

Executive – 14 November 2007

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

Officers: Penny James (Chief Executive), Shirlene Adam (Strategic Director)
Brendan Cleere (Strategic Director), Kevin Toller (Strategic Director),
Joy Wishlade (Strategic Director), James Barrah (Chief Environmental
Health Officer), Jim Hunter (Operations Manager – Public Safety) and
Greg Dyke (Democratic Services Manager)

Also present: Councillors Brockwell, Cavill, Critchard Edwards, Hall, Morrell and
Williams.

(The meeting commenced at 6.15 pm.)

110. Minutes

The minutes of the meeting held on 17 October 2007, copies of which had
been circulated, were taken as read and were signed.

111. Public Question Time

Councillor Edwards, as a member of the public asked the following questions:

- (a) The “RinGo” scheme had recently been announced through a press
release. Who and when was this decision made? Did the Executive
consider it acceptable that this decision had been made without
debate?

Councillor Henley replied that that this scheme was an excellent idea
which would help keep customers in local shops rather than rushing to
return to car parks before their parking charge expired. He agreed to
send Councillor Edwards a written reply giving full details of the
scheme.

- (b) Would the Council do all it could to ensure that when the introduction of
trial plastics and card collection took place next year the overall waste
collection service would not be downgraded in any way.

Councillor Henley replied that there were no plans to downgrade the
service in any way. There would be an opportunity for a debate on the
various options before any firm decisions were made.

Councillor Mullins confirmed that the Somerset Waste Partnership
Board had not yet had an opportunity to discuss this in any detail.

112. Declarations of Interest

Councillors Brooks, Henley and Prior-Sankey declared general personal interests as members of Somerset County Council. Councillor Prior-Sankey also declared a personal interest in the ISiS item as a member of the Somerset County Council Executive which had previously made decisions in connection with ISiS. Councillor Fran Smith declared a personal interest in the ISiS item as an employee of Somerset County Council.

Councillor Williams declared a personal interest in the Cider Press item as persons involved in the proposal were known to him in a professional capacity. Councillor Morrell declared a personal interest in the same item as the owner of a nearby property.

Councillor Henley declared a personal interest in the item regarding the National Skills Academy as an employee of Jobcentre plus and Councillor Horsley declared a personal interest in the same item as a Governor of CAT.

113. Proposal to use part of The Cider Press Garden, Taunton as an outdoor dining area

Prior to discussion of this item, representations were made to the Executive by Duncan Brown of Greenslade, Taylor and Hunt, Trevor Spurway, Architect and Jeremy Brown of Loch Fyne. Representations were also made by Graham Ward and Peter Morris of the Civic Society

Consideration was given to a proposal to use part of the Cider Press Garden, Taunton as an outdoor dining area.

Loch Fyne Restaurants had expressed an interest in opening a new outlet to occupy the ground and lower ground floors of the Hunts Court building in Corporation Street, Taunton. The building, which had been vacant for a number of years, already had planning and listed building consent for restaurant use on the ground and lower ground floors and residential use on the upper floor.

As a condition of their possible occupancy, Loch Fyne had requested that almost half of the adjacent Cider Press Garden be made available to them, for use as an outside seating and dining area. Outdoor service would be offered between 1 April and the end of September. They had made it clear that if they could not use this open space, they would not be interested in occupying Hunts Court.

Any proposal to use this space would require a number of separate approvals from the Council – as planning authority, licensing authority and as owners/managers of the open space. Consideration of this proposal at this stage related only to this latter role.

The Cider Press Garden was a public open space, wholly owned and maintained by the Council since 1905. A covenant was in place protecting the site as public open space, and the proposed use would effectively close the space to the general public during business hours between April and September. If the proposal were to be agreed the covenant protecting this part of the Cider Press Garden be set aside, a formal advertisement would need to be placed in a local newspaper. The Executive would need to consider any objections arising from this advertisement.

An informal consultation on this matter had already been undertaken and an article in the local press had prompted a number of representations. Details were submitted of the responses that had been received.

Resolved that the use of part of the Cider Press Garden for the purpose identified be agreed in principle, subject to formal advertisement and consideration of objections and subject to the grant of any necessary licensing and planning consents.

114. **Draft Revised Licensing Policy in Accordance with Licensing Act 2003**

Reported that the Licensing Act was supplemented by guidance issued by the Department for Culture Media and Sport (DCMS). The guidance detailed what should and should not be included in a licensing policy. The starting point of the Licensing Act was that 24 hour licensing was permissible and that there were four objectives to the Act. These objectives were:

- (1) the prevention of crime and disorder;
- (2) public safety;
- (3) the prevention of public nuisance;
- (4) the protection of children from harm.

