

SWT Full Council - 19 June 2019

Present: Councillor Hazel Prior-Sankey (Chair)

Councillors Simon Coles, Gwil Wren, Danny Wedderkopp, Kelly Durdan, Andy Pritchard, Ed Firmin, Andy Milne, Hugh Davies, Marcus Barr, Steven Pugsley, Sue Buller, Dixie Darch, Chris Booth, Dave Durdan, Benet Allen, Caroline Ellis, Mark Blaker, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, John Hunt, Marcus Kravis, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Paul Bolton, Chris Morgan, Simon Nicholls, Loretta Whetlor, Craig Palmer, Martin Peters, Peter Pilkington, Lee Baker, Norman Cavill, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Nick Thwaites, Anthony Trollope-Bellew, Sarah Wakefield, Alan Wedderkopp, Brenda Weston and Keith Wheatley

Officers: Tim Bacon, James Barraah, Paul Fitzgerald, Christine Fraser, James Hassett, Robert Hillier, Marcus Prouse and Amy Tregellas

(The meeting commenced at 6.15 pm)

16. Apologies

Apologies were received from Councillors Adkins, Aldridge, Farbahi, Herbert, Mr Hill, R Lees, S Lees and Venner.

17. Minutes of the previous meeting of Full Council

(Minutes of the meeting of Annual Council held on 22nd May 2019 circulated with the agenda)

RESOLVED that the minutes of Annual Council held on 22nd May be confirmed as a correct record.

18. Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	Cheddon Fitzpaine & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Barr	All Items	Wellington	Personal	Spoke and Voted
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr P Bolton	All Items	Minehead	Personal	Spoke and Voted

Cllr C Booth	All Items	Wellington and Taunton Charter Trustee	Personal	Spoke and Voted
Cllr N Cavill	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Davies	All Items	SCC	Personal	Spoke and Voted
Cllr C Ellis	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr A Govier	All Items	SCC & Wellington	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC	Personal	Spoke and Voted
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr D Mansell	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr A Milne	All Items	Porlock	Personal	Spoke and Voted
Cllr C Morgan	All Items	Stogursey	Personal	Spoke and Voted
Cllr S Nicholls	All Items	Comeytrove	Personal	Spoke and Voted
Cllr C Palmer	All Items	Minehead	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr P Pilkington	All Items	Timberscombe	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Rigby	All Items	SCC & Bishops Lydeard	Personal	Spoke and Voted
Cllr F Smith	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr V Stock-Williams	All Items	Wellington	Personal	Spoke and Voted
Cllr T Venner	All Items	Minehead	Personal	Spoke and Voted
Cllr A Wedderkopp	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted
Cllr G Wren	All Items	Clerk to	Personal	Spoke and Voted

Councillor Smith-Roberts declared a personal interest in Item 9 – Regeneration of Firepool, with a Charity she founded occupying a building on the site.

Councillor Smith declared a personal interest in Item 9 – Regeneration of Firepool in that a family member founded a Charity currently occupying a building on the site.

Councillor Kravis declared a personal interest in Item 9 – Regeneration of Firepool

19. **To receive any communications or announcements from the Chair**

The Chair had no announcements to convey to the Council.

20. **To receive any communications or announcements from the Leader of the Council**

The Leader of the Council announced that effective from the 20th June 2019 Councillor Marcus Kravis would be replacing Councillor Habib Farbahi as the Executive Portfolio Holder for Asset Management and Economic Development, who had stepped down for personal reasons.

