

Executive – 29 March 2007

Present: Councillor Mrs Lewin-Harris (Vice-Chair in the Chair).
Councillors Bishop, Mrs Bradley, Cavill and Hall.

Officers: Ms J Wishlade (Strategic Director), Mr B Carpenter (Waste Services Manager), Mr P Carter (Finance Manager) and Mr G P Dyke (Democratic Services Manager).

(The meeting commenced at 2.00 pm.)

This meeting ran concurrently with meetings of the Executives and Cabinets of Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset County Council and West Somerset District Council as the partners in the Somerset Waste Partnership. All meetings considered the same recommendations for the preferred and reserved bidders for the Somerset Refuse and Recycling Collection Contract.

43. Apologies

Councillors Williams (Chairman), Clark, Edwards and Leighton.

44. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting for the items numbered 5, 6 and 7 on the agenda because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12(a) of the Local Government Act 1972.

The Taunton Deane Executive adjourned its meeting at this point. The items referred to in Agenda Items 5, 6 and 7 were taken in joint session with the other Somerset Authorities.

45. Public Question Time

Mr McGauchey, representing GMB Members, working for South Somerset District Council, asked questions on implications for their Direct Labour Organisation and on depot locations under the new Waste Partnership contract arrangements. He was advised that the staff of the former DLO would have full protection under the terms of the contract for an indefinite period and that depot arrangements could be explained in more detail after meetings with the preferred bidder when appointed.

The remainder of this meeting was held in private session.

46. Somerset Waste Partnership Recycling and Refuse Collection Contract: Presentation

Councillors received a detailed presentation on the invitation to negotiate and bid evaluation process including the outline business case, quality and financial evaluations, comparisons between bids and finally, recommendations for the preferred and reserve bidders.

The presentation was followed by a question and answer session, during which capacity, performance monitoring and the need for education and awareness raising were discussed.

Following the presentation, the partner authorities returned to their separate meetings to consider the recommendations in private session.

47. Somerset Waste Partnership Recycling and Refuse Collection Contract: Recommendations

The Executive considered the agenda, report and evaluation document in detail and discussed the recommendations to progress negotiations.

Detailed consideration was given to the evaluation of ITN submissions and satisfaction was expressed in the overall evaluation process. The evaluation report had highlighted a number of areas, upon which negotiation should be focussed that should be set out as part of the formal agreement to appoint the preferred bidder and which should continue to be monitored and considered by the Partnership during the preferred bidder negotiations, leading to contract close. The key issues for negotiation were considered in some detail.

RESOLVED that:

1. The evaluation report be agreed;
2. The recommendation of the evaluation report, to appoint Company W as preferred bidder, be agreed and that they progress to the next stage of the procurement process;
3. The issues identified in the evaluation report, as requiring further negotiation through the preferred bidder stage, should form part of the scope of the appointment so that negotiations going forward were focussed and entered into on the understanding that the Somerset Waste Partnership had not fully accepted the bid from Company W as set out in their ITN submission;
4. A negotiation team, as nominated by the Directors Implementation Group, be authorised to negotiate with Company W on behalf of the Council as part of the Somerset Waste Partnership.
5. The Portfolio Holder for Waste Services, together with the Leader of the Council, in consultation with the Chief Executive, the Strategic Director and the Finance Manager be authorised to instruct the negotiation team regarding which service package should be negotiated on behalf of the Council;

6. Company Z be approached to be retained as a reserve bidder in the event that negotiations with Company W did not result in a successful outcome.

All the partner authorities then met in joint session to report their decisions.

48. **Appointment of Preferred Bidder**

All six authorities reported that they had approved the recommendations without amendment (other than a local delegation issue for West Somerset District Council) and the Chairman of the joint session, Councillor McGinty, declared that negotiations would now commence with Company W as the preferred bidder. Company Z would be appointed as reserve bidder.

On behalf of all the Executives/Cabinets, Councillor McGinty congratulated the officers and Portfolio Holders involved in the invitation to negotiate evaluation and also the Democratic Services staff who had organised these special meetings. Both were believed to be unique arrangements and all involved were thanked for their work.

(The meeting ended at 4.20 pm.)

Executive – 4 April 2007

Present: Councillor Williams (Chairman).
Councillors Bishop, Mrs Bradley, Cavill, Clark, Edwards, Hall, Leighton and Mrs Lewin-Harris.

