

SWT Full Council

Tuesday, 16th July, 2019,
6.15 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh at the bottom right.

The John Meikle Room - The Deane
House

Members: Hazel Prior-Sankey (Chair), Simon Coles (Vice-Chair), Jean Adkins, Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Dave Durdan, Kelly Durdan, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Catherine Herbert, Marcia Hill, Martin Hill, John Hunt, Marcus Kravis, Andy Milne, Richard Lees, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Chris Morgan, Simon Nicholls, Craig Palmer, Martin Peters, Peter Pilkington, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Nick Thwaites, Anthony Trollope-Bellew, Ray Tully, Terry Venner, Danny Wedderkopp, Loretta Whetlor, Gwil Wren, Sarah Wakefield, Alan Wedderkopp, Brenda Weston and Keith Wheatley

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of Full Council

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

(Pages 5 - 16)

4. **To receive any communications or announcements from the Chair**
5. **To receive any communications or announcements from the Leader of the Council**
6. **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.**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

7. **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**
8. **Motion to Declare Somerset West and Taunton a Frack-Free Zone. To consider a motion proposed by Councillor Caroline Ellis, seconded by Councillor Dixie Darch (attached). An assessment of the implications for the Council should the motion be carried is also attached.**
9. **District wide Local Plan: Local Development Scheme**
10. **Constitution Report**
This report is recommending approval of the Officer Employment Procedure Rules and has been recommended by the Audit, Governance and Standards Committee to Council for adoption.
11. **Request for Funding from the Charter Trustees of Taunton**
12. **Access to Information - Exclusion of the Press and Public**
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of

(Pages 17 - 24)

(Pages 25 - 62)

(Pages 63 - 74)

(Pages 75 - 96)

the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Executive will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

13. Laxton Road Housing Development

(Pages 97 - 106)

14. Coal Orchard Development

(Pages 107 - 132)



**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

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 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair 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 Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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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, Ray Tully, 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 R Tully	All Items	West Monkton	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 Milverton PC	Personal	Spoke and Voted
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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 Vision (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 Buller 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)

Full Council – 16 July 2019

Motion to declare Somerset West and Taunton a Frack-Free Zone

Motion proposed by Councillor Caroline Ellis, seconded by Councillor Dixie Darch

Preamble:-

This Council notes that:

1. Parts of Somerset West and Taunton i.e. areas around Minehead and Watchet and a section of Exmoor National Park have been licensed by central government for onshore unconventional shale oil and shale gas development (PEDL 344), which could include hydraulic fracturing or “fracking” for short.
2. Shale gas and shale oil are fossil fuels and emit greenhouse gases (methane, via fugitive emissions and carbon dioxide via production processes and when burnt).
3. Fracking in the US, Canada and Australia has produced unacceptable risks including ground water contamination and adverse impacts on air quality (with the release, treatment and disposal of radioactive toxins), agriculture, public health and safety, climate stability, economic vitality, the rural economy (farming & tourism), landscape and property values as well as earthquakesⁱ. While England is said to have a more robust regulatory system, there are weaknesses; much of the monitoring of pollution, leaks etc. is left to the companies themselves and the regulators are often under budgetary pressures.ⁱⁱ
4. The latest scientific evidence demonstrates that fracking has no role to play in the transition to a zero carbon economy and would thwart the UK’s climate change mitigation efforts.ⁱⁱⁱ
5. Popular opposition to fracking across Somerset West and Taunton is evidenced by strong support for groups such as ‘Frack Free Somerset’ and ‘Frack Free EQS’ (Exmoor, Quantocks and Sedgemoor) and motions to declare Frack-Free Zones passed by Watchet and Wiveliscombe Town Councils and Parish Councils including Bishops Lydeard and Cothelstone, Clatworthy, Dulverton, Exton, Old Cleeve, Selworthy and Minehead Without and Stogumber.
6. The High Court Judgement on 14th May 2019 (Stephenson v Secretary of State for Housing and Communities and Local Government [2019]) confirmed that public bodies can depart from Government policy in the Written Ministerial Statements by adopting their own stance opposed to fracking on climate change grounds^{iv}.

This Council considers that:

1. Developing onshore oil and gas extraction in Somerset is inappropriate given:
 - a. The complex geology of our county;
 - b. The fact that PEDL 344 includes European, national and locally designated sites for nature and wildlife conservation;
 - c. The risk of flooding and the presence of Hinkley Point nuclear power station and;
 - d. The uncertainties surrounding the potential impacts on public health, landscape and local road networks, the risk of groundwater contamination and air pollution and increased pressure on water supplies and water treatment facilities.
2. Onshore unconventional oil and gas extraction is contrary to any strategy to address climate breakdown, diverting investment from clean, renewable energy and weakening the market for those alternatives and it would thwart attempts to make Somerset West and Taunton carbon neutral by 2030.

Recommendations:-

This Council therefore resolves;

1. To declare Somerset West and Taunton a Frack Free zone.
2. To oppose unconventional onshore oil and gas exploration and development activities on any land that we own or have an interest in.
3. Not to invest in any companies which are involved in fracking, including other methods of unconventional onshore oil and gas production.
4. To call on Somerset County Council and Exmoor National Park Authority to pass similar motions and to put planning policies in place to implement a presumption against all applications for unconventional oil and gas exploration and production in Somerset, including fracking, following the example of the Greater Manchester Authorities^v and the new draft London Plan^{vi}.
5. To write to our district's MPs to convey the Council's concerns about and opposition to fracking, to urge them to lobby Government to ban unconventional onshore oil and gas development permanently and to request that they write back indicating whether they are supporting the Council in this matter.

APPENDIX A – Motion Background Briefing Research Paper

- ⁱ https://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compndium_5FINAL.pdf;
- ⁱⁱ <https://www.greenpeace.org.uk/wp-content/uploads/2017/06/Fracking-The-Evidence-.pdf>
- ⁱⁱⁱ <https://www.escholar.manchester.ac.uk/api/datastream?publicationPid=uk-ac-man-scw:156730&datastreamId=FULL-TEXT.PDF>;
<https://link.springer.com/content/pdf/10.1007/s10584-011-0061-5.pdf>;
http://www.talkfracking.org/wp-content/uploads/2013/04/20170200-whitehalls_fracking_science_failure-lq.pdf
- ^{iv} <https://www.bailii.org/ew/cases/EWHC/Admin/2019/519.pdf>. See also <https://drillordrop.com/2018/12/20/councils-can-use-climate-change-evidence-to-reject-fracking-government-lawyer-tells-high-court/>
- ^v https://www.greatermanchester-ca.gov.uk/media/1710/gm_plan_for_homes_jobs_and_the_environment_1101-web.pdf
- ^{vi} <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si11-hydraulic>

Somerset West and Taunton Council

Motions to Council – Assessment Form

On receipt of a Motion from a Councillor, the Governance Team will carry out an assessment as to its contents to establish whether there are likely to be significant consequences to the Council should the Motion be carried at the subsequent Full Council meeting.

The first question to be addressed will be:-

“Can the Motion, if approved, be implemented without the need for any resource (financial and otherwise) to be identified outside existing budgets or staffing capacity?”

If the answer is ‘yes’, then the Motion can proceed towards discussion and resolution.

An example of a Motion which would fall into the above category would be where the Council is being asked to lobby the Government, Somerset County Council or other body on a particular issue. If the motion is carried, the action required will usually involve no more than a letter being prepared and sent to the intended recipient.

However, as in the case of the recent Motion on ‘Climate Change’, the answer to the above question would clearly be ‘no’.

In such circumstances, detailed analysis of the wording of the Motion will be required to identify what will be needed if the Motion – when it comes before Full Council – is carried.

Such analysis will include:-

- What additional resource would be required to ensure the Motion (if approved) could be implemented?
- What needs to be done to identify the level of resource necessary both in financial and staff terms?
- Are any approvals needed to provide these resources?
- Will this require reports to be submitted through Scrutiny and the Executive? If a Supplementary Estimate is required, Full Council approval will be required too.

If such analysis is required, the Governance Team will arrange for the attached pro-forma to be completed and this will accompany the relevant Motion onto the agenda of the Full Council meeting so all Members are aware that further investigation will be required before the Motion – even if it is carried – can be implemented.

Motions to Council – Assessment Proforma

(To be used in circumstances where it appears the wording of a proposed Motion will commit the Council to providing further financial or staffing resources which cannot be met from existing budgets)

Brief Details of the Motion -

Motion

This Council therefore resolves;

1. To declare Somerset West and Taunton a Frack Free zone.
2. To oppose unconventional onshore oil and gas exploration and development activities on any land that we own or have an interest in.
3. Not to invest in any companies which are involved in fracking, including other methods of unconventional onshore oil and gas production.
4. To call on Somerset County Council and Exmoor National Park Authority to pass similar motions and to put planning policies in place to implement a presumption against all applications for unconventional oil and gas exploration and production in Somerset, including fracking, following the example of the Greater Manchester Authoritiesⁱ and the new draft London Planⁱⁱ.
5. To write to our district's MPs to convey the Council's concerns about and opposition to fracking, to urge them to lobby Government to ban unconventional onshore oil and gas development permanently and to request that they write back indicating whether they are supporting the Council in this matter.

Questions to be addressed

- | |
|---|
| <ul style="list-style-type: none">• <i>What additional resource would be required to ensure the Motion (if approved) could be implemented?</i> |
|---|

Answer –

1. No additional resource required. SWT would not be the determining authority should a planning application be received related to this. Somerset County Council (SCC) (excluding Exmoor National Park) are the Local Planning Authority responsible for determining such proposals. Should a planning application be received, in line with their procedures, SCC will consult those who could be affected by the proposal because of where they live and/or work.
--

2 & 3. It would be necessary to liaise with the Council's Treasury Management Consultants, Arlingclose, to undertake research on the Council's behalf to examine in detail current and historic holdings of the funds in which the Council are engaged.
Depending on the outcome of any analysis undertaken, additional officer time could be involved in identifying alternative counterparties to be used (completion of new application forms, set up costs of new accounts), as well as the current approved treasury management strategy having to be amended and re-approved by Members.
The impact on investment income cannot be quantified without research and any changes to investments being identified, however without prejudice it is feasible that restricting places for the Council to invest cash could have a potentially significant adverse effect on treasury management risks and performance.
4. This would have no additional resource save the writing of a letter.
5. The writing of a letter to an MP incurs no additional resource other than Officer Time.
<ul style="list-style-type: none"> <i>What needs to be done to identify the level of resource necessary both in financial and staff terms?</i>
Answer –
Based on discussions with our Treasury Management Advisors, Arlingclose, it is estimated that the initial analysis required in relation to current and historic holdings of the funds in which the Council are engaged would likely cost in the range of £5,000 - £10,000 plus appropriate officer time.
Officer time involved will be determined by the outcome of the investigation work, in that it could result in the redrafting of the approved treasury management strategy and presentation through the appropriate committee route as identified above.
Officer time could also be required in the completion of new application forms and the opening up of new accounts with alternative counterparties.
Based on the outcome of any research, treasury management risks and performance could potentially be adversely affected.
<ul style="list-style-type: none"> <i>Are any approvals needed to provide these resources?</i>
Answer –
Virements – Up to £50,000 can be approved by the Head of Function / Chief Executive Officer (in consultation with the Finance Business Partner)
Supplementary Revenue Estimate – Up to £150,000 can be approved by the Head of Function / Chief Executive Officer or Section 151 Officer
<ul style="list-style-type: none"> <i>Will this require reports to be submitted through Scrutiny and the Executive? If a Supplementary Estimate is required, Full Council approval will be required too.</i>
Answer –
If an amended Treasury Management Strategy Statement is required, this will need to be approved by Full Council following presentation at Scrutiny Committee and Executive
Supplementary Estimate / Virement required can be approved at officer level in respect of the professional knowledge of examining the current and historic holdings of the funds in which the Council are engaged.

Likely timescale involved –

Arlingclose – 4 Days (Full examination of investments the Council are currently and historically engaged in).

Officer and Members - Re-drafting and re-approval of a revised treasury management strategy statement.

Other Information – Currently there is no prescription being provided in relevant CIPFA Codes or statutory investment guidance in relation to the investment in any companies which are involved in fracking, including other methods of unconventional onshore oil and gas production.

ⁱ https://www.greatermanchester-ca.gov.uk/media/1710/gm_plan_for_homes_jobs_and_the_environment_1101-web.pdf
ⁱⁱ <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si11-hydraulic>

Somerset West and Taunton

SWT Full Council – 16th July 2019

District wide Local Plan: Local Development Scheme

This matter is the responsibility of Councillor Mike Rigby

Report Author: Paul Browning: Strategy Specialist

1 Executive Summary / Purpose of the Report

- 1.1 Somerset West and Taunton has the statutory responsibility to prepare a Local Plan which covers the whole of the new local authority area (excluding Exmoor National Park). It is a requirement that these Plans are kept up-to-date and fit for purpose, with planning policy guidance advising on updating such Plans in whole (or in part) at least every 5 years.
- 1.2 The Council is also required to prepare a Local Development Scheme (LDS) which sets out the programme for the preparation of the District wide Local Plan and other development plan documents.
- 1.3 The current adopted Local Plans by Taunton Deane Borough Council and West Somerset Council are in need of updating.

2 Recommendations

- 2.1 With regard to the production of the District wide Local Plan, **Council resolves to:**
 - Approve the Local Development Scheme (enclosed as Appendix 1); and
 - In consultation with the Portfolio Holder for Planning and Transport delegated authority is given to the Head of Strategy to agree any necessary final amendments prior to its publication.

3 Risk Assessment (if appropriate)

- 3.1 The potential risks that might impact on the preparation and timely delivery of the Local Plan and other Development Plan documents are set out the “Risk Assessment section of the Local Development Scheme (See Appendix 1 – Table 2).

4 Background and Full details of the Report

- 4.1 We are required under the Planning and Compulsory Purchase Act 2004 (as amended) (the Act) to prepare a Local Development Scheme (LDS) which sets

out the programme for the preparation and review of development plan documents.

