

## **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 9 April 2013 at 6.30 pm.

**Present**      The Mayor (Councillor Hall)  
The Deputy Mayor (Councillor Ms Lisgo)  
Councillors Mrs Adkins, Mrs Allgrove, Mrs Baker, Beaven, Bishop, Bowrah, Brooks, Cavill, Coles, Denington, D Durdan, Miss Durdan, Edwards, Farbahi, Mrs Floyd, Gaines, Hayward, Mrs Herbert, C Hill, Mrs Hill, Horsley, Hunt, Miss James, R Lees, Mrs Lees, Meikle, Mrs Messenger, Morrell, 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 meetings of Taunton Deane Borough Council held on 26 February 2013 and 4 March 2013, copies having been sent to each Member, were signed by the Mayor.

### **2. Apologies**

Councillors A Govier, Mrs Govier and Henley.

Councillor Horsley reported that Councillor Mrs Govier was currently in hospital. The Council conveyed its best wishes to Councillor Mrs Govier for a speedy recovery.

### **3. “Taunton Means Business”**

Prior to the main business of the meeting commencing, a three minute video titled “Taunton Means Business” was viewed by Councillors. This video, which set out to raise awareness of what Taunton Deane could offer potential investors, was currently being shown on First Great Western trains running between London and South Wales/the South West.

### **4. Declaration of Interests**

Councillors Brooks, Prior-Sankey, Mrs Waymouth and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillors Mrs Hill and Stone declared personal interests as employees of Somerset County Council. Councillor T 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 personal interests as an employee of Natural England and as

Clerk to Milverton Parish Council. Councillors Hayward and Ross declared personal interests as the Council's representatives on the Somerset Waste Board. Councillor Ross also declared a personal interest as the alternate Director of Southwest One. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillors D Durdan and Stone declared prejudicial interests as Tone Leisure Board representatives. Councillor Gill Slattery declared personal interests as a member of the Board of Governors at Somerset College and a Patron of the Supporters of Taunton Women's Aid. Councillor Farbahi declared a personal interest as a local owner of land in Taunton Deane. Councillors Gaines and Meikle declared prejudicial interests in the Brewhouse Theatre and stated that they would leave the room when these items were discussed.

## 5. **Public Question Time**

Mr Simon Nicholls from the Devon and Somerset Fire and Rescue Service referred to a consultation document that had recently been issued about proposed changes to the service following a cut in Government funding.

He drew Councillors' attention to the proposed reduction in cover for the Taunton Town Area which would see only one whole time fire appliance retained. This appliance would also be expected to provide 'back-up' for Bridgwater.

In a growing town the size of Taunton and taking into account recent tragedies such as the M5 Motorway fire and the accident at the Athelney Level Crossing, Mr Nicholls felt the Fire Authority was taking a gamble with their savings proposals.

He added that the Fire Authority comprised 24 Members, mostly from the County of Devon with no-one directly representing Taunton Deane. Mr Nicholls asked whether the Council would be contacting the Fire Authority to express concern about its proposals for future fire cover in the area.

In response, Councillor Williams stated that officers had already been tasked to consider the Devon and Somerset Fire Authority's Consultation Document and a response would be sent in due course.

## 6. **Motion – Facilitating community engagement in support of Taunton Deane Borough Council's Bid for the Brewhouse Theatre, Taunton**

Moved by Councillor Horsley, seconded by the Deputy Mayor, Councillor Ms Lisgo.

"The public response to the closure of the Brewhouse has demonstrated that our community wants a theatre space in central Taunton to be preserved and go forward. It has also demonstrated that our community would wish to see such an offering be inclusive and self sustaining. Collective action is necessary to meet our community's aspirations. This Council recognises its

key role in supporting the provision of theatre and the arts in Taunton but that it should not be managing it. The Executive is in the process of engaging a consultant to advise on the future of the theatre in central Taunton and the Council has announced its intention to bid for the theatre.

