

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 17 July 2012 at 6.30 pm.

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

1. **Minutes**

The minutes of the Annual meeting of Taunton Deane Borough Council held on 10 May 2012, copies having been sent to each Member, were signed by the Mayor.

2. **Apologies**

Councillors Bowrah, D Durdan, Edwards and Mrs Hill.

3. **Communications**

The Mayor reported that at a number of recent Civic Services he had attended, Councillors had been asked to re-affirm their commitment to work for the communities they represented as part of the service.

He was keen to include this within Taunton Deane's forthcoming Civic Service and sought approval from Councillors for its inclusion. This was agreed.

4. **Declaration of Interests**

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 Smith and Stone declared personal interests as employees of Somerset County Council. Councillor Wren declared personal interests as an employee of Natural England and as Clerk to Milverton Parish Council. Councillors 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 Stone declared a prejudicial interest as a Tone Leisure Board representative. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Swaine, declared a personal interest as a part-time

swimming instructor. Councillor Mullins declared a personal interest as EDF Energy at Hinkley Point was his employer. Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College and as a local resident of the Currymoor/Haymoor Area (Agenda item No.7 refers).

5. **Public Question Time**

Messrs. Tyler and Hebditch both referred to the serious flooding that took place during April on Currymoor and Haymoor, in the North Curry and Stoke St Gregory Wards.

In the past, such flooding had occurred during the winter months which after a short time had been pumped off the fields to allow the land to dry out and allow normal agricultural practices to continue.

With the rainfall occurring as it did, there had been problems pumping the water off the land. Some areas had been underwater for almost two months and, as a consequence, farmers were experiencing real difficulties with the long term ruination of their land.

It was accepted that the land was within a flood plain, but it was certainly not intended to act as a reservoir. There were real fears that the major development of land at Monkton Heathfield over the next few years would exacerbate the flooding issue even further. It was possible that both the towns of Taunton and Bridgwater could easily suffer flooding if the rainfall experienced during April was repeated at a time Currymoor and Haymoor were already saturated.

Messrs. Tyler and Hebditch asked the Council for its support in trying to persuade the Environment Agency to investigate a long-term solution to this issue.

Councillor Bradford of Sedgemoor District Council hoped this issue could be moved forward promptly involving all relevant parties. He thanked Councillors Gill Slattery and Phil Stone for the moral support they had provided to those affected by the flooding.

6. **Motion – Flooding on Currymoor and Haymoor**

Before the motion was put and discussed, Councillors Gill Slattery and Phil Stone made a presentation to the Council as to the situation that existed on Currymoor and Haymoor. A number of photographs of the condition of the land in the area were shown together with a plan offering a further route some of the flood water could perhaps be encouraged to follow away from the two moors.

Moved by Councillor Gill Slattery and seconded by Councillor Stone.

Taunton Deane Borough Council wished to recognise the catastrophic events on Currymoor and Haymoor on the Somerset levels since the exceptional April rainfall, and to demonstrate its support to the farmers and growers who

had been affected by the loss of not only their summer pastures but also their ability to make hay and silage for next winter.

We urge our Strategic Planners in conjunction with the Environment Agency to mitigate flooding and enhance flood management by examining more critically the terms and conditions of planning consents for development throughout Taunton Deane and, where necessary, add further measures to incorporate above the usual guidelines to help in avoiding such occurrences in the future.

The Corporate Scrutiny Committee was advised recently of an underspend on the flood budget for Taunton. It was therefore proposed that £10,000 of that was set aside should a permanent scheme be proposed when the study on the latest flooding was reported on 25 September 2012 and provided to help to fund such a permanent scheme (This would not be for regular river maintenance).

Full Council was therefore requested:-

- (1) to approve a Supplementary Estimate from the General Fund Reserves of £10,000 to support a permanent flood alleviation scheme on Currymoor and Haymoor;
- (2) to maintain pressure on the Environment Agency to come forward with proposals for a permanent solution to the flooding issue; and
- (3) to agree that details of a permanent scheme would be shared with Scrutiny before the Council's payment was made.

The motion was put and was carried.

7. The Localism Act 2011 – The Amended Standards Regime

The Localism Act 2011 had made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The long awaited regulations had now been issued and the Council needed to approve various aspects of the regulations in order to comply with the legislation.

A report describing the changes in detail had recently been considered by the Corporate Governance Committee which had recommended the actions required for the Council to implement the new regime.

The Council would remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and the arrangements that the Council put in place would provide evidence of compliance with that duty.

