

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 19 July 2011 at 6.30 pm.

Present The Mayor (Councillor Brooks)
 The Deputy Mayor (Councillor Hall)
 Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Beaven, Bishop,
 Bowrah, Cavill, Coles, Denington, D Durdan, Miss Durdan, Edwards,
 Farbahi, Mrs Floyd, Gaines, A Govier, Mrs Govier, Hayward, Henley,
 Mrs Herbert, C Hill, Mrs Hill, Horsley, Hunt, Miss James, R Lees,
 Mrs Lees, Ms Lisgo, Meikle, Mrs Messenger, Morrell, Mullins, Nottrodt,
 Prior-Sankey, D Reed, Mrs Reed, G Slattery, T Slattery, Mrs Smith,
 Mrs Stock-Williams, Stone, Swaine, Tooze, Mrs Warmington, Watson,
 Mrs Waymouth, A Wedderkopp, D Wedderkopp, Williams and Wren

Also present : Mrs Anne Elder, Chairman of the Standards Committee.

1. Prayer

The meeting was opened with a prayer offered by the Mayor's Chaplain, The Reverend David Fayle.

2. Minutes

The minutes of the meeting of Taunton Deane Borough Council held on 15 June 2011, copies having been sent to each Member, were signed by the Mayor.

3. Apologies

Councillors Ms Palmer, Ross, P Smith and Ms Webber.

4. Communications

With the consent of The Mayor, Councillor Morrell reported that he was planning to undertake a parachute jump towards the end of the month in aid of the charity, the Somerset Accident Voluntary Emergency Service.

He asked Members if they would consider sponsoring his fund raising jump.

5. Declarations of Interest

Councillors Brooks, A Govier, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Henley declared personal interests both as a Member of the Somerset County Council and as an employee of Job Centre Plus. Councillors Mrs Hill, Mrs Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Slattery declared a

personal interest as an employee of Sedgemoor District Council. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Hayward declared a personal interest as one of the Council's representatives on the Somerset Waste Board. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Watson declared a personal interest as the alternate Director of Southwest One. Councillors D Durdan and Stone declared personal interests as Tone Leisure Board representatives. Councillor Swaine, as a part-time swimming instructor at St James Street Pool, declared a personal interest. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Councillor Ms Lisgo declared a personal interest as Chief Executive of Age UK (Somerset) Limited.

6. **Public Question Time**

(1) Mr Paul Partington stated he had written to the Council towards the end of May about the fly-tipping of various items on land adjacent to the Kingston Stream on the north side of 28 Grange Walk, Taunton and waste ground south of 97 and 99 Wedlands.

Following an exchange of correspondence, it had been established that the land was maintained by the Parks Department and that Environmental Health had referred the matter to Parks to resolve. Unfortunately, the fly-tipped items were still present on the land.

Mr Partington asked:-

- (a) What was the policy of Taunton Deane Borough Council of removing material dumped on Council owned land?
- (b) What was a reasonable time period to expect Taunton Deane to remove fly-tipping from publicly owned land?
- (c) Did Taunton Deane accept that if fly-tipping remained and land was not kept tidy it was likely to attract further tipping?

In response Councillor Hayward reported that he would have expected the fly-tipping to have been removed by now. He promised to investigate the matter and would let Mr Partington know when the land had been cleared.

(2) Mrs Janet Lloyd asked why the grass had not been cut recently at Junction 25 of the Motorway and along Toneway?

Councillor Mrs Herbert reported that the Somerset County Council had recently reviewed health and safety procedures and had come to the conclusion that Deane DLO could no longer cut grass alongside Toneway, which was a 50 mph road, without an appropriate rolling road closure and safety barriers.

As this would make cutting the grass at this location more expensive than the County Council were prepared to pay, discussions were continuing as to how this matter could be resolved.

Councillor Williams added that the cutting of grass at Junction 25 was the responsibility of the Highways Agency.

7. Receipt of a Petition

Councillor A Govier submitted a petition signed by over 20 residents of Oaken Ground, Rockwell Green, Wellington about anti-social behaviour which was occurring in the area.

Councillor Mrs Adkins briefly updated Members of the issue which had already been reported to the Housing Department and the action which would be taken to solve local concerns.

8. Motion – Opening hours at the Household Waste Recycling Centres

Moved by Councillor Henley, seconded by Councillor T Slattery.