New groups have been set up ('Count Me In' and 'Tone Theatre Association') and, with other established groups and organisations, have expressed interest in shaping the future of the theatre and arts after the Administration of the Brewhouse (TAPA, the Cultural Consortium, social enterprises, community interest companies, local educational establishments and other arts and educational organisations in Taunton Deane). We welcome the initiative and applaud the energy we know has been applied to setting up these groups. This motion proposes a mechanism be put in place to bring together and support these groups to present a united offering based on shared principles

### Motion

1. The Council pledges its support for the formation of a new organisation representing community arts. The Council expects the new organisation to have an evolving Business Plan which will include early full and appropriate consultation with all parties who have so far expressed interest in The Brewhouse's future, together with the wider public, the potential users, within Taunton Deane.
2. This Council will support the work of the new organisation and others, by allowing them to work with our consultant on the scope and delivery of the feasibility study for the future of theatre and the arts in the cultural quarter of Taunton.
3. The Council will endeavour to secure a lease of The Brewhouse Theatre building to ensure the building and contents are retained for use as an important viable and sustainable venue for the theatre and arts centre for the whole community. It would be this Council's hope that a new community organisation will be successful if it demonstrates innovation and delivers value by developing an offering that will give Taunton Deane a viable theatre and arts centre.
4. The Council looks to the new organisation to provide an offering of a commercial and professional performance arts venue commensurate with the County Town's status as a regional centre that aspires to be both the origin of and appropriate venue for, artistic works of national importance.
5. The Council will continue to enable funding in its 2013/2014 budget for the support of a theatre facility in Taunton and we confirm it remains within our Medium Term Financial Plan for future consideration."

During the discussion of the motion Councillor Farbahi, seconded by Councillor Coles, proposed an amendment to the Motion to read:-

- "6. That Somerset County Council be requested to reinstate some of the funding it cut from the Arts in Somerset."

The Amendment was put and was lost.

The Motion was put and was carried.

**7. Potential Purchase of the Brewhouse Theatre, Taunton and options for the future**

Considered report previously circulated, which sought approval of a bid to purchase the remaining lease on The Brewhouse Theatre and Arts Centre and assets within, together with approval of a process to facilitate a sustainable future for the venue.

The Management and trustees of The Brewhouse approached the Council in early January 2013 to give notice of their severe financial predicament and to request significant additional funds to enable the venue to continue trading.

The Council provided a grant of £152,000 per annum to The Brewhouse, and Group Leaders had been unanimous in their view that there should be no further funding without a clear recovery plan, showing how the theatre could be put onto a sustainable financial footing.

The trustees of the Brewhouse (an independent charity) then engaged a firm called BDO – specialists in financial insolvency and administration – to advise on their options for the future. This had resulted in the trustees recommending an option whereby the theatre would be placed into administration with the administrators immediately entering into a license with the Council to enable the theatre to remain open.

Again, Group Leaders had been unanimous in their view that the Council could not consider entering into a license with the administrators, due to the scale of the financial risks and uncertainties involved.

BDO was formally appointed as administrators of The Brewhouse on 21 February 2013 and the venue closed on that day.

The administration process was continuing and BDO was currently marketing the remaining 61 years of the lease on the property, with a deadline for offers by 12 April 2013. The proceeds of any sale would be used by the administrator to cover their costs and to pay outstanding creditors.

Reported that the Council's annual grant of £152,000 remained protected in the 2013/14 budget towards any successor venture. A further sum of £35,000 had also been set aside, to assist with any costs incurred in protecting the Council's interest in the asset and facilitating a sustainable future for the venue.

As landowner and owner of the freehold for the building, the building would otherwise revert to the Council in 61 years time if no offers were received.

The Group Leaders had expressed support in principle for the submission of a bid to buy out the remaining 61 year lease on the venue, as a means of both protecting the asset and having a strong role in facilitating a sustainable future for the theatre. On the latter issue, there was support for the principle that the Council should act as a facilitator, rather than a prospective theatre operator.

A detailed valuation exercise had therefore been undertaken and a bid submitted, subject to contract, Council approval and a detailed survey. Details of the bid value were included in a confidential appendix.

Additional 'Holding costs' for the property had been estimated at up to £140,000 for a twelve month period and £69,000 for a six month period. These costs included utilities, 24 hour security, insurance and Business Rates.

There were potential additional costs associated with any works required on the structure of the property and its electrical and mechanical infrastructure. Following acceptance of any offer by the Council, a survey would be carried out to establish these costs in more detail.

Further reported that a process was currently underway to appoint an independent consultant to advise the Council on options for the future of the venue and also to advise on emerging interest and potential proposals to run the theatre. The consultant would start work by the end of April 2013 and would be required to submit a report by the end of July 2013. This was to be funded from the £35,000 budget already approved.