- 4.2 The need for Local Authorities to have “up-to-date” Local Plans was recently affirmed in the government’s National Planning Policy Framework (February 2019).
- 4.3 In accordance the Local Government (Boundary Changes) Regulations 2018, we must adopt a local development document under section 23 of the 2004 Act to apply to the whole of the area within a period of 5 years starting with the reorganisation date.
- 4.4 The LDS (enclosed as Appendix 1) thus takes account of national developments in planning policy and legislation and local changes. The aim is to publish:
 - Publication of an “Issues and Options” style document (Regulation 18) in Q3 of 2019/20.
 - Publication (Regulation 19) in Q2 of 2020/21.
 - Submission Plan (Regulation 22) to Secretary of State in Q3 of 2020/21.
 - Examination (Regulation 24) ie Public Inquiry with appointed Inspector- Q1 of 2021/22.
 - Adoption Inspector’s Report, approval at Full Council in Q3 of 2021/22.
- 4.5 At this stage the Review is about updating our adopted local plan policies to reflect current the latest position and government advice.
- 4.6 The nature of various aspects of planning policy means that Members have in the past been actively involved in the local plan process. Members will recall that adopted planning polices for Taunton Deane Borough Council and West Somerset Council were informed by regular meetings of a Member Steering Group. To this end, agenda the item gives authority to the Portfolio Holder for Planning and Transport to establish a Member Steering Group to support the review process.

5 Links to Corporate Aims / Priorities

- 5.1 Officers are in the process of preparing a new Corporate Strategy to replace those previously prepared for Taunton Deane and West Somerset. The Local Plan is an important document which will help articulate and translate the Council’s emerging strategic objectives into planning policy.

6 Finance / Resource Implications

- 6.1 There is an agreed budget and reserves to support the delivery of the Local Plan process.
- 6.2 The Portfolio Holder for Planning and Transport and the Head of Strategy has reviewed and approved this report with no issues arising. Minor changes to the text were suggested and incorporated.

7 Legal Implications (if any)

7.1 The Council's Constitution describes how Somerset West and Taunton will discharge its responsibilities, including responsibilities for the preparation and adoption of the Local Plan, which must be considered and endorsed by Full Council, prior to adoption.

8 Environmental Impact Implications (if any)

8.1 None at this stage. In order to comply with statutory duties associated a Habitat Regulations Assessment; Sustainability Appraisal will be prepared as part of the plan making process.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 None at this stage.

10 Equality and Diversity Implications (if any)

10.1 None at this stage. In order to comply with the public sector equality duty: an Impact Assessments (IA) accompanies this series of reports and agenda items on the Local Plan (enclosed as Appendix 2). Further Impact Assessments will be prepared in due course as part of the plan making process. Further, details of the process are also available from:

<https://www.somersetwestandtaunton.gov.uk/your-council/equality-and-diversity/>

11 Social Value Implications (if any)

11.1 None at this stage.

12 Partnership Implications (if any)

12.1 A revised draft Statement of Community Involvement (SCI) has been prepared as part of the plan making process. To this end, agenda item seeks approval to consult upon the contents of the draft SCI.

12.2 The recommendations outlined in the agenda item seek to ensure that Members continue to play an active role in the review of the District wide Local Plan.

13 Health and Wellbeing Implications (if any)

13.1 None at this stage.

14 Asset Management Implications (if any)

14.1 None at this stage.

15 Data Protection Implications (if any)

15.1 None at this stage.

16 Consultation Implications (if any)

16.1 None at this stage.

17 Scrutiny Comments / Recommendation(s) (if any)

17.1 Scrutiny and Executive considered this report on 12th June and 9th July respectively.

17.2 At Scrutiny the comments were as follows;

17.3 During the discussion, the following points were made:-

- Councillors queried once the document had been completed in 2021, how much weight it would hold.
In this country there was a plan led system in law, however, we delivered in a 'nuance' system where decisions were made in accordance with the government plan unless material consideration indicated otherwise.
- Councillors queried whether the document was able to adapt to the continually changing targets set by Central Government.
Policy and legislation was constantly changing and officers were used to dealing with that.
- Councillors requested clarification on the statement 'the plan was to give the local community certainty' and concern was raised over individual planning decisions and that the plan would not carry much weight.
- Councillors queried what the plan's remit was? Concern was raised on issues with local infrastructure.
- Councillors requested that officers incorporated into the plan any expected conditions for planning applications to address climate change matters.
The Chair advised that comments could be addressed in the consultation and as part of councillor engagement. The Head of Strategy advised that the policy was positively worded, so it gave information on what applicants could do rather than what they could not do, however, developers worked around that. The Planning Committee would need to be aware of that.
- Councillors highlighted how infrastructure and climate change were included in the plan. They further queried how community engagement was carried out in the rural areas as they were not mentioned. They suggested that the wording used for climate change was not strong enough and that they needed to include that the Council was working toward carbon neutrality by 2030.
- Councillors requested that points were added to the document about solar panels and electric car charging points.
- Concern was raised that the Government's figures on housing needed to be revised as the original figures were too high.
- Councillors also wanted to amend the recommendation to read that any amendments were made in agreement with the portfolio holder instead of in consultation.
That would be addressed when the recommendations were put to the vote.

- Concern was raised that there was no up to date countywide transport strategy included.
The Chair agreed that although SWT had no direct responsibility for transport that we should be enabling that.
- Concern was raised that several stakeholders had not been involved.
- Councillors requested improved religious information was included in the plan.
- Councillors queried when in 2021 would the document be adopted. They further requested that officers could improve the wording used as the whole document was in 'corporate speak'.
- Councillors requested that the percentage of affordable housing was revised to include an amount of passive housing.
- The Chair advised that although it was a SWT document, that information from the Somerset County Council and Exmoor National Park should not be excluded.

Councillor Mansell proposed the following amendment to the motion:

That the following wording be added to the first bullet point 'with the addition of working towards carbon neutrality within the key drivers'.

That was seconded by Councillor Buller. The amendment was put to the vote and lost.

At the Executive meeting held on 9th July 2019 the Executive supported the recommendations as written to Council.

Councillor Mike Rigby introduced the item and stated that the three reports related to the Local Plan were on the Agenda of the previous Executive but the Scrutiny comments had not been circulated in a timely manner and this had now been addressed. Executive were informed that the Issues Document would now be brought back separately later on in the year to allow for the consultation period to be longer than the six week minimum and not to take place during school holidays. The comments received on that through the Scrutiny process would still be taken into account and responded to, particularly the strong focus on Climate Change which had been noted. The Governance team provided an overview of the Scrutiny feedback.

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

- Councillor Mansell highlighted that whilst a motion was lost on carbon neutrality at Scrutiny, this Council and its predecessor had supported this issue before and this needed to be strengthened in the report. He had supplied wording to officers on Low Carbon Energy Use Storage and Generation to include in the Evidence section and there was a need to have that clear link between evidence and policy. He also felt there needed to be a reference to Climate in the Housing section.
- The Portfolio Holder felt that this report was deliberately high level to allow this large piece of work to commence and was not intended to be exhaustive. The Council's decision on Carbon Neutrality would play an intrinsic part of the plans as they were produced. In the evidence base the issue of green infrastructure was felt to cover the topic of Low Carbon Energy.
- Officers confirmed that Section 26 highlighted topics and subject areas which evidence would be required to underpin the Development Plan. Detailed technical work would need to be done to support

this on the Climate Emergency and was not felt to be an issue to refer to climate change strategies and studies as part of that. • The Leader commented that Report templates needed to be updated following the motion passed at June Full Council in relation to considerations this Council would have to take into account when setting policy.

Democratic Path:

- **Scrutiny / ~~Corporate Governance or Audit Committees~~ – Yes / ~~No~~** (delete as appropriate)
- **Cabinet/~~Executive~~ – Yes / ~~No~~** (delete as appropriate)
- **Full Council – Yes / ~~No~~**(delete as appropriate)

Reporting Frequency: **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices

Appendix 1	Local Development Scheme (LDS)
Appendix 2	Impact Assessments

Background papers (links)

All documents relating to adopted Local Plans for Taunton Deane BC and West Somerset Council can be accessed via the following link:
<https://www.somersetwestandtaunton.gov.uk/planning-policy/adopted-local-plans/>

Local Government (Boundary Changes) Regulations 2018,
<http://www.legislation.gov.uk/uksi/2018/1296/contents/made>

Planning and Compulsory Purchase Act 2004 (as amended) (the Act)
<http://www.legislation.gov.uk/ukpga/2004/5/contents>

Planning Act 2008 as amended by the Localism Act 2011.can be viewed at
<http://www.legislation.gov.uk/ukpga/2008/29/contents>
 and
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Town and Country Planning (Local Planning) (England) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/767/regulation/18/made>

National online planning practice guidance can be viewed on the government web site at:

<http://planningguidance.planningportal.gov.uk/>

The National Planning Policy Framework (February 2019) can be viewed at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Note: For sight of individual background papers and more information on the supporting evidence base please contact the report author.

Contact Officers

Name	Paul Browning: Strategy Specialist
Direct Dial	01984 600614
Email	P.Browning@somersetwestandtaunton.gov.uk

Appendix 1: Local Development Scheme (LDS)

Appendix 2: Impact Assessments

End

Somerset West and Taunton

SOMERSET WEST AND TAUNTON LOCAL DEVELOPMENT SCHEME

July 2019

Front Cover / Insert pictures and text

This document has been prepared by Somerset West and Taunton.

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Photographs show:

Insert details

Copies of this LDS document are available from:
Somerset West and Taunton
The Strategy Team, Deane House, Taunton, TA1 1HE
Tel: insert
Email: insert

For further details of the Local Development Framework, and to view and download this and other documents, please visit our website.

Insert details

Accessibility: this document is also available in Braille, large print, on tape and on disc and we can translate it into different languages. We can provide a member of staff to discuss the details. (insert appropriate equalities logos / text)

Document control record

Name of Document: Local Development Scheme
Author: Somerset West and Taunton
Description of content: Outlines the timetable and delivery plan for Development Plan documents

Author: Paul Browning
Approved by: Nick Bryant
Head of Strategy
Date of approval: (insert date) 2019

Version	Date	Comments
1	2 April 2019	New Development Scheme for new Council (1 st Draft)
2	3rd April 2019	Track changes (1st Draft)
3	3rd April 2019	Track changes (accepted)
4	10th April 2019	Updates: Local Plan end date, separate issues and options stage and revisions to SPD
5	12th April 2019	Typo's and factual updates
6	30 th May 2019	Typo's and factual updates.
7	27 th June 2019	Issues and Options stage now combined in Q3. Allows Parish Council(s) to respond to consultation

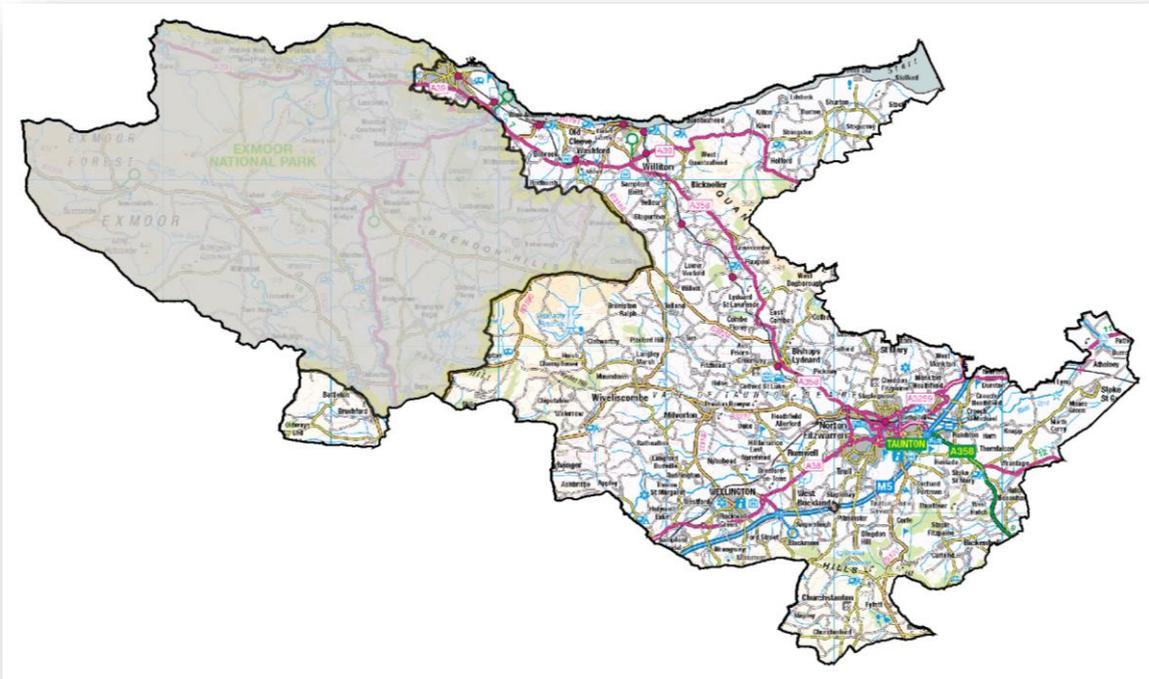
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Introduction

1. This Local Development Scheme sets out the key planning policy documents that Somerset West and Taunton intend to produce, including Development Plan Documents which make up the District's Local Plan. It is the first Local Development Scheme (LDS) that the Council has produced since the decision to become one Council by Taunton Deane Borough Council and West Somerset Council. The LDS identifies the key milestones in their preparation and sets out the arrangements for their production.
2. Since the 1st April 2019, as a new Council, Somerset West and Taunton has a range of responsibilities regarding planning, planning policy and the determination of relevant planning applications.

Diagram 1: Somerset West and Taunton. The central area outlined in black represents the area cover by a new district council, serving the residents, businesses and communities of both Taunton Deane and West Somerset.



