

## **Executive – 5 March 2008**

**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)  
Joy Wishlade (Strategic Director), Paul Carter (Financial Services  
Manager), John Williams (Chief Housing Officer), Lesley Webb  
(Housing Enabling Manager), David Whitehead (Housing Strategic  
Services Manager), Brian Yates (Building Control Manager), Judith  
Jackson (Senior Solicitor), Steve Murphy (Principal Accountant) and  
Greg Dyke (Democratic Services Manager)

**Also present:** Councillors Bishop, Ms Brockwell, Critchard, Farbahi, Hall, Mrs  
Lewin-Harris, Morrell, Stuart-Thorn and Williams

(The meeting commenced at 6.15 pm.)

### **140. Minutes**

The minutes of the meeting held on 6 February 2008, copies of which had been circulated, were taken as read and were signed.

### **141. Public Question Time**

Mr Nigel Parkin, Chair of Cotford St Luke Action Group, Mr G Lodge and Councillor Mrs Lewin-Harris all spoke and asked questions in relation to the stationing of unauthorised mobile homes on land at Cotford St Luke. There was alleged evidence of breaches of planning regulations and action that had previously been promised had apparently not materialised. The robust enforcement action promised by the Council was not happening and the questioners asked that the Council did all it could to ensure that the regulations were properly applied and complied with.

Councillor Henley informed the questioners that an appeal had been lodged in connection with the refusal of planning permission on this site. This had the effect of delaying any formal action until such time as the appeal had been determined. However, the residents were assured that, in the event of the appeal being unsuccessful, the Council would do everything in its power to ensure compliance with the regulations.

Councillor Mrs Lewin-Harris, as a member of the public, drew attention to the decision not to provide Council funding for the skatepark. She felt that a relatively small capital contribution to this project would potentially have huge benefits. As there were some development items in the budget she asked if those that had been successful were considered to more important than the skatepark.

Councillor Henley replied that those that were responsible for this project had been kept fully informed and had been given no assurances regarding Council funding. He confirmed that the decision had been taken not to support the project as a development item in the budget. Councillor Lees added that investigations were continuing on how best to help.

Councillor Mrs Lewin-Harris, as a member of the public, asked what action the Council would be taking in view of the imminent closure of Taunton Deane CVS.

Councillor Wedderkopp replied that investigation were taking place to see how best the services supplied by the CVS could best be replaced. (Councillor Mrs Lewin-Harris declared a personal interest in this matter as a Board member of the CVS)

Mr Paul Partington referred to questions he had asked at the previous meeting of the Executive. He had been promised a written reply to his questions but, as yet, these had not been forthcoming.

Councillor Henley confirmed that his questions had been passed to the appropriate person for a written reply to be provided. He stated that he would ensure that Mr Partington received a reply as soon as possible.

Councillor Morrell, as a member of the public, stated that as the original Deed of Covenant of 1905 transferring the land to the care of the Local Authority prohibits the conveying of intoxicating liquors in addition to stating that the land is to be used as a public open space, following the Council's recent agreement to lose as a public open space the land between Hunts Court and The Old Library what steps have been taken to vary the deed thus allowing this land to be licensed to a private organisation selling alcohol?

In addition, and considering the clarity of the covenants relating to this land, how was it possible for the Picture and Piano to be granted a liquor licence - was this an oversight by the Council, or has the Local Authority ignored the original covenants as agreed with the Quakers?

Councillor Henley replied that the proposal to remove the covenants had been duly advertised and had drawn just three responses, none of which had raised any concerns additional to those already made. The proposal was now open to the full planning process.

#### **142. Declarations of Interest**

Councillors Brooks, Henley and Prior-Sankey declared personal interests as members of Somerset County Council. Councillor Horsley as a representative on the CAB, Taunton Association for the Homeless and a subscriber to the Brewhouse Theatre and Councillor Mrs Lewin-Harris as the Council's representative on CAB.

**143. Post Office Closures**

Following the decision made at the last Council meeting when Post Office closures was discussed it had been agreed that representatives of Postwatch be invited to attend a meeting of the Executive. The Chairman was, therefore, pleased to welcome Pam Turner, the Postwatch Somerset and Bath representative and Richard Brown, Network Advisor who explained the role that Postwatch had in relation to the Post Office Network closure programme. They went on to explain the criteria that had been set by Post Office Ltd and the consultation process.

