

Executive- 29 November 2017

Present: Councillor Williams (Chairman)  
Councillors Beale, Berry, Edwards, Habgood, Mrs Herbert, Parrish and Mrs Warmington

Officers: Chris Hall (Assistant Director – Operational Delivery), Tim Child Asset Manager), Paul Fitzgerald (Section 151 Officer), Jo Nacey (Finance Manager) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge, Coles, Ms Lisgo and Mrs Stock-Williams  
Mickey Green and Bruce Carpenter of the Somerset Waste Partnership

{The meeting commenced at 6.15 pm.}

#### 41. Minutes

The minutes of the meeting of the Executive held on 7 September 2017, copies of which had been circulated, were taken as read and were signed.

Councillor Coles enquired whether there was any update on the situation relating to the repairs needed to the premises at Tonedale Mill, Wellington which had been the subject of a report to the last meeting of the Executive.

The Chairman stated that arrangements would be made for an update to be sent to Councillor Coles.

#### 42. Public Question Time

(Councillor Ms Lisgo declared a personal interest as a trustee of the North Taunton Partnership.)

Councillor Ms Lisgo made reference to the charges for using the Council's open spaces which was referred to in the Fees and Charges report (agenda item No. 10).

It was now clear that "Friends or groups did not have to pay the charges, but she asked why this did not also apply to a local community group such as the North Taunton Partnership who, during the summer, ran a series of activities for teenagers and children in Lyngford Park. Fortunately, the Housing Revenue Account had met the charges for using the Council's open space this year. Nevertheless, in the future it could well be the Partnership itself which had to find the necessary funding.

At the recent meeting of the Corporate Scrutiny Committee this matter had been discussed and it was agreed to suggest to the Executive that a list ought to be drawn up of community organisations which should have equal status to the "Friends of' groups who would not be charged for the use of the Council's open spaces.

In response, Councillor Williams stated that care would have to be taken to distinguish which community groups should qualify and ensure that this did not end

up supporting commercial events.

#### 43. Declaration of Interests

Councillor Mrs Warmington declared a personal interest as a Member of Bishops Lydeard and Cothelstone Parish Council.

#### 44. Somerset Waste Partnership Draft Business Plan 2018-2023

Considered report previously circulated, which sought approval for the Somerset Waste Partnership's (SWP) Draft Business Plan 2018-2023. The draft Plan had been made available to Members.

Whilst the Business Plan had a five year horizon, Councillors were only requested to approve the plan for the financial year 2018/2019.

The Draft Business Plan and associated Action Plan were the means by which the partnership described its business, evaluated changes to the operating environment, identified strategic risks and set out its priorities. The plan had a five year horizon with particular focus on the next 12 months. It was the primary means to seek approval for and to secure the necessary resources to implement its proposals from the partner authorities.

The plan also set out the draft Annual Budget for the Waste Partnership for 2018/2019.

All partner authorities had previously endorsed the implementation of Recycle More and delegated their waste collection functions to the Somerset Waste Board (SWB). Whilst the original delivery plan was to implement Recycle More with Kier, it had not been possible to reach acceptable terms with them.

Recycle More depended upon having a new fleet of vehicles in place with the correct containment for the new material. Due to the importance of aligning the procurement of a new fleet with the implementation of Recycle More and the need to have sufficient time to undertake a robust procurement process the SWB had, by mutual consent with Kier, agreed to bring forward the expiry date of the current collection contract from September 2021 to 27 March 2020.

The actions in the draft Business Plan set out the most significant set of changes to Somerset's waste services since SWP's inception in 2007. Co-ordinated for maximum impact and value the changes spanned all three major contracts for waste collection, treatment, disposal and infrastructure.

The Business Plan set out three related areas of activity which together would enable SWP's vision to be realised:-

- Building capability- This included improving how the partnership used data, developing and implementing a technology roadmap and doing more to understand people's behaviour. SWP was working closely with all partners to implement a new website, a new customer service system and a mobile app in order to improve the way customers were supported.

