base reduction attributable to CTS in each parish multiplied by their 2012/2013 Band D Charge.

The Funding Settlement for 2015/2016 and beyond would not separately identify the proportion of funding for CTS for any preceptors. The Council therefore needed to determine the policy for providing any CTS Grant funding to parishes for 2015/2016, and it was recommended this was approved at this stage to give the Council and parishes some certainty for financial planning and budget setting purposes.

For 2015/2016 there were two proposed options, based on available information:-

**Option 1:** Use the same formula that was used for 2014/2015, so each parish grant for CTS would be calculated as CTS Tax Base Adjustment x 2013/2014 Parish Band D Tax rate; and

**Option 2:** Use the same formula that was used for 2014/2015, but apply the same reduction to parish grant funding as that experienced by Taunton Deane in the Funding Settlement. Provisional figures indicated a 30.5% cut in funding for 2014/2015 and 2015/2016, so each parish grant for CTS would be calculated as CTS Tax Base Adjustment x 2013/2014 Parish Band D Tax rate x [1-0.305].

Option 1 was recommended for approval as it would provide protection for parish budgets. However, this did mean that Taunton Deane would need to find savings from its own service budgets to subsidise CTS costs for parishes.

It was proposed the same funding principle agreed for parishes should be applied to the Council budget for the Unparished Area Fund.

Reported that the above proposals and recommendations were considered by the Corporate Scrutiny Committee on 28 October 2014. Members expressed concern regarding the impact of the CTS Scheme on vulnerable people in the community.

Having considered the outcome of consultation, the feedback from customers in how they are attempting to meet shortfall and the profile of Council Tax debt for CTS recipients (both set out in detail in the report), it was agreed to recommend the Executive to retain maximum support for all working age recipients at 80% in 2015/2016.

In addition, the Corporate Scrutiny Committee recommended that maintenance received for children should not be treated as income when working out CTS in 2015/2016. This recommendation was in recognition of the statutory duty on Local Authorities to reduce and mitigate the effects of child poverty.

**Resolved** that:-

(1) Having regard to:-

- the recommendations from the Corporate Scrutiny Committee;
- the outcome of the consultation exercise;
- the feedback from customers as to how they were attempting to meet shortfall;
- the profile of Council Tax debt for CTS recipients; and
- the Equality Impact Assessment,

Full Council be recommended to adopt a Council Tax Support scheme for 2015/2016 that sought, as far as possible, to balance the significant cut to the Council's resources for Council Tax Support and the Council's wider budget challenges with the need to help the most financially vulnerable members of the community;

- (2) In the circumstances, Full Council be recommended to continue to provide maximum support through Council Tax Support for working age recipients at 80% with the current Council Tax Support scheme being amended to ignore maintenance received for a child or children;
- (3) Full Council be also recommended that Option 1 be the preferred route in providing and calculating Council Tax Support Grant funding for Parish Councils in 2015/2016; and
- (4) It be noted that the 2015/2016 Council Tax Support Scheme was recommended for 2015/2016 only.

## **62. Firepool, Taunton – Acquisition of Remaining Third Party Interests**

Considered report previously circulated, which sought authority to support a Compulsory Purchase Order (CPO) under section 226(1) (a) of the Town and Country Planning Act 1990, to facilitate the next phase of the development of Firepool, Taunton on the north side of the River Tone.

The Council had been working with its appointed partner, St Modwen Developments Limited, to bring forward the planned development of the Firepool site on a phased

basis.

It was important for the Council to demonstrate its commitment to a comprehensive Firepool Development, by approving a CPO in principle to enable delivery of new proposals that reflected the refreshed vision of the Taunton Rethink, as the old scheme was no longer viable.

In 2006 the Council had made a general resolution, that an 'in principle' commitment should be made to promote CPO's as thought necessary in respect of the key development sites within the Vision for Taunton proposals which included the land at Firepool.

A previous CPO had been made by the Council on 14 December 2010 which related to properties adjacent to Priory Bridge Road Car Park, being the initial phase of development on the south side of the River Tone. This had enabled the delivery of the Viridor Building including associated public realm works and its related infrastructure. Planning consent had also been secured for a new residential development on the south side of the river, as part of the initial phase, which was scheduled to start later this year.

Further reported that the Council was now seeking the making of a new CPO covering the area surrounding the Old Cattle Market on the north side of the River Tone to enable delivery of the next phases of the comprehensive Firepool Development. This comprised a mixed-use scheme which was considered to be in the public interest as the delivery of this scheme formed a key component of the regeneration of Taunton.

A planning application was proposed to be submitted early in 2015 in relation to this phase which would be in accordance with the broad aims of the adopted Taunton Town Centre Area Action Plan (TTCAAP) and the Taunton Rethink.

Provided planning permission was granted and there were no other impediments to delivery identified, then the Council would be able to progress with the next major phases of development. As St Modwen had reached an advanced stage of negotiations with prospective tenants, it was felt appropriate to now seek a formal resolution in principle to proceed with the making of a CPO.

Although the Council owned almost all of the site of the planned development on the north side, there remained various interests which required to be either acquired or over-ridden. Some good progress was being made with negotiation with third party landowners to seek to reach agreement on acquisition. However, it was considered that CPO powers should be utilised in the event that agreements could not be concluded.

This matter was considered by the Corporate Scrutiny Committee at its meeting on 28 October 2014 when it was agreed to support the proposed CPO.

**Resolved** that Full Council be recommended to agree:-

- (1) To the principle of making of a Compulsory Purchase Order or Orders under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended) in respect of the land edged red on the plan attached to the report; and
- (2) To authorise the Chief Executive and the Solicitor to the Council to:-

- (a) Carry out all necessary steps to reference the areas of land to be considered for compulsory purchase and to consult with the owners and occupiers of that land;
- (b) Report back to the future meeting on the effects that the potential Compulsory Purchase Order would have on all owners and occupiers and the steps that should be taken to mitigate those effects;
- (c) Negotiate and agree terms for the acquisition by agreement of any of the outstanding land interests detailed in the confidential appendix to the report or those which were otherwise subsequently identified as affecting the land and interests to be acquired;
- (d) Make any necessary preparations to consider potential future payments of compensation (including any interim payments) after future Compulsory Purchase Order notice, either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to acquisition/overriding of properties/interests; and
- (e) Dispose of the land interests acquired either voluntarily (or by way of a future Compulsory Purchase Order or Orders when confirmed in future), to St Modwen Developments Limited in accordance with the Development Agreement dated 15 April 2009 and made between the Council, St Modwen Properties plc and St Modwen Developments Limited.

63. **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 7.08 p.m.)