

You are requested to attend a meeting of the Council to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 4 August 2016 at 19:15.

Agenda

The meeting will be preceded by a Prayer to be offered by the Mayor's Chaplain.

- 1 To report any apologies for absence.
- 2 To receive any communications.
- 3 Declaration of Interests
To receive declarations of Disposable Pecuniary Interest or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of Full Council are shown on the attachment.
- 4 To receive questions from Taunton Deane Electors under Standing Order 15.
- 5 To receive any petitions or deputations from Taunton Deane Electors under Standing Orders 16 and 17.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 6 Land at Creedwell Orchard Housing Estate, Milverton. Report of the Principal Estates Surveyor (to follow). Paragraph 3 - Information relating to financial or business affairs.

KINDLY NOTE : This special meeting of Full Council will take place following the preceding meeting of the Executive which commences at 18:15. The start time of the Full Council meeting might therefore be after the time stated at the head of this page.

Reporting Officer: Adrian Priest

26 October 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Council Members:-

Councillor V Stock-Williams (Chairman and Mayor of Taunton Deane)
Councillor H Prior-Sankey (Deputy Mayor)
Councillor J Adkins
Councillor M Adkins
Councillor T Aldridge
Councillor T Beale
Councillor P Berry
Councillor J Blatchford
Councillor C Booth
Councillor R Bowrah, BEM
Councillor W Brown
Councillor N Cavill
Councillor S Coles
Councillor W Coombes
Councillor D Cossey
Councillor T Davies
Councillor D Durdan
Councillor K Durdan
Councillor C Edwards
Councillor M Edwards
Councillor H Farbahi
Councillor M Floyd
Councillor J Gage
Councillor E Gaines
Councillor A Govier
Councillor A Gunner
Councillor R Habgood
Councillor T Hall
Councillor C Herbert
Councillor C Hill
Councillor M Hill
Councillor J Horsley
Councillor J Hunt
Councillor G James
Councillor R Lees
Councillor S Lees
Councillor L Lisgo, MBE
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor R Parrish
Councillor J Reed
Councillor S Ross
Councillor R Ryan
Councillor Miss F Smith
Councillor F Smith
Councillor P Stone
Councillor A Sully
Councillor N Townsend

Councillor C Tucker
Councillor J Warmington
Councillor P Watson
Councillor D Webber
Councillor D Wedderkopp
Councillor J Williams - Leader of the Council
Councillor G Wren

Usual Declarations of Interest by Councillors

Full Council

- **Members of Somerset County Council – Councillors M Adkins, Coles, Govier, Hunt, Prior-Sankey and Wedderkopp**
- **Employee of the Department of Work and Pensions – Councillor Mrs Herbert**
- **Clerk to Milverton Parish Council – Councillor Wren**
- **Tone Leisure Board representatives – Councillors D Durdan, Gage and Stone**
- **Director of Tone FM – Councillor Ms Lisgo**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College.**
- **Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane.**
- **Councillor Hall declared a personal interest as a Director of Southwest One.**
- **Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and the owner of an area of land at Haydon, Taunton.**
- **Councillor Richard Parrish declared a personal interest as the District Council’s representative on the Somerset Pensions Committee.**
- **Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM**

and as a Trustee of Hestercombe House and Gardens and the Somerset Building Preservation Trust.

- **Councillor Federica Smith declared a personal interest as a member of Refugee Aid from Taunton.**
- **Councillor Ross declared personal interests as one of the Council's representatives on the Somerset Waste Board, as a member of the Wiveliscombe Area Partnership and as a Governor of Wiveliscombe Primary School.**

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 4 August 2016 at 7.45 p.m.