(Councillor Bishop declared a personal interest in this item as one of the Council's representatives on Postwatch)

**144. Planning Delivery Grant – allocation of funding**

Reported that Taunton Deane had been in receipt of Planning Delivery Grant 75% of which was revenue funding and 25% of which was capital funding. There was currently £111,771 of capital funding and £89,330 of revenue funding in 07/08 which was currently unallocated. The purpose of PDG was to improve the Council's ability to deliver planning and development services. Some capital funding had been spent on officer time working on capital programmes but there was now a pot built up of £111,771 capital funding.

Up until now the revenue PDG funding had been spent on additional officers in both the Development Control and the Forward Plan departments, on further studies required in the forward plan making process and on part of the TDBC contribution to the Project Taunton partnership.

The cost of retaining all the staff supported by PDG funding in Development Control and Forward Plan for 08/09 was £127,000. The funds required for further studies within the Forward Plan Unit would be funded from Growth Point revenue funding. The three year partnership funding agreement for Project Taunton had now finished and the partners had successfully gained Growth Point funding to cover 08/09. There was also sufficient money left unspent in the partnership fund to cover a further year (09/10) of the delivery team should other funding not be forthcoming.

It was considered that the remaining £89,330 revenue funding should be allocated towards the cost of retaining the development control and forward plan staff, the remainder (£37,670) being paid from Housing and Planning Delivery Grant funds expected later in the year.

Consideration was also given to the allocation of Capital funding. It was agreed that this should be used to:

- upgrade the Limehouse software system in the Forward Plan and Policy and Performance Units at a cost of £8,000.
- improve working arrangements within Development Control to allow mobile technology at a cost of £14,000
- provide an additional £18,000 in connection with the Plantech Planning system and virtual server
- provide a new system for Land Charges at a cost of £35,000
- provide a new system for Building Control at a cost of £51,000. The capital cost of the module was £51,000. It was proposed to meet this through a contribution of £30,000 from Building Control reserves and £21,000 from PDG Capital. The ongoing revenue costs of £7,500 would be met through fee income.

There was sufficient funding available for all these requirements subject to sufficient Housing and Planning Delivery Grant being available. However, on what Government had stated would be the basis of the grant it was expected that more than the remaining £37,670 shortfall would be received. The remaining unallocated capital would be £15,771.

<b>Revenue available</b>	<b>£89,330</b>
Contribution towards staff costs	£89,330
<b>Remaining unallocated</b>	<b>Nil</b>
<b>Capital available</b>	<b>£111,771</b>
Limehouse upgrade	£8,000
DC – improved working arrangements	£14,000
Planning system and virtual server	£18,000
Land charges system	£35,000
Building control system	£51,000
Less contribution from building control reserves	(£30,000)
<b>Remaining unallocated</b>	<b>£15,771</b>

#### **Resolved that**

- the use of PDG revenue and capital funding outlined above be agreed;
- the use of £30k of building control reserves to part fund the new building control IT system be agreed;
- the unallocated amount of PDG capital funding of £15,771 be noted.

#### **145. Treasury Management and Investments Strategy for 2008/09**

Reported the treasury management and investment strategies for the financial year 2008/09.

It was noted that Council debt was currently £21m and outstanding investments £16.6m. Short-term interest rates looked to fall to 4.75% by end of financial year but there was a possibility of maintaining current levels or smaller decreases if inflation became problematic.

Long-term rates were more stable at 4.45-4.50% (50yrs) for this financial year. World and UK economies and the impact of inflation had fuelled concern and caution regarding future interest rate movement.

In addition Borrowing and debt restructuring, if undertaken, should take advantage of lower rates and match the Council's debt to capital needs.

The proposed strategy at this Council for 2008/09, set out below, was based on the opinion of Council treasury officers, supplemented by data, forecasts and opinions of the Councils treasury advisors, Sector Treasury Services Ltd. The strategy covered:

- treasury limits in force which will limit the treasury risk and activities of the Council;
- Prudential Indicators;
- the current treasury position;
- the borrowing requirement;
- prospects for interest rates;
- the borrowing strategy;
- debt rescheduling;
- the investment strategy;
- any extraordinary treasury issues

Details of the Treasury Limits for 2008/09 to 2010/11 together with the Prudential Indicators were submitted.