- Action on waste prevention, reuse, recycling and recovery - These actions aimed to improve Somerset's recycling rate from 52% towards 60% and potentially beyond, lead to a reduction in residual waste generated per household and generate energy from materials that could not be recycled. Close working with all partners will be necessary to maximise the impact of work to change people's behaviours, focussing on reducing the 50% of recyclable waste that is still in our residual waste.
- Maintaining services and operational effectiveness - These activities would ensure the day to day functions of the SWP were delivered effectively and safely. It included a review of SWP's core services contract with Viridor ahead of its expiry in 2022, focussing on whether there was value for money in extending this agreement.

The Draft Plan had been brought together against the background of the continuing difficult economic situation but with a continuing desire from partners to deliver the following key priority areas:-

- (1) Waste minimisation, high diversion and high capture;
- (2) Improved services for customers;
- (3) Contract monitoring and review;
- (4) Alternatives to landfill and optimising material processing;
- (5) Investigating Recycling Centre options;
- (6) Investigating collection service options; and
- (7) Organisational efficiency.

The SWB had undertaken a major review of the commissioning options and proposed to undertake a competitive dialogue procurement to secure a new collection contractor following the expiry of the contract with Kier. Full details of this were set out in the report.

Despite early expiry there were no changes to the charging process for 2018/2019 and, as such, the budget was to be set in accordance with the usual contractual criteria. The cost increase for 2018/2019 when compared with 2017/2018 was £177,000. The budget for 2018/2019 had a contract increase in mind, however the actual increase was greater than this creating a small additional impact of £40,000 on the Medium Term Financial Plan.

Further reported that this item had been considered by the Corporate Scrutiny Committee on 16 November 2017 and the views expressed by Members were set out in detail in the Executive's report.

Resolved that:-

- (i) The Somerset Waste Partnership's Draft Business Plan 2018-2023, in particular the proposed approach to the procurement of a new collection contract be approved;
- (ii) It be noted that, in line with their delegated authority and in order to implement Recycle More as requested by partners, the Somerset Waste Board had agreed

with Kier to bring forward the expiry date of the current collection contract from September 2021 to 27 March 2020; and

- {iii) The projected budget for 2018/2019 be approved subject to the finalisation of the figures.

45. Taunton Deane Borough Council General Fund 2018-2020 Asset Strategy

Considered report previously circulated, concerning the draft Taunton Deane Borough Council 2018-2020 Asset Strategy, a copy of which had been circulated to the Members of the Executive.

The issues identified within the draft strategy were very significant and actions were needed to be taken to address them via the protocols within the strategy. It was critical that delivery of the strategy, when adopted, was not delayed due to lengthy decision making cycles.

The Asset Strategy required the General Fund asset portfolio to be managed more proactively and commercially moving forward to enable disposal of poor performing assets, acquisition where there was a sound business case, investment in a proactive and informed manner and much greater commercialism in respect of the 'let' portfolio. Unless this strategy was adopted then significant additional budget would need to be secured to maintain this portfolio.

What was key was the ability for the Council to make informed and proportionate decision making but in a way that did not stifle the delivery of the strategy and the need for more 'agile' decision making. For the previous three years this has been a significant issue which has impacted on delivery.

Noted that the Executive was recommended to choose one of the following two options as the favoured decision making route moving forward:-

(a) Detailed asset specific final protocol decisions that flowed from the approved strategy, including key decisions being undertaken by delegation to a Director in consultation with the Portfolio Holder for Asset Management (no call in); or

(b) Detailed asset specific final protocol decisions that flowed from the approved strategy, including key decisions being undertaken as Executive Portfolio Holder decisions {call-in possible}.

From a speed of delivery perspective and in terms of generating the receipts and increasing the revenue income, decision making option (a) was the preferred route. However, if decision making option (b) was the outcome eventually agreed, the portfolio holder and officers would review any impact to the delivery of the Asset Strategy if it was deemed that the use of the Scrutiny 'Call in Procedure' negated the delivery of the strategy.

In accordance with the strategy, protocol decisions would result in an options appraisal as part of the flowchart contained in the document. All options appraisals would be undertaken using a standard format.

Ward Councillors would be consulted where assets in the ward were being appraised and given an opportunity to discuss any concerns with the Asset Management Team. The team would seek to address any apprehensions and suggestions the Ward Councillor might have, including considering alternative options or what compromises might be possible.

However, if their support on the outcome for the asset in question could not be mutually agreed, then it would be for the portfolio holder to decide how to proceed. In addition to Ward Councillors, appropriate Portfolio Holders would also be consulted.

