

## **Executive – 2 December 2009**

**Present:** Councillor Henley (Chairman)  
Councillors Coles, R Lees, Prior-Sankey, Slattery, Mrs Smith,  
A Wedderkopp and Mrs Wilson

**Officers:** Penny James (Chief Executive), Tonya Meers (Legal and Democratic Services Manager), Maggie Hammond (Strategic Finance Officer), Karen Hughes (Leisure Development Manager), Ann Rhodes (Strategy Officer), Adrian Gladstone-Smith (Performance and Client Lead), Nigel Kerr (Operations Manager – Environmental Health and Licensing), Paul Carter (Financial Service Manager), Emily Collacott (Principal Accountant), Gill Stratford (Corporate Finance Assistant), Richard Sealy (Client and Performance Manager) and Richard Bryant (Democratic Services Manager)

**Also present:** Councillors Meikle, Morrell, Mrs Stock-Williams, Stuart-Thorn and Williams.  
Mr B James, Southwest One and Mr A Ploszajski of Ploszajski Lynch Consulting Limited

(The meeting commenced at 6.15 pm.)

### **105. Minutes**

The minutes of the meeting of the Executive held on 11 November 2009, copies of which had been circulated, were taken as read and were signed.

### **106. Public Question Time**

Councillor Morrell referred to the Planning Committee's meeting held on 25 November 2009 which had agreed to grant planning permission for the residential development of land west of Bishops Hull Road, Bishops Hull.

In his opinion, the Committee had a problem caused by the "stranglehold" on the Chairmanship by three or four Members over the past 30 years. He felt the time had arrived to look at best practice from other Local Authorities in an attempt to improve things to avoid the "fiasco" of last week. He referred to Teignbridge District Council where a rotating Chairmanship operated as an example of a potential change that could perhaps be introduced.

In response, the Chairman asked if Councillor Morrell could put his concerns in writing so they could be fully considered. Mrs Meers added that the Constitutional Sub-Committee could look at Councillor Morrell's concerns/ comments at a future meeting.

### **107. Declarations of Interest**

Councillors Henley, Paul and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Coles declared a personal

interest as a Director of Southwest One. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Slattery declared personal interests both as a Member of the Somerset Waste Board and as an employee of Sedgemoor District Council.

108. **Gambling Act 2005 – Revised Statement of Principles**

Considered report previously circulated, to agree a draft Statement of Principles for consultation in accordance with the requirements of the Gambling Act 2005.

The Gambling Act 2005 placed a duty on the Licensing Authority to produce a Statement of Principles (also known as the Gambling Policy).

The Licensing Authority was required to review the policy document at least every three years and take into account the views of those representing the holders of existing licences and certificates, local residents, businesses and the Police. The Policy had to be written and adopted by the Licensing Authority by 1 January 2010.

Submitted for the attention of Members the revised draft Statement of Principles for consultation.

The Gambling Act gave Licensing Authorities a number of functions in relation to gambling which included:-

- licensing premises for gambling activities;
- considering notices given for the temporary use of premises for gambling;
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- the regulation of gambling and gaming machines in alcohol licensed premises;
- the grant of permits to family entertainment centres for the use of certain lower stake gaming machines;
- the grant of permits for prize gaming;
- the consideration of occasional use notices for betting at tracks; and
- the registration of small societies' lotteries.

The revised draft Statement of Principles had been developed around the Statutory Guidance to Licensing Authorities issued by the Gambling Commission.

The Gambling Act did not allow gaming machine applications from premises which gave free access to children. Premises from which such applications would not be accepted were listed in the draft statement.

There were approximately 100 premises that required premises licences. These included public houses, betting shops, bingo halls, tracks and amusement arcades.

The revised draft Statement of Principles would be subject to extensive consultations prior to re-adoption by the Council.

The Statutory Guidance to Licensing Authorities advised that the process should follow best practice as set out by the Cabinet Office.