**Resolved** that the Treasury Management Strategies outlined in the report be agreed.

#### 146. **Q3 Budget Monitoring Issues**

The Q3 budget monitoring exercise had highlighted the need for supplementary estimates from reserves for the following overspends:

- Job evaluation appeals £140k
- O2 Mast planning compensation £40k

The Council had almost completed the appeals process arising from the recent job evaluation exercise. It was expected that some of the appeals would be successful and therefore this would increase the overall salary cost of the Council.

The final results of the appeals process was not yet known, however based on the experience of other similar sized councils who had already undergone this exercise, it was estimated that the cost of successful appeals would be in

the region of £140k. This would be split between the General Fund (£110k) and the Housing Revenue Account (HRA) (£30k).

In 2005 O2 obtained deemed consent for the erection of a telecommunication mast at Shoreditch Road Taunton, following the failure of O2 to receive the refusal notification within the required period. Attempts to negotiate with O2 to re-locate the mast to an alternative site were unsuccessful and a mast had erected. It was however not the mast for which deemed consent had been granted and the Council therefore resolved to take enforcement action.

This led to a Public Inquiry in September 2007 as a consequence of which a Planning Inspector found the mast as erected unacceptable and upheld the Enforcement Notice requiring its removal. He however confirmed that there was a valid deemed permission, which could be implemented. O2 had again been invited to consider re-locating the mast with assistance from the Council, but had refused to consider this.

At its meeting on the 27 February the Planning Committee were advised of the position but further recommended not to take steps to revoke the deemed permission because of the potential financial liabilities such action would incur. Any compensation would need to be based on the future business losses of O2 arising from the revocation of the permission.

However, even the erection of the deemed mast was likely to have a detrimental impact on the immediately adjacent residential property and the Council was likely to face compensation claims which would probably be based on diminution in value of the property in question, from both that property and possibly from other residential properties in the neighbourhood. The sum of £40k sought as likely compensation reflected the valuation by the Assets Holdings Manager.

**Resolved** that Council be recommended that Supplementary Estimates from the General Fund and HRA reserves be agreed as outlined above.

**147. Disposal of land between Enmore Road and Wellsprings Road for social rented and shared ownership affordable homes**

Reported that the shortage of affordable housing in Taunton Deane was serious. Coupled with an acute shortage of building land in the Council's land banks this made the provision of Affordable Housing almost impossible through the Council's own resources. It was therefore essential that the Council considered every development opportunity to produce Affordable Housing.

With the demand for housing growing rapidly it was necessary for the Council to look for innovative ways of providing the housing needed, to consider the difficult issue and assess the viability of building on open green areas such as part of Wellsprings open space. This piece of land was offered for Affordable Housing and would be able to accommodate 20 three bed family homes with a mix of 10 for social rent and 10 for affordable shared ownership. These

three bedroom houses would be available for applicants and transfers on our Housing Waiting List.

Housing Innovation Ltd, a company based in the South West and London, was in a position to be able to purchase this land for £200,000 which equated to £10,000 per plot. There would be no public funding with delivery of the homes at the end of this year (subject to planning). It was necessary that the money raised from the sale of this land should be ring fenced for Leisure and Open Space. Details were also received of the comments of the Leisure Development Manager and the Council's Asset Holdings Manager. The Asset Holdings Manager endorsed the sale of the land for £200,000 freehold, subject to the following provisos:-

1. Planning permission being obtained for residential with the development density not exceeding 20 units,
2. TDBC receiving full nomination rights,
3. The purchaser (and successors in title) covenanting in perpetuity to only sell any interest in the properties at 70% of the market value at the time the sale is agreed,
4. If development works have not been substantially commenced within two years from the date of transfer, TDBC shall reserve the right to repurchase the land for £200,000.

Furthermore, under the Local Government Act 1972, the Council had a statutory duty to notify the public of its intention to sell the land, held as public open space, by placing a Public Notice for two consecutive weeks in the local press.

**Resolved that** the disposal of the land to provide three bedroom Affordable Housing for families on the Housing Waiting List be agreed because

- This particular site would be able to provide 20 three bedroom houses with no cost to the public purse.
- These new homes could be delivered during the next financial year (subject to planning)
- Taking account of concerns raised regarding the loss of open space, the full £200,000 raised from sale of this site would go towards improving open space amenities in the area, which was on the priority list for improving play opportunities.