21. **Public Participation - To receive only in relation to the business for which the Extraordinary Meeting has been called any questions, statements or petitions from the public in accordance with Council Procedure Rules 14,15 and 16.**

(a) Mr Jefferson Horsley asked the following questions:

- (i) Could you please clarify for me how you reconcile the twin objectives of the ruling group of a) promoting SW and T's policy goal of "Talk Up Taunton" as the County Town which we all aspire to on the one hand and b) making Taunton the centre of research for reducing the world's dependence on plastic based products which are doing so much harm to the world as witnessed by David Attenborough's Blue Planet series?
- (ii) Can you confirm for me that priority will be given at all times to meeting the latter target combined with a reduction in carbon emissions and the burning of fossil fuels and the increased usage of renewable energy sources in line with the Climate Emergency Motion unanimously passed on 21 February this year by the Shadow Council prior to the establishment of this Council?
- (iii) Do you agree that this gives rise to a possible "win-win" for the ruling group if Taunton gets recognition for its role in both fields as the economic goals for the town can be largely shaped by its vision and

leadership on tackling the detrimental aspects of plastic based products? This should become a unique selling point for the council with worldwide recognition of the work already pioneered over the past 4 years by the previous Council.

- (iv) The marvellous programme of Somerfest at the weekend in Goodland Gardens and Castle Green was highly successfully in bringing in visitors to the town centre to witness music, entertainment and food which I also enjoyed with all and sundry. Why however does it have to use 10,000 plastic ducks - which even if they are all retrieved - when it is rather outdated - and why couldn't they have asked contributors and sponsors to have suggested that the public produce their own ducks out of recyclable cardboard or even paper ones to engender the spirit of separation and reducing waste? (It was interesting to note that the Extinction Rebellion Stall in Goodland Gardens attracted a lot of interest for curious members of the public about the same issue of the future of the planet?)

The Leader of the Council thanked Mr Horsley for his questions and for providing them in advance. We as a Council and certainly as an Executive looked to be able to both 'Talk up Taunton' and also look at what is best for the wider District and the County Town. The environmental agenda was at the top in terms of the new administrations priorities and she had seconded the motion on the Climate Emergency. Everything that we hoped to achieve would have the environment running through it as a thread as paramount. Somerfest was a brilliant event which she had attended, and would be willing to raise the issue of Plastic Ducks, but personally felt that as these had already been purchased they should be continued to be used in the short-term rather than wasted.

- (b) Ms Vanessa Lefrancois made the following statement on behalf of the Taunton Theatre Association in relation to Agenda Item 9 – Firepool Regeneration;

Taunton Theatre Association, the charity and operator of The Brewhouse Theatre and Arts Centre in Taunton, welcomes the new Council's intention to make the regeneration of Firepool, put forward by the Head of Commercial Investment, one of their main priorities. It is in the interests of all of us to see this large area brought into productive use once again. We wish to comment specifically on those aspects that relate to a performance venue and cinema, proposed for Block 4 & 5 respectively.

We note the proposal to appoint 'an expert in the field' to review the market for a 'multi-functional' performance space and wish to draw the new Council's attention to feasibility studies, out-line designs, costings and business cases commissioned over the past decade, from leading architects, consultants and theatre specialists along with the resources expended on this work. As the Operator of the major performing arts centre in the town, TTA has been involved in studies carried out since 2015, mindful of the need to ensure such a development is sustainable in operational terms. Acting on these studies, the former Council commissioned award-winning architects, MICA and internationally acclaimed theatre specialists Sound, Space Vison (Sep. 2018) to

work alongside TTA to realise the best possible multi-purpose cultural centre to meet the needs of the region's expanding population.

The design team successfully delivered RIBA Stage 1 in spring 2019. This plan resonates with the Liberal Democrats Manifesto to deliver a 'multi-purpose entertainment venue/cinema' and comprises the elements outlined in the Regeneration of Firepool document. Plans incorporate a *tiered auditorium* (750 capacity), studio theatre, cinema, gallery, studios and workshop spaces, a digital hub and public areas. It also options the inclusion of another Taunton-based cultural centre to be incorporated into the site, creating a unique cultural hub, in the heart of the town. The flexible design will enable TTA to scale-up conferences and events, housed in a beautifully designed, centrally located, complex.