It was proposed that the work of the independent consultant should be overseen at key intervals by a Steering Group comprising the Group Leaders, the relevant Portfolio and Shadow Portfolio Holders and the Chairman of the Taunton Cultural Consortium.

A key role of the Steering Group would be to look at the financial viability of any emerging models, as well their alignment with the commitment to a thriving arts and cultural scene in Taunton. The Steering Group would also consider any property related costs established by a detailed survey.

The final report of the consultant would be subject to scrutiny and further decision, if appropriate, by the Executive and Full Council.

Following the presentation of this report, the Executive **resolved** that the press and public be excluded from the meeting to allow discussion of the contents of the confidential appendix, because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**Resolved that:-**

- (i) The bid which had been submitted to the Administrator for the purchase the remaining lease on The Brewhouse Theatre and Arts Centre and assets within, be endorsed;
- (ii) The mechanism described in the Confidential Appendix for funding the purchase and the associated 'holding costs' be approved and be subject to further consideration of likely property related costs which would be established through a detailed survey;
- (iii) Subject to a successful bid, a Supplementary Estimate to increase the 2013/2014 Capital Programme by the amount set out in the Confidential Appendix from the Housing and Planning Delivery Grant Reserve be approved;
- (iv) The potential liability of property related costs be taken into account and that it be noted that further details would be submitted to a future meeting of Full Council for formal review and approval;
- (v) The establishment of the Steering Group, comprising the Group Leaders, the relevant Portfolio and Shadow Portfolio Holders and the Chairman of the Taunton Cultural Consortium, to oversee the development of options for The Brewhouse, be approved; and
- (vi) Negotiations towards a potential purchase of The Brewhouse Theatre be continued, with approval for any further bid to come from Full Council at a future meeting.

## **8. Proposed Improvements to the Creech Castle Junction, Taunton**

Considered report previously circulated, concerning a proposal to improve the Creech Castle Junction, Taunton.

The Department for Transport (DfT) had made funds available to deliver infrastructure improvements which would help to facilitate growth and overcome local congestion problems. This fund was called the Local Pinch Points Fund.

Somerset County Council (SCC) had considered a number of alternative schemes both countywide and within Taunton Deane before prioritising the Creech Castle Scheme (along with one other in South Somerset). In particular, improvements to Junction 25 (J25) of the M5 had been considered and rejected on the basis of relative delivery risk when compared with the Creech Castle scheme.

Whilst a scheme to increase capacity on the circulatory carriageway and slip roads at J25 remained an extremely high priority there was currently no agreed design for the improvement and land would need to be acquired from the Highways Agency and other landowners.

It was therefore decided that a local Pinch Points bid should be prepared for

Creech Castle where there was an outline scheme designed which could be delivered mainly within land in local authority ownership and which was a clear pre-requisite to enable the planned delivery of growth and economic development at Monkton Heathfield.

The planned scheme comprised at-grade capacity improvements at the junction (via a 'hamburger' layout junction) which was identified as the preferred solution through a detailed technical study which had considered a variety of options. Noted that it required the transfer from the Council to SCC of a small area of land to enable an improved slip onto Tone Way from the south.

Capacity at Creech Castle Junction was undoubtedly having an increasing impact on congestion, journey time reliability and the business perception of Taunton as an effective location in which to invest and do business. These problems were likely to be exacerbated by the planned housing and economic growth at Monkton Heathfield.

It was considered that the opportunity to deliver significant improvements to this critical junction at limited local cost and with 70% of the total cost funded by the DfT was considered to be one which should be fully supported.

Further reported that the funding requested for this scheme was on a one-off basis, therefore from a financial management perspective it was advisable that the funding was provided from one-off resources.

The proposal was to pay a Capital Contribution of £375,000 to Somerset County Council towards this scheme from the Growth and Regeneration Reserve Fund, which made the proposal affordable from existing resources held by the Council. SCC had already agreed to provide its £375,000 of local matching funding

**Resolved that:-**

- (1) A Supplementary Estimate for the 2013/2014 Capital Programme of £375,000 be approved, funded from the newly established Growth and Regeneration Reserve as Taunton Deane's element of local funding towards the delivery of the planned improvement of Creech Castle Junction, Taunton; and
- (2) The small area of Taunton Deane owned land adjoining the southern slip onto Tone Way required to deliver the planned improvement be transferred to Somerset County Council at nil consideration should the Department for Transport funding be forthcoming and the scheme be proceeded with.

