

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 29 September 2015 at 6.30 p.m.

Present The Mayor (Councillor Mrs Hill)
 The Deputy Mayor (Councillor Mrs Stock-Williams)
 Councillors Mrs Adkins, M Adkins, Aldridge, Appleby, Beale, Berry,
 Bowrah, Brown, Coles, Coombes, Davies, D Durdan, Miss Durdan,
 Mrs Edwards, M Edwards, Farbahi, Mrs Floyd, Gage, Gaines, Govier,
 Mrs Gunner, Habgood, Hall, Mrs Herbert, C Hill, Horsley, Hunt, James,
 R Lees, Mrs Lees, Ms Lisgo, Martin-Scott, Morrell, Nicholls, Parrish,
 Prior-Sankey, Mrs Reed, Ryan, Miss Smith, Mrs Smith, Stone, Sully,
 Townsend, Mrs Tucker, Mrs Warmington, Watson, Ms Webber,
 Williams and Wren

Mrs A Elder – Chairman of the Standards Advisory Committee

1. Minutes

The minutes of the meeting of Taunton Deane Borough Council held on 8 September 2015, copies having been sent to each Member, were signed by the Mayor.

2. Apologies

Councillors Cavill, Ross and Wedderkopp

3. Communications

The Mayor reminded Councillors of the forthcoming Charity Masquerade which would be held on the evening of Friday, 23 October 2015 at Oake Manor Golf Club. She hoped as many Members as possible would join her at this event.

4. Declaration of Interests

Councillors M Adkins, Coles, Govier, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Beale declared personal interests as a Board Member and Director of Tone FM, Chief Executive of the 'Think Amy' Charity and as a Governor of the South West Ambulance NHS Trust. Councillor Stone declared a prejudicial interest as a Tone Leisure Board representative. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Coombes

declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon. Councillor Hall declared a personal interest as a Director of Southwest One.

5. Public Question Time

(a) Mr Alan Wedderkopp asked the following questions:-

- (1) The monitoring of Nitrous Oxide and other harmful gases was discontinued in 2007 when the apparatus at The Deane House was removed and monitoring in East Reach also ceased. I raised this at the time but did not receive a satisfactory explanation. Can I have one now?
- (2) In light of recent car emissions revelations, what does the Council do regarding the monitoring of pollution throughout the town and surrounding areas? What recordings were now taken at East Reach? When were the last recordings made and what were the results?
- (3) In addition, in 2010 'Climate Change' was dropped from the Taunton Deane's Core Strategy at the time when the Council was pushing for pedestrianisation of Taunton Town Centre because of the effect of car exhaust fumes and particulates on local people. Councillor Williams said at the time that this would make it difficult for businesses to cross the town. Has he had any fresh thinking on pedestrianisation since that time? Will any attempt be made to clean-up the air in Taunton?

Councillor Williams thanked Mr Wedderkopp for his questions and promised that a full written reply would be sent to him in due course.

- (b) Mr Bob Symons stated that he had worked for the United Nations during the Kosovo War in the late 1990's. He therefore had some experience of refugees both as they left the country and when they returned. Refugees faced a dilemma as they mostly did not want to flee a country they loved but needed to find a place of safety. He urged the Council to find the means to assist refugees from the current conflict in Syria.
- (c) Mr Sigurd Reimers said that many people in Taunton are concerned at the suffering of Syrian refugees. What kind of help is the Council prepared to offer and to how many?
- (d) Fran Hicks asked whether it was better for refugees to arrive legitimately, with structures in place to support them and enable them to contribute, than illegitimately where they will either be exploited by unscrupulous individuals, housed in crowded unsanitary dwellings, subjected to what amounts to slave labour, or where excluded from legitimate means of earning a living and contributing to society, they become the exploiters, working criminally. Which sort of society do we want?

Councillor Williams commented that the refugee issue was a sensitive subject but agreed that it would be better for people to arrive legitimately. The

Council was currently working within a group to ensure we were ready and waiting to assist. There was a need to ensure the Council could handle the arrival of any refugees and their proper integration.

6. Motion – Taunton Deane opens its arms to refugees

Moved by Councillor Coles, seconded by Councillor Miss Smith.

“We have all witnessed the turmoil and human distress that has arisen from the flight of the refugees through Eastern Europe. We note also that the humanitarian response from Taunton Deane residents has been huge as illustrated by the work of the People to People Solidarity Group - Taunton Deane. We thank the administration for the promise of storage to assist with the hundreds of donations received from local residents and businesses.

We also welcome the statement from the Prime Minister that the United Kingdom (UK) will take some 20,000 Syrian refugees over the next five years and we understand that this will help reduce the refugee problem in Lebanon, Turkey and Jordan.

The overwhelming nature of this humanitarian crisis calls for an immediate response, especially as there is no sight of a long term political and diplomatic solution from the European Union or even worldwide.

We therefore urge Taunton Deane Borough Council to join the over 40 other local authorities who have offered support to meeting this humanitarian need and work towards providing accommodation and whatever other help by showing solidarity with our fellow human beings.

We move that Taunton Deane Borough Council be at the forefront of Councils looking to help relocate a minimum of 25 individuals and families under the UK Home Office's Vulnerable Persons Relocation Scheme.”

Councillor Williams, seconded by Councillor Mrs Warmington moved amendments to the wording of the final three paragraphs of the Motion which would read as follows:-

“We have all witnessed the turmoil and human distress that has arisen from the flight of the refugees through Eastern Europe. We note also that the humanitarian response from Taunton Deane residents has been huge as illustrated by the work of the People to People Solidarity Group - Taunton Deane. We thank the administration for the promise of storage to assist with the hundreds of donations received from local residents and businesses.