Whilst we realise audience figures in your paper may be illustrative, we emphasise no study recommended a large-scale venue for Taunton with tens of thousands of seats. As will be known, even in Bristol with a much larger population, this has proved very difficult. TTA, however, has developed a vibrant, diverse arts and cultural offer, delivering over 1,000 events a year, comprising live performance, cinema, activities and exhibitions attended by 71,000 people annually. It is a model that is recognised as exemplary by the Arts Council and praised by many visitors including successive Secretaries of State for the Arts. MICA's design builds on TTA's achievements and when realised, in its entirety, will create a major regional cultural centre. It will demonstrate an innovative and holistic approach which is cost effective to operate and realises maximum cultural, social and economic return. It will boost Taunton's day and night-time economy and act as a catalyst for public and private inward investment, as evidenced in like projects nationally. TTA's CE has engaged with Trusts & Foundations who would welcome capital bids from us.

Its location is a matter for the Council but, as the principal arts operator in Taunton, TTA has expertise to contribute to this debate and is committed to finding the best solution. We respectfully ask the Council to consult with us at the earliest opportunity, as proposals outlined in your paper will inevitably impact on the existing Brewhouse development project and TTA's business plans.

Councillor Benet Allen thanked Ms Lefrancois for her statement and for coming along to describe the plans for the Brewhouse Theatre. On behalf of the Council he looked forward to meeting with you in due course and finding out more about the redevelopment plans.

22. **To receive only in relation to the business for which the Extraordinary Meeting has been called any questions from Councillors in accordance with Council Procedure Rule 13.**

The Chair advised that no such questions had been received.

23. **Motion - A Council of Equality and Environmental Sustainability. To consider a motion proposed by Councillor Brenda Weston, seconded by**

Councillor Libby Lisgo.

Moved by Councillor B Weston, seconded by Councillor L Lisgo.

Councillor Weston recounted that in the recent election campaign she had visited many doorsteps of people in her community and there were profound and urgent issues facing our Democracy and the state of Planet Earth. Trust in Elected Representatives at all levels had been undermined and there was plenty of evidence that social and economic divisions and intolerance within communities had hardened in recent years. This motion was intended to set out a transparent process by which the Council would demonstrate to the citizens of Somerset West and Taunton our commitment to embedding their fair treatment and sustainability into our policy-making. As well as scrutinising financial impact, we would also be scrutinising the impact of policies on the most vulnerable and the environment. Volunteering at the local Citizens Advice Bureau she had seen these issues first-hand for example, with the Council's Council Tax Support Consultations and the interplay with Central Government's Universal Credit reforms. In a recent United Nations Report Britain's welfare reform policies were described as 'punitive'. Poverty in rural areas was a real concern affected by transport cuts and loneliness as well as social divisions exacerbated by digital exclusion. Councillor Weston believed in the power of Local Councils to play a crucial role in mitigating the impact of all of these.

The Council was therefore **recommended:-**

1. Somerset West and Taunton Council welcomes the reaffirmation by the new administration of the Shadow Council's commitment to tackle climate change as a priority.
2. Council also welcomes the revised Corporate Equality Objectives approved by the Shadow Executive on 26th March alongside the statutory protected characteristics set out in Section 149 (the Public Sector Equality Duty) of the Equality Act 2010.
3. Council resolves to give effect, and make transparent its commitment to these aims by ensuring that, through the scrutiny process, all new policy proposals and reviews are assessed with due regard to their impact on:
 - economic and social disadvantage
 - climate change
 - rurality
 - digital exclusion
4. Council will seek to mitigate any identifiable adverse impacts as far as possible within the constraints of current legislation and available resources, and record any unmet needs as these emerge.

An amendment was proposed by Councillor Wren and seconded by Councillor Hunt to add four additional bullet points to Recommendation 3 on Soils

Preservation, Biodiversity Protection, preservation of clean water and preservation of clean air. The amendment was put to the vote and carried.

An amendment was proposed by Councillor Blaker and seconded by Councillor Barr inserting the following into Recommendation 3 that 'Council seeks opportunities to promote social and environmental benefits at the earliest point in framing proposals.'

