

Executive – 14 September 2011

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

Officers: Shirlene Adam (Strategic Director), James Barrah (Community Services Manager), Donna Durham (Democratic Support Manager), Paul Fitzgerald (Financial Services Manager), Ian Franklin (Project Taunton Director), Martin Griffin (Retained HR Manager), Simon Lewis (Strategy Manager), Tonya Meers (Legal and Democratic Services Manager), Keith Pennyfather (Divisional Manager - Estates – Southwest One), Dan Webb (Performance and Client Lead) and Scott Weetch (Community Services Lead)

Also present: Councillors Gaines, Ms Lisgo, Morrell and A Wedderkopp
Phil Bisatt from UNISON

(The meeting commenced at 6.15 pm.)

73. Apology

Apology: Councillor Mrs Herbert

74. Minutes

The minutes of the meeting of the Executive held on 11 August 2011, copies of which had been circulated, were taken as read and were signed.

75. Essential and Casual Car User Allowance Scheme and Method of Application

Considered report previously circulated, concerning a new method of allocation of Essential and Casual Car User Allowances for staff.

The National Terms and Conditions of Service for Local Government Services terms included a Scheme of Car Allowances for employees who could be classified as either essential users or casual users. For essential users both lump sum payments and mileage payments were made, based on the engine capacity of the vehicle, to reflect that the post holder could not undertake their duties without the use of a vehicle. Payments to casual users provided mileage payments only.

There were no proposals to alter the national allowances. There were proposals for setting of rules as to the allocation of casual and essential user status and for keeping this under review. There were also some minor amendments to the local elements of car allowance payments.

Detailed discussions had taken place with both local and regional staff representatives on potential amendments to the Car Allowance Scheme and the allocation method of car allowances.

The proposals for consideration had been advised to all staff and UNISON had, during

July 2011, balloted their affected members with the following results:

In Favour	– 82%
Against	– 12%
Spoilt Paper	– 6%

A local UNISON representative stated that there had been a productive discussion on the issues over a period of eighteen months.

The Corporate Scrutiny Committee at its meeting on 18 August 2011 had recommended that the Executive proceed with the new allocation method.

Resolved that the new allocation method of Essential and Casual Car User Allowances (appended to these minutes) be approved.

76. Consultation on the registration of new Town and Village Greens

Considered report previously circulated, concerning a consultation on proposals to reform the system for registering new town or village greens under Section 15 of the Commons Act 2006.

The Government sought an improved balance between protecting high quality green space valued by local communities and enabling the right development to occur in the right place at the right time.

The proposals were summarised as follows:

- No Change;
- Streamline sifting of applications – this proposal would enable registration authorities to reject applications at an early stage where insufficient evidence had been submitted or where there was strong evidence that the application could not meet the criteria for registration;
- Declarations by landowners – landowners would be given the chance to make a statutory declaration to negate any evidence of use of a claimed green during the period when the declaration remained in effect;
- Character – new legislation would add a character test to the existing criteria for a green. Only land which was unenclosed, open and uncultivated would be eligible for registration;
- Integration with local and neighbourhood planning – this proposal would taken decisions on the future of sites into the planning system. It would prevent registration of land which was subject to a planning application or permission for development of the site, or which was designated for development or as a green space in a local or neighbourhood plan; and
- Charging fees – an applicant would be required to pay a fee when making an application. Legislation would allow each registration authority to set its own fee

to a prescribed ceiling. It was not intended that the fee would allow for full cost recovery. Fees could be refundable if the application was granted.

The Community Scrutiny Committee, at its meeting on 6 September 2011, supported the majority of the questions, but made the following comments on others:

5.5 – Landowners should publicise a declaration in the same way as planning applications;

5.6 and 5.7 – there was insufficient time to discuss and reach a conclusion;

5.8 – neighbourhood plans were not sufficiently known by the public to rule out making a greens registration application; and

5.11 – Refunding the fee where an application was not granted was not supported.

Resolved that the suggested responses to the consultation, from the Community Scrutiny Committee be agreed and submitted to the Department for the Environment, Food and Rural Affairs.

77. Allocation of Growth Point Capital Funding

Considered report previously circulated, concerning the Growth Point Funding received from Central Government following the Council's bid for monies to regenerate the town centre and facilitate the growth of Taunton.

The report suggested the allocation of a further £72,000 of the funding to achieve the aims of Project Taunton, which would provide:

- expert advice on retail development in Taunton;
- play equipment in Goodland Gardens;
- project management for the construction period of the Castle Green project; and
- a contribution towards the planning application for the Brewhouse.