We also welcome the statement from the Prime Minister that the United Kingdom (UK) will take some 20,000 Syrian refugees over the next five years and we understand that this will help reduce the refugee problem in Lebanon, Turkey and Jordan.

The overwhelming nature of this humanitarian crisis calls for an urgent response to receive those most in need and especially work towards

implementing long term political and diplomatic solution from the European Union and worldwide.

Taunton Deane Borough Council remains ready and willing to provide accommodation and the necessary resources as necessary to welcome the numbers as determined by the Local Government Association as our representatives to Government. All as set out in Councillor Warmington's report to Full Council as contained later in this agenda.

We move that Taunton Deane Borough Council officers be authorised to respond quickly to any request for accommodating those referred to us under the UK Home Office's Vulnerable Persons Relocation Scheme."

The amendments were put and was carried.

The substantive motion was put and was carried.

7. Report of the Joint Independent Members' Remuneration Panel

Reference Minute No 9 from the meeting held on 31 March 2015, reported that following further discussions, the Joint Independent Members' Remuneration Panel had set out its conclusions and recommendations of a fundamental review of the Taunton Deane Scheme of Members' Allowances which had been carried out by the Panel.

Mr Ian Partington the Chairman of the Panel and Mr Julian Gale the Panel's Advisor were in attendance to answer questions and queries from Members.

The comprehensive report submitted had taken into account the following matters:-

- (a) The statutory task of the Panel was to make recommendations to a Council before it made or amended a Scheme of Members' Allowances. The Council had to have regard to the Panel's recommendations before agreeing or amending a Scheme.
- (b) The report was based on comprehensive data, information and evidence obtained from internal and external resources including the Office of National Statistics, the Bank of England, the Local Government Association and the Chartered Institute of Public Finance and Accountancy. The survey undertaken with Members earlier in the year had also been taken into account.
- (c) The Panel had used the latest available data but, unavoidably, this has not always been up-to-date.
- (d) Since 2008 the real value of the Basic Allowance (BA) had declined with the rate of inflation. The decision in December 2013 to increase the BA to £4,344 where it has remained, although welcomed by the Panel, had only slightly compensated for the loss of real value. By 2012, before the increase in 2013, the real value of the BA had fallen to £3,792 and by

2015 the real value was still only £3,644 - less than its value in 2008. An inflation-adjusted nominal BA that returned today to the real value of 2008 would need to be around £5,194 rather than its current value of £4,344.

- (e) Special Responsibility Allowance (SRA) payments had also been suppressed over recent years alongside the BA but were within the range paid by comparable Councils. The Panel was not proposing significant amendments to levels of SRA payments at this stage noting that they would increase on an annual basis in line with the annual increases proposed to the BA. This would start to bring SRAs up to an appropriate level.
- (f) The report also embodied previous decisions taken by the Council in response to recommendations made by the Panel including an agreed list of approved duties and contained relevant evidence, data and the detailed recommendations.

The report set out in detail the methodology as to how both the BA and SRAs had been assessed leading to the recommendations being made by the Panel. Travel and Subsistence Allowances and Carers' Allowances had also been reviewed by the Panel.

As a result, the Council had been recommended:-

- (i) To accept the report of the Joint Independent Members Remuneration Panel;
- (ii) To approve the Taunton Deane Scheme of Members' Allowances for 2015/2016 (Appendix 2 of the Panel's report) which included the specific recommendations set out for:-
 - (a) A new Basic Allowance for Members of £4486 for 2015/2016 and the proposal for annual increases for a six year period;
 - (b) A new Special Responsibility Allowance structure;
 - (c) Revised Travel and Subsistence Allowance provisions; and
 - (d) Revised Carers' Allowance provisions; and
- (iii) To agree to backdate the payment of the new allowances to the relevant date of appointment following the Borough Council Elections in May 2015.

If the Taunton Deane Scheme of Members' Allowances for 2015/2016 was agreed in full, reported that a supplementary estimate from the General Fund Reserves in 2015/2016 for £10,163 would need to be approved, with the costs for future years being built into the Medium Term Financial Plan.

During the ensuing discussion various points were made including (i) the difficulty of accepting an increase in allowances for Councils at a time when the officers were facing changes to their Terms and Conditions to save in the region of £100,000; (ii) the need to set allowances at a level to attract younger

people to become Councillors; and (iii) the greater difficulty of addressing the real value of Members' Allowances if the issue was not grasped soon.

Councillor Morrell proposed, seconded by Councillor Prior-Sankey, that the recommendations in the report be agreed.

Resolved that the recommendations of the Joint Independent Members' Remuneration Panel be **not** accepted.

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

(1) Questions to the Leader of the Council from Councillor Simon Coles

(a) Could the Leader of the Council explain why the Executive took so long to deliver the full (and final) South West Audit Partnership (SWAP) report dated 9 September on Business Grants to the Corporate Governance Committee for its meeting on Monday 28 September?

Why was the administration trying to hide the facts that the public should be aware of, of its inept handling of the processing and granting of both Investment Grants and small business grants and try to wriggle past the role of scrutiny by its underhand and glib approach to this important misuse of public money? His group had to concede at the Corporate Scrutiny Committee on 17 September that it would have to suspend all grants given in this key area of financial support until it had implemented the proposals of the Auditors.

