

Executive – 13 October 2010

Present: Councillor Williams (Chairman)
Councillors Mrs Court-Stenning, Edwards, Hall and Mrs Herbert

Officers: Penny James (Chief Executive), Tonya Meers (Legal and Democratic Services Manager), Paul Harding (Performance and Client Lead), Maggie Hammond (Strategic Finance Officer), David Evans (Economic Development Specialist), John Lewis (Parking and Civil Contingencies Manager), Erin Taylor (Scrutiny Officer), Adrian Priest (Asset Holdings Manager, Southwest One) and Richard Bryant (Democratic Services Manager).

Also present: Councillors Brooks, Coles, R Lees, Morrell, Mrs Stock-Williams, Stuart-Thorn and A Wedderkopp.
Graham Love (Town Centre Manager) and Ioan Rees (Head of Highways, Somerset County Council)

(The meeting commenced at 6.15 pm.)

92. Apologies

Councillors Cavill, Hayward and Mrs Lewin-Harris.

93. Minutes

The minutes of the meeting of the Executive held on 15 September 2010, copies of which had been circulated, were taken as read and were signed.

94. Declaration of Interests

Councillor Mrs Court-Stenning declared a personal interest as an employee of Somerset County Council.

95. Southwest One Joint Procurement Strategy

Considered report previously circulated, concerning the Southwest One Joint Procurement Strategy.

Southwest One's Strategic Procurement Service had a contractual requirement to create a Joint Procurement Strategy, which set out a framework for procurement services provided to partner authorities by Southwest One.

As part of the Southwest One partnership, the Council's procurement activity formed a discreet transformation project, the primary focus of which was to deliver procurement savings.

One of the contractual deliverables was for Southwest One's Strategic Procurement Service (SPS) to draft a single Joint Procurement Strategy for the Client partners.

This strategy, a copy of which had been circulated to Members, set out the approach and methodology to be adopted by SPS in relation to the procurement activities it undertook on behalf of the partner authorities.

The strategy had been designed to operate in conjunction with relevant legislation (including the European procurement rules), procedure documents, the Council's Financial Regulations and Standing Orders as well as wave plans and category management plans developed by SPS, detailing the areas of the Council's expenditure that would be subject to strategic review.

Noted that Avon and Somerset Police and Somerset County Council had already approved the Procurement Strategy and that the Corporate Scrutiny Committee had considered and supported the document at its meeting on 23 September 2010. .

Resolved that the Southwest One Joint Procurement Strategy be approved.

96. **General Fund 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 2010 was £8,827,000. This included money set aside for specific revenue purposes, but did not include the £1,564,000 in General Fund balances.

The Acting Section 151 Officer had recently reviewed the earmarked reserves to ensure that the level of each reserve was adequate and that the purpose for which the funds were set aside still applied.

As a result of this review, there were various earmarked reserves, totalling £62,028.55, that were no longer required. Details of these reserves were submitted for the information of Members.

The remaining earmarked reserves would be challenged as part of the budget setting process for 2011/2012. The result of this challenge would be reported as part of the budget setting report.

Resolved that Full Council be recommended to transfer £62,028.55 of surplus earmarked reserves to the General Fund Revenue Account in the 2010/2011 financial year.

97. **Review of Town Centre Management activities in Taunton and a request for a financial contribution towards the Taunton Town Centre Company Business Improvement District Administration Costs**

Considered report previously circulated, which detailed a review of the Taunton Town Centre Management activities over the past year. Details of a further request for a contribution to the Business Improvement District (BID) administration costs were also submitted.

Taunton Town Centre Company had been active in delivering an extensive programme of events, improvements and initiatives aimed at attracting people into the town centre. The Town Centre Manager provided details of these activities.

However, the difficult economic climate and reduction in businesses trading had put pressure on services delivered by the company, with reduced annual sums collected under the BID levy.

The Council had supported the BID programme during the first three BID operational years and had reaffirmed this commitment in 2009 for the remaining BID term, to be reviewed annually against the business plan.

Activities in the town centre fell into two separate categories; namely, BID related services, which were funded through the BID levy and non-BID, town centre management activities.

The BID had been developed by the Taunton Town Centre Company in partnership with Taunton Deane and the Regional Development Agency. The five year programme of investment concluded on 30 September 2012, prior to which approval would be sought for a second five year term.

To date aggregated receipts for the BID levy totalled £653,000. This was a reduction of £82,000 on business plan projections. Whilst collection rates remained at 90%, there had been a reduction in the number of businesses trading due to the recession.

The Council collected the BID levy and it was anticipated that the value of total recoverable receipts would drop by £50,000 in 2010/2011. The Council had contributed £30,000 for each of the first two years from the Local Authority Business Growth Incentives (LABGI) fund in support of the BID. £20,000 was contributed from LABGI towards annual BID administration costs in 2009/2010.

In addition to its BID related activities, the Taunton Town Centre Company also carried out town centre management services which were partly funded by the Council. In 2009/2010, the Council contributed £47,600 to the Taunton Town Centre Company net of a loan repayment of £4,750 owed to the Council. The contribution attracted £124,000 from external sources and enabled a broad programme of activity to take place.