Members were advised that the Project Taunton Steering Group and Corporate Scrutiny Committee had already discussed the same topic and recommended approval of the funding. However, the Corporate Scrutiny Committee was concerned about the brief for the consultancy for retail development.

The Executive reported that the brief would be approved by the Chairman of the Project Taunton Steering Group. They were concerned about how much play equipment could be purchased for £5,000 and reported that this was being reviewed.

Resolved that the Growth Point capital funding be agreed for the following:

1. Up to £50,000 for expert advice on retail development in Taunton;
2. £5,000 for play equipment in Goodland Gardens;

3. Up to £10,000 for project management for the construction period of Castle Green; and
4. £7,000 towards the outline planning application for an extended Brewhouse.

78. Goodland Gardens Public Conveniences, Taunton

Considered report previously circulated, concerning the options for the Council owned redundant public conveniences at Goodland Gardens in Taunton.

The Council owned the freehold interest of these public toilets, which were closed in 2008, and the adjoining public open space.

Swan Paul had been appointed by Project Taunton and the Council as landscape architects for the planning and design of various projects along the River Tone. Their latest project was the enhancement of the riverside walk and the eastern part of Goodland Gardens.

Due to budget constraints, it was likely the Council would be left with a newly landscaped area, but a redundant toilet block. The planning application submitted included an unspecified change of use of the building.

The report showed six options for the Council regarding the toilet block:

- i) Do nothing apart from external decoration works;
- ii) Demolish and landscape the site;
- iii) The Council to secure a planning permission for change of use to a café;
- iv) Grant a leasehold for a medium term, say 15-30 years, with an obligation for the tenant to pay for and execute the renovation works;
- v) Sell by way of a long lease, say 125 years at a premium, with nominal rent thereafter; and
- vi) Sell the freehold.

The Community Scrutiny Committee, at its meeting on 2 August 2011, supported seeking unrestricted expressions of interest for the toilet block, for a maximum period of nine months. They suggested that if there was insufficient interest in the property at the expiry of nine months then funds should be found to demolish the property and landscape accordingly.

The Executive felt that unrestricted expressions of interest for the toilet block should be sought for a maximum of nine months, but if a suitable lessee was found, this should be progressed to a sale by way of a lease.

Resolved that unrestricted expressions of interest in the toilet block be sought for up to nine months. If a suitable offer was made, this would progress to a sale by way of a lease.

79. Financial and Performance Monitoring - Quarter 1

Considered report previously circulated, concerning the financial position and the performance of the Council to the end of Quarter 1 of 2011/2012 (as at 30 June 2011).

The monitoring of the Corporate Strategy, service delivery, performance indicators and budgets was an important part of the overall performance management framework.

The reporting process had changed for this financial year – the report would now be reported to the Corporate Scrutiny Committee first, followed by the Executive.

Four 'Key Issues' had been identified from analysis of the performance and financial data for Quarter 1. These were:

- Planning performance (speed of processing applications);
- Planning income;
- Car Parking (Off Street) income; and
- Licensing income.

Members were provided with detailed information on these Key Issues including the risks and impacts, the reasons for the issues emerging and management actions to address them.

Analysis of the overall performance of the Council revealed a similar position to the previous quarter, with 64% of all performance measures on target. An improving trend was shown in the Corporate Strategy Aims, Service Delivery, Key Projects and Key Partnerships.

The Corporate Scrutiny Committee, at its meeting on 18 August 2011, made the following comments:

- Car Parking Income - the reduction in car parking usage and income. The Parking Manager had reported that this was due to the economic recession and a reduction in long-stay parking due to the success of the current transport policies;
- Planning performance and income – why planning applications were not processed within target time. The Growth and Development Lead had explained that the applications that were determined in Quarter 1 included applications that had been received in Quarter 4 of the previous year. He had also reported that income was down partly due to the non-submission of major applications; and
- Health and Safety inspections – more information was requested. The Environmental Health Lead had explained that the Council were working with the Gas Safe Register on a Somerset wide project to ensure gas installations and appliances in catering businesses were being serviced correctly.

Unfortunately, non compliance was high which generated a high level of enforcement action.

Further reported that loss of income was a key driver in the forecast for the General Fund Revenue account. The Management Team were working to refresh spending so that the prospect for the year end outturn was improved.

Resolved that the report be noted.