My colleague Habib Farbahi is asking further questions on this topic of the Portfolio Holder for Economic Development and I have to congratulate my deputy Leader Federica Smith for establishing the significance of this report from the Chief Executive and the Section 151 officer and getting it to be part of the Corporate Governance meeting Agenda to be held later today (Monday). No doubt he will comment on the outcome of the Corporate Governance meeting.

Is he aware of the reputational damage that this can cause to the Council both from the early failure to release this document in full and also by what appears to be clear examples from the SWAP report of some of the cases reported on of fraud and cronyism?

Reply

The Level 4 recommendation was included in the SWAP report to the Corporate Governance Committee in line with standard practice. The full report was provided as requested by Councillors following consultation with the Committee Chairman.

My understanding is that the issues around the investment grants have been debated a number of times at Scrutiny Committees, at Corporate Governance last night and in this Chamber. I am struggling to see how this number of

debates is underhand and glib. The facts have been fully debated on a number of occasions.

I understand that Councillor Horsley raised a number of questions around a specific section of the report. I am advised that as he requested sight of invoices which have now been submitted to the Council and of course he will be provided with copies of them.

I do not believe the audit has been subject to any delay. The Lead Officer met the Shadow Portfolio Holder to brief them shortly after the report was finalised. The high level recommendation is in the Corporate Governance report and the audit has been shared. There are a number of improvements recommended in processes which are being addressed but not the substance of what we are trying to achieve.

The audit report recommends changes to process – we have to learn from this – and I know Economic Development is already on top of this with their team. We have to also accept that if we are to invest and support ‘new’ businesses – there will be an element of risk. We cannot guarantee that a business will not go bust again.

(b) We understand that a meeting was held recently with 17 Council Leaders in the area to discuss the response to Central Government’s discussion on Devolution.

As we understand it there has been no discussion whatsoever with the Members of this Authority. Nor, indeed is there even a mention of this in his report. Why not? What are you hiding from all Members? What “deals” have you agreed? When will you bring something to the Members to discuss and agree or otherwise?

Reply

The local authorities of Devon and Somerset have submitted a devolution ‘Statement of Intent’ to the Government and this was circulated to all Members of the Council on 4 September 2015. This was prepared in a very short space of time and there is clearly a long way to go to move from what is an early statement of intent to any full devolution ‘deal’. There will be engagement with all Members as discussions move forward and endorsement sought for any final deal that might be proposed. Members have also been advised of a briefing session on 1 October 2015 where devolution is included on the agenda.

(c) We understand that Trudi Grant the Local NHS Director of Public Health in Somerset, has been in discussions with Council Leaders across Somerset discussing the best use of monies from Central Government regarding Public Health issues arising from any refugees who might be accommodated in Somerset.

Why is there no mention of this in his report?

Why are you not fully engaging with partners as to the best way forward to

assist refugees during this crisis?

Reply

All Chief Executives are working together to ensure a co-ordinated solution. Simon Lewis is now the nominated Lead Officer to report to the Council on this. We await further information from the Government on allocations, funding, placings, family sizings etc, after which we will ensure an appropriate response. All of our services are on standby and preparing for this.

(2) Questions to the Leader of the Council from Councillor Habib Farbahi

(a) Can the Leader inform me whether Taunton Deane has taken any further advise on the EU procurement law as Firepool predominately was meant to be a scheme with an employment (office buildings) lead and a small retail park? We were constantly reminded by Joy Wishlade (the then Director responsible for Economic Redevelopment in 2011 and 2012) that any changes we make to the proposal would mean going back to the EU and the process could take up to a further 18 months!

(b) In light of this, is there a possibility that the Council might be challenged by the other contractors/developers in bidding both nationally and regionally for the original tender for not following the rules?

Reply (to questions (a) and (b))

The proposed redevelopment plans for Firepool as proposed in the Taunton Rethink, will work within the parameters of the original Development Agreement for the site, thereby minimising the risk of any procurement challenge.

(c) Could he also inform us what evidence does he have that there is operator demand for the current scheme? Has Waitrose really committed itself to going ahead?

(d) Do the numbers really stack up?

(e) With the infrastructure cost escalating on a daily basis, not to mention the compulsory purchase of adjoining properties costing some millions, how is Firepool going to stack up commercially?

(f) Would Taunton Deane tax payers ever get a return on their capital?

(g) What get out clause do we have with St Modwens?

(h) Would he agree with me that overall the influence that Taunton Deane has exercised on the past six years is little more than adjusting to the wishes of St Modwen as contractors and part landowners and that the Council is

reneging on all its promises to make this a sustainable site and make Taunton a true Sub-Regional Centre for the South West?

Reply (to questions (c) to (h))

There is evidence of demand from a variety of operators, as well as evidence that the scheme is commercially viable and deliverable, with a return to the Council as primary landowner, taking account of all known costs and projected returns. Until such time as a planning permission for the scheme is in place, there is a potential risk with any development that occupiers currently expressing an interest will fall away.

Even with planning permission, commercial realities are such that no occupier can be considered as completely 'secure' until contracts are exchanged and units are built. St Modwen's efforts at the present time are therefore focussed on submitting a planning application for the scheme that is consistent with the Taunton Rethink proposals, and there is no intention or appetite to hinder St Modwen in this task – quite the opposite.

The Taunton Rethink was commissioned and endorsed by the Council, primarily as a result of major changes in commercial demand following the worst recession in living memory. It is the Taunton Rethink – led by this Council – that has led to the proposals now coming forward from St Modwen. Along with our other growth plans, the Firepool scheme will enable Taunton to take a major step forward in its ambitions as a regional centre for retail, leisure, business and culture.