3. We are required under the Planning and Compulsory Purchase Act 2004 (as amended) (the Act) to prepare and maintain a Local Development Scheme (LDS). The Act also requires every planning authority to prepare a development scheme which sets out the programme for the preparation and review of development plan documents. Furthermore, in accordance the Local Government (Boundary Changes) Regulations 2018, we must adopt a local development document under section 23 of the 2004 Act to apply to the whole of the area within a period of 5 years starting with the reorganisation date.
4. The Council has prepared this LDS in accordance with the Act. This first edition of the LDS brings together the previous Taunton Deane LDS (January 2015) and West Somerset LDS (March 2016)

<https://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Local-Plan-to-2032/Local-Development-Scheme>

5. It was approved by Full Council on **the xx** 2019.
6. The LDS contains a number of abbreviations and technical terms. A glossary of planning terms can be found on our web site. A list of current Development Plan for Somerset West and Taunton is enclosed as Appendix 2.
7. This first edition of the LDS takes account of national developments in planning policy and legislation and local changes. Being the first LDS for the new local authority there is no detailed commentary on changes from the previously agreed LDS's. The new district-wide Local Plan drawing together the adopted planning policies from:

Taunton Deane BC

- Relevant remaining saved policies of the Taunton Deane Local Plan (2004)
- The Town Centre Area Action Plan (Adopted 2008)
- Taunton Deane Core Strategy (Adopted 2012)
- Site Allocations and Development Management Plan (Adopted 2016).

West Somerset (excluding Exmoor National Park)

- Relevant remaining saved policies of the West Somerset Local Plan (2006)
- West Somerset Local Plan (Adopted 2016).

8. In addition, the Council produces an Authority Monitoring Report (AMR). This statutory document monitors the effectiveness of policies in the Development Plan. The AMR also contains specific information about expected future rates of housing delivery on a range of sites. This and other documents such as the Community Infrastructure Levy (CIL) are available for download from:
<https://www.somersetwestandtaunton.gov.uk/planning-policy/evidence-base-and-monitoring/authority-monitoring-report-amr/> and
<https://www.somersetwestandtaunton.gov.uk/planning-policy/cil/>
9. The Local Development Framework (or LDF) is the name for the collection of development plan documents and other documents which provide the framework for delivering planning policy in Somerset West and Taunton, as shown in the diagram below.

Diagram 2: Relationships between documents within the Local Development Framework



Note: EiP – Examination in Public

Future plans for the LDF

10. We are required under the Planning and Compulsory Purchase Act 2004 to prepare a Local Development Scheme (LDS) which sets out the programme for the preparation and review of development plan documents which make up the District's Local Plan. It identifies the key milestones in their preparation and sets out the arrangements for their production.
11. According to Planning Practice Guidance: *“To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. **Most Local Plans are likely to require updating in whole or in part at least every five years.** Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.” (Bold Somerset West and Taunton emphasis)*
12. The National Planning Policy Framework (NPPF) (February 2019) makes clear that the Government's preferred approach is for each local planning authority to

prepare a single Local Plan for its area (or a joint document with neighbouring areas).

13. The review of the new district wide Local Plan began on the 1st April 2019(see <https://www.somersetwestandtaunton.gov.uk/planning-policy/local-development-scheme/>)Key drivers for this work include:

- Statutory requirement for the new Council to maintain an up to date Local Plan (as set out in paragraph 11 above).
- To keep pace with evolving national policy and guidance (eg Revised National Planning Policy Framework (NPPF) February 2019)).
- To maintain a vibrant economy, the provision of objectively assessed need (such as new homes), and protect our local environment.
- To provide a better service to our customers.
- A spatial vision for the new Council, ensuring that the whole Local Plan is effective and up to date.

14. In line with legislation governing the preparation of Local Plans, Table 1 below outlines the work programme going forward on the Somerset West and Taunton LDF. This table lists the production of the following documents:

- A new district wide Local Plan (ie a review of adopted development plan documents, rolling forward the planning time horizon until 2040 and merging them into one document).
- A Legal Compliance document.
- A Statement of Community Involvement (SCI).
- An Authority Monitoring Report (AMR) (which will be updated on an annual basis as before).
- A review of Community Infrastructure Levy (CIL).
- Various Supplementary Planning Documents (SPD).

Table 1: LDF Project summary and timeline

Project	Key stages	Output	Dates
Somerset West and Taunton District wide Local Plan (Development Plan Document)	Legal Compliance[#] - to commence Local Plan review within 5 years of the adoption date.	A review style document setting out the significant changes / issues / reasons for the review.	Q2 quarter, 2019/20
	Publish (Regulation 18*)	An “Issues and Options” style document for consultation	Q3 quarter, 19/20

	Publication (Regulation 19*)	Informed by above consultation, an updated evidence base and supported by reasoned justification - this document contains updated policies that Somerset West and Taunton propose to include in the new District –wide Local Plan	Q2 quarter, 2020/21
	Submission (Regulation 22*)	Submission of the District-wide Local Plan to the Secretary of State	Q3 quarter, 2020/21
	Independent examination (Regulation 24*)	Examining the soundness and legal compliance of the submission document	Q1 quarter, 2021/22
	Adoption*	Adoption of the Plan by the Council	Q3 quarter, 2021/22
Review of Taunton Town Centre Area Action Plan (2008)	To be considered as part of District –wide Local Plan Review - see above		
Review of Site Allocations and Development Management Plan (2016)			
Adoption of Statement of Community Involvement (SCI)	Publication & consultation	Consultation on SCI's	Q2 quarter, 2019/20
	Adoption	Review consultation responses and adopt SCI's	Q3 quarter, 2019/20
Authority Monitoring Report (AMR)	n/a	A statutory document monitoring the effectiveness of policies in the adopted Development Plan.	Annually Q3 quarter
Review of Community Infrastructure Levy (CIL)	Publication & consultation	CIL review to be informed by contents of District wide pre-submission Local Plan. Further government reforms on the horizon for 2019. When there is clarity on arrangements detailed timescales for the CIL review will be set out.	TBC
	Independent examination	Examination of the CIL charging schedule	TBC
	Adoption	Take account of any changes recommended by the examiner and adopt	TBC

Supplementary planning documents (SPD)			
Adoption of Taunton Garden Town Plan: Design Guidance	Adoption	Informed by various forms of community consultation, embeds guidance into the statutory Local Plan	Q3 quarter, 2019/20
Affordable Housing SPD	Publication & consultation	Updates & embeds guidance into the statutory Development Plan	Post Adoption of District wide Local Plan
	Adoption	Informed by various forms of consultation, embeds guidance into the statutory Local Plan	TBC

15. A more detailed timetable for plan preparation of each Development Document' is set out in Appendix 1.
16. The final output of the review of will be termed a Somerset West and Taunton District wide Local Plan (2019 to 2040), to align this with matters outlined in paragraph 13 (above) and to take account of changes in national policy and guidance.
17. Within Table 1 the Council has identified a need to deliver various Supplementary Planning Documents (SPDs) – in effect, embedding them into the statutory planning system. The detailed programmes for these will be finalised in due course.
18. As the Minerals and Waste Authority, Somerset County Council is responsible for preparing the Minerals and Waste Development Framework and are required to prepare a separate LDS. This document can be viewed at the County Council's website at: <http://www.somerset.gov.uk/policies-and-plans/policies/minerals-and-waste/>

Ensuring successful delivery

19. The LDF documents will be largely prepared by Council staff in the Strategy functional area. Delivery depends on various factors, including staffing levels in the Council, which may be subject to change during the life of the Local Development Scheme. The costs for plan-making will be met from Council's budgeting process.
20. The leadership provided by the senior management team helps to ensure the timely delivery of the project and the delivery of outputs that reflect the needs of the Council's customers.
21. External consultants may be used for some aspects of the work, to act as a "critical friend" via sustainability appraisal work and for technical / specialist aspects of retail planning. Subject to necessary approvals such additional support

will be brought in as needed.

22. There will also be costs associated with undertaking consultations with stakeholders and the required Examination in Public (EiP). The costs for consultation and EiP will be kept under review and the allocation of funds for these will take place through the Council's annual budgeting process.
23. Officers will also work with a Member Local Plan Steering Group (which consists of a group of nominated Elected Members (Councillors) who assist in the plan making process.
24. In accordance with the Council's Constitution and governance arrangements (see <https://democracy.somersetwestandtaunton.gov.uk/mgCommitteeDetails.aspx?ID=331>), relevant committees make decisions on specific LDF issues at various stages of the plan making process. Recommendations to adopt new Development Plan Documents are made to Full Council.

Risk Assessment

25. In preparing this LDS consideration has been given to potential risks that might impact on the preparation and timely delivery of Development Plan Documents. Whilst it is difficult to anticipate all potential risks it is important that the key ones are identified and consideration is given to how they can be eliminated, mitigated, minimised or accepted (see Table 2).

Table 2: Basic register of risks and opportunities

Risk	Risk rating	Impact	Mitigating measure
Legal Compliance for a new Council: legislation requires that we must adopt a local development document under section 26 of The Local Government (Boundary Changes) Regulations 2018; Which applies to the whole of the Council area within 5 years of the reorganisation date.	Low (Rare(1) x Major (4))	Major: government intervention in the plan making process and loss of local control. The impact from any such action would be significant.	Ensure a district wide local plan is in place that complies with legislation which has been reviewed via an Examination in Public and found to be legally compliant.
Staff: Availability of experienced personnel. Key staff may leave or become unavailable due to long term sickness.	Medium (Possible(3) x Major(4))	Major: slippage in delivery of one or more elements of the LDF.	Identify resource requirements and undertake necessary forward planning. Where resources allow use consultants for key pieces of work eg Sustainability Appraisal.
Competing work priorities: Key staff involved in other work (eg funding bids to central government, neighbourhood planning) which have potential to redirect resource from delivering LDS milestones.	Medium (Possible(3) x Major(4))	Major: slippage in delivery of one or more elements of the LDF.	Carefully prioritise work / undertake necessary forward planning to ensure input into other work areas does not compromise the LDS. Operational Plans and Corporate Strategy reflect importance.
Lack of up to date evidence base: Key policies <u>not</u> being monitoring with an Authority Monitoring Report (AMR) and technical studies.	Low (Unlikely (2) x Moderate (3))	Moderate: Lack of a robust evidence base underpinning plan making is likely to result in one or more elements of the LDF being found to be unsound.	Maintain and up to date evidence base and plan this into the early stages of plan preparation. As evidenced in the AMR, ensure all policies and proposals are justified based on the evidence base.
Funding: There may be insufficient funding or resources allocated to the production of LDF documents and/or cost uncertainties associated with Inspector's time and length of Public Inquiries (EIP's).	Medium (Unlikely(2) x Major (4))	Major: slippage in delivery of one or more elements of the LDF.	LDS informs the Council's financial planning with existing reserves in place. Look to deliver better value for money through joint working or undertaking evidence base work in-house.

	Risk rating	Impact	Mitigating measure
<p>Soundness: The Inspector may conclude that one or more elements of a Development Plan Document are 'unsound' at the EIP stage (i.e. the Public Inquiry).</p>	<p>Low (Rare(1) x Major(4))</p>	<p>Major: Non delivery / adoption of one or more elements of the LDF / Development Plan Document.</p>	<p>Ensure robust evidence gathering and close engagement with the Planning Inspectorate (PINS), and key statutory stakeholders (e.g. infrastructure providers) on best practice and case law. Take advantage of any training / support provided via the Planning Advisory Service (PAS) and Royal Town Planning Institute (RTPI). Soundness issues could be addressed either within the plan- making process or by "lifting out" the issue that is making the plan unsound and addressing that separately.</p>
<p>Duty to Co-operate (DtC): insufficient cooperation with/from key partner. Note requirements have been outlined in SCC's latest Statement of Community Involvement in Planning.</p>	<p>Low (Rare(1) x Major(4))</p>	<p>Major: slippage in delivery of one or more elements of the LDF. It is not possible to rectify an issue of DtC at public hearings / EIP stage, so this risk could have a significant impact.</p>	<p>Ensure cross boundary strategic matters are scoped at an early stage and early engagement with adjacent authorities and other key stakeholders is established and maintained. Ensure this is established at both the officer and member levels. Document & maintain audit trail of how this has led to effective policies on strategic matters.</p>
<p>Changes to Legislation: There may be changes to national and international legislation, and/or national policy statements and guidance.</p>	<p>Medium (Possible(3) x Major(4))</p>	<p>Major: may impact on the one or more elements of the LDF. Ultimately, any Development Plan Document will undergo an EIP to assess its legal compliance (as well as soundness).</p>	<p>Regular monitoring of changes to Government legislation and policy. Assess legal compliance (self-assessment test) before submission stage.</p>

Risk	Risk rating	Impact	Mitigating measure
Programme slippage / Internal delays: Slippages in gathering data / assessments for the evidence base.	Low (Possible(3) x Minor(2))	Minor: slippage in delivery of one or more elements of the LDF.	The Councils have sought to minimise risk of slippage by drawing on experience from previous LDS preparation, Ensure that this LDS is realistic in its programme of delivery, taking into account availability of resources, other anticipated commitments and required information from other stakeholders.
Lack of capacity – external statutory bodies in the plan making process: Slippages in gathering data / assessments for the evidence base.	Medium (Possible(3) x Major(4))	Major: slippage in delivery of one or more elements of the LDF. Reduced capacity of the resources of statutory consultees also has potential to impact on their ability to input effectively into the plan making process and satisfy duty to cooperate requirements.	Forward planning to ensure timeline for work is clear. Regular dialogue with consultee's to ensure that consultees are aware of when input will be required. Maintain regular contact with agencies and informal engagement outside of public consultation periods to avoid spikes in workload. .
Legal challenge: Delays to adopting because of High Court challenges.	Low (Rare(1) x Major(4))	Major: slippage in delivery of one or more elements of the LDF. Risk of additional legal costs.	Assess legal compliance (self-assessment test) before submission. Obtain internal legal advice.

Notes:

Council's risk assessment matrix.

The Evidence Base

26. It is critical that Local Development Documents are founded on a robust and proportionate evidence base. These are published on the Council's website and reviewed as necessary to inform plan making in the District. The new district wide Local Plan will be underpinned by a number of important key evidence base documents. Key topics include:
- Economy.
 - Employment Need and Land Availability.
 - Housing Market and Housing Land Availability.
 - Settlement Role and Function.
 - Taunton (Garden town status).
 - Historic Environment.
 - Strategic Flood Risk Assessment / Flood Risk Infrastructure.
 - Transport.
 - Green Infrastructure and Green Space.

