

Executive – 10 November 2010

Present: Councillor Williams (Chairman)
Councillors Cavill, Mrs Court-Stenning, Edwards, Hall, Hayward,
Mrs Herbert and Mrs Lewin-Harris

Officers: Penny James (Chief Executive), Shirlene Adam (Strategic Director), Joy Wishlade (Strategic Director), Dan Webb (Client and Performance Lead), Fiona Gudge (Principal Accountant), Tracey Healy (Trainee Accountant), James Barrahan (Community Services Manager), Richard Sealy (Performance and Client Manager), Paul Harding (Performance and Client Lead), Mark Green (Project Taunton Project Manager) and Richard Bryant (Democratic Services Manager).

Also present: Councillors Henley, House, Mrs Stock-Williams, A Wedderkopp and Mrs Wilson

(The meeting commenced at 6.15 pm.)

103. Minutes

The minutes of the meeting of the Executive held on 13 October 2010, copies of which had been circulated, were taken as read and were signed.

104. Public Question Time

Councillor A Wedderkopp made reference to the update that had been circulated recently concerning the Sort It Plus Scheme which had now been rolled out across the whole of Taunton Deane. An in-year saving of £182,000 on the contract charges had been reported. He felt that this was due to good management by the previous Liberal Democrat administration. He now wanted to know whether the Conservatives regretted voting against the Sort It Plus Scheme?

In response, the Chairman (Councillor Williams) stated that the Conservatives had not voted against the scheme. They had wanted the scheme to be phased in over a two year period. This was, more or less, what had happened in practice.

105. Declaration of Interests

Councillor Mrs Court-Stenning declared a personal interest as an employee of Somerset County Council.

106. Financial and Performance Monitoring – Quarter 2 2010/2011

Considered report previously circulated, which provided an update on the financial position and performance of the Council to the end of Quarter 2 of the 2010/2011 financial year (as at 30 September 2010). Details on the progress of Equality Actions Plans, Equality Impact Assessments and the Corporate Equality Scheme were also reported.

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

Reported that a high level summary of successes and/or improvements in Quarter 2 included:-

- The General Fund Revenue showed a potential underspend of £299,000 (2.1%) against the budgeted net expenditure of £14,428,000. Much of this underspend (£250,000) related to savings from the revised Waste Collection and Recycling Contract;
- Council Tax and National Non-Domestic Rates debit collection rates were on course for the 2010/2011 target and the Quarter 2 results were an improvement on the same period last year;
- 99.8% of calls to the Customer Contact Centre were resolved at the first point of contact;
- The speed of processing Benefits claims (new and change of circumstances) were on course for the 2010/2011 target and an improvement on the same period last year;
- Three key Council projects were all reported as being on course (Housing Inspection Project, Core Council Review and Project Taunton); and
- Sundry Debts – The level of overdue debt owed to the Council fell by 34% between Quarter 1 and Quarter 2.

Further reported that areas either off course or where objectives were not being met included the Housing Revenue Account which was forecast for a £590,000 overspend for the year, procurement benefits which were behind the original forecast and complaints where only 56% had been responded to within the 10 day target time. Two further 'red alerts', due to the lack of data were Net additional homes provided and Ratio of Planned to Reactive Maintenance.

During the discussion of this item, the Chairman referred to the low number of "Net Additional Homes provided" as part of the Regeneration Corporate Aim. He asked whether the target ought to be reviewed taking into account the basis on which it had been set and whether the target was still current.

Resolved that:-

- (1) the report be noted; and
- (2) Full Council be recommended to approve a Budget Reduction of £250,000 in respect of the savings from the Waste Collection and Recycling Contract, with these funds being returned to the General Fund Reserves.

(Councillor Mrs Wilson, as an employee of Job Centre Plus, declared a personal interest during the consideration of the above item.)

107. **Housing Property Services Review**

Considered report previously circulated, concerning the review of Housing Property Services that had recently been undertaken.