Officers: Mrs P James (Chief Executive), Ms J Wishlade (Strategic Director), Ms S Adam (Strategic Director), Mr B Cleere (Strategic Director), Mr M Western (Head of Housing), Mr I Taylor (Chief Solicitor), Mr I Ayre (Principal Planning Officer), Mr S Lewis (Scrutiny and Performance Manager), Mr S Haskell (Housing Accountant) and Mr G P Dyke (Democratic Services Manager).

Also Present: Councillors P Smith, Stuart-Thorn and Wedderkopp.

(The meeting commenced at 6.00 pm.)

49. Minutes

The minutes of the meeting held on 20 March 2007, copies of which had been circulated, were taken as read and were signed.

50. Public Question Time

Councillor Peter Smith, as a member of the public, asked what progress had been made in relation to a proposed covenant at Holway Green, Taunton.

Councillor Williams replied that this matter was on the forward plan of the Review Board and would be dealt with in due course.

Mr David Parkman referred to the recent proposal of the Highway Agency to develop a new interchange at Blackbrook and drew attention to the potential loss of sports facilities. He felt it was essential to safeguard these facilities.

Councillor Williams replied that this Council would encourage the Highways Agency and Somerset County Council to work closely with each other in order to come up with an alternative scheme to minimise the impact on the Blackbrook area. Taunton Deane Borough Council could only put forward suggestions and the County Council, as Highways Authority, were much better placed to influence this development. This Council certainly recognised that the retention of facilities in that area was essential to the community.

Councillor Wedderkopp, as a member of the public, referred to the gas appliance maintenance contract operated within Council houses and asked if any had been sub-contracted and, if so, to whom and what monitoring took place. Councillor Wedderkopp also asked how much had been spent on preparing and publishing the Team Somerset prospectus.

Councillor Williams replied that maintenance of gas appliances in Council houses was a statutory requirement and were checked once a year. All contractors were Corgi monitored and worked in accordance with a specified partnering arrangement. A further written reply with full details would be sent to Councillor Wedderkopp. With regard to the Team Somerset prospectus, the costs were not readily available at the meeting, although it was emphasised that the prospectus had been produced with the approval of Council. Full details of costs would be provided to Councillor Wedderkopp.

51. Local Land Charge Search Fees

Reported that, until recently, the Lord Chancellor had specified the fee for certain services provided by local authorities in connection with the Local Land Charge Search Service.

Earlier this year the Lord Chancellor had issued formal guidance for registering authorities on setting fees for Local Land Charge Services in England. The intention was that individual local authorities should set their own fees for certain services and should publish those fees so that those using the service would be aware of the fees payable by them. The change was due to take place on 1 April 2007.

As the basis on which the fees for Local Land Charge Certificate Searches and certain other services had been changed the Council were required to respond to these changes swiftly. It had not been possible to achieve this in the appointed timescale and arrangements needed to be put in place for these fees to be established and brought into force as soon as practicable.

In addition, significant changes were due in the coming months with the Local Land Change Search Service and these needed to be accommodated efficiently. It was possible that the proposed changes would have an impact on the Local Land Charges Services budget which in turn would have an impact on the Council's overall financial position. Any impact on the Council's overall budget as a result of the new fees would be reported via the quarterly performance monitoring reports to the Review Board.

RESOLVED that the power to fix the Local Land Charge Searches fees both for the Local Land Charge Certificate Search and the services associated with the Land Charge Service be delegated to Strategic Director, Kevin Toller, in consultation with the appropriate Executive Councillor.

52. Proposed Reduction in the Threshold for Affordable Housing Provision

Considered report, previously circulated, which sought approval for a reduction in the threshold size of housing sites on which affordable housing would be sought through Section 106 Agreements in Taunton and Wellington following the introduction of a lower threshold by the Government in Planning Policy Statement 3: Housing (PPS3).

This new Planning Policy Statement had been published by the Government in November 2006 and would become operational on 1 November 2007.

Among the many changes that it introduced to the Government's policies on planning for housing was a reduction in the national indicative site size threshold for the provision of affordable housing through Section 106 Agreements to 15 dwellings. Although the Council had a lower rural threshold, its current threshold in Taunton and Wellington was 25 dwellings. As it had been unable to secure the required amount of new affordable dwellings in recent years, and it would be several years before new thresholds could be incorporated formally in the Local Development Framework, it was proposed to adopt the new national threshold for Taunton and Wellington as an interim measure.

This matter had also been considered by the Strategic Planning, Transportation and Economic Development Review Panel at its meeting on 8 March 2007 when the principle of a threshold of 15 dwellings was supported.

RESOLVED that the lower size threshold of 15 dwellings contained in PPS3 for seeking affordable housing be adopted as the threshold for sites in Taunton and Wellington, pending the formal review and amendment of thresholds in the Core Strategy DPD of the Council's Local Development Framework in respect of new applications received on or after 5 April 2007.