(3) Questions to Councillor Mark Edwards from Councillor Habib Farbahi

With the Assistant Director Ian Timms, Councillor Edwards briefed me and handed me the Final Report of the South West Audit Partnership (SWAP) on the way the Council had handled Business Grants at the Portfolio Holders meeting on Tuesday, 15 September 2015.

Sadly little happened after that and there was a brief reference to this report in the Economic Development Officer's report that went to the Corporate Scrutiny Committee two days later on 17 September when reviewing Small Business and Investment Grants. However, it did not reveal the contents of the report and the bad news therein.

It was a shock to me when the agenda for the Corporate Governance Committee was published for its meeting on 28 September 2015 with no mention of the SWAP report. Fortunately my colleague Federica Smith and deputy leader of the Liberal Democrats was able to persuade the Section 151 Officer that the publication of the report was in the public interest and it was circulated in full to all Members of the Committee for its consideration. No doubt the Portfolio Holder will inform the meeting of the outcome of the Corporate Governance Committee's deliberations.

What I would like to know is why he had not taken action earlier to ensure its publication? Was it because its contents were unpalatable and revealed too much about the shoddy and unacceptable facts that SWAP have given the Council only 'partial assurance' on its processes in this report and highlighted two particular cases where there have been blatant lack of due diligence and following of rules that have cost the Council at least £30,000?

Was he aware that the outcome of the Corporate Scrutiny discussions had been the Economic Development Officer being unable to advise the Executive on how to take forward its policy on business growth and investment, particularly business grants, as it had to await the scrutiny by Corporate Governance of the proposals in the SWAP report?

Was it not trite of him to try and dismiss the recommendations of the SWAP in a single sentence (paragraph 3.5) particularly as the ruling group have had to suspend all Investment Grants as a result of this fiasco?

Reply

Firstly I did not brief you.....Ian Timms briefed us both. I saw the report at the same time as you as an indication of my openness to share the conclusions. I am therefore more than a little irritated by this flagrant unnecessary attack on my integrity. Nothing was being hidden quite the opposite.

I understand the Committee raised an issue around the Level 3 rating of one of the audit recommendations. Clearly we are in the hands of the auditor with regards to rating of the actions. I also understand Councillor Horsley requested the invoices relating to a specific grant and as stated at the meeting he will of course be provided with them for his consideration. The report was finalised on the 9 September 2015. As you are aware we met to discuss it on the 15 September to ensure that you were aware of its contents. The report does identify a number of items that require action and a clear plan has been agreed to deliver the identified improvements that are required.

However I understand that the normal practice is for Level 4 recommendations to be reported to the Corporate Governance Committee and this was indeed the case as part of last night's auditors report. Level 3 and below are normally dealt with at service level.

As already stated we have an agreed an action plan to tackle the audit recommendations. In terms of this assertion that there is a lack of due diligence the money relating to the grant to ACS has been added to the Council's top twenty debts and we intend to pursue this through our Debt Collection Team. This amounts to £24,000.

As mentioned above there is a plan in place to address all of the actions and I am confident that officers will follow this through fully.

The report itself was not being hidden but officers needed some time to assess how they dealt with the issues in hand and it would have made its way through the necessary channels. My reference to the existence of the report (in my Council report) was written not long after we received the report. It was purely a matter of timing. I accept that the outcome of the audit is of concern

and need to be dealt with, which is why we have taken it so seriously but we also have to accept there will be risk in any investment and support of new business.

As for being trite...at the last Full Council I was dancing the 'hokey cokey' now I am trite!! I await the next Full Council insult with interest.

(4) Questions to Councillor Mark Edwards from Councillor Habib Farbahi

(a) Notwithstanding the long term nature of the bid for the major upstream flood alleviation project, what contingency plan does he have should our Local Enterprise Partnership Growth deal bid not be successful? What would be the implications for the Firepool development and Taunton Town Centre?

Reply

The Council is working closely and constructively with the Environment Agency on a range of interim measures – specific to individual sites – that will enable development in Taunton (including Firepool) to come forward in advance of any large scale alleviation scheme upstream of Taunton. The alleviation scheme now in place at Longrun Meadow already enables key developments to come forward in Taunton Town Centre and we will continue to pursue alternative funding options should the current bid to the Local Enterprise Partnership for longer term additional flood protection be unsuccessful.

(b) In light of Somerset County-wide research outcomes identifying health and social work along with Scientific, Technical and Professional industries as the largest growth sector, can you please tell us why none of these sectors will be represented at Firepool? Is it time yet again to rethink the Rethink?

Reply

The Taunton Rethink showed clear demand for the mix of uses now being proposed at Firepool, and there are no signs of any reduction in this demand at the current time. All sites are different however, and we will be looking to accommodate demand from other sectors at other sites, including the proposed strategic employment site adjacent to Junction 25 of the M5 Motorway. All sectors are an important part of the mix in stimulating a thriving Town Centre and wider economic growth and prosperity.

(c) I am absolutely delighted with the new Town Visitor Centre and know it is already attracting many more people than the former site adjacent to the Library. Would the Portfolio Holder please also acknowledge the role played by one of his predecessors, Councillor Fran Smith for initiating the project and Councillor Norman Cavill and officers for completing it?

Reply

I am happy to acknowledge anyone involved in particular Andrew Hopkins and his team whose efforts have been exceptional and my thanks go to him and his team.