**Resolved** that Full Council be recommended to adopt the revised draft Statement of Principles.

#### 109. **The future provision of Sports Facilities in Taunton Deane**

Considered report previously circulated, concerning the research undertaken to ensure adequate sport facilities provision for Taunton Deane residents and visitors in the future.

The Sports Facilities Strategy (SFS) was commissioned by the Strategy Unit in July 2009 and the consultants Ploszajski Lynch Consulting Limited were commissioned to undertake the work.

The SFS had three key elements:-

- It assessed the quality, quantity and accessibility of all sports facilities provision in the district;
- It identified and provided policies to address any current and future gaps in provision for each type of sports facility; and
- It provided a coordinated and consistent approach to the managing and planning of future built sports facilities which would enable resources to be directed to areas of priority and to plan for appropriate levels of leisure facilities in connection with new developments.

The SFS had been subject to consultation with key stakeholders, the County Sports Partnership, sports clubs and national governing bodies. However, to become part of the Local Development Framework the consultation would need to be widened.

Planning Policy Guidance Note No 17 "Planning for Open Space, Sport and Recreation" made it clear that Local Authorities should undertake audits of existing open space, sports and recreation facilities, robust assessments of existing and future needs and set local provision standards.

Section 13 of the Planning and Compulsory Purchase Act 2004 required the Council to keep under review the matters which could affect the development of its area or the planning of its development.

Planning Policy Statement 12 required that Local Development documents Had to be based on a robust and credible evidence base.

Section 106 of the Town and Country Planning Act 1990 made provision for developer contributions in association with new developments. It was necessary to establish standards of provision for leisure, based on robust evidence.

Local policy aspired to achieve well-being outcomes for the community, which the Council was charged with delivering. The SFS could deliver on these benefits if managed and developed in association with the Sustainable Community Strategy, the Corporate Strategy, the Comprehensive Area Assessment and Local Area Agreement, the Primary Care Trust's Strategic Framework for Improving Health and the Local Development Framework.

Approval of the SFS to go out for wider consultation was a key decision that would inform the preparation of policy.

It was clear from national legislation that Local Authorities were required to provide a robust and credible evidence base of need and set local provision standards to address future sports facilities provision. This would enable the Council to plan and make provision for future sports facilities through developer contributions, partnership working and national funding streams.

Approval of the SFS for further consultation was work towards production of the Local Development Framework which was a Council priority.

The Strategy's core policies were for best practice management of its leisure facilities estate, including accessibility, safety, enhancement, facility provision, engagement and education, all of which contributed to the Sustainable Community Strategy objectives.

The intention was to develop the SFS into a Supplementary Planning Document (SPD) as part of Taunton Deane's Local Development Framework. This involved using the current evidence base and relevant policy elements in addition to supplementary information to meet the planning requirements of an SPD.

The policies developed within the Strategy would be supported by an Action Plan and would require investment in improving leisure facilities and a re-allocation of existing resources to deliver the priorities identified.

The SFS contained policies around maintaining local facilities and reducing anti-social behaviour, focusing on providing positive alternative activity for young people, skills development and engagement in sport.

**Resolved** that:-

- (1) The vision, aims, objectives and action plan of the draft Sports Facilities Strategy be supported;

- (2) The draft Taunton Deane Built Sport Facilities Strategy be approved to go out to wider consultation which would enable it to be considered for adoption as a Supplementary Planning Document;
- (3) The Strategy be accepted as a technical document to be weighed in the decision making process for the determination of development proposals; and
- (4) Approval of minor amendments to the draft Strategy which resulted from the wider consultation and the outcomes of the Action Plan as they were developed be delegated to the Executive Councillor for Sports, Parks and Leisure.

110. **Review and update of the Green Spaces Strategy and Policies**

Considered report previously circulated, concerning the draft Greenspaces Strategy and associated policies.

In 2004, the Council adopted its first Greenspaces Strategy. However, as this predated the publication of Planning Policy Guidance Note No 17 it contained no particular standards or policy statements.