80. Budget Review Project – High Level Principles

Considered report previously circulated, concerning high level principles for assessing options from within the Council's Budget Review.

The Councils Budget Strategy had been approved in October 2010. It described the need to set a four year balanced budget for the period 2012/2013 to 2015/2016 in the light of unprecedented funding cuts and funding uncertainty for local government. The projected overall budget to provide services to the public would be 40% less in 2015/2016 than it was today.

A report taken to the Executive in July re-confirmed the savings target, based on the latest financial data. It also outlined a process and timetable for Council approval of the 4 year savings plan by the end of December.

A 'financial options pack' containing a large range of options for increased income, service reductions and other financial savings had been made available to all Councillors in late July.

A key stage in the Budget Strategy process was for Councillors to establish and agree some high level principles. This would provide Councillors with an agreed 'framework' for assessing options from the financial options pack and selecting proposals later in the process, for setting a balanced budget.

The high level principles had been reported to the Corporate Scrutiny Committee on 18 August 2011 and the Committee's feedback had helped shaped them as detailed in the report. The eight high level principles were reported as follows:

- Corporate Priorities;
- Terms and Conditions;
- Staff Benefits;
- Devolving responsibility;
- Increasing Commerciality;
- Fees and Charges;
- Capital Strategy; and

- Key Partnerships.

Concern was expressed that economic investment was not included in the principles, but this would be considered when the Corporate Strategy was reviewed.

81. Exclusion of the 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 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.

82. Budget Review Project – High Level Principles

Considered the confidential appendix relating to key partnerships.

Resolved that the High Level Principles be approved, with the addition of ‘and the Tartan Book’ at the end of the Terms and Conditions Principle.

83. Executive Forward Plan

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

Resolved that the Forward Plan be noted.

84. Deane Helpline

Considered report previously circulated, concerning the Council’s Deane Helpline.

The Deane Helpline service provided community alarms, 24 hour monitoring, installation and emergency response services to over 1,900 vulnerable Taunton Deane residents and community alarm monitoring, Out of Hours Service and Lone Worker Monitoring to corporate customers, Housing Associations and other Local Authorities. Overall there were approximately 13,000 connections to the service.

The service was highly regarded by customers, and was subject to external scrutiny by the Telecare Services Authority and had again recently passed the annual audit. Service delivery performance also continued to be excellent.

Options for the future direction of the Deane Helpline were discussed.

Further reported that the Community Scrutiny Committee had considered the options at its meeting on 2 August 2011 and decided that Option 4 should be recommended to the Executive.

During the discussion of this item, Members agreed that Options 4 and 5 should be progressed further and proposals for each option built.

Resolved that Options 4 and 5 be pursued.

(The meeting ended at 7.55pm)

APPENDIX A

Essential and Casual Car User Scheme

20. Car Allowances

20.1 Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the authority. The authority may determine whether the use is casual or essential and the cubic capacity of car considered appropriate.

20.2 The authority shall have the right to require an employee to carry official passengers without any additional payment.

20.3 Where appropriate public transport must be used.

Journeys should be authorised by the approving manager on SAP Employee Self Serve or by the responsible officer nominated by him/her and claims for travelling allowance must likewise be submitted to and approved by the the approving manager on SAP Employee Self Serve or other responsible officer nominated by him/her.

For approved non ESS Users car mileage and expenses should be claimed using approved paper based systems.

Employees must maintain an official record of their journeys, showing full particulars of and the reason for each, including the names of official passengers carried. Such details must be recorded in the employee's log book/claim forms at the start and finish of each journey. TDBC will provide log books/claim forms to employees for this purpose.

Employees shall not use their own motor cars on journeys when there is room in the car of another employee making the same journey on the same business and as far as possible journeys over the same route by employees should be arranged so as to synchronise.

20.4 Employees shall have included and maintain in their policy of insurance a clause (please see below*) indemnifying the local authority against all third party claims (including those concerning passengers) arising out of use of the vehicle on official business, provided that this requirement shall not apply where an undertaking has been given by an insurer to the local authority or the appropriate association of local authorities. Proof of this clause and a copy of the employees insurance policy must be provided to the HR Administration and Payroll section on an annual basis and at each change of insurance cover.

*"Employees who use their own vehicles for any business travel must have **full business use cover** on their insurance policy. Without this cover an employee must not drive on Council business. Driving to and from different work locations would be classed as business use."