The substantive motion was thus put and was carried unanimously.

24. **Regeneration of Firepool**

Councillor Smith-Roberts introduced the circulated report which was considered the next key step to progress delivery of the Firepool site. The report set out a programme of activity to deliver the outline planning consent. The report outlined a little of the history of the site, some lessons learned and the steps undertaken in the past three months to identify the likely most deliverable form of development in a relatively short programme. Appendix 1 consisted of the indicative conceptual block plan for the site which both built on the outline planning approval and accorded with current planning policy. This was not a prescriptive solution but it was a work in progress. The site was to be divided into bite size blocks to assist greater flexibility and certainty of delivery. The intention was that the Council would act as the masterplan developer to deliver the public realm and infrastructure to remove the obvious barriers to progress the site and act as a catalyst to delivery.

During the discussion of this item, Members made comments and asked questions which included:-

- It was commented that there was still a need for a Hotel in Taunton and this had been recognised for many years, and it was disappointing that the profits from this potential project would not now be going towards subsidising the Council's services.
- Commercial investment was a reality for many Councils in light of Central Government cuts and this needed to be recognised.
- It was stated that Changing Place Toilets standard were needed to be developed rapidly across the district and this needed to be built into Firepool.
- Concerns were raised over how the Council used commercial confidentiality.
- *The Leader responded that she wished the Council to be open and transparent to scrutiny.*
- Further questions and queries were raised on the viability of the Cinema Complex?
- It was raised that the current plans lacked ambition in relation to this Council's aspirations on Climate Change. There was scope to look at on-site regeneration including the use of the Weir to produce hydro-electric energy.

- It was raised that an idea for a Botanic Garden on the site had been raised in this week's Somerset County Gazette letters page.
- *It was responded that this was a high-level approach and the detail with regard to the block's all of these considerations would be taken into account.*
- Councillors queried whether the Treasury Management advice had now been revised in light of the potential Hotel decision?
- *The implications of the investment return were not yet built into financial plans so there was no immediate change in terms of financial planning.*
- Councillors asked for an expected timescale of delivery?
- *It was responded that whatever was delivered had to be built with the long-term in mind. Many packages of work would need to be commenced, some of it delivered by the Council and some by others. Two major pieces of work to follow would be the working up of the Framework Masterplan and the update on the High Level Business Case. Many activity streams would be twin-tracked to enable an expedited delivery with a view to commencing as soon as possible.*
- It was raised that the Brewhouse Project needed to be worked with to ensure they were protected.
- *The Council would take into account the District's broader cultural offer whenever making decisions and taking into account the views, for example through the Garden Town Cultural Forum.*
- Councillors queried whether the Social Value aspirations for the Firepool Site would be considered.
- *The Leader assured Councillors that this was embedded in any proposals brought forward.*

An amendment was proposed by Councillor Hunt and seconded by Councillor Wren deleting the following words from Recommendation 4 "and instead to seek a development partner/investor to deliver this scheme as an alternative to the previously approved Council development, and on a different part of the site. A specialist property adviser will be appointed to undertake a thorough hard marketing exercise." The amendment was put to the vote and carried.

RESOLVED that the Council approved the following recommendations:

1. That the broad principle of the conceptual block plan design is progressed to Framework Masterplan and that indicative designs for all of the blocks are developed. In-particular Blocks 1, 2, and 5 be progressed to detailed business case and to provide authority to appoint a design team following due process.
2. Endorsed the approach that the Council further considers the business case to act as the lead commercial and masterplan developer and to delegate authority to the Head of Commercial Investment in consultation with the Portfolio Holder to enter into relevant transactions. This will include hard market testing of Blocks 1, 2 and 5 to inform completion of business cases.