An Asset Management Group (AMG) for the General Fund portfolio would be re-established and would include relevant portfolio holders who would consider these options appraisals and agree how to proceed.

Further reported that delivery of the strategy and realisation of the benefits would be reliant on adequate staffing resource, asset data in easily reportable datasets and the prioritisation of projects to focus on delivery of the strategy with less emphasis on non-key tasks. The current way of working would need to change.

The strategy made it clear that disposals were just one consideration and would be pursued alongside Investment In assets, acquisitions and being more commercial with the let portfolio but officers did need the ability to implement the strategy. Investment plans and the results from options appraisals would be reported to the Council through the AMG.

The Action Plan would be reviewed quarterly by the AMG and reported to Scrutiny, the Executive and Full Council annually.

Further reported that this item had been considered by the Corporate Scrutiny Committee on 16 November 2017 and the views expressed by Members were reported verbally at the meeting. From these, it was agreed that when the report was considered by Full Council, It should contain an updated list of all the Council's assets. It was also noted that Scrutiny had opted for decision making 'route (b)' which would allow for call-ins to be made.

Resolved that Full Council be recommended:-

- (a) To formally adopt the Taunton Deane Borough Council 2018-2020 Asset Strategy, the principles within and the recommendations; and
- (b) To agree that the favoured decision making route moving forward should be:-

"Detailed asset specific final protocol decisions that flowed from the approved Strategy. including key decisions being undertaken by delegation to a Director in consultation with the Portfolio Holder for Asset Management (no call-in)".

Note : The Director might, if appropriate, choose to take a decision through Committee if such a decision was likely to be contentious.

#### 46. Someraet Buain- Rataa Pooland 100% BusIn- Rates Retention Pilot

Considered report previously circulated, concerning a bid that had been submitted to the Department of Communities and Local Government (DCLG) to become a pilot for 100% Business Rates Retention (BRR) in 2018/2019 with our County-wide district and County neighbours.

The current 50% BRR system had been Introduced in the 2013/2014 financial year as part of a wider suite of changes implemented following the Local Government Finance Review. It included the potential for groups of local authorities to apply to pool Business Rates resources.

As a result, Taunton Deane had joined a Business Rates Pool with Bath and North East Somerset, North Somerset, Somerset County Council (SCC), Mendip District Council (MDC), Sedgemoor District Council (SOC), and South Somerset District Council (SSDC) with effect from April 2015.

Although this pooling arrangement had ended on 31 March 2017, a smaller pool was then formed In 2017/2018 comprising SCC, MDC and SOC.

On 1 September 2017, DCLG had issued an invitation to local authorities to pilot 100% BRR in 2018/2019 – for one year only – and to pioneer new pooling and tier-split models.

The first set of pilots for 100% BRR had been launched in 2017/2018. The Government had Indicated it would like to see other authorities form pools and apply for pilot status. In assessing applications the Government has set out a criteria. This included aspects that would suggest the potential for a successful Somerset bid, such as:-

- The proposed pooling arrangements operating across a functional economic area i.e. the County Council and all relevant District Councils;
- The Government was particularly interested in piloting in two-tier areas focussing on rural areas; and
- There was a variation in the types of Business Rates base represented.

The pilot areas – if selected – would retain 100% of Business Rates growth above the baseline. Under the 50% system, half of this growth would be paid over to the Government. This provided an opportunity therefore to keep more funding locally and the Government had indicated it was looking for authorities to show how the additional retained resources would be of benefit locally, for example whether the proposals would promote the financial sustainability of the authorities involved.

Following the publication of the Government's invitation, the Section 151 Officers within the six local authorities in Somerset had sought to urgently assess the potential gains from establishing a wider pool and applying to be a pilot for 100% BRR.

The specialist advisors, LG Futures, had been appointed to undertake an initial assessment and having considered the analysis, advantages and disadvantages. it



was believed the case for a County-wide pool and becoming a pilot was overwhelming.