An independent review by the consultants Turner and Townsend and advice from the Audit Commission had suggested that better separation between the Housing Property Services function and the DLO workforce should be provided.

Housing Property Services managed the Council's housing stock of 6,078 dwellings, as well as garages, meeting halls, shops, land and sewerage treatment works. The team also managed the repair, maintenance and improvement of 75 leasehold properties and the external repair and redecoration of 350 other leasehold properties.

The funding for this work was from two separate streams:-

- (1) **Capital** - Funded mainly improvement works and the Government's Decent Homes programme in the region of £4,500,000 to £5,000,000 per annum. The Council's stock now met the Decent Homes standard and, in accordance with tenants' wishes, Taunton Deane was now concentrating on a programme of bathroom refurbishment.
- (2) **Revenue** - Funded work mainly of a repair or maintenance nature in the region of £5,000,000 per annum – planned and responsive.

In addition, tasks performed by the team included Health and Safety issues, Asset Management database, Right to Buy and the sale of land. The current responsibilities of the services were detailed and included the repair and maintenance of Council housing assets, management of the Capital Investment Programme, gas servicing, electrical testing and smoke alarms, asbestos inspections and satisfaction monitoring.

These specific functions would involve activities for which a range of additional skills would be required in the new service. These would include the assessment of current stock conditions, future planning for asset developments, specifying works and standards, tendering for work and monitoring contracts.

Historical budgets and staffing cuts in the Housing Revenue Account had led to a closer working relationship between the Housing Property Services function and the DLO workforce. Whilst this had allowed the service to continue and had derived some benefits, the consultants had recommended that the Asset Management function should be separated and placed within a client function role. The Audit Commission had expressed concern about the need for the Council to demonstrate clear value for money and improving performance.

The review had been run in parallel with the wider DLO review and emerging issues had been discussed with the Housing Manager (Property Services) and the Strategic Director. Proposals primarily focussed on a new staffing structure for the service, but there were a number of other issues that needed to be addressed or required further investigation. Operational and service delivery issues would be included in an Action Plan.

The proposals were as follows:-

- (a) The Housing Property Service should be included in the Community Services Theme, which would allow it to work alongside the rest of the Housing Service and achieve the desired separation from the DLO;
- (b) Service Management – The Community Services Business Lead would assume responsibility for the support and office based staff in the current structure and the technical side of the structure would be managed by the Housing Manager (Property) and the Property Manager. Their roles would remain largely unchanged but with slightly different reporting lines. This would be a temporary arrangement as these posts would be subject to further review at a later date;
- (c) Surveying Team - The current structure included specific posts and roles. The new structure outlined a new Surveying Team which would incorporate the Clerk of Works posts and a Senior Assistant Quantity Surveyor. The remainder of the team would comprise four new posts of Building Surveyor;
- (d) Void Property Inspections – In future it was proposed that all the property aspects of the void property would be the responsibility of the Property Services Team, with the lettings and former tenants aspects being the responsibility of the Rents Recovery and Voids team;
- (e) Leasehold and Right to Buy – It was proposed that the work in relation to managing leasehold property accounts and administering right to buy requests should be transferred to the Rents Recovery and Voids Team;
- (f) Gas Safety – The Council's performance in complying with rigorous standards for gas inspections and appliance servicing had significantly improved in recent months. Much of the work towards this had been undertaken by a Technical Administrative Assistant who had developed a specialism in this particular area. It was proposed to re-name the post as Gas Safety Officer; and
- (g) Business Support - The Community Services Business Support Lead would assume responsibility for the support and office based staff in the current structure. The team would be increased to provide call centre cover and support for staff with the creation of a Housing Property Services Support Supervisor. A new post of Finance and Performance Officer would be created to monitor and process financial transactions for the team.