(d) Am I correct in assuming that the marketing of the former Mike Chedzoy premises at the end of Greenbrook Terrace means the end of this as a commercial site?

By turning a commercial site to a residential one, is he not setting a precedent for others to follow? How seriously did he consider the bid from the team known as the Somerset Medieval Centre to continue the use of the site for community and cultural purposes which could have brought thousands more visitors to the town and would have been so complementary to the Somerset Museum and really given some boost to economic and cultural growth for Taunton?

Reply

The former Mike Chedzoy premises is allocated for residential within the Taunton Town Centre Action Plan. The allocation of such a site is a planning matter but nevertheless interest through marketing has been received for both residential and non-residential uses, with the significant difference in values which you would expect. Discussions took place prior to marketing with individuals behind the proposed Medieval Centre and we welcomed them to make an offer alongside others, which they have now done.

Once there has been an assessment of the offers we will come forward for discussions with Scrutiny but I will always consider a priority as deliverability and best value for the Council tax payer as this is a key site which I don't want to stand undeveloped for any further length of time.

We are challenged to get best value for our assets and the receipt on this site could be significant so we need to carefully consider.

(e) When does he anticipate having a dedicated team in place to look at our assets of £65,500,000 that is generating very little revenue?

Reply

The Asset Management Service are delivering the General Fund Asset Strategy through a dedicated temporary agency Asset Strategy Surveyor post. This dedicated work stream commenced in early 2015 and we are now beginning to see the results of this additional capacity. A significant revenue is generated from the portfolio and we are constantly looking at and taking forward new opportunities to enhance the financial and non-financial return

(5) Questions to Councillor Terry Beale from Councillor Simon Coles

(a) What has he done to ensure that Community Schemes are exempt from this reduction in Feed In Tariff?

Reply

The recent announcement by the Government of its intention to reduce the Feed in Tariff is now subject to consultation until 23 October 2015. I am sure the Government will seriously consider any representations received in connection with Community Schemes.

(b) Does he just not understand that smaller local installation companies are now likely to go to the wall as it will now be uneconomic to fit these panels?

Of course....and that is regrettable. However, we need to await outcome of the consultation.

(c) Why has he not been leading in this very important carbon saving initiative?

Reply

We have given our full support to the programme and we continue to support it. However as a responsible authority it is right and proper that we await the outcome of the consultation and then assess the financial viability of continuing with the project.

(d) This Administration's lack of perceivable effort has wasted opportunity after opportunity to take a lead on photovoltaic panels on our own properties. Why?

Reply

The system was introduced in late 2010. This Authority began a feasibility study in 2012 including asking Western Power to identify suitable properties for installation. It is their decision as to suitability - not ours. 700 such properties were identified in the first instance and a proposal was put to Council and agreed.

We have had a 25% refusal rate; tenants mostly saying we should be spending money on improvements and therefore they were not going to help us by agreeing to PV. They are informed they get the electricity generated at zero cost to them but they are also aware the Council receives the Feed in Tariff. Some have said "no" due to not wanting the 4 hour installation time, mostly the elderly.

A handful do not like the agreement they have to sign and say it only favours the Council. As the installation and panels can cost in the region of £4,500 per property we are keen to ensure the tenants do not damage or remove them.

(e) What steps is he taking to arrest the rise in rent arrears?

Reply

As can be seen by the figures the amount of arrears varies from month to month but remains broadly the same so there is no perceivable increase. However, any level of debt arrears is not acceptable and we work very closely with our tenants to identify issues which can be resolved. In many cases these can be complex and prolonged such as mental illness, family and job issues and education and medical problems.

(f) What practical assistance is he offering to tenants?

Reply

Our Estate Officers work with the tenants to resolve issues. We have a number of partners we can call upon to assist in many areas including medical, social and debt management and the One Team approach has proved extremely successful in coordinating response to tenant issues including ASB and damage.

(g) Do we discuss the issue with our tenants before instigating action? If so when?

Reply

Officers will make every effort to discuss matters with tenants and offer whatever support is needed. Only as a last resort would we proceed to Court action for recovery or eviction. To put someone out of their home is a huge burden to bear and we would only contemplate that action as an extreme measure of last resort. Having said that I believe firmly that people must take responsibility for their own actions and where all help is refused and it is clear no cooperation is forthcoming then action will be taken if deemed necessary.

(h) What level of arrears is permissible before any action is started?

Reply

There are no specific figures which generate action. We endeavour to deal with the problem early so that the debt does not spiral out of control. Officers will make contact with tenants as soon as it becomes clear there is a problem.

(i) Who decided on this figure?

Reply

See above.

(j) What is the actual figure for rent arrears as opposed to only the Welfare Reform rent arrears?

Reply

The reported rent arrears are within the area of Welfare Reform. The current

arrears as of the 27 September 2015 stands at £446,827.91p. Although that figure is high the amount is only a snapshot of the day. We have monthly direct debits for example which may not have been included. We have tenants who are paying their rent and arrears at a reduced rate and we have tenants on Housing Benefit and Universal Credit both usually dealt with monthly. We are working hard with our tenants to reduce the arrears levels.

(6) Questions to Councillor Roger Habgood from Councillor Simon Coles

(a) What steps has he taken to provide a “five year supply” of site for Gypsy Traveller and Show people’s sites?

Reply

The following response was recently compiled for the Independent Inspector for the Site Allocations and Development Management Plan. It covers what steps the Council has taken to try and provide a “five year supply” of site for Gypsy Traveller and Show people’s sites.