The six Councils had therefore decided it was worth investing in further analysis and preparing an application to become a pilot for 100% BRR in 2018/2019. LG Futures had again been appointed to assist on a 'no win no fee' arrangement where they would only receive payment if the application to become a pilot area was successful. It was expected DCLG would announce successful applications for new pools and pilot areas through the provisional Local Government Finance Settlement in December 2017. This will set the starting point for the new Business Rates Pool and would confirm the tariffs, top up and levy rates for each Council, together with their spending baselines and should confirm the benefits arising through this pooling arrangement. The Government had indicated that the Safety Net for a 50% pool would remain at 92.5% of Baseline, and that under a 100% Pilot the Safety Net would rise to 97% of Baseline – reducing the risk of losses.

Councils would have the opportunity, during the 30-day Financial Settlement consultation period, to decide to withdraw from a pooling arrangement if they decided that it did not offer the benefits they had thought. Through the application to become a 100% BRR pilot the Councils had to indicate what, if any, pooling arrangement was preferred and, at this stage, the Councils had indicated that they wished to establish a new Somerset-wide Pool even if the pilot bid was unsuccessful.

Noted that the modelling undertaken to date had suggested the potential financial benefits are considerable, albeit not without risk.

The Government had recently confirmed that any new 100% BRR pilots for 2018/2019 would benefit from a 'no detriment' clause within the funding agreement which would remove the risk of volatility in respect of 100% BRR gains in 2018/2019.

The analysis undertaken to assess the potential financial benefits, and potential benefit sharing arrangements, had indicated that a Somerset Pool would benefit by an estimated £4,400,000 (compared to acting as individual authorities) and a further £10,300,000 if the bid to be a pilot area for 100% BRR was successful. This was summarised in the table below:-

	Projected Potential Gain in 50% BRR Pool £m	Projected Additional Gain under 100% BRR Pilot £m	Total Projected Gain if 100% BRR Pilot £m
Mendip	0.8	0.9	1.7
Sedgemoor	1.0	1.1	2.2
South Somerset	0.5	0.5	1.0
Taunton Deane	0.2	0.5	0.7
Wilt Somerset	0.6	0.7	1.3
Somerset County	1.2	6.6	7.8
TOTALS	4.4	10.3	14.7



This matter was considered by the Corporate Scrutiny Committee at its meeting on 16 and 27 November 2017. As well as supporting the proposals, Members had asked the Executive to consider a fourth recommendation that the Section 151 Officer should establish a reporting system that met the standards of transparency and accountability through the democratic process on any expenditure gained through the pilot bid, if successful. This was not endorsed by the Executive.

Resolved that Full Council be recommended to:-

- (a) Endorse the urgent decision made by the Leader of the Council and the Section 151 Officer that the Council participated in the pooling arrangement together with the other Somerset authorities under the 50% Business Rates Retention scheme for 2018/2019;
  - (b) Also endorse the urgent decision to apply to the Government for the Somerset Business Rates Pool comprising the County and five Districts Councils to become a pilot area for 100% Business Rates Retention in the 2018/2019 financial year; and
  - (c) Delegate authority to the Section 151 Officer, in consultation with the Leader of the Council, to decide whether to remain in the Pool and, if approved by the Government, the 100% Business Rates Retention Pilot scheme when the Government's Provisional Settlement details were announced in December 2017.
47. 2018/2019 Budget Options and Medium Term Financial Plan Update

Considered report previously circulated which provided an update on progress with regard to Budget Setting for 2018/2019, the latest Medium Term Financial Plan (MTFP) forecasts and the areas to be finalised.

There remained a number of areas where budget forecasts were to be finalised therefore there was potential for the estimated Gap to change, and this would be reported to Members as the budget process progressed.

At the Executive meeting on 3 August 2017, officers committed to reviewing the underspends identified at outturn for 2016/2017 to establish if there were any continuing savings which could help address the budget gap. Overall, progress to address the gap had been positive and there were new savings which had emerged for 2018/2019.