**9. Written Questions to Members of the Executive**

**(i) From Councillor Horsley to Councillor Williams – Hinkley Point**

Does the Leader of the Council recognise that the lack of visibility for Taunton Deane Borough Council when the Government announced in mid-March the

granting of planning permission for Hinkley Point C - "caught napping" to quote the Editor of The County Gazette - reflects poorly on the leadership of the Council and is doing untold damage to our Growth and Regeneration prospects?

Is he now engaging with EDF at the highest level as he promised he would at the Taunton Deane Economic Advisory Board on Thursday, 10 January 2013? Is he not ashamed that the words he uses in Paragraph 1.5 of his report "we could not have been much quicker off the mark" have nothing more than a hollow ring to it. As the Editor of the Gazette puts it – "How many wake-up calls do we need?" Both cannot be right. Either we are doing well or we are not. Which is it?

**Reply** - The editor of the Gazette is entitled to his view, but I respectfully disagree with him.

This administration recognises the economic opportunities that the new Nuclear Build at Hinkley Point presents for Taunton Deane, not just from EDF but the many businesses of all sizes who will need to play a part in the Country's biggest construction project for a generation.

The Council **is** engaging with EDF, and has also rejoined "Into Somerset" as an active partner – to stress the many benefits of locating business in Taunton Deane. These benefits are all clearly extolled by companies in the recently launched Taunton Means Business campaign

I stand by the words in my report.

(ii) **From Councillor Horsley to Councillor Williams – Northern Inner Distributor Road (NIDR)**

Could the Leader of the Council let the Council know what priority he is giving to delivering the NIDR amongst the list of his Ongoing Projects set out in Section 3 of his report? He identifies it as a key to the unlocking of our development at Firepool – the centre-piece of job creation for our so-called Economic Strategy.

Can he explain why there has been no progress on its start and why this did not happen yesterday as he mentioned in Section 4 of his report?

Is it true that the Department for Transport (DfT) has requested a significant re-appraisal of the project which could delay the project by a number of months? Could he inform the Council how long this delay might be?

Could he also inform us of the additional cost up to date that this delay is likely to cost Somerset County Council (SCC) and Taunton Deane and therefore the tax payer? Is there a danger that the project may have to be re-tendered and has he identified the likely sum per month that this delay is going to cause the taxpayer – over and above the £27 million project cost already identified?



Does he also agree with me that any prolonged delay will seriously undermine our ability to meet the job, employment and housing targets set out in both the Town Centre Area Action Plan and the Core Strategy? Has he got a Plan B? Would he like Councillor Habib Farbahi and myself help to arrange a meeting with the relevant Minister in the DfT as we wish to avoid any debacle on this critical matter, demonstrate cross-party collaboration on what is doubtlessly the most important matter facing this Council at present and be proactive rather than have to react as we are doing over The Brewhouse Theatre?

**Reply -** Firstly, I wish to make it clear that the 'operating' Council for the NIDR Project is SCC. However, delivering the NIDR remains a top priority for this Council as it will indeed unlock the full growth and development potential of the Firepool site.

There have been delays in getting this important project started. Firstly, the Order permitting the compulsory purchase of land needed to complete the road was signed by Government Ministers after a long and frustrating wait and much pressure from this Council, SCC and other key partners.

More recently, we have learned that the DfT intends to carry out a significant re-appraisal of the scheme. This is of great concern not just to this Council but also for our partners (including the Local Enterprise Partnership, SCC, local MPs) who share our ambitions for Taunton and the Firepool site. We are applying concerted efforts with partners to encourage the Government to remove any further unnecessary obstacles to achieving the major growth potential that the NIDR and Firepool presents.

I am grateful to Councillor Horsley for his suggestion of cross party collaboration and a meeting with DfT and will follow this up with him separately, but to reassure Members we are already working with our Member of Parliament to try to achieve a speedy resolution of unforeseen hurdles.