On the motion of Councillor D Reed, it was

Resolved that:-

- (1) The proposed Code of Conduct annexed to these Minutes at Appendix 1 be adopted;
- (2) A Standards Committee comprising of five (5) elected Members, (voting), two (2) independent co-optees, (non-voting), and 2 parish representatives, (non-voting) be appointed;
- (3) One Independent person and one Reserve be appointed to undertake the functions set out in the report submitted to the Corporate Governance Committee;
- (4) The Independent Person be paid an annual allowance the equivalent of the Chairman of the existing Standards Committee until 30 June 2013;
- (5) Three Members of the Corporate Governance Committee and the Monitoring Officer be given delegated authority to undertake the interviews and recruitment of the Independent Person and Reserve;
- (6) The Reserve Independent Person be able to claim any relevant expenses;
- (7) The Monitoring Officer be required to:-
 - (a) prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it was available for inspection as required by the Act;
 - (b) ensure that all Members were informed of their duty to register interests;
 - (c) prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that both were available for inspection as required by the Act; and
 - (d) arrange to inform and train Parish Clerks on the new registration arrangements;
- (8) It be agreed that the power to grant dispensations be delegated as set out below:-
 - (a) on the Grounds set out in Paragraph 9 (i) and (iv) of the report submitted to the Corporate Governance Committee to the Monitoring Officer with an appeal to the Standards Committee, and
 - (b) on Grounds set out in Paragraph 9 (ii), (iii) and (v) of the report submitted to the Corporate Governance Committee to the Standards Committee, after consultation with the Independent Person;
- (9) The arrangements set out in Appendix 2 to these Minutes be adopted and

that:-

- (a) The Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) The Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merited formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that officer be given discretion to refer decisions on investigation to the Standards Committee where it was deemed inappropriate for the Monitoring Officer to take the decision, and to report quarterly to the Standards Committee on the discharge of this function;
- (c) Where the investigation found no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the Member concerned, the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation found evidence of a failure to comply with the Code of Conduct the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution was not appropriate or not possible, the Monitoring Officer would report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- (e) Full Council delegated to a Hearings Panels such of its powers as could be delegated to take decisions in respect of a Member who was found on hearing to have failed to comply with the Code of Conduct, such actions to include:–
 - Reporting its findings to Council [*or to the Parish Council*] for information;
 - Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities;

- Instructing the Monitoring Officer to *[or recommending that the Parish Council]* arrange training for the Member;
- Removing *[or recommending to the Parish Council that the Member be removed]* from all outside appointments to which he/she had been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdrawing *[or recommending to the Parish Council that it withdrew]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Excluding *[or recommending that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; and

(10) The changes to the Constitution as set out in Appendix 3 to these Minutes be agreed.

8. Recommendations to Council from the Executive

(a) Proposed Crime and Disorder Reduction Partnership Merger

At its meeting on 5 October 2010, Full Council agreed to the proposed merger of the Safer Somerset West Crime and Disorder Reduction Partnership (CDRP) –which covered Sedgemoor, Taunton Deane and West Somerset - with the Mendip and South Somerset Community Safety Partnership (Somerset East) to form a County-wide CDRP, currently operating as the Safer Communities Group.

Although the Partnership had operated on an informal basis ever since, the possibility of formalising the Partnership had been discussed at a recent meeting of the Executive.

On the motion of Councillor Mrs Warmington, it was

Resolved that the formal merger of the Safer Somerset West CDRP with Mendip and South Somerset Community Safety Partnership (Somerset East) to form a Countywide CDRP, which was currently operating as the Safer Communities Group, be approved.

(b) New Cremators and Mercury Filtration Project – Taunton Deane Crematorium

The Executive had recently received an update on the project to install three new cremators at the Taunton Deane Crematorium along with Mercury filtration equipment to meet the requirements of legislation.

A tender in the sum of £1,020,937 was accepted last year from Facultatieve Technologies (FT) for the supply and installation of three new cremators and mercury filtration equipment.

However the supply and installation of the equipment by FT formed only one part of the project. The securing of professional services to oversee the project, and the appointment of a second contractor to undertake the ancillary building works to the structure of the crematory building to facilitate the installation had also been identified.

The total budget for the project was currently £1,320,000. Taking into account the tender costs, ancillary works, fees and a proposed contingency for unforeseen costs during installation, the current budget provision was not sufficient for the project. For the scheme to continue, a budget increase of £113,000 would be required.