Noted that in August, the estimated Budget Gap for 2018/2019 was £388,000, rising to £1,118,000 by 2022/2023 as shown below:-

	2018/19 £k	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k
Budget Gap Increase	388	-16	166	233	347
Budget Gap Total	388	372	538	771	1,118

Since then the budget gap for 2018/2019 had been updated for detailed estimates

related to service costs and funding based on information available to date. The table below summarised the changes to the Budget Gap, which was currently estimated at £99,000 (rising to £835,000 by 2022/2023) but which contained several unknowns at this stage of the process:-

#### Summary 2018/2019 Budget Gap Reconciliation

	·£k	£k
2018/19 Budget Gap as reported to Executive Aug 2017		388
<i>Service Cost Pressures:</i>		
TDBC Assets – Void Pressure 100/0	46	
SHAPE Contract	89	
DLO Trading - Reset Pressure (reduction from £101k)	51	
SWP loan interest delay? (£31k)	?	
Waste contract pressure (TBC)	40	
Transformation savings delay	?	
Subtotal- Service Cost Pressures		226
<i>Service Cost Savings:</i>		
PSAA audit fees reduction	-27	
Deane Helpline- Additional income	-20	
Council Tax Collection- Additional Court Fees	-100	
Recycling/Green Waste	-20	
Additional Investment Income	-250	
Bereavement services-Additional income	-48	
Street Cleansing saving	-50	
Council Tax £5 assumed increase (implication £86k)	?	
Subtotal- Service Cost Savings		-515
Fees and Charges (Possible £42k towards gap)	?	
2018/19 Latest Budget Gap Estimate 16 November 2017		99

A brief explanation of the service cost pressures was outlined in the report.

As a result of the above changes the up to date estimated budget gap for 2017/18 stands at £99k, rising to £835k by 2022/23 as can be seen below.

	'2018/t9 £k	2019/20 £k	2020/21 £k	20,21/2:2 £k	2022/23 £k
Budget Gap <u>Increase</u>	99	-12	166	233	348
<u>Budget Gap Total</u>	99	87	254	487	835

#### Fees and Charges for 2018/2019

The proposals in respect of Fees and Charges for 2018/2019, if approved by Full Council, would add approximately £42,000 to the General Fund income budget estimates for 2018/2019.

#### Council Tax

Information provided with the four year funding settlement indicated that, as a shire district, Taunton Deane would have the option to increase the Band D by a maximum of £5 each year in 2018/2019 and 2019/2020 if Members are minded.

This would be confirmed each year by the Secretary of State.

If confirmed by the Secretary of State and if recommended by Executive, an increase of £5 on a Band D property would raise a further £85,610 compared to the 1.99% increase assumed in the MTFP, based on the current Taxbase estimate.

#### Council Tax Increase Scenarios for 2018/2019

*Assumes 1<sup>st</sup> tax Base of 41,558.0 per Ina/CBt1V8 MTFP Estimate*

Council Tax Increase	Band D Tax Per Year £	Band D Increase Per Year £	Basic Council Tax Income £	Additional Income £
0.00%	147.88	0.00	6,145,590	0
1.00%	149.36	1.48	6,207,100	61,510
1.99% (MTFP assumption)	150.82	2.94	6,267,770	1,22,180
3.38%	152.88	5.00	6,353,380	207,790

#### Areas Still to be Completed:-

- o The Business Rates Retention provisional estimates would be completed in the coming days. This was a complex calculation and subject to change following the Provisional Local Government Finance Settlement.
- o The Council Tax base provisional estimates would be completed shortly and these would be added to the forecast as soon as they could be verified.
- o Budget holders had been asked to put forward their Capital Bids for 2018/2019. Although Capital in nature many schemes had revenue implications which might add to the Budget Gap.

#### Other Factors- Business Rates 100% Retention Pilot

Reported that the Somerset County area had presented a Business Case to the Department of Communities and Local Government to create a new Somerset Pool for Business Rates comprising the County and all five districts and apply for Pilot status. There were potential rewards that firstly pooling and then growth in Business Rates retention might produce. It was likely that news as to whether the pilot bid had been successful when the Provisional Settlement was received in December.

#### Risk, Opportunities and Uncertainty

Continuing risks and uncertainty for the budget at this stage included:-

- The Local Government Finance Settlement;
- New Homes Bonus;
- Council Tax;
- Fees and Charges;
- Capital Programme; and
- Transformation Savings.

.....&1.-A- ---&\ntta ...-- "" n-A"

## Housing Revenue Account (HRA)

The HRA Budget for 2018/2019 was currently being developed and shared with the Tenant Services Management Board and Tenants Forum for comment.

Details of progress on the HRA Budget estimates would be included in a report to the Executive in January 2018. This would be presented alongside an updated overview of the 30-Year Business Plan.