53. Restructure of Housing Service

Following the decision not to proceed with the Housing Stock Transfer, consideration was given to the reorganisation of the Housing Service and the consequent redundancies.

The 2007/08 HRA budget included indicative budgets that covered the four years to the Decent Homes target date of 2010. As part of the budget setting process it was necessary to find savings of £1.85m per year, for each of these years, to ensure that decent homes would be delivered.

The budget setting report which had previously been considered had outlined how these savings would be achieved. This had included an outline of a housing restructure that would save the service some £550,000.

Recommendations had now been submitted for cuts in the management and support roles of the housing service. It was proposed to reduce the management team of the Head and five Service Unit Managers to three Service Unit Managers, one of whom should be senior to the other two. Further cuts were to be made in Asset Management (one post), Building Management DLO (three posts) and Housing Strategy (one post). The impact of these redundancies would be to reduce management and support services but at the same time take on new Government initiatives and ensure that the Council had sufficient operational staff to deliver its services.

In total, eight posts had been shed through natural wastage, voluntary redundancy and reorganisation. Additionally, eight Deane DLO painters were taking voluntary redundancy. This reorganisation had however enabled the post of Energy Efficiency Officer to be reinstated with effect from 1 May 2007

which would give the Council proper focus to this important area of work. The ongoing savings of these deleted posts was £550,000 per year.

It had also now been possible to calculate the costs involved in the redundancies. There would be 16 redundancies and the total cost of these was £619,000. As far as possible, these redundancies had been mitigated through the removal of vacant posts and a total of four vacant posts had been deleted from the proposed new establishment.

Details were submitted of the impact of the restructure on the forecast working balance of the HRA.

RESOLVED that Council be recommended that the proposed restructure of the Housing Service be agreed and a Supplementary Estimate from HRA reserves of £472,000 to fund one-off costs in 2007/08 be made.

54. **Corporate Strategy 2007-2010**

The Corporate Strategy was the Council's principal policy document. It established the outcomes that the Council wanted to achieve in the community and provided an important lead for budget setting and service planning activities.

The Corporate Strategy 2007-2010 had been modelled on last year's Strategy, which was formulated after extensive consultation. This document had also received high praise from the Audit Commission inspectors. In refreshing the Strategy, consideration had been given to recent community consultation, which sought views and preferences on future priorities and budget-setting choices. Consideration had also been given to feedback from the Audit Commission, Central Government guidance and the 'Local Futures' area audit. The Corporate Strategy had been extensively challenged and scrutinised during its development.

The key areas of change to the Corporate Strategy, resulting from the consultation, feedback, challenge and scrutiny were:

- A new objective on promoting sustainability;
- A new objective on developing the Cultural offer of the borough;
- A new objective on promoting healthy activities to the wider community;
- An increased focus on tackling deprivation ;
- An increased focus on reducing antisocial behaviour and the fear of crime;
- A greater emphasis on the future of partnership working with specific mention of ISiS and Team Somerset.

The Corporate Strategy was outcome-focussed and aligned closely to delivering the Council's stated priorities. It provided a framework for future decisions over budget and resource allocation and reflected national recommended best practice in its design.

RESOLVED that Council be recommended that the Corporate Strategy be adopted.

55. Team Somerset and Potential Local Government Reorganisation

Consideration was given to the Team Somerset outline business case and associated actions which would enable its further development.

Following the short listing of the proposal submitted by Somerset County Council, for the creation of a single unitary Council for the whole of Somerset, a 12 week period of stakeholder consultation would now take place. Following stakeholder consultation, the Government would announce those areas that would be restructuring into unitary councils in early July 2007.

This Council, at its meeting on 12 December 2006, had decided to oppose the unitary bid for the whole county. All other districts in Somerset had also rejected the proposal for a single county unitary.

As a positive alternative to any unitary option, Somerset districts had co-operated to produce a prospectus on how the aims of the White Paper could be achieved without structural reform of local government in the County. This enhanced partnership approach, termed 'Team Somerset', received the formal support of this Council and all other Somerset districts in January 2007, with South Somerset voting it as their second preference. The Team Somerset approach did not have the formal support of Somerset County Council.

The Team Somerset prospectus, details of which were submitted, was a clear 'direction of travel' for local government in Somerset. Since its approval, district councils had worked together to further develop the Team Somerset approach, establishing clear proposals that would bring the aspirations of the prospectus into reality. This had resulted in the Team Somerset Outline Business Case, which proposed a fresh approach to delivering better outcomes and more efficient services across Somerset within a renewed and re-invigorated system of county, district, town and parish councils.