One of the recommendations in the associated Action Plan was to review Local Plan policies concerning open spaces where standards and policies for open spaces were set out. However, with the emergence of the requirement for a Local Development Framework to replace the Local Plan, it was decided to postpone the review until it could be integrated into the new Framework.

The draft Strategy included a review of the current situation for greenspaces, their value and ability to deliver national and local policies, a detailed audit and assessment of potential for improvement and future provision levels.

The aim of the Strategy was to ensure that in twenty years time everyone in Taunton Deane had access to:-

- A high quality park, staffed in daylight hours, with features such as mature trees, ornamental planting, seating, clean toilets and a café;
- Good quality playing fields with decent changing rooms, providing for a variety of sports, games and exercises, with one high quality sporting centre within reach;
- Open, welcoming and well-managed natural green space, woodland or riverside, with protected wildlife habitats; and
- Children and young people should have easy access to well-kept, well-maintained, imaginative and challenging play facilities, from traditional equipped playgrounds to natural play spaces, wheels parks or games areas.

The objectives of the Strategy were outline in detail in the report and included:-

- The provision of a range of good quality parks and greenspaces, which played a significant role in meeting the needs of balanced and sustainable communities;
- The protection of green space from development where it was most needed;
- The identification of 'provision standards' for quality, quantity and access to green space, in order to:-
  - (1) Guide the Planners in assessing planning applications for development;
  - (2) Form the basis of developer contributions to open space in relation to new developments; and
  - (3) Clearly show to the public, the provision of green space that they should expect the Council to provide.
- The provision of evidence and a clear argument for more investment in green space;
- The identification of those areas where investment in green space was most needed; and
- Ensuring that there was equal access for people across the District to a range of different types of green space and visitor facilities.

A table was submitted that listed the standards of open space for each of the typologies that had been established, based on the audit and past consultation and national comparisons.

The total open space that the Council aimed to provide was 6.85 hectares per thousand people, which compared to 2.4 hectares in the current Local Plan.

**Resolved** that:-

- (1) The vision, aims, objectives, standards and policies of the draft Greenspaces Strategy be supported;
- (2) The Strategy be accepted as a technical document to be weighed in the decision making process for the determination of development proposals;
- (3) The draft Greenspaces Strategy be approved to go out to wider consultation which would enable it to be considered for adoption as a Supplementary Planning Document; and

(4) Approval of any alterations to the draft Strategy which resulted from the consultation and the outcomes of the Action Plan as they were developed be delegated to the Executive Councillor for Sports, Parks and Leisure.

#### 111. **Review and update of the Playing Pitches Strategy and Policies**

Considered report previously submitted, concerning the draft Playing Pitches Strategy and associated policies.

A Playing Pitch Strategy was needed to inform the development of the Local Development Framework and respond to the anticipated population growth in Taunton Deane.

The Council adopted its first Playing Pitches Strategy in 2003, which included an audit of local provision and assessed local needs. However, like the Greenspaces Strategy, no Standards were developed at that time and no policy statements were included in the Strategy.

The scope of the draft Playing Pitches Strategy included football, cricket, rugby and hockey. It included a review of the current situation, the Council's ability to deliver national and local policies, a detailed audit of quantity, quality and accessibility along with an assessment of potential for improvement and future provision levels.

The aims of the Strategy were to:-

- Improve the overall quality of playing fields and their ancillary facilities throughout Taunton Deane;
- Improve both participation and satisfaction levels;
- Achieve an accessible distribution of pitches; and
- Provide an adequate supply of pitches for all current and future projected increases in demand.

The objectives of the Strategy were to:-

- Protect playing pitches against development pressures and specifically residential proposals on land in, and around, urban areas;
- Identify pitch supply and demand issues in relation to predicted population changes;
- Address 'demand' pressures created as a result of specific sports development pressures;

- Ensure that the future supply and quality of pitches and ancillary facilities were sufficient to encourage an increase in participation rates; and
- Identify priority sites for development or improvement in relation to external funding opportunities.