The current funding approval for the scheme included borrowing approval of £770,000 with the balance funded from a combination of revenue earmarked reserves and capital receipts. In order to avoid the need to borrow further to fund the proposed budget increase, it was proposed to fund the additional £113,000 costs and contingency from General Fund Revenue Reserves.

On the motion of Councillor Hayward, it was

Resolved that a supplementary budget of £113,000 be added to the Capital Programme 2012/2013 for the Cremator Replacement Mercury Abatement project, funded from revenue resources by a transfer from General Fund Reserves.

(c) Financial Outturn 2011/2012

The Executive had received a detailed report on the outturn position of the Council on revenue and capital expenditure for the General Fund (GF), Housing Revenue Account (HRA) and trading services for 2011/2012 at its meeting on 11 July 2012.

The following provided a summary of the 2011/2012 outturn and reserves position for both GF and HRA services:-

- (1) The 2011/2012 Provisional GF Revenue Outturn was a £535,000 underspend against the Final Budget for the year. A Budget Carry Forward of £86,000 was requested, to be funded by this underspend.
- (2) The GF Reserves balance as at 31 March 2012 stood at £3,337,000. This would reduce to £3,251,000 if the above proposed budget carry forward to 2012/2013 was approved.
- (3) The 2011/2012 GF Capital Programme expenditure for the year amounted to £4,331,000, which was £4,222,000 below the budget for the year. The total slippage of planned project expenditure into

2012/2013 was £4,534,000 and a budget carry forward was recommended for the related schemes.

- (4) The 2011/2012 Provisional HRA Outturn was a £86,000 underspend against the Final Budget for the year. The HRA Reserves balance as at 31 March 2012 stood at £1,355,000, which was above the minimum level set within the 2011/2012 Budget Strategy.
- (5) The HRA was 'self-financing' with effect from 2012/2013, however as the related settlement debt of £85,198,000 was undertaken in March 2012 the expenditure was recognised in the outturn for 2011/2012.
- (6) The 2011/2012 HRA Capital Programme expenditure for the year amounted to £4,132,000, which was £168,000 below budget for the year. The expenditure related largely to the Council's continued investment in maintaining 'Decent Homes' standards.

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:-

- (a) The transfer of the net underspend on the General Fund Revenue Account to General Fund Reserves, and the transfer of the net underspend on the Housing Revenue Account to HRA Working Balance Reserves be approved;
 - (b) The net transfer of £258,000 from earmarked reserves for use on General Fund services and capital financing, and £85,000 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;
 - (c) The surplus earmarked reserves of £87,000 be transferred to General Reserves as referred to in the detailed report to the Executive;
 - (d) A Carry Forward of the General Fund Revenue Budget of £86,000 to support expenditure specifically related to Economic Development and Insurance Costs in 2012/2013 be approved; and
 - (e) The Carry Forward of the General Fund Capital Programme Budget totalling £4,534,000 for slippage into 2012/2013 as set out in the detailed report to the Executive be also approved.
- (d) Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton**

The Executive had considered the potential relocation of the Council's depot and the marketing of the site at Priory Way, Taunton.

This followed the meeting of the Corporate Scrutiny Committee on 24 May 2012 where two recommendations were made to the Executive:-

- (i) That the DLO should be supported in its ongoing transformation; and
- (ii) That a marketing exercise of the current depot site should be undertaken.

The view was that the result of any marketing exercise would establish the value of the depot site and provide an important context for considering the business case for potential depot relocation.

At this stage, a number of options for depot relocation were being looked at including:-

- 'Squeezing up' operations on the current site, releasing the more visible (and valuable) part of the site adjacent to Priory Way for disposal. This option would also leave open the possibility of a phased withdrawal at a later date, releasing the remainder of the site for disposal;
- Relocating all operations to a suitable site elsewhere; and
- Spreading Deane DLO operations across a number of sites.

A marketing exercise would take between eight weeks and five months to complete, depending on the Council's appetite to test the market.

It was proposed that a senior responsible group of Members should be established to oversee the process at key stages, consider any bids and advise the Executive and Full Council on potential depot disposal and relocation options. The Member Group would comprise:-

- The Leader of the Council;
- The Leader of the Liberal Democrat Group;
- The Portfolio and Shadow Portfolio Holders for Economic Development and Property; and
- The Chairman of the DLO Transformation Members Steering Group.

On the motion of Councillor Cavill, it was

Resolved that:-

- (i) the marketing of the Deane DLO depot site at Priory Way, Taunton be proceeded with; and
- (ii) the establishment of a senior responsible group of Members to oversee the marketing process, as set out above, be approved.