The Act and guidance also stated that conditions should not be attached to licences that did not relate to the licensing objectives and that were covered by other areas of legislation. There should be no fixed closing hours and no zoning of areas.

If the guidance and Act were to be followed explicitly it would mean that any premises wishing to sell alcohol for consumption on or off the premises, provide food, provide entertainment, exhibit films or perform a play, could do so up to 24 hours each day. The only conditions that could be attached to the licence must directly relate to the four licensing objectives.

The aim of this Council's Licensing Policy was to provide guidance on what would normally be approved in relation to an application for a licensed premises. This guidance would not be restricted to the applicant but would also provide advice for other interested parties such as nearby residents and businesses.

The revised licensing policy was submitted and the key differences were:

- The revised licensing policy does not duplicate legislation or the Secretary of State's guidance.
- The revised policy does not include any references to the transitional arrangements, as they are no longer applicable.

The specific changes in the policy were:

- The revised licensing policy places a presumption that there will be a last time of entry (1am) to licensed premises.
- The revised licensing policy encourages applicants to give more consideration to noise related issues, glass related injuries, smokers, smoking outside their premises and underage sales.

All stakeholders, including licensed premises and responsible authorities, had been consulted on the proposed revised policy. Details were submitted of responses received.

The draft policy had also been considered by the Licensing Committee at its meeting on 6 November 2007 and details were submitted of the changes recommended by it. It was felt that the following changes should be made to the policy:

- Paragraph 2.1.4 to read, "Crime Statistics locally indicate that a last time of entry condition is assisting in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1.00 am."
- Paragraph 2.3.4 to read, "In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns."

Resolved that Council be recommended that the revised Licensing Policy, as amended, be agreed.

115. **Proposed National Skills Academy for Construction (NSAfC) for Project Taunton**

Reported that these Academies had been planned for all nine English regions. The three key outcomes would be an on-site training facility, a dedicated project coordinator, employed by the lead contractor and a comprehensive training and development plan. In addition, prestige and positive PR would undoubtedly be associated with them. The following attributes were expected:

- **Becoming a Centre of Excellence for work based learning**, creating a new benchmark in supporting the delivery of high quality learning and development for the full range of skills engaged in construction.
- **Being driven by employers** who would engage in the development of training and development plans for each project, develop initiatives to meet training and development needs and provide financial and/or in-kind support to address skills issues.
- **Providing strong community links** and provide training and learning opportunities for local people to engage effectively in construction as a career; from school, college or unemployed.
- **Providing a more flexible approach to training** and learning provision which could be provided via a range of facilities such as: on-site training, using mobile training vehicles and local school, college and HE/FE provision.
- **The ability to capture the lessons learned** on each project as each project proceeds, such as logistics techniques, modern methods of construction and other leading construction techniques such that the partnership can share these lessons with the Academy network.

In practical terms the selected developer (in the first instance for Firepool) would:

1. Work with the NSAfC South West partnership (ConstructionSkills, SWRDA, LSC, JC+, FE/HE, Industry) to develop the town centre regeneration as a Skills Academy project in accordance with the principles and attributes above. Much of the delivery of the training would be from local providers such as SCAT.
2. Select a major contractor to facilitate and lead a NSAfC hub and develop and execute a training and development plan through a project coordinator, the post of which would be funded by ConstructionSkills.
3. Work with the NSAfC SW partnership to develop a high level skills plan that detailed the training and development needs of Taunton.
4. Ensure all local funding (including LSC and SWRDA) supported the aims and objectives of a Taunton Skills Academy for Construction.
5. Ensure local residents, especially those in North and East Taunton, were given employment priority and training in accordance with the Training and Skills policy in the Town Centre Area Action Plan.
6. Ensure use of local companies for both procurement and the building supply chain (including Taunton Deane Borough Council's own supply chain) was maximised.

In the short term:

- Roger Stone (Constructive Somerset), Mark Leeman (Taunton Deane Borough Council) and Robbie Lowes were working together to ensure the training and skills policy within the Taunton Town Centre Area Action Plan and this proposal are aligned.
- Job Centre Plus and Connexions would be invited to join the steering group.
- A Skills for Occupiers steering group would convene.
- A draft of the employment and training section for the Firepool developer agreement would be agreed.