Resolved that the report be noted.

### 48. Earmarked Reserves Review

Considered report previously circulated, concerning a review which had recently been undertaken of a number of earmarked reserves held by the Council for various purposes with a view to balances being returned to the General Fund.

The level of earmarked General Fund reserves as at 31 March 2017 was £17,344,000 which was equivalent to 120.5% of the Council's Net Revenue Budget.

As a result of the review, there were various earmarked reserves, totalling £91,649, that were no longer required. These related to budgets in connection with Climate Change, the F E Colthurst Trust, Waste, Debt Recovery, Legal, Civic Hosting Costs and Transparency.

Resolved that Full Council be recommended to approve a Budget Return of £91,649 to General Reserves of surplus balances currently held in Earmarked Reserves.

### 49. Fees and Charges 2018/2019

Considered report previously circulated, concerning the proposed fees and charges for 2018/2019.

Those services proposing an increase to charges included:-

- Cemeteries and Crematorium – It was proposed to increase the main cremation and interment fees and make minor increases for other charges within the service. The income increase from this was expected to be £120,000. Of this, £75,000 was needed to meet the cost of deferred maintenance to the cremator and filtration equipment and to increase the capacity of the waiting room and the refurbishment of the toilets for visitors within the chapel complex;
- Waste Services – The Somerset Waste Partnership proposed to make modest increases to its charges for the Garden Waste Collection and Recycling Service. The price increases would allow the service to continue on a cost neutral basis in terms of the contract price paid to Kier. The increases would not alter the net position on green waste services as the increased charges were matched by the increasing cost of provision;

- Housing Services – In accordance with the 30 year Housing Business Plan, it was proposed to increase housing (non-rent) fees and charges by applying Retail Price Index (RPI) inflation as at September 2017 (3.9%), with some exceptions. The increases were likely to generate £336,000 for the Housing Revenue Account;
- Licensing -Although the fees in some areas had been increased last year any surplus or deficit would be dealt with across a rolling three year period such that the balance was zero on those fees which were set locally;
- Environmental Health – It was proposed to introduce a cost recovery fee for the provision of food hygiene advice to food businesses in Taunton Deane from 1 January 2018 which could provide a potential increased income of up to £2,450;
- Flag Post Pennants and Promotional Spaces – The proposed increase for the pennant service would cover the increase in installation charge. The fees for promotional spaces had been altered to reflect research which had shown that the Council's charges were not comparable to other towns and actually deterred bookings. Any additional income would contribute towards the Visitor Centre staffing budget;
- Court Fees- Following a High Court Case, there was a requirement to evidence a detailed breakdown of how the Court Fees were calculated. This had resulted in a proposal to reduce the Court Fees to £72. This was likely to result in a reduction of £860; and
- Open Spaces -The aim of this proposal was to formalise the charging for roundabout sponsorship and plant beds. It was anticipated that these proposals would generate additional income of £3,500.

No increases to the fees charged by Land Charges, Planning, the Deane Helpline and Freedom of Information Enquiries were proposed.

The proposed fees and charges had been discussed at the meeting of the Corporate Scrutiny Committee held on 16 and 27 November 2017. Although generally supportive of the proposals, Members had suggested that in relation to charges for Open Spaces, a list should be drawn up of approved Community Organisations which would have an equal status to "Friends Of Groups in order to ensure that there would be no charges levied on Community Events organised by non-profit making organisations which were non-ticketed events.

This was considered by the Executive and it was agreed that a criteria should be drawn up against which requests for the waiving of charges could be assessed in the future.

Resolved that Full Council be recommended to:-

- (1) To approve the fees and charges for 2018/2019 in respect of the Cemeteries and Crematorium, Garden Waste Collection and Recycling, Housing Services, Licensing, Environmental Health, Flag Post Pennants and Promotional

Spaces, Court Fees and Open Spaces; and

- (2) To authorise the Portfolio Holder for Sports, Parks and Leisure to introduce a criteria against which requests to waive charges for the use of the Council's Open Spaces could be assessed.

50. Executive Forward Plan

Submitted for information the Forward Plan of the Executive over the next few months.

Resolved that the Forward Plan be noted.

(The meeting ended at 8.52 p.m.)



**CHAIRMAN**