This Council now acknowledged that the reduction in opening hours at Poole (Wellington) and Priorswood (Taunton) Household Waste Recycling Centres was a mistake and that the cut in opening hours had led to widespread fly-tipping both outside these centres and on private land as well. It had also led to a huge drop in numbers in residents visiting these centres.

This Council called upon the Somerset Waste Partnership at its next meeting to reopen the recycling centres on Sunday afternoons and to increase the number of opening hours on weekdays as well.

The mover and seconder of the motion requested that a formal roll call of votes be taken and recorded in the Minutes in accordance with Standing Order 18(2).

The motion was put and was tied with twenty six Councillors voting in favour of the motion and twenty six Councillors voting against, as follows:-

Yes

Councillor Mrs Baker
Councillor Brooks
Councillor Coles
Councillor Farbahi
Councillor Mrs Floyd
Councillor Gaines
Councillor A Govier
Councillor Mrs Govier
Councillor Henley
Councillor Mrs Hill
Councillor Horsley
Councillor Miss James
Councillor R Lees
Councillor Mrs Lees

No

Councillor Mrs Adkins
Councillor Mrs Allgrove
Councillor Beaven
Councillor Bishop
Councillor Bowrah
Councillor Denington
Councillor D Durdan
Councillor Ms Durdan
Councillor Edwards
Councillor Hall
Councillor Hayward
Councillor Mrs Herbert
Councillor C Hill
Councillor Hunt

Councillor Ms Lisgo
Councillor Mrs Messenger
Councillor Mullins
Councillor Prior-Sankey
Councillor G Slattery
Councillor T Slattery
Councillor Mrs Smith
Councillor Stone
Councillor Swaine
Councillor Tooze
Councillor A Wedderkopp
Councillor D Wedderkopp

Councillor Meikle
Councillor Morrell
Councillor Nottrodt
Councillor Ms Palmer
Councillor D Reed
Councillor Mrs Reed
Councillor Mrs Stock-Williams
Councillor Mrs Warmington
Councillor Watson
Councillor Mrs Waymouth
Councillor Williams
Councillor Wren

The motion was carried by way of The Mayor exercising his casting vote.

9. Written Question to Member of the Executive

Councillor Morrell asked the following questions:-

“Members will have been aware for some time of my concerns relating to particular projects and partnerships for which this Council is involved. It is with some trepidation that I rise to state that I have lost confidence in how elements of Local Government operates, including certain key partners.

My loss of confidence emulates from the opaque approach and insult to democracy due to a culture not to disclose to elected Members key issues and details affecting our community. In addition, I am concerned that we are directed and brainwashed into spending more time about processes rather than tangible outcomes.

The basis of what I say tonight forms part of a letter to the Eric Pickles, Secretary of State for Communities and Local Government.

Examples of the concern to which I refer include, but are not exclusive to: Castle Green, the cost of Project Taunton, failure to be informed of the need to purchase, and then not purchase, a capital asset, Somerset Square, our flawed planning system and the Audit Commission.

Although I am unable at this meeting to ask questions to public servants direct due to our scrutiny system, my questions are therefore for consideration of the whole Council and not just the Leader:-

- (1) Why will officers not allow Members to scrutinise detailed costings relating to the multi-million pound Castle Green project? and
- (2) When will Members have the opportunity to scrutinize the £17 million Project Taunton project, including expenditure, the relevant senior officers and advisors involved?”

As far as Councillor Morrell’s first question was concerned, Councillor

Williams stated that Members could ask for any information they wanted concerning the costs at Castle Green. The process had been as follows:-

(a) 14 July 2010 - Report to the Executive on the use of Growth Points funding including Castle Green. Councillor Morrell, according to the Minutes, was present at this meeting. At that time the Council was uncertain of receiving the 2010/2011 capital funding so it was a report that dealt with that situation and a restricted scheme at Castle Green. However, it also suggested that should the 2010/2011 Growth Points capital money be made available the full scheme should go ahead and that this could be authorised by the Leader and the Leader of the Opposition.

(b) August 2010 - We heard from the Department of Communities and Local Government that we would receive the £2,248,000 for 2010/2011 and that this had the final approval of the Minister.

(c) 19 August 2010 - This was reported to the Project Taunton Steering Group. The Steering Group approved the spending plan including the Castle Green scheme.

(d) 2 September 2010 – A decision by the Leader was then published in the Weekly Bulletin stating that the full scheme at Castle Green that had full planning permission would be implemented and that it would be funded from Growth Points. This decision was not called in.