Resolved that the establishment of a National Skills Academy for Construction in Taunton be supported.

116. **Improving Services in Somerset (ISiS)**

Reported that all Members had been briefed on progress of this programme at regular intervals over the last two years. The recommendation arising from these meetings was to proceed to contract closure “subject to” the financial formula being satisfied. The final approval had been delegated to Group Leaders, the Portfolio Holder, and the Chief Executive.

This group met on 26 September 2007 and had been briefed on the final negotiated deal position. The unanimous decision of the group was to proceed to contract signature – which happened on 29 September 2007.

In order to finalise this Council’s internal arrangements supporting the deal, some financial approvals were required.

The negotiated deal was affordable for Taunton Deane Borough Council, and fully met the financial formula requirements. However, there was a slight timing issue on the funding of the transformation projects. Whilst work on the procurement transformation project was already underway, it would take a little time for the procurement savings to materialise. Meantime, there was a need to start work on the other transformation projects – particularly the SAP project – in order to deliver the service improvements and transformation capability so required by the Councils.

This meant that there was a requirement to cover a “cashflow” position. There was no requirement for the Council to take on any permanent debt or to permanently fund from reserves.

Cashflow issues arose as part of the normal day to day business of the Council, and the Chief Finance Officer had the authority and responsibility in the Financial Regulations to manage this position. This could mean taking on borrowing.

The cashflow issue resulting from the transformation projects was partly capital and partly revenue.

- The capital cashflow requirement was £2m for a period of 5 years. This would be funded by borrowing, with the debts costs being funded from the procurement savings. This could be done within the existing Treasury Management Strategy.
- The revenue cashflow requirement was £0.7m for a period of 2.5 years. This was effectively an “invest to save” initiative and would need to be funded from reserves. Again, this was a temporary “use” of reserves to fund an initiative that would fully repay the reserves within 2.5 years..

The revenue funding requirement of £0.7m could be funded from any of the Council’s reserves. The transformation projects being delivered benefit all areas of the Council – affecting both General Fund and Housing areas. It was considered, therefore, that the £0.7m be supported from the following sources:-

General Fund Reserves	£200k
Housing Revenue Reserves	£200k
Self Insurance Fund	£300k

These amounts would be fully repaid to the reserves within 2.5 years. The Council’s Chief Finance Officer was satisfied that the proposal was effective in using the Council’s resources, and was prudent in leaving all reserves in an acceptable position.

Resolved that:

1. Council be recommended that the revenue cashflow funding requirement be resolved by Supplementary Estimates from the reserves. These would be approved on an invest to save basis and repaid within 2.5 years. The reserves were:-

General Fund Reserves	£200k
Housing Revenue Reserves	£200k
Self Insurance Fund	£300k

2. The capital cashflow funding requirement, and the proposed solution outlined above be noted.

117. **Exclusion of Press and Public**

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 1 of Schedule 12A of the Local Government Act 1972, and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

118. Legal and Democratic Services

Submitted report, previously circulated, which sought to alter the arrangements for the delivery of:

- Legal Services.
- Democratic Services.
- Corporate Governance.
- Monitoring Officer.
- Returning Officer.

The Council's Democratic Services and Legal Services teams had always been managed separately, unlike in many authorities where the two were combined under unified management.

The opportunity had been taken to review this Council's services to determine if combining them would make for a more efficient service provision. The role of Strategic Director – Corporate Governance was intrinsically linked to these two functions, and therefore the review widened to take this post into account.

The current Strategic Director – Corporate Governance also had two statutory functions. He was the Council's Monitoring Officer and also the Council's Returning Officer. In addition he was the Deputy Chief Executive. In any new structure, these three roles needed to be clearly identified.

The proposals were:

- to combine the management of both Legal and Democratic Services;
- delete the posts of Chief Solicitor and Democratic Services Manager;
- delete the post of Strategic Director – Corporate Governance;
- create a new post of Legal and Democratic Services Manager;
- create an additional solicitor post;
- redistribute the work of the Strategic Director – Corporate Governance amongst other members of Corporate Management Team and the new post of Legal and Democratic Services Manager;
- delete one Personal Assistant post;
- relocate two days per week of a Personal Assistant post to the Housing Revenue Account;
- relocate oversight of the Concessionary Travel Scheme from the Democratic Services Manager to the Parking Services Manager.