Sustainability Appraisal and Strategic Environmental Assessment

27. Where appropriate Local Development Documents are subject to Sustainability Appraisal that meet the requirements of the Strategic Environmental Assessment (SEA) Directive. This is to ensure sustainability is at the heart of planning policy formation, with potential social, economic and environmental implications of policies appraised to ensure sustainability issues are identified early and inform the plan making process.
28. The Sustainability Appraisal is an iterative process that is undertaken throughout the whole period of plan preparation. The appraisal process draws heavily upon the Council's evidence base and the plans and programmes of other organisations.
29. At the start of plan preparation the Council updates its Sustainability Appraisal Scoping Report, which pulls together relevant plans, programmes and data to inform Sustainability Appraisal that policies should be tested against. A Sustainability Appraisal report is then published alongside each consultation stages to demonstrate how different policy approaches perform, with a final report produced when the Local Development Document is published.

Appropriate Assessment

30. A number of sites within or near the District have been given European designations based on their importance to wildlife. To protect the integrity of European sites Local Authorities are likely to be obliged to carry out Appropriate Assessment as part of the planning process under the Habitats Directive. This is needed to ensure the policies in the Local Plan, either alone or in combination with other plans or projects, will not lead to an adverse effect on the integrity of the designated sites. In the first instance a 'screening' stage will need to be undertaken to

determine if the plan is likely to have a significant effect on a European designated site. If necessary this is then followed by an Appropriate Assessment.

Infrastructure Delivery Plan (IDP)

31. The Infrastructure Delivery Plan (IDP) will set out the evidence on current and future infrastructure provision in West Somerset and Taunton. It assesses infrastructure capacity and identifies any necessary improvements required as a result of the planned development within the period up to 2040. The IDP's purpose is to show that the new District wide Local Plan can realistically be delivered and that infrastructure will not prevent development occurring.

End

Appendix 1: Local Development Documents – Detailed Profiles

District wide Local Plan (2019 -2040)	
Scope and content	
Description	<p>Once adopted planning application will be determined in accordance with this Local Plan, unless other material considerations indicate otherwise.</p> <p>Drawing together relevant the adopted planning policies from Taunton Deane BC and West Somerset Council, the new district wide Local Plan will set out the vision and economic, social and environmental objectives to guide and control new development up to 2040.</p> <p>The new district wide Local Plan will plan for the required levels of housing, employment, infrastructure and other forms of development and determine the appropriate distribution of development across the District’s settlements. The new Local Plan will set out clear policies to ensure the objectives of the plan are achieved, including Development Management Policies and if required, allocating strategic sites in sustainable locations.</p>
Status	Development Plan Document
Geographical Coverage	District wide
Council Lead Officer	Head of Strategy
Conformity	NPPF and Planning Practice Guidance
Timetable & Milestones	
Legal Compliance document – to commence Local Plan review	Q1 quarter, 2019/20
Commence work on evidence base and options	Q1 quarter, 2019/20
Plan preparation (Reg 18): Publish an “Issues and Options” style document	Q3 quarter, 2019/20
Publication and consultation on proposed submission DPD (Reg 19) Informed by above issues and options consultation, an updated evidence base and supported by reasoned justification. This document contains updated policies that Somerset West and Taunton propose to include in the new District –wide Local Plan.	Q2 quarter, 2020/21
Submission to Secretary of State (Reg 22) Submission of the District-wide Local Plan to the Secretary of State	Q3 quarter, 2020/21

Examination Hearings Period (Reg 24) Examining the soundness and legal compliance of the submission document	Q1 quarter, 2021/22
Adoption and publication of the Plan by the Council	Q3 quarter, 2021/22
Arrangements for Production	
Resources and management arrangements	Prepared by the Strategy functional area in conjunction with other Council services, statutory consultees and consultant expertise. Members steer provided by a new Member Local Plan Steering Group with key stages agreed at, Executive and Full Council.
Joint working	Joint working with adjacent Local Authorities key on evidence base work (e.g. SHMA, Infrastructure Delivery). Strategic planning issues addressed as part of duty to cooperate.
Community and stakeholder involvement	In accordance with the Town and Country Planning (Local Planning) (England) Regulation 2012 and the Council's SCI.
Post-Production	
The implementation of policies of the Local Plan will be monitored as part of the Authorities Monitoring Report (AMR).	

Authorities Monitoring Report (AMR)	
Scope and content	
Description	Assesses the implementation of the LDS and the extent to which the policies in the Development Plan documents are being achieved.
Status	Statutory but <u>not</u> a Development Plan Document.
Geographical Coverage	District wide
Council Lead Officer	Head of Strategy
Conformity	Must conform with Section 35 of the Planning and Compulsory Purchase Act 2004 as amended by Section 113 of the Localism Act 2011.
Timetable & Milestones	
Annual December publication (ie Q3 quarter)	

Arrangements for Production	
Resources and management arrangements	Prepared by the Strategy functional area in conjunction with other Council services, statutory consultees and consultant expertise. Members steer provided by a new Member Local Plan Steering Group with sign-off at Executive.
Joint working	None.
Community and stakeholder involvement	None.
Post-Production	
Ongoing monitoring of planning applications in annual topic reports (eg Housing, Employment) which feed into the AMR.	

Review of Community Infrastructure Levy (CIL)	
Scope and content	
Description	Taunton Deane BC adopted its Community Infrastructure Levy (CIL) and its charging schedule in 2014. CIL is a levy on new development to fund the timely delivery of infrastructure needed to support development. It is therefore important to the delivery of planned growth in the District.
Status	Local Development Document
Geographical Coverage	District wide
Council Lead Officer	Head of Strategy
Conformity	Local Plan, Infrastructure Delivery Strategy, NPPF, Practice Guidance
Timetable & Milestones	
<p>Following on from the recommendations of the Independent CIL Review Panel and the Autumn Budget 2017, announcements in March 2018, the Government consulted on a series of reforms to the existing system of development contributions. A response is awaited on further consultation on CIL draft regulations that focused on technical implementation of the reforms outlined by the government. Further simplification of this process is just one of the potential reforms on the horizon for 2019.</p> <p>The Council intend to review CIL charging rates following conclusion of Government reforms to developer contributions</p>	
Publication and Consultation	after Q3 quarter, 2020/21
Independent Examination	To be advised
Adoption	To be advised
Arrangements for Production	
Resources and management arrangements	Prepared by the Strategy functional area in conjunction with other Council services, statutory consultees and consultant expertise. Members steer provided by a new Member Local Plan Steering Group with key stages agreed at Executive and Full Council. Emerging charging schedule will be based on development proposals in Local Plan, updated viability assessments and Infrastructure Delivery Strategy.

Joint working	Joint working with adjacent Local Authorities key on evidence base work (e.g. SHMA, Infrastructure Delivery). Strategic planning issues addressed as part of duty to cooperate.
Community and stakeholder involvement	In accordance with the CIL Regulations 2010 (as amended) or any further changes that result of reforms to developer contributions.
Post-Production	
Somerset West and Taunton as both charging and collecting authority will issue liability notices. Reporting of the levy raised and what it is to be spent on will be monitored.	

Affordable Housing Supplementary Planning Document (SPD)	
Scope and content	
Description	<p>Taunton Deane BC adopted its affordable Housing SPD in May 2014 (See https://www.somersetwestandtaunton.gov.uk/media/1164/affordable-housing-2014.pdf) The Council intends to review this SPD after the adoption of the district wide Local Plan.</p> <p>The purpose of the proposed SPD is to provide greater detail on housing policies in the adopted district wide Local Plan. The guidance within the SPD is intended to be used in decision making relating to planning applications that include residential development, where an affordable housing contribution is to be sought. It also updates & embeds current adopted guidance into the statutory Development Plan.</p>
Status	Development Plan Document
Geographical Coverage	Site specific: District wide
Council Lead Officer	Head of Strategy
Conformity	NPPF and Planning Practice Guidance
Timetable & Milestones	
Publication and consultation	Post Adoption of District wide Local Plan
Adoption and publication of the Plan by the Council	To be advised
Arrangements for Production	
Resources and management arrangements	Prepared by the Strategy functional area in conjunction with other Council services, statutory consultees and consultant expertise. Members steer provided by a new Member Local Plan Steering Group with key stages agreed at Executive.
Joint working	<p>Joint working with "Registered housing providers". Further details available at:</p> <p>https://www.somersetwestandtaunton.gov.uk/housing/council-and-social-housing/registered-housing-providers/</p>
Community and stakeholder involvement	In accordance with the Town and Country Planning (Local Planning) (England) Regulation 2012 and the Council's SCI.
Post-Production	
The implementation of policies of the Local Plan will be monitored as part of the Authorities Monitoring Report (AMR).	

Table 3: Summary: LDF Timeline and Key Milestones

	2019/2020				2020/21				2021/2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
District Wide LP		Legal	Issues & Options			Publication	Submission		EIP		Adopt	
SCI		Publish	Adopt									
CIL							Publish (TBC)					
Taunton Garden Town Plan: Design Guidance			Adopt									
Affordable Housing SPD												Publish (TBC)
AMR												

Appendix 2: Current Development Plan for Somerset West and Taunton:

As at (insert approval date) the Development Plan for Somerset West and Taunton consists of the following documents:

Taunton Deane BC

- Relevant remaining saved policies of the Taunton Deane Local Plan (2004).
- The Town Centre Area Action Plan (Adopted 2008).
- Taunton Deane Core Strategy (Adopted 2012).
- Site Allocations and Development Management Plan (Adopted 2016).
- The relevant adopted Neighbourhood Plan.
- Somerset Minerals Local Plan (adopted February 2015).
- Somerset Waste Core Strategy (adopted February 2013).

West Somerset

- Relevant remaining saved policies of the West Somerset Local Plan (2006).
- West Somerset Local Plan (Adopted 2016).
- The relevant adopted Neighbourhood Plan.
- Somerset Minerals Local Plan (adopted February 2015).
- Somerset Waste Core Strategy (adopted February 2013).

Neighbourhood Planning and Neighbourhood Plans:

Following the Localism Act a number of Parish Councils have progressed Neighbourhood Plans for their area. When adopted these identify the key priorities for the community and where homes, commercial premises and other development should be built. When adopted the Neighbourhood Plan also becomes part of the Development Plan.

To date a number of communities have embarked on preparing plans, with four now adopted:

- Bishops Lydeard and Cothelstone NDP adopted 12th July 2016.
- Trull & Staplehay NDP adopted 11th July 2017.
- West Monkton & Cheddon Fitzpaine NDP adopted 23rd April 2018.
- Stogumber NDP adopted 23rd November 2017.

A number of other Neighbourhood Plans are currently being developed and will therefore require close collaboration between the District and qualifying body on key issues to ensure plans are complementary. The Council will have a key role in guiding Neighbourhood Plans through the examination and referendum process.

For further information on these and other neighbourhood plans being prepared visit (<https://www.somersetwestandtaunton.gov.uk/planning-policy/neighbourhood-planning/>)

SPD: Supplementary Planning Documents build upon the policies and proposals contained within DPD's, providing additional detail and guidance. They are a material consideration in deciding applications for planning permission, but do not themselves have Development Plan

status. They can be used to provide further guidance or detailed advice on policies in the Local Plan. They are not tested through independent examination but they will be subject to community involvement during preparation.

The currently adopted SPDs are:

- Taunton Town Centre Planning Obligations SPD (2008).
- Taunton Town Centre Design Code SPD (2008).
- The Affordable Housing SPD (2014).
- Jurston Farm Development Brief SPD (2014).

The above documents are available on Council website at:

<https://www.somersetwestandtaunton.gov.uk/planning-policy/adopted-local-plans/taunton-town-centre-area-action-plan/>

End

Draft Somerset Equality Impact Assessment: New district wide Local Plan

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for	Somerset West & Taunton		
Version	1	Date Completed	15 th May 2019

Description of what is being impact assessed

As outlined in the Report, Somerset West and Taunton has a statutory duty to produce a new district wide Local Plan.

The current adopted Local Plans by Taunton Deane BC and West Somerset Council are somewhat dated. They conformed to government advice at that time they were adopted. They are available at : <https://www.somersetwestandtaunton.gov.uk/planning-policy/adopted-local-plans/>

A local plan sets out local planning policies and identifies how land is used, determining what will be built where. As the new district wide local plan progresses through the various statutory stages, the impacts to be assessed are those from the policies proposed within in the new district wide Local Plan. In due course this is likely to involve considering the implications of both strategic planning policies (eg those which aim to secure a significant proportion of affordable housing) and development management policies (eg those associated with the design).

Within the “Customer” function, those within development management and enforcement are responsible for implementing the policies of the Local Plan. For example, when determining planning proposals from developers. Where the Local Plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset’s Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#),, should be detailed here

A Local Plan must demonstrate it is based on a sound evidence and further Impact Assessments will be prepared in due course as part of the plan making process.

The evidence base associated with adopted local has been collected and developed since 2006. It includes: Equalities Information Reports and Annual Monitoring Reports and “Spatial Portraits” which include specific equalities data such as age, race and gender. It also includes Individual Evidence Base Documents such as Gypsy & Traveller Accommodation Assessments, Strategic Housing Market Assessments, Previous Engagement and Consultation also contain information relating to protected characteristics. The documents which form the evidence base can be found within the related pages to the various adopted local plans on the Councils web site at:<https://www.somersetwestandtaunton.gov.uk/planning-policy/adopted-local-plans/>

As the new local plan progresses through the various statutory stages, new data will be collected by the Council, its stakeholder and partner organisations to identify and monitor equality issues. The Council will also look to other local authorities EIA’s to understand how they have identified and addressed Equality.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

The Strategy team within Somerset West and Taunton are responsible for drafting, adopting and monitoring new local planning policy. This process requires approval from Full Council informed by recommendations from **xx**

All geographic areas of Somerset West and Taunton could potentially be affected because the new district wide Local Plan covers the whole of the district. However, some areas / parishes / businesses / residents / protected groups / environments have more potential for being affected. For example, communities abutting land allocated for residential development.