#### 148. **Brewhouse Theatre Feasibility Study**

A feasibility exercise looking at the future for the Brewhouse had been commissioned by Project Taunton in October 2007. The brief was written and agreed by the relevant stakeholders of the Brewhouse ie TDBC, SCC, Project

Taunton, the Arts Council England SW and the Brewhouse itself. The final report and its recommendations had now been received.

Since the publication of the Taunton Vision masterplan there had been many questions about the future location and size of a theatre in Taunton. Also, since that time, the Brewhouse had not only undergone a change of management and trustees and with this, a change of direction but also seen its annual grant income reduced. It was therefore felt by all of the relevant stakeholders, as well as the Brewhouse itself, that it was timely to commission a piece of work to answer a number of questions and to agree a way forward that all stakeholders could sign up to.

The outcome of the study was to make recommendations on the location, size, technical requirements and physical specifications of a new theatre in Taunton and to identify capital and revenue costs, funding partners and income streams which might enable the construction and sustainable operation of such a venue in the long term.

The study concluded that Taunton required a flagship 21<sup>st</sup> century arts and entertainment facility, capable of presenting high quality professional theatre, dance and music for Taunton and its surrounding areas; accommodating local amateur and community performances and exhibitions; presenting film and professional exhibitions; with artists support facilities and workspace for the creation and production of new work in the performing and visual arts; and as a centre for participatory and educational activities. This range of functions (based on the existing Brewhouse multi-purpose model) addressed the priorities of its key stakeholders, and would engage a wide variety of people.

That the current Brewhouse site was the ideal location for such a facility with its excellent riverside location and proximity and relationship to the Town Centre and cultural quarter. There was considerable potential for developing new facilities on this site, and for maximising its attractive location for commercial purposes, with riverside restaurants and bars integrated into the theatre complex. This would also respond to the County Cricket Ground re-development and open up new opportunities for partnership.

The study confirms that there is a large potential catchment audience for theatre in Taunton and scope for expanding the scale of theatre facilities, particularly in view of the planned growth in population. A theatre seating between 600 and 750 should be able to attract sufficient audiences to support a programme of professional and amateur work across the range of art forms.

A larger theatre, possibly seating in excess of 1,000, would need a different kind of operational model with a more commercial focus, and would still require substantial revenue funding. It would not meet the all of the aspirations of the stakeholders.

Taking into account the current lack of major capital funding sufficient to build a new theatre (which would be likely to cost in excess of £25m), the preferred option was for a phased re-development of the Brewhouse site, possibly



retaining some existing facilities, but with the aim of creating, through phased developments, a larger main auditorium; enhanced exhibition and studio facilities; additional production and participatory facilities; more flexible spaces to support arts activity and accommodate meetings and other hired activities; and improved bar and catering facilities.

A masterplan would be created for the site through a design study, identifying the possible development phases. A key element of the proposed re-development was the maximisation of the commercial potential of the Brewhouse location. It was proposed that a new glazed atrium be added to the front of the Brewhouse, linking to a new riverside restaurant development and enveloping the existing Georgian building and also, possibly, the existing auditorium facade.

This would create a spacious, light internal street and foyer area providing the Brewhouse with a greatly improved façade and circulation areas and Taunton with an iconic riverside destination which would become the town's natural meeting place and cultural destination. Leasing out commercial restaurant and catering units could generate between £100,000 and £175,000 per annum.

Other possible phases (to be examined in detail through the design study) were: the new 600 seat flexible auditorium with sizeable stage, orchestra pit, fly tower and backstage facilities; a new block on several storeys to accommodate the studio theatre and associated facilities, media centre and film theatre, rehearsal and production facilities, meeting rooms and improved administration, education and workshop facilities; and a new gallery with supporting facilities.

As Somerset's premier arts facility, the Brewhouse remained committed to playing a creative role in the County, known as an arts organisation, not just as a building, with a life outside its four walls promoting work and activities in other venues and forums through site-specific projects and work presented further afield. The Brewhouse keyed into wider social and economic agendas and was working to redefine what an arts centre was, and how it brought audiences and artists together. Learning was at the heart of its work. This should remain.