The Legal and Democratic Services Manager would manage the newly combined function. The post would be the Council's most senior lawyer. The post would also be the Council's Statutory Monitoring Officer, and in this capacity would have direct access to the Council and the Corporate Management Team. This post would be filled following external advertisement.

The Legal Services team itself would be operationally managed by a Legal Services Manager. This was a redesignation of the current post of Senior Solicitor.

The Democratic Services team would be operationally managed by a Democratic Services Manager. This was a redesignation of the current post of Democratic Support Manager.

In order to enable the structure to function, an additional legal post would be created to take on operational legal activity released from the posts of Chief Solicitor and Senior Solicitor. The current temporary Administrative Support post within the Democratic Services team would also be made permanent.

Salaries for the new and revised posts would be subject to job evaluation.

The role of Returning Officer would be taken on by the Chief Executive, supported by the Electoral Services Manager. .

Other functions of the Strategic Director – Corporate Governance would be taken on as follows:

Function	Taken on by
Internal Governance	Legal and Democratic Services Manager (as Monitoring Officer)
Risk Management and Health and Safety	151 Officer – Shirlene Adam
Overview and Scrutiny	Kevin Toller
Partnership Governance	151 Officer – Shirlene Adam in conjunction with the Monitoring Officer
Standards, conduct and ethics	Legal and Democratic Services Manager (as Monitoring Officer)
Standards Board	Legal and Democratic Services Manager (as Monitoring Officer)
Ombudsman issues – complaints and liaison	Kevin Toller
Area working governance	151 Officer and Legal and Democratic Services Manager (as Monitoring Officer)
Constitution, standing orders and financial regulations	151 Officer and Legal and Democratic Services Manager (as Monitoring Officer)
Freedom of Information	Kevin Toller
Deputy Chief Executive	Shirlene Adam

The post of Strategic Director – Corporate Governance would be deleted from the establishment with effect from 31 March 2008. The postholder would retire in the interests of efficiency of the service.

The reduction from five to four Strategic Directors would mean that one post of Personal Assistant would also be deleted from the establishment with effect

from 31 March 2008. The postholder would retire in the interests of efficiency of the service.

A redesign of the workload for Personal Assistants meant that the Personal Assistant that was currently shared with Housing could be released full time to support the Housing team – with the associated two days per week costs being transferred to the Housing Revenue Account. This additional capacity was required by the Housing Management Team. This could be done with effect from 1 December 2007.

The post of Chief Solicitor would be deleted from the establishment with effect from 31 March 2008. The postholder would retire in the interests of efficiency of the service.

The existing post of Democratic Services Manager would be deleted from the establishment with effect from 31 March 2008, but the postholder would be retained until 31 December 2008 to deliver the Member Charter work; oversee the transfer of Ethical Standards work to TDBC from April 2008 and assist in the transition to the new structure. At the conclusion of this work the post would be declared redundant.

The financial implications of the proposal were submitted.

A sum of £258,860 of one-off funding was required. This would release £96,940k per annum of efficiency savings for the Council. The costs of the restructure would therefore be paid back in 2.67 years.

The one-off costs, and the ongoing revenue savings impact on both the General Fund and the Housing Revenue Account. The fund analysis, based on best estimates, was as follows:-

	One-Off Costs £	Ongoing Savings £
Housing Revenue Account	30,727	2,960
General Fund	228,133	(99,900)
TOTAL	258,860	(96,940)

Due to the timing of the restructures the supplementary estimates from the Reserves would be £205,830 - less than the total one off costs of £258,860 shown above. This reflected the difference between total costs and cashflow impact.

Traditionally in service restructures the savings released were immediately directed towards reserves to top them back up to the level prior to the restructure one-off costs being funded. In challenging budget times, it was appropriate to consider alternative options.

It was felt that, in this instance, £60,000 from the ongoing savings be targeted towards the General Fund revenue budget gap from 2008/09 onwards. The remainder of the annual savings would be repaid to reserves. Reserves would still be reimbursed for the one-off costs, but this would be done over a

period of 7 years, instead of 2.67 years. This was a prudent balance between managing the ongoing revenue budget gap, and maintaining reserves at an acceptable level.

Resolved that:

1. the restructure of the Legal and Democratic Services functions, as set out in the report, be agreed and proceed to advert on the posts;
2. Council be recommended to agree a Supplementary Estimate of £205,830 (being £168,410 funded from General Fund Reserves, and £37,420 funded from Housing Revenue Account Reserve)

(The meeting ended at 7.55 pm.)