#### 10. **Recommendation to Council from the Executive**

##### **Financial and Performance Monitoring – Quarter 3 2012/2013 – Proposed Carry Forwards**

The Executive had recently considered a report on the financial position and the performance of the Council to the end of Quarter 3 of 2012/2013.

The current forecast outturn for the Council's General Fund Capital Programme was Net Expenditure of £5,200,000, compared to the budget of £7,424,000. Of the £2,224,000 under spend, £2,176,000 related to slippage on projects into 2013/2014, with an under spend on project budgets of £48,000.

Explanations for variances were provided in respect of 14 capital projects. However, of these 14, the following five projects were identified as requiring a carry forward of budgets into the 2013/2014 Financial Year:-

- (a) **Climate Change Initiatives** - Slippage of £40,000 was reported. A request had recently come forward to Members to consider installing solar PV cells on the tennis centre roof at Blackbrook Pavilion, to be funded from this budget next year. It was therefore recommended that £40,000 of the budget was carried forward.
- (b) **PC Refresh Project** - It was currently forecast that expenditure of £15,000 would be deferred until the 2013/2014 financial year. A new five year rolling programme for the replacement of PC's was currently being prepared which would determine when the cost was incurred. A carry forward of £15,000 was recommended.
- (c) **ICT Infrastructure Maintenance** - This project had not yet been started due to continuing discussions with partners. The cost of the project to the Council was currently unknown and the timescale for spend had not yet been determined. It was therefore recommended that the £35,000 budget be carried forward.
- (d) **Project Taunton – Coal Orchard** - A new masterplan was required for this project. As this was not due to happen until next financial year a £10,000 carry forward was recommended.
- (e) **Grants to Registered Social Landlords (RSLs)** - Slippage of £414,000 was reported on the grants to RSLs capital budget. These resources were currently all allocated to schemes such as the affordable housing scheme at Parmin Close, Taunton but payment would not be required before April 2013. It was therefore recommended that the £414,000 budget was carried forward.

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

**Resolved** that the following carry forwards, totalling £514,000 be approved:-

- Climate Change Initiatives – £40,000;
- PC Refresh Project – £15,000;
- ICT Infrastructure Maintenance – £35,000;
- Project Taunton – Coal Orchard – £10,000; and
- Grants to Registered Social Landlords – £414,000.

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

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

Councillor Williams's report covered the following topics:-

- EDF and Hinkley Point;
- South West Business Insider, Business Breakfast;
- Ongoing Projects;
- Northern Inner Distributor Road;

- Orchard Centre; and
- The Brewhouse Theatre.

(ii) **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.

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

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

- Site Allocations and Development Management Policies Plan;
- Community Infrastructure Levy (CIL);
- Neighbourhood Planning;
- Planning Enforcement;
- Heritage – Sandhill Park; and
- Communications.

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

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

- April 2013;
- Police and Crime Plan;
- Shelter Update;
- Health and Wellbeing;
- Safeguarding;
- Community Development (Priority Areas);
- Partnership Working;
- Youth Forums;
- Rural Matters; and
- Family Focus (Troubled Families).

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

The report from Councillor Cavill covered:-

- Rigid Containers Limited;

- Summary of Small Business Grants awarded this year;
- Taunton Town Centre Events Programme;
- “Taunton Means Business”;
- Taunton Town Centre Company – New Company Structure; and
- Hinkley Nuclear New Build.

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

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

- Climate Change / Carbon Management;
- Environmental Health; and
- Waste Management.

12. **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.

(vii) **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.

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

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

- Housing Enabling - Regeneration;
- Affordable Housing Target;
- Council House Building;
- Housing Services;
- Estates Management – Benefit Changes;
- Estates Management – Transfer Removal Grants.

(Councillors Mrs Messenger, Gill Slattery and T Slattery all left the meeting at 8.23 p.m. Councillors Mrs Adkins and Morrell left the meeting at 8.40 p.m. Councillors C Hill and Ms Palmer left the meeting at 8.44 p.m. Councillors Mrs Baker, Stone, Mrs Waymouth, Ms Webber and D Wedderkopp all left the meeting at 8.51 p.m. Councillor D Reed left the meeting at 8.55 p.m. Councillors Mrs Floyd and Tooze both left the meeting at 9.22 p.m. Councillor Watson left the meeting at 9.24 p.m.)

(The meeting ended at 9.41 p.m.)