The proposals were intended to meet the objectives of the review and lead to a better service to tenants. Examples of the anticipated benefits included the following:-

- Streamlined arrangements in the void property process that aimed to improve the Council's performance on re-let times;
- Better capacity in the service to monitor performance and value for money on behalf of tenants and the Housing Revenue Account;
- Better capacity to check and challenge work undertaken on behalf of tenants to ensure value for money for tenants and high quality work on their homes.

- Improved efficiency by less reliance on external consultancy services for some specialist technical tasks;
- Building a more permanent workforce by addressing the many vacant posts and agency staff in the current structure; and
- Better co-ordination of Housing operational matters by the whole service being part of the same theme.

The Community Service Manager, James Barra, updated Members on the consultations that had taken place with the Staff Group and Unison in connection with the review. No revisions to the proposals were required as a result of these consultations.

Resolved that the proposals contained in the report relating to the Housing Property Services Review be approved.

108. **Delegation of Southwest One Shareholder powers in relation to new business/partners**

Considered report previously circulated, concerning the proposed delegation of part of the responsibilities held by Full Council as the Authority's "Shareholder" in Southwest One.

The intention with the Southwest One Partnership had always been to expand it beyond the original founding partners to include other public authorities within the South-West region. Although no further partners had joined to date, the current economic climate was likely to result in many authorities looking for quick and innovative solutions to deliver savings.

The ability to win new business could require Southwest One to make quick decisions and/or to consider taking on business from outside of the region.

Taunton Deane, as a shareholder in Southwest One, would play a key part in the decision making process. Consequently there was a need to ensure that the Council could quickly turn around any decisions which needed to be made.

The contract with Southwest One provided for certain 'Reserved Matters', which could not be changed without the agreement of all of the shareholders. These included the extension of the business outside the South-West of England or to enter any material new contract.

Full Council was the shareholder for the Council and currently a decision by it would be required in respect of every new joiner to the partnership, whether from within the South-West or from outside of the region. The deadlines for making such decisions were likely to be tight and largely outside of Taunton Deane's or Southwest One's control.

It was felt that this requirement could delay decisions and result in the loss of potential partners.

It was therefore recommended that the authority to make all decisions as to the entering of any new material contracts and/or extending the business outside of the region should be delegated by Full Council to the Group Leaders who would be advised by the Section 151 Officer, the Solicitor to the Council and the Chief Executive, or their nominated deputies.

The approach suggested, was consistent with the other partners who already had a system of delegated responsibility in place.

Reported that this item had been considered by the Corporate Scrutiny Committee on 21 October 2010. Whilst the importance of pursuing new business was recognised, the Committee was concerned that the group detailed above might not be able to make a unanimous decision, in which case, a meeting of Full Council would need to be convened.

Members believed that a meeting of Full Council could be convened at relatively short notice and were therefore reluctant to dilute its current powers.

The recommendation by the Corporate Scrutiny Committee was for Full Council to remain as the shareholder.

Despite these views, the Executive considered that the proposed delegation should be supported.

Resolved that Full Council be recommended to approve the scheme of delegation set out above.

109. **Irrecoverable Sundry Debts**

Considered report previously circulated, concerning the proposed write-off of two sundry debt accounts with a combined value of £134,049.41.

Sundry debtors (invoices) were issued by a number of sections within the Council and were used to collect income for a variety of Council services.

In accordance with good financial management principles the Council had made a provision for bad debts. This provision recognised that a proportion of the authority's debts would prove irrecoverable. Common reasons for write-off included the inability to trace the debtor, debtor insolvency or where a debtor had died with an insufficient estate.

The Council's Financial Regulations required that irrecoverable sundry debts, with an individual value over £10,000, should be submitted to the Executive for approval.