Inspector’s Question/Observation: The Core Strategy states in paragraph 3.68 the Site Allocations DPD (that I take to mean the SADMP) will make allocations for Gypsies and Travellers. However, there are none. Why is that?

Council Response:

7.1 The Council had intended to make allocations for the provision of gypsy and traveller pitches through the SADMP. Unfortunately, despite repeated efforts to identify suitable land for development no land has been put forward by willing landowners that could be considered suitable for provision. It is on this basis that the Council has been unable to allocate sites through this [SADMP] Plan.

7.2 Since 2011 the Council has publicised through the SHLAA review process, a call for sites, as part of which landowners have been actively encouraged to put land forward for gypsy and traveller accommodation. Comparatively few landowners have even been prepared to put their sites forward for these uses and in the few occasions where land has been offered up it has not met with the criteria established by DM3 of the Core Strategy. In most cases sites put forward have been in unsustainable locations extremely remote from services and facilities where housing would not be acceptable.

7.3 Having failed to identify land through general SHLAA call for sites, the Council has also independently written to landowners and agents who have previously promoted sites for inclusion in the SHLAA for general housing which were not identified for development under the SADMP. Again, this trawl failed to yield any sites which could be reasonably considered as allocations for gypsy and traveller accommodation.

7.4 Discussions have been had both with the Enabling arm of the Council as well as Registered Providers to consider the delivery of pitch provision as part of affordable housing requirements. None of the local Registered Providers have any experience of the delivery of gypsy and traveller accommodation and consequently they did not wish to enter this part of the market.

7.5 Having failed to identify suitable land for development up until now the Council has joined a Countywide Gypsy and Traveller Working Group. This Working Group has been tasked with the identification of sites for residential and transit accommodation and comprises officers from each Somerset local authority, the County Council and Homes and Communities Agency. Options for provision on public land holdings are being considered as well as the scope for joint provision across local authority boundaries.

7.6 Whilst the Working Group has yet to report its findings and recommendations, to-date the project has established search criteria and an assessment pro-forma. It is now in the process of reviewing land holdings and undertaking a desktop assessment of any potentially suitable sites.

7.7 Despite the lack of identified sites in the SADMP, it is considered that policy DM3 of the Core Strategy provides an appropriate basis to assess applications for gypsy and traveller provision against.

I understand that the previous administration had a similar experience in site provision.

(b) Does he not care about the risk of unauthorised sites springing up and being given permission on appeal due to the lack of sites?

Reply

Short answer - Yes he does care!

Full answer - There is always a risk of unauthorised Gypsy or Traveller sites. There are generally two types of unauthorised sites, travellers who are passing through on their way to somewhere else, particularly around traditional travelling periods and holidays, for events such as Bridgwater Fair, and those looking for permanent residency. The former required a transit or temporary stopping point for short periods of time and the latter a site in a sustainable location. Both require different solutions.

The risk of unauthorised sites was compounded when the County Council no longer had a statutory duty to provide sites and took the decision to dispose of its public provision, which included a residential site and a transit site in the Parish of Otterford in the Borough of Taunton Deane. Full Council took the decision to purchase the transit site at Otterford to assist with transit provision for emergency and unauthorised purposes. The purchase of the site has taken longer than hoped, because of unauthorised occupation of the site by someone who is not from the gypsy or travelling culture. The purchase is

progressing and will provide the Council with access to a public sites for emergency use (unauthorised sites, homelessness).

Granting planning permission on appeal is always a risk where there are no suitable sites to allocate. Government recently amended the national Policy for Travellers Sites. This will make it more difficult for planning permissions to be granted on appeal for gypsy or traveller provision where an occupant/s have been in unauthorised occupied of the site, where they have ceased traveling and where it is in an area of landscape sensitivity. The aim is to bring policy for travellers residential sites in line with policy for settled housing thereby reducing permissions by appeal which would otherwise be unacceptable.

A clear direction of travel has been set here by Central Government.

Unauthorised sites and identification of suitable sites for temporary stopping points, transit and residential sites is not just an Executive Membership issue nor is it the sole responsibility of planning. There are no easy solutions to the controversial and sensitive nature of gypsy and traveller sites, be they authorised or unauthorised. Effective solutions require pro-active involvement and support of the corporate, the cross-departmental and the cross-party Elected Membership of The Council. I look forward to that collaborative approach should the need arise.

(c) Would he please tell the members the actual cost to Taxpayers of the Northern Inner Distributor Road and how that figure compares with the original estimate?

Reply

This is a Somerset County Council Highways Authority matter. I ask Councillor Coles to therefore refer his question to his County Colleagues and officers across the road.

Be assured however that this Council is engaged and is working with the County Council to do all we can to apply appropriate encouragement to get the works delivered.

(7) Questions to Councillor Jane Warmington from Councillor Chris Appleby

(a) Money was set aside (£25,000) to help fund specialist provision for those addicted to legal highs working alongside Taunton Association for the Homeless, Citizens Advice Bureau, Turning Point and others. Has this money been spent? If yes, how successful has it been? How many people have benefited from the support? If the money has not been spent, why not? Is there a plan in place?

Reply

No, the money has not been spent yet. We are not specialist providers of training so look to support (and challenge) services provided by others. We are doing this to some extent already through the One Teams established in our most disadvantaged areas to better support those in most need. Where there are gaps, the One Teams have stepped in with local initiatives (such as Chill and Chat, Link Power, Supported Sports). This is a more holistic approach to an individual's or family's problems which seems more effective and can address more than one problem at a time which is often necessary to make a difference.