The new district wide Local Plan will have to include a revised “Spatial Portrait” that details demographic information relevant to the new district in relation to protected characteristics such as age, sex, disability, race and religion. As explained in the Report, the Council also has legal duty to prepare a Statement of Community Involvement (SCI). This sets out how Somerset West and Taunton will involve the community; stakeholders and protected groups in the preparation, alteration and review of local planning policy and the consideration of planning applications within the Local Planning Authority area.

At this stage of the local plan process, no groups have been consulted on this EIA. Consulting on the draft contents of the SCI is being seen as mechanism to help the Council understand what communities actually want. It also keeps stakeholders, our communities and protected groups informed that a review of adopted local plan policies has commenced.

In due course extensive consultation on the Local Plan will take place at each stage of the plan making process. As required by the law, the economic, environmental, and social effects of a plan from the outset of the plan preparation process will be set out in Sustainability Appraisal (SA) and the Habitats Regulations Assessments (HRA).

It should be noted that the Local Plan will assume that other regulatory authorities will regulate matters within their control effectively. For example, as the Minerals and Waste Authority for Somerset (excluding Exmoor National Park), Somerset County Council will prepare Minerals and Waste Local Plans.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> None at this stage of the process. Previously adopted Local Plans contained measures which improve access to facilities such as schools/hospitals/shops by 	□	⊗	□

	<p>other than the private car. The planning policies also have a focus on placing development in the most sustainable places which benefits all sectors of the community (especially the young and elderly). These Plans also seek education provision, ensuring that the young in society have access to schools. Furthermore, they mention green space and recreation which benefits all in society but particularly the young and reduces health inequalities.</p>			
Disability	<ul style="list-style-type: none"> • None at this stage of the process. • Previously adopted Local Plans have made provision for elderly members of the population. eg Sheltered Housing and there are policy references to Building for Life and Lifetime Homes criteria. 	☐	⊗	☐
Gender reassignment	<ul style="list-style-type: none"> • None at this stage of the process. • No specific reference or mention in previously adopted Local Plans. 	☐	⊗	☐
Marriage and civil partnership	<ul style="list-style-type: none"> • None at this stage of the process. • No specific reference or mention in previously adopted Local Plans. 	☐	⊗	☐
Pregnancy and maternity	<ul style="list-style-type: none"> • None at this stage of the process. • No specific reference or mention in previously adopted Local Plans. 	☐	⊗	☐
Race and ethnicity	<ul style="list-style-type: none"> • None at this stage of the process. • Previously adopted Local Plans have included policies regarding Gypsy and Travellers eg provision for new residential and transit pitches. 	☐	⊗	☐

Religion or belief	<ul style="list-style-type: none"> None at this stage of the process. Previously adopted Local Plans have included reference to such provision within District and Local Centres as part of wider community facility provision. 	□	⊗	□
Sex	<ul style="list-style-type: none"> None at this stage of the process. No specific reference or mention in previously adopted Local Plans. 	□	⊗	□
Sexual orientation	<ul style="list-style-type: none"> None at this stage of the process. No specific reference or mention in previously adopted Local Plans. 	□	⊗	□
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> None at this stage of the process. Previously adopted Local Plans contain rural exception policies to address those in housing need in rural areas. The Council supports the Somerset Armed Forces Covenant to ensure veterans are treated fairly and not disadvantaged See https://www.somersetwestandtaunton.gov.uk/community-and-living/armed-forces-covenant/ 	□	⊗	□
Negative outcomes action plan				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Initial EIA to be reviewed by Corporate Equalities Officer	07/06/2019			□
Informed by responses on the draft Statement of Community Involvement (SCI): produce a revised “Spatial Portrait” that details the baseline demographic information relevant to the new district in relation to protected	31/12/2019			□

characteristics such as age, sex, disability, race and religion.				
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
None at this stage of the process.				
Completed by:	Paul Browning			
Date	15 th May 2019			
Signed off by:	Nick Bryant			
Date				
Equality Lead/Manager sign off date:				
To be reviewed by: (officer name)	Paul Browning			
Review date:	Prior to publication of an "Options" style document (Regulation 18) in Q3 of 2019/20.			

End

Somerset West and Taunton Council

Council – 16th July 2019

Constitution Report

This matter is the responsibility of Executive Councillor for Corporate Resources

Report Author: Christine Fraser, Head of Performance and Governance

1 Executive Summary / Purpose of the Report

To update part of the Constitution.

2 Recommendations

That the Council resolves to make the following amendments to the Constitution:

- 1) The terms of reference for the Employment Committee are removed from the Constitution
- 2) The revised Officer Employment Procedure Rules (attached at Appendix A) are approved

3 Risk Assessment

- 3.1 Failure to have an appropriate a workable Constitution could impact on the Council's ability to operate in an economic, efficient and effective manner.

4 Background and Full details of the Report

- 4.1 As part of the work completed by Officers and the Shadow Council prior to the inception of Somerset West and Taunton Council on 1st April 2019, a new Constitution was drafted. At the time of drafting it was confirmed that this was a starting point and that the document would be a 'living' document and reviewed and updated on a regular basis.
- 4.2 The Officers Employment Procedure Rules have now been reviewed to ensure that the appointments process to Senior Officer posts is appropriate. Members are included in the process of appointing Senior Officers but the final decision will rest with the Chief Executive (with the exception of the statutory posts which are a Council decision).
- 4.3 The revised Officer Employment Procedure Rules are attached as Appendix A

5 Links to Corporate Aims / Priorities

- 5.1 Having effective and efficient governance arrangements is a fundamental element of being a 'well managed' council

6 Finance / Resource Implications

6.1 None arising from this report

7 Legal Implications

7.1 The proposed changes have been discussed with SHAPE Legal and they have confirmed that they meet legislative requirements

8 Environmental Impact Implications (if any)

8.1 None arising from this report

9 Safeguarding and/or Community Safety Implications (if any)

9.1 None arising from this report

10 Equality and Diversity Implications (if any)

10.1 None arising from this report

11 Social Value Implications (if any)

11.1 None arising from this report

12 Partnership Implications (if any)

12.1 None arising from this report

13 Health and Wellbeing Implications (if any)

13.1 None arising from this report

14 Asset Management Implications (if any)

14.1 None arising from this report

15 Data Protection Implications (if any)

15.1 None arising from this report

16 Consultation Implications (if any)

16.1 The Audit, Governance and Standards Committee considered this report on 26th June 2019 and supported the recommendations.

16.2 Recommended that the Audit, Governance and Standards Committee recommended the following amendments:-

- a) The terms of reference for the Employment Committee were removed from the Constitution;
- b) The revised Officer Employment Procedure Rules were approved; and
- c) The Chief Executive Officer was added to the list of panel members in section 4.2 of the report.

Democratic Path:

- **Audit, Governance and Standards Committee – Yes**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Updates to the Constitution will be as and when appropriate

List of Appendices

Appendix A	Constitution – Officer Employment Procedure Rules
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Contact Officers

Name	Amy Tregellas, Governance Manager
Direct Dial	01823 785034
Email	a.tregellas@somersetwestandtaunton.gov.uk

Officer Employment Procedure Rules

1. Recruitment and Appointment

1.1. Declarations

- 1.1.1. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are related to an existing Councillor or Officer of the Council; or the partner or ex-partner of such a person.
- 1.1.2. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Senior Officer (as set out in Appendix A) or an Officer nominated by him/her.

1.2. Seeking Councillor Support for Appointment

- 1.2.1. Subject to paragraph 1.2.3 below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.2.2. Subject to paragraph 1.2.3 below, no Councillor will seek support for any person for any appointment with the Council.
- 1.2.3. Nothing in paragraphs 1.1.1 and 1.1.2 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

1.3. Senior Officer Posts Covered by These Rules

- 1.3.1 Except where stated in these rules, Parts 2 to 8 apply to the following posts: Chief Executive, Monitoring Officer, Section 151 Officer, Director, Heads of Functions and any other posts who are /become permanent members of the Senior Leadership Team. For the purposes of these rules, these posts will be referred to as 'Senior Officer Posts'. The current list of posts is set out at Appendix A but failure to include a post on this list will not exclude it from the provisions of these rules.

2. Recruitment

2.1. Where the Council proposes to recruit and appoint to a Senior Officer Post and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

a) Draw up a statement specifying:

- i. The duties of the post concerned; and
- ii. Any qualifications or qualities to be sought in the person to be appointed;
- iii. Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- iv. Make arrangements for a copy of the statement mentioned in paragraph (2.1.1) to be sent to any person on request.

b) The Head of Performance and Governance is responsible for keeping this list up to date in the light of changes to the Council's organisational structure.

3. Appointment of Chief Executive (Head of Paid Service)

3.1 An appointment panel will be appointed by the Proper Officer.

3.2 The appointment panel shall include:-

(a) The Chair or Vice Chair of the Scrutiny Committee or the Chair or Vice Chair of a Regulatory Committee;

(b) The Leader and two other Members of the Executive;

(c) The Chair or Vice Chair of the Council. The above representatives may appoint a substitute as necessary and that all the above, where possible, should reflect the political balance of the Council.

- 3.3 The Proper Officer communicates the panel's recommendations to each Member of the Executive giving a deadline for responses.
- 3.4 If no Member of the Executive objects, the recommendation then goes forward before the Council for approval.
- 3.5 If any Member of the Executive objects they must notify the Leader. The Leader is then required to consult the Executive. If the Executive wishes to pursue the objection the Leader notifies the Proper Officer. The Proper Officer then reconvenes the appointment panel to consider whether the objection is material and well founded. Following this process the appointment panel either reconsiders its recommendation or affirms its recommendation. Any revised recommendation is subject to the process above.
- 3.6 The appointment panel's recommendation is placed before the Council for approval prior to any offer being made.

4. Appointment to Other Senior Officer Posts (including the Section 151 Officer and Monitoring Officer)

- 4.1 An appointment panel will be appointed by the Proper Officer.
- 4.2 The appointment panel shall include:-
 - (a) The Chair or Vice Chair of the Scrutiny Committee or the Chair or Vice Chair of a Regulatory Committee;
 - (b) The Leader and one Member of the Executive
 - (c) The Chief Executive Officer
- 4.3 The Chief Executive to make the appointment having consulted the members of the panel.

- 4.4 In the case of the S151 Officer and Monitoring Officer, Full Council will confirm their appointment.

5. Other Appointments Below Senior Officer Posts

- 5.1 **Officers not covered by these Rules:** Other than statutory assistants to political groups, all other appointments are the responsibility of the Chief Executive as Head of Paid Service, or her/his nominees, and may not be made by Councillors.

- 5.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

***Note:** The Council is not able to make any political assistant appointment until the Council has allocated posts to all political groups which qualify for one. The Council is required to consider the allocation of a political assistant to a political group in accordance with the relevant regulations. Non-qualifying groups are not allowed political assistants. More than one advisor per group is not permitted.*

6. Disciplinary Action Against and Dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer ('the Statutory Officers').

- 6.1 A Disciplinary Panel will be appointed by the Proper Officer.

- 6.2 The Disciplinary Panel shall include:-

(a) The Chair or Vice Chair of the Scrutiny Committee or the Chair or Vice Chair of a Regulatory Committee;

(b) The Leader and two other Members of the Executive;

(c) The Chair or Vice Chair of the Council. The above representatives may appoint a substitute as necessary and that all the above, where possible, should reflect the political balance of the Council.

- 6.3 The Disciplinary Panel has power to decide whether to investigate any allegation of misconduct by a Statutory Officer, all matters relating to the conduct of the

investigation (save as set out in 6.4) and may suspend the Statutory Officer on full pay whilst any investigation and/or any subsequent disciplinary process takes place.

- 6.4 Where the Statutory Officer is the Chief Executive the Disciplinary Panel will follow the procedures set out in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook regarding the appointment of its' Independent Panel and any Independent Investigator and review of any suspension.
- 6.5 The Disciplinary Panel will consider the investigation report, any other evidence it considers relevant and the Officer will have an opportunity to state their case.
- 6.6 The Disciplinary Panel will consider whether disciplinary action is needed and, if so, the appropriate sanction. Where the proposed sanction is less than dismissal, the Panel will instruct Officers to implement any sanctions.
- 6.7 Where required, an Appeals Panel will consider an appeal against a disciplinary sanction. Where the Statutory Officer concerned is the Chief Executive, an Appeals Panel will be convened (which will be a politically balanced Panel of five members who are not members of the Disciplinary Panel and will include at least one Member of the Executive). The Appeals Panels purpose is to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.
- 6.8 Where the Panel proposes dismissal:
 - a) A Statutory Officer Independent Panel (the SOI Panel) consisting of at least three Standards Regime Independent Persons drawn from the pool of Independent Persons of the principal councils in Somerset will be established to consider the matter and report its recommendations direct to Full Council.
 - b) The SOI Panel's recommendations will be independent of and separate to any recommendations made by the Disciplinary/Appeals Panel;

- c) The SOI Panel must be established at least 20 working days before the Full Council meeting scheduled to consider any proposal to dismiss a Statutory Officer.
- d) Full Council will decide whether or not to approve the dismissal taking into account: the investigation and its conclusions; the SOI Panel's recommendations and the recommendations of the Disciplinary/Appeals Panel, together with any representations by the relevant Statutory Officer. Statutory Officers will be allowed to attend this meeting and address Council. Following consideration Full Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes any Statutory Officer's final right of appeal against any decision to dismiss. The detailed process for considering such matters will be in accordance with such arrangements agreed by the Council subject to relevant statutory requirements.

7. Disciplinary Action Against and Dismissal of Other Senior Officers ('Non-Statutory Officers')

- 7.1 The Disciplinary Panel has power to decide whether to investigate any allegation of misconduct by a non-Statutory Senior Officer, all matters relating to the conduct of the investigation and may suspend the non-Statutory Senior Officer on full pay whilst any investigation is undertaken and/or any determine any subsequent disciplinary process that takes place.
- 7.2 The Disciplinary Panel has power to impose any sanction up to and including dismissal, subject to Section 8 below.
- 7.3 Where required, the Disciplinary Panel will consider an appeal against a disciplinary sanction or dismissal of a non-Statutory Senior Officer.