The Taunton Town Centre Company had restructured in 2009 and had made savings to limit the impact on service delivery.

In order to protect service delivery under the BID, the Council had been asked to review the BID Business Plan prior to the commencement of the BID operating year.

During the current year the company had an ambitious programme of events and activities planned, including provision of the Taunton's Christmas Lights and supporting community events. Continued provision of the award winning BID Police Team, a programme of street cleaning and graffiti removal and support to partnership initiatives were planned. Support would also be given to the specialist and independent retail offering within the town including management support, a

signage project, a new retail shopping guide publication and an online shopping and services directory.

The Town Centre Company had asked Taunton Deane to contribute a further £20,000 towards the administration of the BID during the current financial year.

When this item had been considered by the Corporate Scrutiny Committee on 23 September 2010, Members had felt the request for continued funding from Taunton Deane should be supported.

Resolved that:-

- (1) The activities carried out by the Taunton Town Centre Company during 2009/2010 and the planned activities for 2010/2011 be noted;
- (2) A contribution of £20,000 from the Local Authority Business Growth Initiatives reserves be made to the Taunton Town Centre Company to support the administration of the Taunton Business Improvement District.

98. Civil Parking Enforcement – Proposed Countywide Service

Considered report previously circulated, concerning proposals to introduce Civil Parking Enforcement across Somerset.

Decriminalised Parking Enforcement (DPE) had been introduced by Taunton Deane Borough Council and Somerset County Council in 2001 to tackle congestion in Taunton Town Centre.

This had resulted in the enforcement responsibilities and activities being moved from the Police to Local Authority control, and the income stream from Penalty Charge Notices from the Treasury to Local Authorities. The income was used to fund enforcement, so there was a direct proportionality between the need for enforcement and the ability to fund it.

Taunton Deane was the enforcement authority in its off-street car parks and acted under a delegation agreement from Somerset County Council on public highways. This provided one enforcement team which was highly visible to the public.

The Traffic Management Act 2004 had re-branded the DPE service as Civil Parking Enforcement (CPE) and placed a duty on the County Council to consider CPE as a tool for effective traffic management across its whole geographic area.

Although much work had been carried out to formulate a countywide CPE Partnership, due to concerns about the degree of financial risk and the investment needed to set up a joint service, this had not been possible.

At a recent meeting of the Joint Portfolio Holder Steering Group, it had been agreed that the partnership proposal for the delivery of CPE should be dropped but that the County Council should present a proposal for an enforcement service that the District and Borough Councils could buy into.

It was also agreed that the Portfolio Holders should report that the Joint Portfolio Holder Steering Group was no longer an appropriate governance mechanism for a project led by the County Council and recommend to their Councils that the Group's role should be developed to cover a broader joint traffic management agenda.

Somerset County Council had been granted CPE powers for Taunton Deane in 2001, but would need to apply to the Department of Transport to have these powers extended to other Somerset districts.

Once CPE powers were granted, Traffic Regulation Orders within the Civil Enforcement Area would have to be enforced under the new legislation, including those Orders which related to Council Car Parks. Noted that Taunton Deane was in a different position to the other districts as a move to the new legislation had already been made.

Reported that the parking penalties that applied under CPE were set nationally and were currently less than those locally fixed excess charges that applied in the car parks operated by the other four districts with traffic orders under the old legislation. If nothing else changed, this would mean a reduction in the surplus created by the parking service for those Councils.

To encourage the other districts to support the CPE application, Somerset County Council had recognised that it needed to provide an attractive offer for the provision of an enforcement service by reducing costs. Also, an enforcement regime was required to displace cars from parking on-street in contravention of regulations into car parks, which would result in car park usage and revenue increasing.

The County Council's Parking Enforcement Service would offer the District and Borough Councils to buy in enforcement at a pre-determined hourly rate and penalty notice processing service at a rate per notice. The size of Somerset County Council's on-street enforcement requirements compared to the enforcement requirements for car parks would allow for attractive rates to be offered.

Details of the service provision agreements between Somerset County Council and the District Councils were reported. Details of the rates contained within the offer were also submitted.

The expansion of CPE would allow the County Council to develop strategies to reduce congestion and introduce parking regulations that would help to deliver the broader objectives of the Local Transport Plan. Any surplus generated by penalty charges and on-street pay parking charges would be invested in transport related schemes.

Local Authority parking enforcement teams were employed by District and Borough Councils. These teams would transfer under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations, either to the County Council, or for elements of the work that were contracted out, to the service provider.

It was anticipated that each Local Authority would maintain a parking management role to advise their own Councillors on parking policy and pricing. The Parking and Civil Contingencies Manager made it clear that Members would still make the

decisions in future relating to the tariffs charged in the off-street parking provision in Taunton Deane.