Present The Mayor (Councillor Mrs Stock-Williams)
 The Deputy Mayor (Councillor Prior-Sankey)
 Councillors M Adkins, Aldridge, Beale, Berry, Mrs Blatchford, Booth,
 Bowrah, Brown, Cavill, Coombes, Davies, D Durdan, Miss Durdan,
 Mrs Edwards, Edwards, Farbahi, Gage, Gaines, Habgood, Hall,
 Mrs Herbert, Mrs Hill, Hunt, James, R Lees, Morrell, Parrish,
 Mrs Reed, Miss Smith, Mrs Smith, Townsend, Mrs Tucker, Watson and
 Wren

Mrs A Elder – Chairman of the Standards Advisory Committee

1. **Apologies**

Councillors Mrs Adkins, Coles, Mrs Gunner, Horsley, Mrs Lees, Ms Lisgo, Nicholls, Ross, Ryan, Sully, Mrs Warmington, Ms Webber and Williams.

2. **Declaration of Interests**

Councillors M Adkins, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor Gage declared a prejudicial interests as a Tone Leisure Board representative. Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust. Councillor Edwards declared a personal interest as the Chairman of the Governors of Queens College. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Hall declared a personal interest as a Director of Southwest One. Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon. Councillor Parrish declared a personal interest as the District Council's representative on the Somerset Pensions Committee. Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM, as a Trustee of Hestercombe House and Gardens and the Somerset Building Preservation Trust. Councillor Miss Smith declared a personal interest as Chairperson of Refugee Aid from Taunton.

3. **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.

4. **Land at Creedwell Orchard Housing Estate, Milverton**

Considered report which was circulated at the meeting, concerning a further variation of an Option Agreement with S Notaro Limited (SNL) for the purchase of land at Creedwell Orchard Housing Estate, Milverton.

An Option Agreement was entered into with SNL in February 2014 for a period of 10 years following Executive approval in respect of Council owned land at Creedwell Orchard. The land was to be used to provide access to land owned by SNL that had the benefit of an extant planning permission for residential development.

The current Option Agreement provided that the "Base Price" for the Council's land, should be determined by the "Base Sum" figure (subject to indexation up or down) that had been determined by the District Valuer. In the event of the Index falling between certain dates, the Agreement provided that the "Minimum Price" should be a particular percentage of the "Base Sum".

Since the completion of the Option Agreement, it had come to light that the formula for the sale price of the land had been based upon an incorrect valuation as a result of incorrect information on floor areas being provided to the Council.

In order to address this issue, the District Valuer had again been engaged to advise further on the value of the Council's land based upon the correct extant planning permission floor areas with a view to agreeing a revised "Base Sum" figure on behalf of the Council.

Further reported that a revised "Base Sum" had been provisionally agreed and this amount had been certified by the District Valuer as representing best consideration for the Council. The "Minimum Price" would also need revising and to ensure consistency with the terms of the existing option, remained at the particular percentage of the new "Base Sum".

The Option Agreement also contained a number of provisions for Overage Payments to be made to the Council should the developer obtain planning consent(s) for a higher value alternative development.

Reported that at the meeting of Full Council on 12 April 2016 it was resolved that the "Trigger Date" within the Option Agreement should be amended to provide that the option to purchase the Council's land must be exercised within 120 days of 12 October 2016. Once the Council and SNL had completed the deed of variation this would be contractually binding.

The amendment of the "Trigger Date" was intended to set a timetable for negotiations to be completed and a revised sale price formula based upon the correct extant planning permission floor areas to be agreed. This would, therefore, remove the link between the planning process and deriving the capital receipt and then enable SNL to exercise the option.

Noted that there was a live appeal against a planning decision made on 15 October 2015, which had been acknowledged by The Planning Inspectorate and an Inquiry if progressed would take place sometime after 12 October

2016. However, the Council would obtain a capital receipt irrespective of what the outcome of the appeal was, assuming the Option Agreement was exercised by SNL.

Resolved that the amendment of the “Base Sum” within the Option Agreement (detailed in the report) be approved and the “Minimum Price” (also detailed in the report) be amended by way of a Deed of Variation.

(The meeting ended at 8.26 p.m.)