8. Executive Objections to Appointments or Dismissals

- 8.1. Where a Panel makes the decision to appoint or dismiss a Senior Officer Post any Executive member has the right to object before an appointment is made or a notice of dismissal is given.
- 8.2 The Chief Executive will inform all Executive members about the proposed appointment or dismissal in writing. The Chief Executive will advise:
 - a) The name of the person who is the subject of the proposed appointment or dismissal
 - b) Any other particulars relevant to the appointment or dismissal which the Panel has notified to the Chief Executive
 - c) That objections must be received within five working days; and
 - d) That any objections must be made to the Leader of the Executive.
- 8.3. The appointment or dismissal can only be made if:
 - a) There is no objection from the Members of the Executive within five working days; or
 - b) An objection is received and considered by the Panel but is not considered to be material or well founded.

9. Organisational Restructuring

- 9.1 Restructuring within a single Function Area is the responsibility of the relevant Head of Function or Director following consultation with the Chief Executive and all other Heads of Function/Director.
- 9.2 Restructuring involving more than one Function Area is the responsibility of the Chief Executive following consultation with all Heads of Function/Director.
- 9.3 Restructuring that affects all Function Areas is the responsibility of the Chief Executive, following consultation with all Heads of Function/Director, subject to the approval of the Executive.

9.4 Restructuring/changes to the senior management structure/senior officer posts is the responsibility of the Chief Executive, subject to the relevant requirements set out in these procedural rules.

10. Annual Pay Policy Statement

10.1 Section 38 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the authority's policies relating to remuneration of chief Officers and its lowest paid Officers; and the relationship between the remuneration of its chief Officers and that of its employees who are not chief Officers.

10.2 The annual pay policy statement for the following financial year will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in-year.

APPENDIX A

APPLICABLE POSTS

Chief Executive

Section 151 Officer

Monitoring Officer

Executive Director and Deputy Chief Executive

Head of Customer

Head of Strategy

Head of Localities

Head of Communications and Engagement

Head of Performance and Governance

Head of Commercial, Investment and Change

Somerset West and Taunton Council

Full Council – 16 July 2019

Request for Funding from The Charter Trustees of Taunton

This matter is the responsibility of the Executive Portfolio Holder for Corporate Resources – Cllr Ross Henley

Report Author: Marcus Prouse (Specialist – Governance and Democratic)

1 Executive Summary / Purpose of the Report

- 1.1 The Charter Trustees for Taunton were created by Statutory Instrument in Parliament and came into force on 1st April 2019 (Local Government (Structure and Boundary Changes) (Supplementary Provision and Miscellaneous Amendments Order 2019) and were set up to maintain the continuity of a town charter after a district with the status of a borough had been abolished, and until such time as a parish or town council is established.
- 1.2 The Charter Trustees are the councillors elected to represent wards in the unparished area of Taunton. This is the central area that has no town or parish council of its own. Following the creation of Somerset West and Taunton Council there are 16 councillors representing the area following local elections on May 2nd 2019. At the first meeting of the Charter Trustees on 4th June 2019 that body formally requested from this Council the transfer of all funding derived from the Unparished Area to the Charter Trustees, funds that were previously administered by the Unparished Area Committee.
- 1.3 The Charter Trustees and the mayoralty are intended to be funded through a local tax, or precept, levied on householders in the unparished areas through the Council Tax system, however, in their first year of existence they cannot raise their own precept and must have this set for them by the District body. This had been set through the Budget-setting process in February 2019 (£46,399). To continue the system that existed under the former Taunton Deane Borough Council the decision to transfer the funds needs to be ratified by this Council.

2 Recommendations

- 2.1 Somerset West and Taunton Council resolves to:-
 - a) The transfer of all funding derived from the Unparished Area Special Expenses Precept to be transferred to the Charter Trustees of the Town of Taunton, currently standing at £132,351.16, with £83,956.47 of that already committed.
 - b) The transfer of CIL Infrastructure Payments derived from the Unparished Area to the Charter Trustees of the Town of Taunton, currently standing at £97,746.35, once appropriate governance arrangements have been devised.

- c) The transfer of an Unparished Area Capital Budget to the Charter Trustees of the Town of Taunton, currently standing at £10,995.86.
- d) Note that in future years, the Charter Trustees will be in a position to raise its own precept.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
If this Council refuses to sign over a Budget for the Charter Trustees it would be contravening legislation.	2	5	10

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 The Taunton Unparished Area Committee was the former Committee comprising all Borough Councillors in the Taunton Unparished Area. This body used the available funding derived from the Unparished Area Special Expenses Precept and from the Community Infrastructure Levy (CIL) for that area to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished

Area of Taunton.

- 4.2 It helped to distribute this funding through the Taunton Unparished Area Advisory Panel (a Sub-Committee of the Unparished Area Committee) which was retained to deal with bids received for funding. However, this Panel could only make recommendations and when a decision was required it was sent to the Executive Councillor for Community Leadership for final sign-off. Under the Charter Trustees legislation this decision will now be able to be taken by the Charter Trustees themselves and ratified by the Mayor. The Charter Trustees have agreed to set up a Standing Committee which will amongst other responsibilities deal with bid applications (see Appendix C).
- 4.3 The Special Expenses Precept raised through the Somerset West and Taunton Council Budget for 2019/20, levied within the unparished area was £46,983. £85,952 was transferred from the 2018/19 budget to 2019/20 so this meant there was a total of £132,935.16 to be provided for 2019/20. £83,956.47 of that pot has already been committed (£29,430.00 held in abeyance to be further confirmed at another meeting of the Standing Committee once further information has been provided by those bidders). £23,314.99 has already been paid out this year from committed funds.
- 4.4 The total available for 2019/20 is thus £48,978.69 which will primarily fund the Mayoralty and be used to distribute to organisations via small grants. There is also a small pot of £10,995.86 for Capital Spending that was once a pot of £20,000 that was originally given to the Unparished Area Committee by the former Borough Council to be spent on play areas. There is also the CIL Infrastructure Payment for the Unparished Area which currently stands at £97,922.81.
- 4.5 Section 39(2)(d) of the Local Government Finance Act 1992 provides that charter trustees are local precepting authorities for the purposes of that Act. Regulation 12 (funding in the first year) of these Regulations does not apply in respect of the financial year in which the charter trustees are established together with the provisions of the 1992 Act which require a local precepting authority to calculate a budget requirement (section 50(1)) and authorise it to issue a precept (section 41(1)).¹
- 4.6 Somerset West and Taunton Council set a Special Expenses Precept at its Budget Setting meeting of Shadow Council in February 2019 of £3.02 for a basic Band D Council Tax in respect of the Unparished Area of Taunton, with the intention that this funding would in future support the Charter Trustees if the order was laid in Parliament creating them, thus satisfying the requirements of the 1992 Local Government Act (Section 32) on a preparing or Shadow Council which is the billing authority for an area for any part of which Charter Trustees are likely to be established on the reorganisation date to anticipate the amount likely to be required in that financial year for the discharge of the Charter Trustee's functions.²As an example of others, the average Band D council tax set by existing charter trustees in England for 2017/18 was £2.95 with the lowest being NIL and the highest being £12.55.
- 4.7 In terms of an anticipation of an amount required to discharge the functions of Charter Trustees, the amounts, in particular to support the function of the Mayoralty are difficult to quantify, and will in large part depend on the wishes of the Charter Trustees going

¹ http://www.legislation.gov.uk/uksi/2009/467/pdfs/uksiem_20090467_en.pdf

² <http://www.legislation.gov.uk/uksi/2009/5/regulation/6/made>

forward, however the £46,983 set for this year by SWT Council will need to be prudently managed. Somerset West and Taunton Council is expected to provide accommodation and staffing support for the Charter Trustees for the first year, and could if it wished provide other support by agreement. It is intended that the support provided by the Councils various support staff including the Governance and Finance team shall be recorded to enable a true reflected picture to be reported back to the Charter Trustee's in advance of them raising their own precept for 2020/21.

5 Links to Corporate Aims / Priorities

5.1 None considered relevant to this report.

6 Finance / Resource Implications

6.1 To enable the request for funding to be released the s151 officer of Somerset West and Taunton Council will have to be satisfied that the Charter Trustees of Taunton have made appropriate arrangements in their accounting structures that are rigorous and recorded. The relevant council shall pay to the charter trustees any amount requested by them not later than 28 days after receipt of the request.³ The funds will still be managed by SWT Officers in an identified account until requested otherwise.

6.2 According to Section 13 of The Charter Trustees Regulations of 2009, the Charter Trustees of Taunton will satisfy these requirements by keeping accounts of their receipts and payments. Charter trustees shall make safe and efficient arrangements for the making of their payments. The Audit Commission Act 1998 shall apply to all accounts of charter trustees as though they were a body listed in paragraph 1 of Schedule 2 to that Act.⁴

7 Legal Implications (if any)

7.1 The legal implications of the Council not signing over the Budget would be in contravention of the Statutory Instrument and lead the Charter Trustees to be unable to carry out their duties to preserve historic rights, privileges and traditions, including the function of a Mayoralty.

8 Environmental Impact Implications (if any)

8.1 None considered relevant to this report.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 None considered relevant to this report.

10 Equality and Diversity Implications (if any)

10.1 None considered relevant to this report.

11 Social Value Implications (if any)

11.1 None considered relevant to this report.

³ <http://www.legislation.gov.uk/uksi/2009/467/made>

⁴ <http://www.legislation.gov.uk/uksi/2009/467/made>

12 Partnership Implications (if any)

12.1 The decision made will have an implication in the Council's relationship with The Charter Trustees of Taunton.

13 Health and Wellbeing Implications (if any)

13.1 None considered relevant to this report.

14 Asset Management Implications (if any)

14.1 None considered relevant to this report.

15 Data Protection Implications (if any)

15.1 None considered relevant to this report.

16 Consultation Implications (if any)

16.1 None considered relevant to this report.

17 Scrutiny Comments / Recommendation(s) (if any)

17.1 None considered relevant to this report.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: **Once only**

List of Appendices (delete if not applicable)

Appendix A	Local Government (Structure and Boundary Changes) (Supplementary Provision and Miscellaneous Amendments) Order 2019
Appendix B	Functions and Responsibilities of the Charter Trustees
Appendix C	Powers and Duties of the Standing Committee

Contact Officers

Name	Marcus Prouse
Direct Dial	01823 219570
Email	m.prouse@somersetwestandtaunton.gov.uk

Name	Page 79	Name
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Direct Dial		Direct Dial	
Email		Email	

2019 No. 615

LOCAL GOVERNMENT, ENGLAND

**The Local Government (Structural and Boundary Changes)
(Supplementary Provision and Miscellaneous Amendments)
Order 2019**

Made - - - - *20th March 2019*

Coming into force - - *1st April 2019*

The Secretary of State makes this Order in exercise of the powers conferred by sections 7, 10, 11, 13 and 240(10) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”)(**a**).

The incidental, consequential, transitional and supplementary provision made by this Order relates to the following orders made under sections 7 and 10 of the 2007 Act(**b**):

the Bournemouth, Dorset and Poole (Structural Changes) Order 2018(**c**);

the East Suffolk (Local Government Changes) Order 2018(**d**);

the Somerset West and Taunton (Local Government Changes) Order 2018(**e**).

In accordance with section 240(6) of the 2007 Act, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

PART 1

GENERAL

Citation and commencement

1. This order may be cited as the Local Government (Structural and Boundary Changes) (Supplementary Provision and Miscellaneous Amendments) Order 2019 and comes into force on 1st April 2019.

(a) 2007 c. 28.

(b) Section 13(3) provides that any incidental, consequential, transitional and supplementary provision included in an order under sections 7 or 10 may relate either to other provisions of the order or to a previous order under sections 7 or 10.

(c) S.I. 2018/648.

(d) S.I. 2018/640.

(e) S.I. 2018/649.

PART 2

PROVISIONS RELATING TO CEREMONIAL MATTERS

Charter Trustees

2.—(1) There are established for each area listed in the second column of the table in the Schedule to this Order a body corporate to be known by the name specified in relation to that area in the first column of that table.

(2) Subject to paragraph (3), the charter trustees for a body listed in the first column of the table in the Schedule are the councillors for the time being for any electoral area all or part of which includes any part of the area specified in the entry for that body in the second column of that table.

(3) From the 1st April 2019 to the fourth day after the ordinary day of election of councillors in 2019(a) the charter trustees for a body listed in the first column of the table in the Schedule are those persons who were on 31st March 2019 the councillors for the electoral areas specified in the entry for that body in the second column of the table.

Market Rights in Bournemouth and Poole

3. The rights to hold markets in the Borough of Bournemouth and the Borough of Poole arising from the charters granted by the Crown shall vest in Bournemouth, Christchurch and Poole Council.

Lords-Lieutenant

4. In the Lieutenancies Act 1997(b) in Schedule 1 (counties and areas for the purposes of lieutenancies in Great Britain) in the second column of the table in paragraph 3 for “Dorset, Bournemouth and Poole” (against the entry for “Dorset” in the first column) substitute “Bournemouth, Christchurch and Poole and Dorset”.

Sheriffs

5. In the Sheriffs Act 1887(c) in Schedule 2A (counties in England for the purposes of the Act) in the second column of the table for “Dorset, Bournemouth and Poole” (against the entry for “Dorset” in the first column) substitute “Bournemouth, Christchurch and Poole and Dorset”.

PART 3

PROVISION RELATING TO PENSION FUNDS IN BOURNEMOUTH, CHRISTCHURCH AND POOLE AND DORSET

Local Government pension fund: Bournemouth, Christchurch and Poole and Dorset

6. The local government pension fund maintained by Dorset County Council by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service, etc)(d) together with all other property, rights and liabilities in respect of the fund, shall vest in Dorset Council.

(a) See section 37 of the Representation of the People Act 1983 (c. 2).

(b) 1997 c.23.

(c) 1887 c.55; Schedule 2A was inserted by regulation 8 of S.I. 1995/1748.

(d) 1972 c. 11. The relevant operative regulations are S.I. 1997/1612, S.I. 1998/1831, S.I. 1999/3259, S.I. 2000/2552, S.I. 2007/1166, S.I. 2008/238, S.I. 2008/239, S.I. 2008/1083, S.I. 2008/2425, S.I. 2008/2989, S.I. 2008/3245.

Amendment of the Local Government Pension Scheme Regulations 2013

7.—(1) The Local Government Pension Scheme Regulations 2013(a) are amended in accordance with paragraphs (2) and (3).