Somerset Drugs and Alcohol Service has Turning Point delivering part of its re-commissioned service and is the main provider of support along with Taunton Association for the Homeless.

The Community Safety Lead has already been asked to share our experiences on legal highs both across the County and further afield, next to a Health Protection Forum, passing information to other Safety Officers. Although there are other towns which share our problems, we have found ourselves a bit further ahead of them along with Lincolnshire where we both shared a platform together recently.

Is there a plan in place? Not as such but we have now had a summer free from shops in our town centre trading in legal highs and anti-social behaviour in the vicinity has significantly reduced. However most of us are aware that legal highs are still being used although not as convenient to get hold of as they were. By next summer the new legislation to ban these should be in place. Health issues remain a concern.

(b) The motion submitted to Council last year in respect of 'legal highs' also stated that Taunton Deane would work with Somerset County Council to implement education programmes in schools and colleges. This is not mentioned within the report. Can we have an update on this please?

Reply

The first meeting with the Cabinet Member for Children and Families has taken place and this is planned every two months when we will talk about this. I understand PHSE (Personal, Social, Health and Economics) is not mandatory so not all schools include this as part of their curriculum although this is almost certainly where it would sit. I will also ask about free schools and academies and what influence the Local Authority has with these.

(c) There is a big increase in young people asking for help with money problems. Citizens Advice says more than 100,000 17 to 24-year-olds have come to them in the last 12 months. That is up 20% on the year before. The charity says more people are using bank loans, payday lenders and family members, often on top of student loans. The average debt level is around £12,000 per person, compared to 10 years ago when it was almost £4,000. This problem is not limited to just young people and will affect people of all ages within Taunton Deane, especially those on low

incomes. What measures have been put in place to address this issue within Taunton Deane and in particular, the three One Team areas?

Reply

Thank you for the interesting statistics provided. Preparing young people for work was important particularly in a home environment where few, if any, family members had been employed. Link Power had been set up several years ago to provide experience of work and the routine associated with it. Because this was locally based, the scheme had been particularly successful in addressing the issue.

The Job Centre was working closely with the One Team and Link Power had an arrangement with the Department of Work and Pensions whereby those working through Link Power had no effect on their benefits.

It was recognised that there was a need for the One Team to continue to be proactive to start people on the journey to work providing them with the confidence and the training to move forward into employment.

9. 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:-

- Congratulations to Her Majesty the Queen Elizabeth II;
- Town Centre Vibrancy;
- Northern Inner Distributor Road (NIDR) Progress;
- Junction 25 (M5) and A358;
- Strategic Employment Site Adjacent Junction 25;
- Junction 26 – Westpark, Wellington;
- Crown Estate Housing Changes;
- Ongoing Major Projects; and
- Refugee Crisis.

(ii) Community Leadership (Councillor Mrs Jane Warmington)

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

- Response to the Refugee Crisis;
- Councillor Federica Smith's Local Initiative to Help Refugees and Migrants in Europe;
- Support for Mental Health;
- Employability;
- One Teams Estate Housing Staff;
- Community Safety;

- Taunton's Experience with 'Legal Highs'; and
- Read Easy.

(iii) Housing Services (Councillor Beale)

Councillor Beale submitted his report which drew attention to the following:-

- Deane Housing Development;
- Photovoltaic (PV) Solar Panels Scheme;
- External Wall Insulation Scheme to a selection of Cornish type non-traditional properties;
- Housing Revenue Account (HRA) Business Plan; and
- Welfare Report.

(iv) Environmental Services (Councillor Berry)

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

- Licensing / Environmental Health;
- Climate Change;
- Somerset Waste Partnership;
- Deane DLO; and
- Crematorium.

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

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

- Growth Deal Bids;
- Supporting Business Growth;
- Supporting Inward Investment and Fulfilment;
- Place Based Regeneration;
- Cultural Events;
- Marketing the Borough to Visitors; and
- ASSET Management Service General Fund Activities.

(vi) Planning, Transportation and Communications (Councillor Habgood)

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

- Site Allocations and Development Management Plan (SADMP);

- Specific Site Activity;
- Local Development Order;
- Gypsies and Travellers;
- Sport, Recreation and Open Spaces;
- Neighbourhood Planning;
- Transportation Schemes and Funding;
- Northern Inner Distributor Road;
- Car Park Operations;
- Car Parking Strategy; and
- Taunton Rethink.

(vii) Sports, 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) Corporate Resources (Councillor Parrish)

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

- Corporate Strategy and Performance;
- Facilities Management and Business Support;
- Human Resources and Organisational Development;
- ICT and Information;
- Transformation Programme Management;
- Southwest One (SW1) Succession Planning;
- Additional Priorities;
- Council Tax Support;
- Customer Contact;
- Law and Governance – SHAPE Partnership Services;
- Electoral Services;
- Democratic Services;
- Code of Conduct Training for Town and Parish Councils; and
- Finance and Procurement.

(Councillors Govier, Miss Durdan, Ms Webber, Mrs Edwards, Durdan, Wren and Coombes, Mrs Gunner, Davies, and Aldridge left the meeting at 7.35 pm, 7.45 pm, 7.54 pm, 8.25 pm, 8.44 pm, 8.51 pm, 9.02 pm, 9.04 pm, 9.05 pm and 9.09 pm respectively. Councillors Mrs Floyd and Horsley left the meeting at 9.21 pm).

(The meeting ended at 9.25 pm.)

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 10 November 2015 at 6.30 p.m.