(e) The procurement of a contractor was undertaken according to procurement rules. Our own Quantity Surveyor drew up a costed tender for use as a benchmark for the evaluation process. This was refused to Councillor Morrell in his Freedom of Information (FOI) request on legal advice that this would potentially undermine the procurement process. Once the contract has been signed it would be available confidentially. The detailed specification for the works that was sent out to the tendering companies was given to Councillor Morrell as part of his FOI request.

(f) 31 January 2011 - Tenders were opened in the presence of the Legal and Democratic Services Manager, Tonya Meers, and Councillor Cavill in accordance with procurement procedures.

(g) The initial results of the tenders were shared with the Members of the Project Taunton Steering Group on 10 February 2011 and then the final report went to the Project Taunton Steering Group on 21 March 2011. This was available to Members if they wished to examine it, though it was deemed commercially confidential. The successful tender came within the budget set for the Castle Green works.

(h) Negotiations on phasing and final contract price were continuing with the preferred bidder. No contract had been signed.

With regard to Councillor Morrell's second question, it was up to Members to scrutinise what they wanted, when they wanted – the Scrutiny process allowed for Members to put what they wished on the agenda. Councillor Morrell did request a full breakdown of capital and revenue costs on Project Taunton, which was sent to him on 1 June 2011 and there had been no further

requests or questions since he received this information. The question about scrutiny of officers is something that should happen at a managerial level through the Chief Executive. If Members had concerns about any officer, they should be raised with the Chief Executive in the first instance.

Councillor Williams added that he had full confidence in the officers involved in the processes.

10. **Recommendations to Council from the Executive**

(i) Windfall Value Added Tax (VAT) Receipt

A national claim had been made to HM Revenue and Customs on the basis that the United Kingdom had interpreted the European VAT Regulations incorrectly in respect of tuition fees at Leisure Centres.

The claim had recently been upheld and, as a result, overpaid VAT amounting to £577,364.23 had been recovered.

This receipt is a one off receipt which had been accounted for in 2010/2011 and could not be used in respect of ongoing budget issues.

On the motion of Councillor Mrs Stock-Williams it was

Resolved that the transfer of the one off receipt of £577,364.23 to the General Fund Reserves in 2010/2011 be approved.

(ii) 2010/2011 Budget Outturn Report

The Executive had recently received a detailed report on the outturn position of the Council on revenue and capital expenditure for the General Fund, Housing Revenue Account and trading services for 2010/2011.

A number of issues including the continuing economic climate and the recession in the United Kingdom, last year's Emergency Budget and the continued work on management and collection of debt and the affect of historic debt no longer considered collectable, had impacted on Taunton Deane's overall financial position.

Despite these challenges the Council had been in a position to improve the General Reserves position. There had also been significant items of 'good news' in the form of a VAT Refund windfall, cost efficiency savings arising from the continued roll out of Sort It Plus and surplus earmarked reserves which had been returned to General Reserves.

A summary of the 2010/2011 outturn and reserves position for both General Fund (GF) and Housing Revenue Account (HRA) services was as follows:-

- (1) The Provisional GF Revenue Outturn was an underspend of £492,000 against the Final Budget for the year. This included a transfer to General

Fund Reserves of £1,110,000 and, combined with the underspend, the General Fund Reserves as at 31 March 2011 stood at £3,166,000 (subject to audit);

- (2) The GF Capital Programme total expenditure amounted to £4,884,000, which was £2,146,000 below the total budget for the year. Taking into account slippage of project expenditure of £2,179,000, the 'real' position was a small overspend of just £33,000;
- (3) The HRA Outturn had resulted in an overspend on final budget of £758,000. This was largely due to negative subsidy being much higher than budgeted. The final budget included a transfer from working balances of £296,000 and, combined with the overspend, the HRA Reserves position carried forward into 2011/2012 was a credit balance of £1,593,000 (subject to audit);
- (4) HRA Capital Programme total expenditure totalled £6,653,000 relating largely to the Council's continued investment in maintaining the Decent Homes standard of the housing stock. This outturn resulted in an overspend against the HRA Capital Programme budget of £195,000, which had been funded from Earmarked Capital Reserves;
- (5) The Deane DLO had reported an overall trading surplus of £74,895. The budgeted contribution of £73,500 had been made to the GF with the residual balance being transferred to the Trading Account Reserve which now stood at £570,000; and
- (6) The Deane Helpline had made a net deficit of £120,000 which was an overspend of £98,000 against the Final Budget. This was higher than previously anticipated largely due to support service recharges being above the original budget.

There were several matters which required the approval of Full Council to formally transfer or carry forward funding within the respective budgets.