(2) In Part 1 of Schedule 3 in paragraph 1 at the end insert—

“(za) Dorset Council.”.

(3) In Part 2 of Schedule 3 in the table for the row against the entry which includes “Bournemouth Borough Council” in the first column substitute—

“An employee of Bournemouth, Christchurch and Poole Council	Dorset Council”
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PART 4

AMENDMENT OF PORT HEALTH AUTHORITY ORDER

Amendment of the Weymouth Port Health Authority Order 2017

8.—(1) The Weymouth Port Health Authority Order 2017(b) is amended in accordance with paragraphs (2) to (9).

(2) In article 1(3) (citation, commencement and interpretation)—

(a) for the definition of “the joint board” substitute—

““the Council” means Dorset Council;”;

(b) omit the definition of “the relevant riparian authorities”.

(3) In article 3 (the port health authority)—

(a) in paragraph (1) for “a joint board consisting of 15 members” substitute “the Council”;

(b) omit paragraphs (2) and (3).

(4) Omit articles 4, 5 and 6 (provisions relating to the joint board).

(5) In article 7 (jurisdiction) for “The joint board” substitute “The Council”.

(6) Omit article 8 and Schedule 1 (application of provisions of the Local Government Act 1972 to the joint board).

(7) For the heading to article 9 (functions assigned to the joint board) substitute—

“Functions of the Port Health Authority”.

(8) In article 9 in each place in which it occurs for “the joint board” substitute “the Council”.

(9) Omit articles 10 and 11 (expenses and accounts and audit).

PART 5

HOUSING FINANCE

Amendment of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

9.—(1) The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003(c) are amended in accordance with paragraphs (2) and (3).

(a) S.I. 2013/2356. Relevant amendments were made by S.I. 2014/863, S.I. 2015/755 and S.I. 2016/653.

(b) S.I. 2017/558.

(c) S.I. 2003/3146; relevant amendments made by S.I. 2012/711, S.I. 2013/476, S.I. 2013/1751, S.I. 2015/341 and S.I. 2017/536.

- (2) In the Schedule, in Table A (assumed debt for each quarter in a year)—
- (a) in the row against the entry in the first column (authority) for “Bournemouth” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
 - (b) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Bournemouth, Christchurch and Poole”;
 - (ii) in the ninth column (2019-20) insert “68,823.83”;
 - (iii) in the tenth column (2020-21) insert “69,512.07”;
 - (c) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “East Suffolk”;
 - (ii) in the ninth column (2019-20) insert “42,135.30”;
 - (iii) in the tenth column (2020-21) insert “42,556.56”;
 - (d) in the row against the entry in the first column (authority) for “Poole” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
 - (e) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Somerset West and Taunton”;
 - (ii) in the ninth column (2019-20) insert “51,382.78”;
 - (iii) in the tenth column (2020-21) insert “51,896.60”;
 - (f) in the row against the entry in the first column (authority) for “Taunton Deane” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
 - (g) in the row against the entry in the first column (authority) for “Waveney” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns.
- (3) In the Schedule, in Table B (local authority share cap for each quarter in a year)—
- (a) in the row against the entry in the first column (authority) for “Bournemouth” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
 - (b) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Bournemouth, Christchurch and Poole”;
 - (ii) in the ninth column (2019-20) insert “95,444.16”;
 - (iii) in the tenth column (2020-21) insert “96,398.60”;
 - (c) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “East Suffolk”;
 - (ii) in the ninth column (2019-20) insert “33,212.01”;
 - (iii) in the tenth column (2020-21) insert “33,544.13”;
 - (d) in the row against the entry in the first column (authority) for “Poole” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
 - (e) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Somerset West and Taunton”;
 - (ii) in the ninth column (2019-20) insert “39,864.53”;
 - (iii) in the tenth column (2020-21) insert “40,263.18”;
 - (f) in the row against the entry in the first column (authority) for “Taunton Deane” omit the entries in the ninth (2019-20) and tenth (2020-21) columns;
 - (g) in the row against the entry in the first column (authority) for “Waveney” omit the entries in the ninth (2019-20) and tenth (2020-21) columns.

SCHEDULE

Article 2

CHARTER TRUSTEES

<i>Name of Charter Trustees</i>	<i>Area</i>
The Charter Trustees for Bournemouth	The area comprising the Bournemouth Borough Council wards (as those wards existed on 31st March 2019) of Boscombe East, Boscombe West, Central Bournemouth, East Cliff and Springbourne, East Southbourne and Tuckton, Kinson North, Kinson South, Littledown and Iford, Moordown, Queen’s Park, Redhill and Northbourne, Talbot and Branksome Woods, Throop and Muscliff, Wallisdown and Winton West, West Southbourne, Westbourne and West Cliff, Winton East and the unparished part of the ward of Strouden Park.
The Charter Trustees for Poole	The area comprising the Poole Borough Council wards (as those wards existed on 31st March 2019) of Alderney, Branksome East, Branksome West, Broadstone, Canford Cliffs, Canford Heath East, Canford Heath West, Creekmoor, Hamworthy East, Hamworthy West, Merley and Bearwood, Newtown, Oakdale, Parkstone, Penn Hill and Poole Town.
The Charter Trustees for Taunton	The area comprising the Taunton Deane Borough Council wards (as those wards existed on 31st March 2019) of Blackbrook and Holway, Eastgate, Fairwater, Halcon, Killams and Mountfield, Lyngford, Manor and Wilton and Pyrland and Rowbarton.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (“the 2007 Act”) provides for structural and boundary changes in relation to local government areas in England. Structural change is a change from two-tier local government (a county council and districts councils) in an area to a single tier of local government. There is a single tier of local government for an area if there is either a county council and no district councils for that area, or a district council and no county council for that area (section 1(2) of the 2007 Act). The Secretary of State may by order implement (with or without modification) a proposal received for a single tier of local government (section 7 of the 2007 Act). The Secretary of State may, by order under section 10, make boundary changes in relation to local authorities including changes which result in the abolition of existing local government areas and their councils and their replacement with new local government areas and councils. This order makes provision which is incidental, consequential, transitional and supplementary to the implementation by order of structural change in Dorset (S.I. 2018/648) (“the Dorset Order”) and of boundary change in East Suffolk (S.I. 2018/640) and Somerset West and Taunton (S.I. 2018/649).

Part 2 of this Order makes provision about ceremonial matters. Article 2 provides for the appointment of Charter Trustees as appropriate bodies in which historic rights and privileges may vest for Bournemouth, Poole and Taunton. Regulations of general application, the Charter Trustees Regulations 2009 (S.I. 2009/467) have been made under section 14 of the 2007 Act to provide for the transfer of those rights and privileges to Charter Trustees. Article 3 makes special provision in relation to market rights granted by Royal Charters to Bournemouth Borough Council and Poole Borough Council to provide that these rights vest in Bournemouth, Christchurch and

Poole Council. Articles 4 and 5 make consequential amendments to the Lieutenancies Act 2007 (c. 23) and the Sheriffs Act 1887 (c. 55) to substitute for references to the counties of Bournemouth, Dorset and Poole references to the newly established counties of Bournemouth, Christchurch and Poole and Dorset.

Part 3 of this Order makes provision about vesting the local government pension fund that is maintained by Dorset County Council in the new Dorset Council and makes consequential amendments to the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356).

Part 4 of this Order amends the Weymouth Port Health Authority Order 2018 (S.I. 2017/558) to reflect the changes to local authority arrangements as a consequence of the Dorset Order.

Part 5 of this Order amends the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I. 2003/3146) to make provision for housing revenue account debt and share caps in relation to the newly established Bournemouth, Christchurch and Poole Council, East Suffolk Council and Somerset West and Taunton Council.

A full impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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The Charter Trustees of the Town of Taunton

Functions and Responsibilities

The Functions and principal responsibilities of the Charter Trustees of the Town of Taunton are to:-

- 1 Elect a Mayor and a Deputy Mayor and maintain and uphold civic protocol and ceremony within Taunton including suspending any Charter Trustee who fails to comply with a resolution of the Charter Trustees or any of its committees by the next meeting of the Charter Trustees.
- 2 Convene and hold regular meetings and produce reports and minutes of such meetings.
- 3 Ensure the upkeep, repair and cleanliness and security of all property including the civic regalia, plate, portraits, civic robes and hats and other valuables owned by Somerset West and Taunton Council but loaned to the Charter Trustees.
- 4 Maintain a detailed and current inventory of all the Charter Trustee's civic property which has been loaned by Somerset West and Taunton Council ensuring that such items are correctly insured.
- 5 Prepare annual revenue estimates, maintain accounts including VAT, investing surplus funds to maximise interest and prepare the final accounts at the end of each financial year.
- 6 Promote and protect the views and interests of the Charter Trustees in the context of press and public relations with regard to local, national and international organisations and/or their representatives and other third parties or individuals as appropriate.
- 7 Enhance the interests of Taunton by acting upon views and information received from individual citizens and public or private sector interests of the town and bring to the attention of the Charter Trustees relevant matters for consideration as appropriate.
- 8 Initiate all arrangements for civic visits to and from Taunton and in particular for those cities and towns which are twinned with Taunton and foster the cultural, community and commercial links which come about as a result.
- 9 Make appropriate arrangements for civic church services and other civic functions and occasions.
- 10 Maintain close links with the Chair of the Somerset West and Taunton Council to ensure that the respective civic roles of both the Mayor and Chair are undertaken in accordance with the appropriate protocols to ensure that no unnecessary overlapping or gaps occur in response to invitations to attend events in Taunton.
- 11 Maintain close links with any Freemen, the Lord Lieutenant of Somerset, the High Sheriff and the Member of Parliament.

- 12 Ensure close links with the Association of Charter Trustee Towns and Charter Town Councils.
- 13 Assess and obtain insurance cover for the Charter Trustees (to include Public liability, Employers Liability, Fidelity Guarantee, All Risks (including Terrorism) and, where appropriate, Motor Vehicle).
- 14 Conduct all necessary and appropriate correspondence with outside bodies and organisations consequent upon decisions taken by the Charter Trustees.
- 15 Employ such officers as are necessary or purchase the necessary officer time from the Somerset West and Taunton Council to support the Mayor and Charter Trustees.
- 16 Form effective liaison between the Charter Trustees and Somerset West and Taunton Council.

The Charter Trustees of the Town of Taunton

Powers and Duties of the Standing Committee

A Standing Committee of seven Members representing Wards in the Unparished Area of Taunton will be appointed by the Charter Trustees of the Town of Taunton. Membership of the Standing Committee will reflect the political balance in the Unparished Area.

The Standing Committee will act on behalf of the Charter Trustees to:-

- 1 Select annually, for election by the Charter Trustees, the Mayor and a Deputy Mayor of Taunton and ensure a smooth transition of responsibility in the event of the Mayor and/or Deputy Mayor being unable, for any reason, to complete his or her term of office, according to the following criteria:-

Candidates for the roles of Mayor and Deputy Mayor shall be drawn from the 16 Charter Trustees. Nominations must be supported by the signatures of at least two fellow Charter Trustees on a form to be provided by the Clerk to the Charter Trustees. There will be no canvassing after nominations have closed.

The Standing Committee will expect to receive at least one valid nomination for each office during the month of February. If one or more nominations are received for the same office the final decision will rest with the full body of the Charter Trustees. Each Charter Trustee will have one vote. The Standing Committee will have the responsibility for resolving all issues relating to the selection of a Mayor and a Deputy Mayor.

The Charter Trustees will be responsible for ensuring that all potential candidates are given the opportunity to develop their skills and knowledge to enable them to maintain the high standard of the Office of Mayor and Deputy Mayor.

Candidates must represent a Ward in the Unparished Area of Taunton. They must have served at least three years as a former Taunton Deane Borough Councillor or as a Somerset West and Taunton Councillor to be nominated as Mayor and two years as a former Taunton Deane Borough Councillor or as a Somerset West and Taunton Councillor to be nominated as Deputy Mayor.

In February the Clerk will write to all those who meet the criteria asking if they wish to be considered. The announcements will normally be made in March, except during an election year, when the selection of Mayor and Deputy Mayor will be delayed until after the local elections.

If the Mayor or Deputy Mayor is unable to complete his/her term of office and stands down, the procedure detailed above will be followed but the timescale will be adjusted to permit the Clerk to write immediately to all those who meet the criteria asking if they wish to be considered and the announcement will be made as soon as the Mayor or Deputy Mayor (as the case may be) has been elected.

If the Mayor or Deputy Mayor is unable to fulfil his/her role but does not wish to stand down, after six weeks of incapacity the Standing Committee will be asked to consider whether or not the Mayor or (as may be the case) Deputy Mayor should remain in office and after twelve weeks of incapacity the term of office of the Mayor or (as the case may be) Deputy Mayor shall automatically terminate, unless the Standing Committee considers that there are extenuating circumstances.

- 2 Prepare and recommend to the Charter Trustees, the civic estimates and further required funding for the following Year.
- 3 Deal, in principle, with requests for civic hospitality.
- 4 Give advice or guidance to, and ensure the provision of proper support for, the Mayor and Deputy Mayor whenever appropriate.
- 5 Prepare and recommend to the Charter Trustees policies with regard to:-
 - A Civic winning;
 - B Civic representation at community events; and
 - C The holding, safety, curation and care of all items of civic property which has been loaned to the Charter Trustees by Somerset West and Taunton Council.
- 6 (i) Consider applications from Charter Trustees or Community Groups in the Unparished Area of Taunton for grant funding towards projects or schemes which will be of benefit to residents of the Unparished Area. The funding is currently derived from the Special Expenses Precept levied on Council Tax payers in the Unparished Area. The Charter Trustee who has made an application will be expected to attend the meeting of the Standing Committee to present his/her application and be 'on hand' to respond to questions or queries Members of the Standing Committee might have. A representative(s) of a Community Group will similarly be expected to attend the meeting of the Standing Committee to present their application.