The Standard developed from the audit of supply of pitches was reported, as were details of the draft policies which had been formulated based on the finding of the Strategy.

**Resolved** that:-

- (1) The vision, aims, objectives, standards and policies of the draft Playing Pitches Strategy be supported;
- (2) The Strategy be accepted as a technical document to be weighed in the decision making process for the determination of development proposals;
- (3) The draft Playing Pitches Strategy be approved to go out to wider consultation which would enable it to be considered for adoption as a Supplementary Planning Document; and
- (4) Approval of any alterations to the draft Strategy which resulted from the consultation and the outcomes of the Action Plan as they were developed be delegated to the Executive Councillor for Sports, Parks and Leisure.

## 112. **Development of an Allotments Strategy and Policy**

Considered report previously submitted, concerning the draft Allotments Strategy and Policy.

A Members Steering Group had been set up to complete the work on the Strategy. The Group had met five times and had worked to develop the Strategy, as well as proposing a policy, standards and an action plan.

Allotments were a statutory duty for the Council in the unparished area and of Parish Councils elsewhere. The planned building of 20,000 new dwellings meant that the Council had to consider the needs of its growing population and plan for the future.

Demand for allotment plots was growing across the country and the Council had both waiting lists and latent or 'hidden' demand.

The emerging Local Development Framework was an opportunity to actively allocate new land for allotments in the new urban extensions and through the community infrastructure levy to ensure improvements in existing allotment sites.

There was national and local policy that supported the role of allotments



aspiring to improve the local diet especially in deprived wards, increase the amount of food locally produced, reduce obesity and to increase physical activity levels.

Wide consultation had provided useful information which had helped with the development of the Strategy.

The proposed Vision for Allotments was that:-

“Everyone in Taunton Deane who wished to grow vegetables and fruit on an allotment should have the opportunity to do so at the earliest opportunity and within a reasonable distance of their home”.

This Vision had enabled a detailed Policy to be drafted which was submitted for consideration. The proposed standards for allotment provision were also reported together with the action plan.

**Resolved** that:-

- (1) The vision, aims, objectives, standards, policies and action plan of the draft Allotments Strategy be adopted;
- (2) The Strategy be accepted as a technical document to be weighed in the decision making process for the determination of development proposals;
- (3) The draft Allotments Strategy be approved to go out to wider consultation which would enable it to be considered for adoption as a Supplementary Planning Document; and
- (4) Approval of any alterations to the draft Strategy which resulted from the consultation and the outcomes of the Action Plan as they were developed be delegated to the Executive Councillor for Sports, Parks and Leisure.

#### 113. **Approval for Capital Spend on Play and Youth Facilities**

Submitted report previously circulated which sought approval of a capital spend of £562,240 on play and youth facilities projects in 2009/2010 and £142,495 in 2010/2011.

A number of parks projects had been in development over the last year or more which will continue the programme of play and youth facilities improvements identified in the Play and Greenspaces Strategies.

These projects were all funded by external grants and contributions and by money allocated in the Council's capital budgets for play and youth facilities.

Specifically the funding for the projects came from the following sources:-

1. The Council had a capital budget for play areas which currently provided £20,000 a year;

2. The policies in the Local Plan provided the opportunity to require house builders to give money to the Council through Section 106 Agreements for play and outdoor sports facilities in lieu of making provision themselves; and
3. Applications were made to external funders and supported community groups to do likewise in order to provide additional funds for play and youth facility provision and improvement.

Details of the projects now ready for tender in 2009/2010 and those likely to happen in 2010/2011 were set out in the report.

**Resolved** that:-

- (1) the list of proposed schemes outlined in the report be agreed;
- (2) an increase in the Capital Programme to reflect the agreed spending be approved; and
- (3) Full Council be recommended to approve this change to the Capital Programme.

#### 114. **Financial and Performance Monitoring – Quarter 2 2009/2010**

Considered report previously circulated, which provided an overview of service and financial performance for Taunton Deane Borough Council between 1 April and 30 September 2009.