The former Gaumont cinema, now a Mecca bingo hall, was assessed as a possible replacement building, but was considered inappropriate due to its scale and the architectural integrity of the listed interior which would limit the ability to break up the large central space. However, its large seating capacity, formerly 1725, added to the fact that it had a stage and fly tower, might make the venue attractive to a commercial operator. The current operators had no plans to re-locate and the capital investment needs of the building (estimated at £10m), and operator's re-location costs (£3.5m) did not make a development viable at the moment.

Research and consultation had indicated that there was very limited capital funding likely to be available in the near future for a major theatre project in

Taunton, unless it was linked to another development such as the proposed new library, which should benefit from private sector funding. This consideration was critical in determining the most appropriate development approach and, would seem to rule out the possibility of a completely new facility in the foreseeable future.

It was also evident that future revenue funding was unlikely to increase significantly in the near future. Taunton Deane Borough Council had indicated that it did not envisage any major revenue funding increases; Arts Council England would continue to consider supporting the venue with project grants, and had earmarked additional funding for investment in Somerset, but would not be in a position to consider revenue funding over the coming three-year period; and Somerset County Council had no specific plans to increase its funding. The preferred scheme must therefore address the venue's capacity to generate income from trading and other activities, as well as enhancing the venue's creative and presentational facilities.

It was estimated that, provided the proposed riverside commercial development was included within the scheme, new income would cover additional operating and programme expenditure, making it revenue neutral. However, future revenue needs would need to be addressed and agreed by the key stakeholders, in the context of the Arts Council funded *Thrive* programme, which was exploring new ways of working in the arts in Somerset and keying into broader social and economic agendas.

In order for the scheme to progress it was essential that it be adopted by Taunton Deane Borough Council as the premier objective of the cultural vision for the town. While it had been given a high priority with the ambitions of Project Taunton, this would need reinforcing within the Council's own economic, social and cultural priorities and in the broader context of the County's cultural aspirations, if it was to come to fruition.

An effective management arrangement would be essential in taking a scheme forward. The Brewhouse Theatre management board lacked capacity to undertake such a task on its own. Furthermore the nature of the scheme, its linkage into Project Taunton and Town Centre regeneration programme, and its importance to Taunton and the County's cultural development aspirations, meant that a partnership approach would be required.

It was recommended therefore that the Brewhouse scheme be taken forward as a key flagship development under the framework of a wider Taunton Cultural Partnership committed to driving forward an agreed cultural agenda for the Borough and involving all of the key partners. It was proposed that a Theatre Development Partnership Board be established with responsibility for taking the scheme forward and securing the capital investment required. The Partnership Board should consist of Taunton Deane Borough Council; Somerset County Council; the Brewhouse Theatre and Arts Centre; the Taunton Cultural Consortium; Project Taunton; and Arts Council England South West.

**Resolved** that the key recommendations set out above be agreed and in particular:

1. this scheme be adopted as a priority within the Council's economic, social and cultural priorities;
2. the Strategic Director be authorised to represent the Council on the Theatre Development Partnership Board, or its equivalent.

**148. Exempt Item**

**Resolved** that the press and public be excluded for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 7 of t Schedule 12A of the Local Government Act 1972

**149. Flood Alleviation Works at Longrun Farm**

Reported that a comprehensive off-site flood alleviation scheme was required in order to facilitate the redevelopment of the former market site at Firepool. Details were submitted of what this scheme was and the flood alleviation benefits it brought beyond Firepool. It was hoped that the construction of these works could commence later in the year, subject to planning permission being granted. The costs of the works would be covered by either Growth Point funding or from the SWRDA Regional Infrastructure Fund.

**Resolved** that:

1. the works for the flood storage at Longrun Farm be agreed including:
  - The negotiation with Midas Homes for use of a proportion of the spare capacity
  - The negotiation with the adjacent land owner for the spreading of spoil, subject to planning permission
2. Somerset County Council be informed that the required flood storage capacity for the Third Way road was available.
3. the Strategic Director and appropriate Portfolio Holder be delegated authority to make the detailed decisions to complete the negotiations identified in 1 and to ensure that the works are completed satisfactorily and within budget.
4. the full requirements for TDBC developments be carefully assessed to ensure that they are not prejudiced by selling flood storage capacity that might be needed to private developers.

(Councillor Brooks declared a personal interest in this item as Chair of Somerset County Council's Regulatory Committee. He took no part in the debate and abstained from voting)

(Councillor Mullins left the meeting at 7.09 p.m.)

(The meeting ended at 8.55 p.m.)