(ii) Recommend to the Mayor of Taunton whether funding should be awarded for the projects or schemes which have been considered. Circulate the Mayor's decisions to all Members of the Charter Trustees.
- 7 Delegate to the Clerk to the Charter Trustees such tasks and responsibilities as are necessary for him/her to provide the required support to the Charter Trustees.
- 8 Deal with all other matters falling within the powers and duties of the Charter Trustees, except for those matters reserved for decision by the full body of the Charter Trustees as specified in 'The Charter Trustees of the Town of Taunton - Functions and Responsibilities'.

Request for Funding from Charter Trustees

This paper is provided as an Addendum to the "Request for Funding from the Charter Trustees of Taunton" report to SWTC Full Council Meeting on 16 July 2019.

Amended recommendations

It is proposed the recommendations within the report are fully replaced with the following revised recommendations:

Somerset West and Taunton Council resolves to:-

- a) Transfer the 2019/20 Unparished Area budget of £46,399, to be allocated in line with the approved scope and governance of the Charter Trustees including the cost of the mayoralty, support costs and local grants scheme.
- b) Transfer the balance of unallocated legacy funds from previous years' TDBC Unparished Area Special Expenses Precept, to be administered by the Charter Trustees of the Town of Taunton.
- c) The transfer of legacy balance and future CIL Infrastructure Payments derived from the Unparished Area to the Charter Trustees of the Town of Taunton, once appropriate governance arrangements have been devised by the Charter Trustees to the satisfaction of the SWTC Head of Performance and Governance and the S151 Officer.
- d) Recommend the relevant Head of Function consults the Mayor, as representative of the Trustees, regarding the allocation of the legacy General Fund Unparished Area Play Equipment Capital Budget for use within the unparished area.
- e) The Charter Trustees be required to satisfy the SWTC S151 Officer that there are appropriate arrangements in place for the proper administration of and accounting for the funds to be transferred.
- f) Note that in future years, the Charter Trustees will be in a position to raise its own precept to fund its responsibilities.

Summary of Funding Available

The following table provides an update to the financial information included within the published report to Full Council.

Unparished Area Special Expenses	SWTC £	Charter Trustees £
2018/19 Legacy balance transferred from TDBC to SWTC on 1 April 2019	85,952	
Amounts paid out by SWTC in 2019/20 (as at 3 July 2019) against previously agreed commitments	-23,315	
Amounts committed through prior year decisions but not yet settled – to be retained and paid by SWTC	-25,012	
Prior year funds balance to be transferred to Charter Trustees	-37,625	37,625
2019/20 Special Expenses Precept to be transferred to Charter Trustees		46,399
Amounts provisionally committed or held in abeyance through prior year decisions, to be considered by the Charter Trustees Standing Committee		-35,630
Balance as at 3 July 2019	0	48,394

The balance of uncommitted funds may be used to pay for the Mayoralty and associated costs, with any residual balance available to distribute as small grants for use within the unparished area.

Unparished Area Play Equipment Capital Budget

Play Equipment Capital Budget	SWTC £
2018/19 Legacy TDBC Capital Budget underspend carried forward and included in 2019/20 SWTC Capital Programme	11,000

£11,000 (rounded) is included in the SWTC 2019/20 Capital Programme Budget, as a carry forward from 2018/19 underspend on the TDBC Capital Programme. This will be formally reported in the Financial Outturn Report to SWTC Executive on 23 July 2019.

This legacy budget was intended to fund play equipment enhancements / replacement within the unparished area of Taunton, as a planned use of a TDBC General Fund Revenue Budget underspend in previous years. The funds are not derived from Special Expenses Precept collected from tax payers within the unparished area.

It is therefore proposed that this budget is retained by SWTC within the General Fund Capital Programme, but the Head of Performance and Governance be requested to consult with the Mayor – as representative of the Charter Trustees – regarding the agreed use of the funds. This aims to ensure suitable consultation for the use of resources is undertaken, whilst maintaining proper financial administration of the Council's General Funds.

Community Infrastructure Levy

Community Infrastructure Levy Balance	SWTC £
Legacy balance of TDBC CIL funds received 2016/17 to 2018/19 related to the unparished area and transferred from TDBC to SWTC on 1 April 2019.	97,746

The balance on 1 April 2019, transferred from TDBC to SWTC, of CIL collected and attributable to development within the unparished area is £97,746. This is based on the 15% share of CIL that would have been allocated to a town or parish council had one existed.

It is proposed that the balance of CIL currently held by SWTC is transferred to the Charter Trustees, with delegated authority from SWTC to the Charter Trustees to administer the funds for their intended purpose within the unparished area. Similarly to transfer any further relevant shares of CIL attributable to the unparished area during 2019/20 and subsequent years for the same purpose.

These transfers are to be dependent on the Charter Trustees establishing appropriate governance and administration arrangements, to the satisfaction of the Head of Performance and Governance and the S151 Officer.

16 July 2019

Somerset West & Taunton Council

Council – 16th July 2019

Laxton Road Redevelopment

This matter is the responsibility of Executive Councillor Fran Smith

Report Author: Shane Smith – Development Manager – Commercial Investment

1 Executive Summary / Purpose of the Report

- 1.1 This project proposes the redevelopment of a Somerset West & Taunton garage site containing 16 garages at Laxton Road Taunton, TA1 2XA. The scheme was presented to Council in July 2016 as part of the HRA Business Plan Review. The report recommended increasing the Social Housing Development Fund (SHDF) budget in order to include further funding for this scheme.
- 1.2 The scheme has now come forward for delivery but it has been proposed to part fund the scheme with Right to Buy receipts, therefore a further technical approval is required from Council as set out in the full detail of this report.

2 Recommendations

Full Council resolves to;

- 2.1 Approve a supplementary budget as set out in confidential appendix 2 within the Housing Revenue Account Capital Programme to deliver the scheme, funded by Right to Buy receipts.
- 2.2 That the properties delivered with this scheme are provided at a social rent rather than an affordable rent.

3 Risk Assessment

- 3.1 The below risks are a summary of the comprehensive risk register held as part of the wider governance for this project.

Description	Likelihood	Impact	Overall
<p>Risk: A flawed procurement process results in an appointment which is not best value.</p> <p>Mitigation: Project Manager, EA & Procurement advisor design and progress the procurement process to achieve best value.</p>	2	3	6

<p>Risk: The chosen contractor is unable to complete the works for example, due to insolvency.</p> <p>Mitigation: Financial checks have been undertaken for the preferred contractor. SWT Finance have obtained a credit safe report which has returned a rating on 90 indicating a very low risk. The contractor will provide a parent company guarantee. The contractor will provide a 10% (of the contract value) performance bond.</p>	3	4	12
<p>Risk: The chosen contractor is unable to complete the works by the contractual completion date.</p> <p>Mitigation: The contract entitles the Council to LADs should the contractor fail to complete works by the completion date. The PM & EA will monitor progress against the programme throughout the duration of the works.</p>	3	3	9
<p>Risk: Health & Safety – The risk of injury or death to individuals (employees, other stakeholders & members of the public).</p> <p>Mitigation: Any and all contractors appointed as part of this project will provide satisfactory evidence of their competency. The PM will ensure that client duties are carried out in accordance with CDM regulations. The contractor/s will provide appropriate H&S plans prior to start on site and this will be reviewed regularly. Site visits will be carried out by the project team and the Principal Contractor will hold appropriate levels of employers and public liability insurance.</p>	2	4	8
<p>Risk: That unidentified issues could cause the cost of the redevelopment works to rise.</p> <p>Mitigation: Thorough site investigations have been completed and reported on including ecology, ground investigation, engineer's technical constraints, asbestos and a report of title.</p>	3	3	9

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

4.1 This project proposes the redevelopment of a Somerset West & Taunton garage site containing 16 garages at Laxton Road Taunton, TA1 2XA. A number of options have been considered and the current scheme of 8 x 1 bed flats in blocks of 3 storeys was chosen in order to;

- Maximise the number of achievable units.
- Avoid costly diversion of drainage.
- Comply with planning constraints in regard to overlooking neighbouring properties, access and parking arrangements.

4.2 On 7th July 2016 the scheme was presented to Council as part of the HRA Business Plan Review, as part of a range of pipeline schemes approved to progress to next stage. For the purposes of forward financial planning, the report recommended increasing the Social Housing Development Fund (SHDF) budget in order to include funding for this scheme.

4.3 The scheme has now come forward for delivery, but it is now proposed to part fund the scheme with Right to Buy receipts, therefore a further technical approval is required from Council for the Right to Buy proportion as set out below. As described above the other portion of expenditure from the Social Housing Development Fund was approved in July

2016, and there are currently funds available to cover this.

Scheme Overview

- 4.4 This redevelopment will provide 8 new and affordable 1 bed housing units ensuring that future residents of the scheme will benefit from new, high quality, energy efficient housing. Redeveloping this poor performing Council asset will also visually improve the local area.
- 4.5 The scheme provides the maximum number of units on the site, allowing for site constraints and the added benefit of the provision of one bed flats, which is high priority.
- 4.6 The scheme will enable use of Right to Buy receipts avoiding the potential for receipts to be returned to Central Government together with an onerous interest provision.

Next Steps

Award Contract	17 th July 2019
Contractor Lead in	6 weeks – 30th August
Start on Site	September 2019
Contract Period	40 weeks
Practical Completion	July 2020

5 Links to Corporate Aims / Priorities

The report supports the Housing Revenue Account Business Plan objective of increasing our stock of affordable homes.

6 Finance / Resource Implications

- 6.1 This business case has assumed that the properties are fully occupied. As this is a 100% social housing scheme all of the rents are 'affordable rents' based on 80% of market value. The rental income is net of void/bad debt provision, maintenance and service costs.
- 6.2 The business case is also built on the basis that all of the capital costs are financed upfront without the need for capital borrowing, by using Right to Buy receipts and the Social Housing Development Fund (SHDF) resources.
- 6.3 From an investment business case perspective the scheme is relatively expensive. Due to the high capital redevelopment cost of returning affordable rents, the discounted cash flow analysis returned negative Internal Rates of Return (IRR) and negative Net Present Value (NPV) indicating that the financial returns generated by this project over the long term are lower than the implementation costs. However it is felt that the social value added and the more appropriate and beneficial use of a Council asset justifies delivering the scheme.
- 6.4 The sole purpose of this project is to re-develop a dilapidated, SWT Council

owned garage site, into social housing. The Executive should not consider it a scheme to generate commercial returns, and recognise that – as is often the case – the provision of social housing requires a degree of subsidy.

6.5 Key Indicators:

<i>Period of return</i>	<i>30 years</i>	<i>45 years</i>	<i>60 years</i>
NPV: based on discounted cash flow	-£430,115	-226,101	-£68,491
IRR: based on discounted cash flow	-3.33%	-1.14%	-0.26%
Payback Period: based on net cash flow from rental	30		

6.6 Perhaps more importantly in terms of affordability to the Housing Revenue Account, the annual budget implications are positive because the upfront cost is fully funded from existing cash resources. The initial revenue implications indicate a net income of over £33,300 in Year 1, increasing year on year due to assumed inflationary up-lifts each year. The business case also includes an allocation to Major Repairs Reserve from Year 11 onwards, reflecting the need to maintain the properties as they age. An extract of projected budget implications are summarised below:

Revenue Account:	Year 1 £	Year 2 £	Year 3 £	Year 4 £	Year 5 £	Year 10 £	Year 11 £
Rent Income	-38,293	-39,059	-39,840	-40,637	-41,449	-45,763	-46,679
Void/Bad Debt Provision	1,915	1,953	1,992	1,016	1,036	1,144	1,167
Maintenance	1,944	1,993	2,042	2,093	2,146	2,428	2,488
Major Repairs							10,497
Services	1,081	1,103	1,125	1,147	1,170	1,292	1,318
Net Cash Flow	-33,353	-34,010	-34,681	-36,380	-37,097	-40,899	-31,209

(Note: minus figures = income)

6.7 As the table shows, the development should be affordable and present a positive impact on the overall HRA budget. This does not take into account the loss of interest income on cash balances on the basis the HRA does not intend to hold RTB and SHDF reserves for the long term. This ‘treasury’ impact is considered negligible.

7 Legal Implications

7.1 The proposed redevelopment needs to be in accordance with the planning permission.

7.2 The proposed works need to be in accordance with current building regulations.

7.3 RTB receipts to be spent in accordance with the one for one retention agreement with Central Government.

8 Environmental Impact Implications

8.1 Whilst there are no negative environmental impacts, the properties will be built in line with NHBC standards. The units provide high quality, energy efficient housing.

9 Safeguarding and/or Community Safety Implications

9.1 There are no safeguarding implications to note and community safety is a key feature of our risk mitigation.

10 Equality and Diversity Implications

10.1 There are no equality & diversity implications to note specifically arising from this report.

11 Social Value Implications

11.1 The procurement process will consider any social value implications that may arise.

12 Partnership Implications

12.1 SWT will be contracting out the build of this project and all partnership implications will be considered during the procurement process.

13 Health and Wellbeing Implications

13.1 Consideration has been given to the local community. This project not only re-develops a poor performing asset but in doing so improves the local community and provides the community with new, high quality, energy efficient housing. The provision of one bed flats is also a high priority. There are no negative health & wellbeing implications.

14 Asset Management Implications

14.1 Bringing a dilapidated garage site back into use as residential accommodation is considered a better use of HRA assets.

15 Consultation Implications

15.1 The Planning process included a statutory consultation exercise in addition the development team undertook consultation regarding the site in the early feasibility stage. Updates were also given to the Lane Estate Residents group, TSMB and Tenants Forum. Prior to start on site we will engage again with the community to keep them informed.

16 Scrutiny Comments / Recommendation(s)

16.1 Not applicable as this report was not taken to Scrutiny.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Executive – Yes**
- **Full Council – Yes**

Reporting Frequency: Once only

List of Appendices (delete if not applicable)

Appendix A	Location & Site Layout Plan
Appendix B	Confidential Appendix

Contact Officers

Name	Shane Smith	Name	
Direct Dial	01823 217523	Direct Dial	
Email	s.smith2@somersetwestandtaunton.gov.uk	Email	

Appendix A; Location and Site Layout Plan



shown dotted See tree survey dwg no. spp2030p01

Planting as Shown (Species to be agreed)

species To Be Agreed)

(Species To Be Agreed)



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 14

Document is Restricted