Since the Quarter One details had been submitted, much progress had been made in resolving the problems within the SAP system. However, there continued to be problems with the DLO budget monitoring.

In respect of budget monitoring for the period April to September, the General Fund was showing a potential overspend of £220,000, a decrease of £79,000 from Quarter 1. The variations from the planned budget were reported and related to a reduction in income from Land Charges (£40,000), off street car parking (£60,000), Planning (£250,000), Investments (£13,000), recycling/refuse (£125,000), Housing Benefit Subsidy (£14,000), Taunton Market (£20,000) and Homelessness (£10,000). Possible underspends were reported on Concessionary Travel (£100,000), the 2009/2010 Pay Award (£120,000), Housing Benefit Administration Subsidy (£42,000), Electoral Registration (£5,000) and the Crematorium (£25,000).

The General Fund reserve was forecast to stand at around £1,580,000 at the end of 2009/2010. This took into account the supplementary estimate of £148,000 for the Core Council Review approved by Full Council in April 2009.

Budget monitoring of the Housing Revenue Account for April to September 2009 showed a potential underspend of £860,000. This was due to further

slippage in asbestos works due to compatibility with the Academy computer program and the replacement of fascias and soffits which had been delayed until 2010/2011.

The Housing Revenue Account Working Balance was forecast to stand at around £1,800,000 at the end of 2009/2010. This took into account the supplementary estimate of £13,400 for the Core Council Review and £20,000 approved for Tenant Empowerment.

Reported that no budget monitoring variance for either the General Fund or Housing Revenue Account Capital had been reported.

Further reported that the Corporate Strategy monitoring had identified that 65% of objectives were on course, 25% had actions pending to meet the Objectives and 10% were off course. The 'Corporate Health' performance indicators had identified that net collectable Council Tax debit, National Non Domestic Rate debit and Housing Rent were all off target as at the end of September 2009.

**Resolved** that the report be noted.

**115. Treasury Management Update 2009/2010 and Minimum Reserve Position for 2010/2011**

Submitted report previously circulated, on the Treasury activity of the Council in the first six months of the current financial year which focussed primarily on debt and investments.

The Council's Debt, as at 30 September 2009, stood at £15,000,000. £6,000,000 would be repaid to the Public Works Loans Board (PWLB) on maturity (£6m temporary borrowing). As the cost of borrowing at variable rates from the PWLB had fallen to below 1% the current plan was to replace the £6,000,000 maturing loan with a one year PWLB variable rate loan.

It was noted that the Bank of England base rate was currently at an all time low of 0.5% in response to the "credit crunch". The Bank's stance on interest rates had been driven by concerns over the very poor state of UK growth and it was anticipated that the rate would remain at 0.5% for at least the remainder of the financial year with forecasts showing that it might not start to increase until December 2010.

Reported that current outstanding investments amounted to £17,340,000, details of which were submitted. The average rate of interest achieved had been in the range of 6.28% - 0.25% which equated to approximately £102,000 in interest income.

Further reported that before the start of each financial year, the Council was required to determine the basis on which it would make provision from revenue for the repayment of borrowing undertaken for the purpose of financing capital expenditure. This annual provision, known as Minimum

Revenue Provision (MRP), was designed to ensure that authorities made prudent provision to cover the ongoing costs of their borrowing.

In 2008, the Government became less prescriptive offering Councils a number of options for calculating MRP.

For the financial year 2009/2010, the Council determined to calculate MRP as follows:-

- for supported borrowing, 4% on outstanding debt; and
- for unsupported borrowing, the debt associated with asset divided by the estimated useful life of the asset.

It was proposed that this should be retained for 2010/2011.

**Resolved** that:-

- (1) The Treasury Management position for the first six months of 2009/2010 be noted; and
- (2) Full Council be recommended to agree to the basis of calculating the Minimum Revenue Provision in 2008/2009 being retained for 2009/2010.