Present The Mayor (Councillor Mrs Hill)
Councillors Mrs Adkins, M Adkins, Aldridge, Beale, Berry, Bowrah, Brown, Cavill, Coles, Coombes, Davies, D Durdan, Miss Durdan, Mrs Edwards, M Edwards, Farbahi, Gage, Gaines, Govier, Habgood, Hall, C Hill, Horsley, James, R Lees, Mrs Lees, Ms Lisgo, Martin-Scott, Morrell, Nicholls, Parrish, Prior-Sankey, Ryan, Miss Smith, Mrs Smith, Stone, Sully, Townsend, Mrs Tucker, Mrs Warmington, Watson, Wedderkopp, Williams and Wren

1. Apologies

The Deputy Mayor (Councillor Mrs Stock-Williams) and Councillors Mrs Blatchford, Mrs Floyd, Mrs Herbert, Mrs Reed, Ross and Ms Webber.

2. Declaration of Interests

Councillors M Adkins, Coles, Govier and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Beale declared personal interests as a Board Member and Director of Tone FM, Chief Executive of the 'Think Amy' Charity and as a Governor of the South West Ambulance NHS Trust. Councillors Gage and Stone declared prejudicial interests as Tone Leisure Board representatives. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Ms Lisgo declared a personal interest as a Director of Tone FM. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon. Councillor Hall declared a personal interest as a Director of Southwest One.

3. Public Question Time

- (i) Mr Michael Oliver referred to the recent Planning Committee meeting he had attended where he had been alarmed to hear the Assistant Director (Planning) asserting that de facto a Masterplan for the Comeytrowe proposals was in place. He was also disturbed to hear from a Councillor that a last minute change had been made concerning the provision of a primary school whereby the developer now intended to facilitate a serviced site, rather than a complete school.

The planning application was in outline except for access, which was not a reserved matter. The report was recommending access details were included within a Section 106 Agreement. There appeared to be no clarity as to even what type of junction the development would be served by.

I believe that any subsequent planning permission granted on this basis would be defective because of how the issue of “access” had been addressed.

In these circumstances, could an assurance be given that as much as possible of the future decision making process of the application was kept in Councillor’s control and not delegated to officers?

In addition, would serious consideration be given to seeking external expert legal advice on the current status of the planning application and your officer’s recommendation to have its access proposals deferred to a Section 106 Agreement?

- (ii) Referring to the same meeting, the Chairman of Comeytrowe Parish Council, Mr Brian Larcombe, asked the following questions:-

“Does the Council have an adequate master-plan for the impact and needs of the current developments across the whole Town of Taunton and the infrastructure issues they would create? One that actually joined up all the issues in a way that would deliver what this town was looking for and for the kind of growth this town was inviting?”

Councillor Habgood thanked Messrs. Oliver and Larcombe for their questions and promised them full written responses in due course.

4. **Exclusion of the Press and Public**

Resolved that the press and public be excluded from the meeting for the following item 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.

5. **Proposed Relocation of Deane DLO Facilities**

Considered report previously circulated, concerning the proposed relocation of Deane DLO facilities.

The report followed the Council decision in January 2015 to sell Priory Way, Taunton, subject to vacant possession and planning approval and the subsequent Executive Report of June 2015 identifying short-listed sites and a preferred site including approval to conduct due diligence and negotiate Heads of Terms and commercial negotiations with the preferred vendor (Option ‘A’ Monkton Heathfield) and reserve sites (Options ‘B’ West Monkton and ‘C’ outskirts of Wellington).

Following extensive due diligence on the short-listed sites and building / compound brief, specification and area requirements there had been a change in the preferred site for the reasons outlined in the report.

Support was therefore requested to move to the next stage of the project covering planning, detailed design, land acquisition and construction of the new facility.

The report sought:-

- Approval for the relocation of the new purpose built facilities to accommodate the Council's Direct Labour Organisation at the preferred site Option 'C' Wellington; and
- Permission and funding to conclude commercial negotiations with the preferred developer in line with this final Business Case to progress and complete on the land purchase and construction phase at Option 'C' Wellington.

The proposed relocation had been considered by the Corporate Scrutiny Committee on 22 October 2015 and the recommendations set out in the report were endorsed by Members.

A number of concerns which UNISON had raised in connection with the proposal were brought to the attention of the Councillors.

Noted that the report constituted the final decision to progress this site and detailed clear funding information for consideration by Members in the confidential appendices.

Resolved that:-

- (a) The purchase of land at the Option 'C' site in Wellington together with the entering into development agreement contracts to deliver a new Deane DLO facility, subject to contract and planning, be approved;
- (b) A non-refundable forward payment be approved which would be made by the Council to the vendors as outlined in the report to accelerate planning and design;
- (c) Senior Officers be authorised to progress and conclude commercial discussions and legal matters;
- (d) Final approval and sign-off of the purchase be delegated to the Leader, Portfolio Holder of Assets, the Chief Executive and the Section 151 Officer, who would be granted authority to conclude a purchase of land and to enter into a development agreement contracts, to deliver a new facility on the Option 'C' site.
- (e) A total budget for the project as outlined in the report be approved, to be funded from ring-fenced receipts from the sale of the current depot site, unallocated capital receipts and the remainder derived from the Growth Fund reserve.

(f) The appointment of the owner of the Option 'C' site be approved to carry out the design and build as an exception to the Council's Contract Procedure Rules on the basis of the special circumstances; and

(g) The interim borrowing facilities up to the value of the total budget for the project, as outlined in the report, be approved.

(The meeting ended at 8.43 pm.)