The Outline Business Case was submitted for consideration.

The proposals in the Team Somerset Outline Business Case built on and were entirely consistent with the aspirations of the earlier prospectus document. As such, it had been endorsed by the Leaders and Chief Executives of all Somerset district councils.

It was felt that as well as rising to the challenges of the Local Government White Paper, the Team Somerset model provided a robust alternative to a single unitary council and offered the best and most appropriate solution for the citizens of Somerset. Implementing the Team Somerset Business Case would require further work by all local authorities. Members would continue to be informed at regular intervals of significant progress made.

Also, following the short listing of the County wide proposal, local authorities in all affected areas had been encouraged to bring the consultation exercise to the attention of all stakeholders. The Executive felt that to do this effectively, the District Councils in the County should join together to fund a programme of consultation which would possibly include a referendum. Any such exercise would be dependent on all the Districts agreeing to contribute a similar sum to the funding.

RESOLVED that Council be recommended that:

1. The Team Somerset Outline Business Case be agreed;
2. The Chief Executive and Leader of the Council be authorised to take decisions as required for the future development of the Team Somerset Outline Business Case;
3. A further report on progress be submitted in August 2007.
4. A Supplementary Estimate of £60,000 be made to fund a programme of consultation, possibly including a referendum, subject to all District Councils in Somerset agreeing to contribute a similar sum.

56. The Establishment of the Somerset Waste Board

Reported that since 1992 the Somerset Waste Partnership had improved working arrangements in waste management across the County and now sought to formally combine the responsibilities for waste collection and waste disposal into a single Somerset Waste Board.

The Executive had previously agreed to adopt the Joint Committee Administering Authority model for creating the Somerset Waste Board. At subsequent Executive meetings approval had been given for the proposed structure of the Somerset Waste Board and the Heads of Terms to be used in the preparation of an Inter Authority Agreement and a Constitution.

There was now a legal requirement for each Partner Authority to formally agree to establish a Joint Committee that would be known as the Somerset Waste Board, and for it to be empowered to discharge the waste recycling, collection and disposal functions of each Partner Authority. The Waste Board would be established and operate in accordance with the Inter Authority Agreement and Constitution.

RESOLVED that:

1. This Council, together with Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset District Council, and West Somerset District Council and pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, agree to establish a Joint Committee to be called the Somerset Waste Board with effect

from the commencement date of the Inter Authority Agreement and the Constitution;

2. It be agreed that pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000 to arrange for the statutory functions in respect of the recycling and collection of waste to be discharged by the Somerset Waste Board to be formed pursuant to the above recommendation with effect from the commencement date of the Inter Authority Agreement and the Constitution;
3. The Portfolio Holder for Waste, in consultation with the appropriate Strategic Director, be authorised to approve the finalised Inter Authority Agreement and Constitution relating to the Somerset Waste Board.

57. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 7 of Schedule 12(a) of the Local Government Act 1972.

58. Sale of Land at Coal Orchard to Somerset County Cricket Club

At the meeting of the Executive on 7 December 2005, it was agreed that a portion of land from the Coal Orchard Car Park would be sold to Somerset County Cricket Club to enable their development subject to the requirement to retain access to the rear of the Brewhouse Theatre and car park. Details were submitted of the terms of the agreement that had been reached between the Council and Somerset County Cricket Club.

RESOLVED that:

1. The sale of this portion of land to the Somerset County Cricket Club, on the terms outlined in the report (subject to planning permission) be agreed;
2. The capital receipt be retained for Project Taunton schemes;
3. The principle of completing the area identified as Somerset Square be agreed but officers prepare a further report on the works required and the total cost.

59. Location of United Kingdom Hydrographic Office

Reference was made to Minute. 48/2006 when it was agreed that an exclusivity agreement be granted in respect of land in the Firepool area. It was now reported that, although a review was currently being undertaken by the Ministry of Defence, the Board of UKHO had expressed a wish to stay in Taunton.

RESOLVED that:

1. The Council enter into negotiation with UKHO for a conditional contract for the sale of the freehold/long lease of land identified in the report in the Firepool area;
2. The conditions relate to planning, timescale, design and cost;
3. The price to be paid by UKHO be open market value and be subject to a red book valuation;
4. A non-returnable deposit be negotiated as part of the agreement.

(Ms S Adam declared a personal but not prejudicial interest in this matter and left the meeting whilst it was being considered).

(The meeting ended at 8.25 pm.)