3. Endorsed the principle that the Council may also be the developer of some of the plots each being considered on a case by case basis and subject to a detailed business case and further Council approval.
4. Noted the review of the Hotel development project, to cease the current Council investment plans and cancel the existing budget approval.
5. To commission a suitable performance venue expert to establish the business case and conduct soft market testing with suitable operators for such a facility on site.
6. To report back with progress as and when required and set up a project governance Board to oversee the direction of the project.
7. Approval of a total budget of £275,000 to progress these work streams and this to be funded from New Homes Bonus funds.

25. **Approval of Redundancies (Transformation) where severance is over £100,000**

Councillor Ross Henley introduced the circulated report which considered the redundancies of the Principal Planning Officer and Digital Services Manager. The necessary financial approvals were already in place via the Business Case for Transformation and these costs were already included within reported figures. This request for Full Council approval was a separate requirement of the Council's HR policies where severance costs exceed £100,000 per case.

During the discussion of this item, Members made comments and asked questions which included:-

- A query was raised over whether in the legislation those who were offered a job could then still take Voluntary Redundancy (VR) and over whether the trial period was statutory.
- A question was asked as to the figures of those who were offered a job and then subsequently took VR.
- *The Voluntary Redundancy Scheme agreed by the previous administration was not capped. A trial period was a contractual provision underpinned by statute, and there were no longer any officers on a trial period and eligible for VR.*
- Were the posts being made redundant still to exist in the organisational structure?
- *Yes this was confirmed.*
- It was stated that Transformation Business Case was a process that was still ongoing and this was part of that and terms and conditions of employees must be honoured.
- It was queried as to the risk of not approving this redundancy and the potential net loss to the Authority?
- *A written answer would be provided.*

- A question was asked as to whether lessons had been learned from this process?
- *The Leader stated that there would be a full Audit of the Transformation Process that she had instructed the Chief Executive to commence.*
- *The Portfolio Holder for Corporate Resources stated that the new administration would learn those lessons from the past. Local Government was always in a process of change.*

A written answer was provided to all Councillors on 10th July 2019 as follows;

Q) It was queried as to the risk of not approving this redundancy and the potential net loss to the Authority?

The risk to the authority of not approving the redundancy would relate to a possible claim for constructive dismissal and claim of discrimination. Discrimination likely to be on the grounds of age but may also be sex discrimination.

Employment Tribunal claims for discrimination claims, whistleblowing claims are unlimited (in theory).

Loss to the Council would be:

- Reputational damage;
- Cost of defending employment tribunal claim – for a constructive dismissal/discrimination claim such costs could be in the order of £20,000 to £25,000.
- Potential Costs awarded by Employment Tribunal for loss (in this case access to pension which is a statutory requirement for someone age 55 or over in the Local Government Pension Scheme – so could range from 52 weeks pay through to 52 weeks pay and compensation for loss of access to pension (a tribunal would determine how to calculate this) but ;likely to be the difference between reduced pension which could voluntarily be taken and unreduced pension one might realistically expect to achieve. I would expect this to be between £100k and £250k.

Trial Period

A person declared redundant and offered and accepting an alternative role has the statutory right to a 4 week trial period which should be put in place.

RESOLVED that the Council approved the redundancies of the two posts of Principal Planning Officer and Digital Services Manager with effective end dates of 20th September 2019 in accordance with financial details set out in confidential appendices.

Councillor Davies abstained from voting.

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

RESOLVED that the press and public be excluded during consideration of agenda item 11 on the grounds that, if the press and public were present during the item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended as follows:

The item contained information that could release confidential information that related to the financial or business affairs of any particular person (including the authority holding that information). It was therefore agreed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

27. **Confidential Report - Commercial Asset Management**

The Council considered this item which was commercially confidential and related to Asset Management.

RESOLVED that Council:

- (i) Purchase the property as a commercial investment on the basis of the costs and returns identified in Section 6.
- (ii) Delegate authority to the Head of Commercial Investment together with the S151 Officer to complete the transaction subject to satisfactory due diligence.
- (iii) Approve a Supplementary Budget within the Capital Programme in line with total investment costs summarised within Section 6, to be funded by capital borrowing.

(The Meeting ended at 8.10 pm)