On the motion of Councillor Williams, it was

Resolved that:-

- (i) the transfer of the net underspend on the General Fund Revenue Account to General Fund Reserves and the transfer of the net overspend on the Housing Revenue Account to HRA Working Balance Reserves be approved;
- (ii) the net transfer of £431,000 from earmarked reserves for use on General Fund services and capital financing and £956,000 from earmarked reserves for use on Housing Revenue Account services and capital financing, as set out in the detailed report to the Executive, be approved; and
- (iii) the Carry Forward of the General Fund Capital Programme Budget

totalling £2,179,000 for slippage into 2011/2012, as set out in the detailed report to the Executive, be also approved.

11. **Reports of the Leader of the Council and Executive Councillors**

The following reports were made to the Council on the main items of current and future business.

(i) **Leader of the Council (Councillor Williams)**

Councillor Williams's report covered the following topics:-

- First scheduled Full Council of the new Quadrennium;
- Challenges facing the Council;
- Local Government Association Conference;
- Meeting with British Telecom and Openreach;
- Diplomats' Visit;
- Longrun Meadow, Taunton;
- EDF Meeting;
- Third Way and Northern Inner Distributor Road;
- Taunton and Somerset Show;
- Glastonbury Festival.

(ii) **Economic Development, Asset Management, Arts and Tourism (Councillor Cavill)**

The report from Councillor Cavill covered:-

- Keeping Members informed;
- Stimulating Business Growth and Investment;
- Ensuring a Skilled and Entrepreneurial Workforce;
- Creating an Attractive Business Environment;
- Taunton Tourist Information, Ticket and Travel Centre;
- Project Taunton.

(iii) **Environmental Services (Councillor Hayward)**

The report from Councillor Hayward drew attention to developments in the following areas:-

- Environmental Health Teams;
- Crematorium;
- Climate Change / Carbon Management;
- Waste Management.

(iv) **Sports, Parks and Leisure (Councillor Mrs Herbert)**

The report from Councillor Mrs Herbert dealt with activities taking place

in the following areas:-

- Britain in Bloom judging;
- Parks;
- Community Leisure and Play;
- Tone (Taunton Deane) Limited Activities.

(v) **Housing Services (Councillor Mrs Adkins)**

Councillor Mrs Adkins submitted her report which drew attention to the following:-

- The proposed sale of the Somerset County Council Gypsy and Traveller Site at Otterford;
- Housing Property Services;
- Regeneration of Halcon, Taunton;
- Estate Team and Anti-Social Behaviour;
- Somerset West Private Sector Housing Partnership
- Self Financing.

(vi) **Corporate Resources (Councillor Mrs Stock-Williams)**

The report from Councillor Mrs Stock-Williams provided information on the following areas within his portfolio:-

- Customer Contact Centre;
- Legal and Democratic Services;
- Performance and Client Team;
- Revenues and Benefits;
- Southwest One.

(vii) **Planning and Transportation and Communications (Councillor Edwards)**

The report from Councillor Edwards provided information on the following areas within his portfolio:-

- Core Strategy;
- Affordable Housing Supplementary Planning Document;
- Community Infrastructure Levy;
- Strategy Unit Forward Plan;
- Planning Review;
- Deregulation of Planning Fees;
- Heritage;
- Parking Strategy Review;
- Communications.

(viii) **Community Leadership (Councillor Mrs Warmington)**

Councillor Mrs Warmington presented the Community Leadership report which focused on the following areas within that portfolio:-

- Affordable Housing Event;
- Supported Housing Forum;
- Community Radio;
- Core Strategy;
- Voluntary and Community Sector Funding;
- The Police Reform and Social Responsibility Bill;
- Changes to Public Health Arrangements;
- Taunton Deane Partnership.

(Councillor Gaines, as a Director of Ten Radio, declared a personal interest during the discussion of Mrs Warmington's report.)

(Councillors Horsley, D Wedderkopp, Bowrah, D Reed, Bishop, Mrs Waymouth and Wren left the meeting at 8.22 pm, 9.05 pm, 9.12 pm, 9.24 pm, 9.25 pm, 9.37 pm and 9.42 pm respectively. Councillors D Durdan and Miss Durdan both left the meeting at 8.55 pm. Councillors Mrs Hill, Mrs Messenger and Swaine all left the meeting at 9.31 pm. Councillors A Govier and Mrs Govier both left the meeting at 9.35 pm.)

(The meeting ended at 9.47 pm.)