UNISON and the existing employees had been kept informed of progress to date. Formal consultations would begin once a decision to proceed had been made. The CPE proposals had been considered by the Community Scrutiny Committee on 12 October 2010 where Members had fully supported the recommendations.

Resolved that:-

- (1) The Somerset County Council's application for the extension of Civil Parking Enforcement powers in the County be supported;
- (2) The Somerset County Council's offer to provide a service for parking enforcement and penalty notice processing for car parks, as detailed in the report, be accepted from the date of the introduction of the expanded Civil Parking Enforcement service; and
- (3) It be noted that the Joint Portfolio Holder Steering Group would no longer be the appropriate governance mechanism for the Civil Parking Enforcement Project and that the development of a Joint Traffic Management Forum be supported.

99. **Annual Review of the Task and Finish Reviews**

Reported that a detailed report on the Annual Review of the Task and Finish Reviews had been presented to the Corporate Scrutiny Committee on 29 July 2010. A copy of this report was attached for the information of Members.

Even though the report included four recommendations, they had not been formally accepted by the Corporate Scrutiny Committee. Instead, Members had expressed their disappointment with the outcome of some of the reviews which had been undertaken, even though they accepted that the "Task and Finish" way of working did have some merit. Dissatisfaction overall with the scrutiny processes operated by the Council was also expressed which had led to the following recommendation being agreed:-

"That it be recommended to the Executive that the current scrutiny arrangements operated by the Council be replaced at the earliest possible opportunity by a new Committee system, to include Task and Finish working where this was considered appropriate."

The Corporate Management Team (CMT) had subsequently reviewed the report submitted to the Corporate Scrutiny Committee and had made the following comments:-

- CMT had felt that it was important to keep track of the number of Task and Finish Reviews that were being done at any one time and their relevance. It was suggested that a criteria should be adopted for deciding whether a Task and Finish review should be done. For example, did it help with achieving the Corporate Aims?

- The terms of reference should be very specific and relevant.
- There should be a system for dealing with the recommendations that came from Task and Finish Reviews and also for ensuring that any recommendations that were agreed were implemented.
- Recommendations should go to CMT before being referred to the Executive to ensure that recommendations were workable and also to double check their relevance.

Noted that a report proposing changes to the commissioning and framework of future Task and Finish Reviews was likely to be considered by the Community Scrutiny Committee in due course.

With regard to the recommendation that was made by the Corporate Scrutiny Committee the following points were relevant:-

- The bill that would incorporate the possible changes to the committee structure would be the Localism Bill which was likely to be issued in November 2010;
- The legislation was due to be given Royal Assent by November 2011; and
- Local consultation on changing the Council's decision making process would be by way of public consultation or possibly a referendum.

Resolved that:-

- (a) The recommendations which were included in the report that was considered by the Corporate Scrutiny Committee on 29 July 2010 be noted;
- (b) The comments of CMT be noted and that a new framework for commissioning and delivering Task and Finish Reviews in the future be agreed;
- (c) The Task and Finish Chairmen be empowered, with support from the Scrutiny Officer, to track agreed recommendations through to completion;
- (d) All of the outstanding recommendations from Task and Finish Reviews which had previously been agreed be reviewed by the appropriate Executive Councillors to decide what action now needed to be taken; and
- (e) Any debate on a return to a Committee Structure within the Council be put on hold until the Localism Bill was published by the Coalition Government.

100. **Executive Forward Plan**

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

Resolved that the Forward Plan be noted.

101. **Exclusion of the Press and Public**

Resolved that the press and public be excluded from the meeting for the following two items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

102. **Industrial Development Site, Frobisher Way, off Bindon Road, Taunton**

Considered report previously circulated, as to the situation relating to the Council-owned industrial development site at Frobisher Way, off Bindon Road, Taunton which was currently used as a secure compound for the parking of commercial vehicles and the siting of a portakabin.

A new outline planning application had recently been submitted for a total of 16,000 sq ft of light industrial units (ranging from 1,600 to 4,000 sq ft) on the site. It was considered that this would enhance marketability of the site and preserve its value as an industrial development site. A decision on the application was expected shortly.

Reported that the Council has recently received a substantial unconditional offer from an interested party to purchase the freehold interest in the entire site, together with an expression of interest from another interested party to purchase the land although no indication of an offer figure had been received.

Given this level of interest in the site and the Council's requirement to demonstrate that best value was being obtained in accordance with the Local Government Act 1972, it was recommended that the site should be placed on the open market for a reasonable period of time before accepting any offers. The marketing exercise could seek sealed bids, subject to contract, by a given date.

Resolved that:-

- (1) the sale of the site at Frobisher Way, off Bindon Road, Taunton be approved following a local and national marketing exercise over a period of four weeks, to demonstrate that the Council was obtaining best value; and
- (2) the marketing exercise be delayed for up to two weeks to allow time for the decision on the planning application to be received which, if granted, could make the site more attractive to potential purchasers.

(Councillor Williams declared a personal interest during the discussion of this item on the basis that his company had previously used the services of one of the businesses referred to in the report.)

(The meeting ended at 7.56 pm.)