The Mayor certified that he was prepared to allow the following recommendation which had arisen from the meeting of the Executive on 11 July 2012 to be considered by Members on the basis that a decision was needed before the next

scheduled meeting of Full Council.

(e) Non-Domestic Rates – Discretionary Rate Relief

Section 69 of the Localism Act had amended the Local Government Finance Act 1988 to allow local authorities to reduce the business rates of any local ratepayer for any reason, not just those that could currently be granted discretionary rate relief.

When the Executive considered this matter at its recent meeting it accepted a recommended procedure for dealing with future requests for non-domestic, discretionary rate relief, details of which were as follows:-

- All requests for relief must be made in writing.
- If the ratepayer did not provide the required evidence, the Council would reserve the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence.
- The Council might in any circumstances verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer.
- The authority to decline applications for relief under these provisions should be delegated to the Section 151 Officer.
- If the Section 151 Officer declined an application any appeal would need to be made to the Executive Portfolio Holder.
- Where the Section 151 Officer decided there was sufficient merit in awarding relief under these provisions, a recommendation would be made to the Executive to decline or award relief. Where it supported the recommendation, the Executive would also need to make the necessary budget arrangements to meet the commitment.

This system of delegation would ensure that proper and consistent consideration was given to all applications and that the financial implications were considered.

This was consistent with the approach taken to dealing with Hardship Relief applications for Business Rates as well as for the corresponding discretionary powers relating to Council Tax.

On the motion of Councillor Mrs Stock-Williams, it was

Resolved that the above policy for considering applications for relief under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) be approved.

9. 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:-

- Great Events for Taunton Deane;
- Taunton Business Improvement District (BID) Process;
- Project Taunton;
- Broadband Enhancement;
- Police and Crime Panels;
- Core Strategy;
- Welfare Reform and Housing Benefit Changes; and
- Economic Development, Taunton Deane.

(ii) **Sport, Parks and Leisure (Councillor Mrs Herbert)**

The report from Councillor Mrs Herbert dealt with activities taking place in the following areas:-

- Parks;
- Community Leisure and Play; and
- Tone Leisure (Taunton Deane) Limited Activities.

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

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

- Housing Property Services;
- Affordable Housing Development Partnership and Open Day;
- Affordable Housing Target;
- Estates Team and Anti-social Behaviour;
- Tenant Services Management Board;
- Tenants and Leaseholders Open Day; and
- Jubilee Gardens, Priorswood Place, Taunton.

10. **Suspension of Standing Order**

Resolved that Standing Order 28, Time limits for all meetings, be suspended to enable the meeting to continue for a further half an hour.

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

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

- Customer Contact Centre;
- Corporate and Client Services;
- Corporate Performance;
- Legal and Democratic Services; and
- Revenues and Benefits.

(v) **Planning, Transportation and Communications (Councillor Edwards)**

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

- Core Strategy;
- Planning Policy and Strategy Resource;
- Neighbourhood Planning;
- Community Infrastructure Levy;
- Planning Reforms;
- Planning Applications;
- Heritage – Tone Works and Sandhill Park;
- County-wide Civil Parking Enforcement (CPE) Project; and
- Communications.

(vi) **Community Leadership (Councillor Mrs Jane Warmington)**

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

- Police and Crime Panel;
- Voluntary and Community Sector Grants Panel;
- Health and Wellbeing;
- The Community Right to Challenge (Localism Act 2011); and
- Priority Areas Strategy (Taunton Deane Partnership).

Due to Standing Order 28, Time limits for all meetings, insufficient time was available to enable the following Executive Councillor reports to be formally presented to Members. These reports were submitted for information only.

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

The report from Councillor Cavill covered:-

- Keeping Members Informed;
- Stimulating Business Growth and Investment;
- Creating an Attractive Business Environment;
- Taunton Tourist Information, Ticket and Travel Centre; and
- Asset Management.

(viii) **Environmental Services and Climate Change (Councillor Hayward)**

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

- Environmental Health;
- Climate Change / Carbon Management;

- Waste Management;
- Deane DLO Update; and
- Crematorium.

(Councillors A Govier and Mrs Govier left the meeting at 8.51 pm. Councillors Tooze, Henley, Ms Durdan and Mrs Floyd left the meeting at 9.07 pm, 9.08 pm, 9.10pm and 9.27pm respectively. Councillors Mrs Baker, Mrs Herbert, Meikle, Mrs Messenger, Mullins, Prior-Sankey and Ross all left the meeting at 9.28 pm respectively.)

(The meeting ended at 10.00 pm.)