Essential Users

20.5 The definition for essential users are those set out below. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum allowance and mileage rates set out in Appendix 2.

20.6 Where a car is not in use as a result of either a mechanical defect or the absence of the employee through illness:

(a) The lump sum payments should be paid for the remainder of the month in which the car first went out of use, and for a further 3 months thereafter. For the following 3 months, payment should be made at the rate of 50% of the lump sum payment.

(b) During the period when a car is off the road for repairs, reimbursement in respect of travel by other forms of transport should be made by the employing authority.

20.7 Payments of the lump sum allowance shall be made by instalments so that the amount of the total payments on account shall bear to the lump sum the same proportion as the number of completed months of the annual allowance period bears to twelve. The period over which the car allowances are paid should be from 1st April in any year to the succeeding 31st March.

20.8 In the case of an employee who takes up an appointment with the authority after 1st April in any year, or leaves the authority, the allowance should be so calculated that the amount payable bears the same proportion to a full year's allowance as the number of months in the year during which the officer uses his car bears to twelve. The calculation of the mileage allowances would thus be made on a proportionate basis in accord with the following procedure:

The mileage allowance to be paid at the higher rate would be equivalent to 709 miles per month of service.

The excess over 709 miles per month of service would be paid at the reduced rate. for example, where the total service in the financial year is five months then up to 3,545 miles would be paid at the higher rate and the excess over 3,545 miles would be paid at the lower rate.

Casual Users

20.9 All staff not considered to be Essential Users will be deemed to be casual users.

20.10 The Authority will not make it a condition of employment that employees designated as casual users should provide motor cars for official use.

20.11 The allowances are contained in Appendix 2.

Out of County and Training Mileage

20.12 An "out of county" mileage rate, equivalent to the lowest essential user mileage rate, is paid for the whole journey where

(i) any part of the journey is outside the Somerset county boundary.

20.13 The allowance is not paid to lease car drivers.

20.14 Staff are reminded that before 'out of county' mileage is undertaken alternative options relating to public transport and hiring a vehicle should be investigated, discussed with their line manager and used where appropriate.

Essential and Casual User Definitions

CAR USER ALLOWANCE CRITERIA

- Criteria for Car User Allowances

This policy specifies the criteria that must be satisfied for car user allowances to be allocated to a post. Outlined below is the criteria that needs to be satisfied to determine if the post should be allocated an essential user allowance. Other information to be considered at any appeal includes:

- The nature of the duties undertaken
- Why and how frequently a private vehicle is necessary
- Whether the timing of journeys can be influenced by the postholder and to what degree
- The number of miles actually undertaken by the postholder or similar posts
- If/why the number of miles travelled may change, and
- The views of the Theme Manager

Car User Allowance entitlement will be subject to review every two years across the authority. If an employee changes from an essential user allowance to a casual allowance no payments will be made in respect of this change.

1.1.1.1.1 ALLOWANCE		CRITERIA	REASON
1.1.1.2 ESSENTIAL	E1	An estimated or actual number of miles travelled on council business (within the Borough or other districts in Somerset as part of a partnership) as a requirement of the post of no less than 1,200 miles per annum	The Council needs to assist and support employees who travel a significant number of miles on Council business. The Council benefits directly from the convenience and time saved when officers travel in a private car when undertaking their duties
	E2	A regular requirement of the post to undertake frequent urgent journeys to attend locations around the District.	Being able to respond to urgent requests elsewhere can be an important factor in some jobs. Urgent – non scheduled visits relating to imminent health and safety, personal care or other such issues which must be done the same working day.

	E3	All staff contractually required to participate in corporately approved 'Out of Hours' Emergency Call Out Schemes and who undertake mileage on a regular basis	
Casual User	C1	All other staff who undertake mileage will be paid at Casual User mileage rates.	

CAR ALLOWANCES

National NJC rate effective from 1st April 2011 (subject to annual review by the NJC)

Essential Users

	451-999cc	1000 – 1199 cc	Above 1200 cc
Lump sum per annum	£846	£963	£1239
per mile first 8,500	36.9p	40.9p	50.5p
per mile after 8,500	13.7p	14.4p	16.4p

Casual Users

per mile first 8,500	46.9p	52.2p	65.2p
per mile after 8,500	13.7p	14.4p	16.4p

The out of county mileage rate is 36.9p

Car Lease Rate

The car lease rate is 14.8p per mile

BICYCLE ALLOWANCE

For travel up to a 3 mile radius from place of work - 20p per mile