Reported that the following two sundry debts were deemed to be irrecoverable and were recommended for write off for the reasons stated:-

| Invoice | Dated | Value | Income type | Reason for Write-off |
|----------------|--------------|----------------------------|------------------------|---------------------------------|
| 60003103 | 8/1/2009 | £107,604 (net of | Leisure and recreation | Administration – no prospect of |

| | | | | |
|--|--|-----------|-----------------------------------------------------------------------------------------------------|-----------|
| | | payments) | contribution – Section 106 agreement relating to land now known as Northfield Court. | dividend. |
|--|--|-----------|-----------------------------------------------------------------------------------------------------|-----------|

| Invoice | Dated | Value | Income type | Reason for Write-off |
|----------|----------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 60003112 | 5/1/2007 | £26,445.41 (net of payments) | Leisure and recreation contribution – Section 106 Agreement relating to land now known as Thomas Moore Court. | Administration – no prospect of dividend. |

The developer was placed in administration on 1 March 2010, after the completion of the respective developments. The Administrator's report made it clear that there was no prospect of unsecured creditors, like the Council, receiving payment.

During the discussion of this item, Members asked whether there was anything further that could be done to ensure agreed contributions from either Section 106 Agreements or Section 278 (highway) Agreements were ultimately received by the Council.

Resolved that:-

- (1) the write-off of the two debts detailed above be approved; and
- (2) the Performance and Client Lead be requested to consider the current means of securing Section 106 and Section 278 Agreement contributions with a view to minimising any risk of non-receipt in the future.

110. **Firepool, Taunton – Acquisition of remaining Third Party Interests**

Considered report previously circulated, concerning the acquisition of remaining third party interests for the proposed development of Firepool, Taunton.

The Council had been working with its appointed partner, St Modwen Developments Limited, to bring forward the planned development of the Firepool site. Master and phasing plans had been produced and good progress had been made with the acquisition by negotiation of any required third party interests.

The Priory Bridge Road Car Park was the agreed first phase of development. Planning permission had been granted for both the necessary public realm works and for the associated first phase of built development and its related infrastructure.

Although the Council now owned almost all of the site of the planned first phase, there remained various interests which required to be either acquired or overridden.

Progress with the planned first phase of development had now reached such an advanced and certain stage that it was felt appropriate to seek a formal resolution to proceed with the making of a Compulsory Purchase Order (CPO).

Noted that there were two residential properties within the "CPO Land" - 92 and 94 Priory Bridge Road, Taunton (although 94 was currently the subject of a business tenancy). The remaining land was within the Council's freehold ownership and was subject to any existing third party rights.

There were powers contained in Section 237 of the Town and Country Planning Act 1990 to prevent such rights being a bar to development where land had been appropriated for planning purposes. In this respect the Executive was recommended to appropriate the land for planning purposes under Section 122 of the Local Government Act 1972, in order to assist with delivery and to allow utilisation of Section 237.

Further reported that negotiations with the owners and/or any beneficiaries of the affected interests would continue in parallel with the CPO making process and every effort would be made to ensure that all matters were resolved by agreement.

The Corporate Scrutiny Committee had previously considered this matter and had supported the course of action set out in the report.

Resolved that:-

(a) Full Council be recommended to agree:-

(1) To the making of a Compulsory Purchase Order Under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended) in respect of the land edged by a bold, black line at Priory Bridge Road Car Park, Taunton indicated on the plan attached to this report as Appendix 1.

(2) To authorise the Chief Executive and the Solicitor to the Council to:-

- (i) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
- (ii) approve agreements with landowners to secure the withdrawal of objections to the Compulsory Purchase Order, including where appropriate seeking exclusion of land from the Order;
- (iii) negotiate and agree terms for the acquisition by agreement of any of the outstanding land interests detailed in the report;

(iv) make any necessary payments of compensation (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to acquisition/overriding of properties/interests; and

(v) dispose of the land interests acquired either voluntarily or by way of the Compulsory Purchase Order to St Modwen Developments Limited in accordance with the Development Agreement dated 15 April 2009 and made between the Council, St Modwen Properties plc and St Modwen Developments Limited.

(b) the land edged by a bold, black line on the plan at Appendix 1 be appropriated for planning purposes under Section 122 of the Local Government Act 1972.

111. **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 7.13 pm.)