#### 116. **Fees and Charges 2010/2011**

Considered report previously circulated, which set out the proposed fees and charges for 2010/2011 for the following services:-

- Cemeteries and Crematorium – It was proposed to increase the main cremation fee by £14 to £550. It was estimated that this would generate additional income of £30,800. Other fees had been largely increased by 2.6% which would generate a further £5,000;
- Waste Services - For the emptying of garden waste bins, the fee was proposed to increase from £35 to £42.50 which would raise £60,000 of income;
- Land Charges - it was proposed to keep Land Charges fees the same as the current year. This was in line with Government expectations that the service should break even;
- Housing – It was proposed to increase all charges by 2.5%. It was estimated that this would generate additional income of £31,000. Council housing rents would be set early in 2010 when the Housing Subsidy had been determined by the Department for Communities and Local Government;
- Licensing – Many licensing fees were set nationally and much of the income derived resulted from these fees. However, where there was local flexibility to set an appropriate amount, the proposed increases

sought to ensure that Taunton Deane's costs in administering and enforcing such licenses were adequately met from the income received. Noted though that great care had to be taken to set an appropriate rate as many of the licensing fees and charges were delicately balanced. If rates went up too much, this could easily suppress the market and lead to an overall reduction in income. It could also encourage more illegal and therefore unregulated trading resulting in greater risks to public safety.

Noted that the fee for the renewal of Sex Shop Licenses had been substantially reduced for the reasons outlined in the report.

As a result, the maximum realistic revenue increase from Licensing, allowing for the reduction in Sex Shop fees, was estimated to be in the region of £2,215;

- The fees and charges relating to the Car Park Service would be subject to consideration by the Traffic Regulation Orders Panel in due course.

During the discussion of this item and despite the High Court previously deciding that Councils could only charge a fee for street trading which met the cost of issuing and administering the licences, Members again requested that a review of the Street Trading Licences Fees should be carried out with a view to increasing the fee.

**Resolved** that Full Council be recommended to approve the proposed fees and charges, for 2010/2011.

#### 117. **Savings Delivery Plans 2010/2011**

Considered report previously circulated, which provided up to date information relating to the anticipated budget gap and details of the proposed Savings Delivery Plans.

##### **(1) Medium Term Financial Plan (MTFP) Update**

The estimated budget gap reported to Corporate Scrutiny on 29 October 2009 was £1,377,930. Since then, the additional provision for street cleaning and litter clearing for Castle Green has been reviewed downwards, reducing the budget gap to £1,363,930.

##### **(2) Savings Targets and Delivery Plans**

Savings targets had been issued to Managers. Each saving has been considered for its "acceptability" in terms of both operational and public perception aspects.

Details of the draft General Fund Savings Delivery Plans were submitted. The Executive was minded to take all of the public Category 1 and 2 items identified in the Appendices and might consider some Category 3 items if

appropriate. The following table showed the impact on the current budget gap of these items.

	<b>Potential Savings £</b>	<b>Budget Gap £</b>
Budget Gap at 29 October (adjusted re: Castle Green cleansing and litter clearing)		<b>1,363,930</b>
Public Category 1 Items	(94,040)	
Public Category 2 Items	(48,550)	
Public Category 3 Items	(148,250)	
Total Savings Identified		(290,840)
Revised Budget Gap (assuming all savings are taken)		<b>1,073,090</b>

Noted that the potential savings from the transfer to Town and Parish Councils, or closure, of public conveniences, were not reflected in the figures above.

### **(3) Housing Revenue Account**

Although no formal target has been issued to the HRA, proposed savings of £20,000 had been identified.

During the discussion of this item, it was agreed that the views of the Corporate Scrutiny Committee needed to be taken into account before the Savings Plans could be approved.

**Resolved** that:-

- (a) the updated budget gap for 2010/2011 be noted; and
- (b) the proposed detailed Savings Delivery Plans be also noted.

#### **118. Executive Forward Plan**

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

**Resolved** that the Forward Plan be noted.

(The meeting ended at 7.18 p.m.)