

SWT Scrutiny Committee - 2 December 2020

Present: Councillor Gwil Wren (Chair)

Councillors Libby Lisgo, Ian Aldridge, Norman Cavill, Simon Coles, Dixie Darch, Habib Farbahi, Ed Firmin, Dave Mansell, Derek Perry, Phil Stone, Nick Thwaites, Keith Wheatley, Ray Tully (In place of Danny Wedderkopp) and Sue Buller

Officers: Paul Fitzgerald, Marcus Prouse, Dawn Adey, James Barrah, Paul Browning, Nick Bryant, Richard Burge, Emily Collacott, Chris Hall, Alison North, Malcolm Riches and Scott Weetch

Also Present: Councillors Chris Booth, Roger Habgood, John Hassall, Ross Henley, Marcus Kravis, Janet Lloyd, Peter Pilkington, Mike Rigby, Francesca Smith, Vivienne Stock-Williams, Andrew Sully, Sarah Wakefield, Alan Wedderkopp, Brenda Weston and Loretta Whetlor

(The meeting commenced at 6.15 pm)

95. **Apologies**

Apologies were received from Councillors Hunt, and D Wedderkopp.

Councillors Buller and Tully attended as substitutes.

96. **Minutes of the previous meeting of the Scrutiny Committee held on 14 October, 4 November and 11 November 2020**

(Minutes of the meeting of the Scrutiny Committee held on 14 October, 4 November and 11 November circulated with the agenda)

Resolved that the minutes of the Scrutiny Committee held on 14 October, 4 November and 11 November be confirmed as a correct record following two minor amendments to the minutes of 14th October.

97. **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 N Cavill	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC & Bishop's	Personal	Spoke and Voted

		Hull		
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr D Perry	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted

Councillor Lisgo declared an interest as a trustee of North Taunton Partnership.

98. **Public Participation**

The following letter was submitted in respect of Item 7 on the Agenda

Dear Councillor Wren

I have been asked by a group of local businesses, all involved with the development and construction industry in the district, to write to Somerset West and Taunton Council to register their concerns over the action the Council have recently taken regarding the non-determination of planning applications.

We have been advised by your officers, that following a notice from Natural England regarding elevated phosphate levels in the watercourses of the Somerset levels, that planning applications relating to residential and commercial development will for the foreseeable future, not be determined.

This notice was issued with no consultation or any lead in period to allow developers, architects or planning consultants to make contingency plans or make representations before the planning system was effectively closed down.

Within a period of six weeks of planning “lock down” so far, we are feeling the effect of this action, with a number businesses already having to make staff redundant and make enforced pay cuts. We are all having to deal with the challenges that BREXIT and COVID has created, however, this issue is and will continue to have a direct and significant effect on our local economy and local businesses. We are at the front end of this situation, but very soon the consultants, the sub-contractors and suppliers we use, will also feel the effect. There are a significant number of small builders who may be unaware of this situation, who will also soon see their workload dry up as their clients planning applications do not get processed. This will, very quickly affect many hundreds, if not thousands of local jobs.

Having undertaken some research in to the issue of rising phosphate concentrations in the Somerset levels, it appears that this issue has been known about for many years and Somerset West and Taunton Council were made aware of this earlier in the year. Which begs the question, why has the door closed immediately on determining planning applications. Looking at Wessex Water’s five year plan, in their Green Prospectus, they have been planning and are now putting in measures to improve the quality of water leaving their sewerage treatment works. Why is it, Wessex Water apparently have years to address this issue, though the planning system is shut down overnight. We had no prior warning, consultation, nor time given for architects, agents or developers

to consult, discuss options and possibly implement improvement measures to improve the current and future quality of the water in the Somerset levels. If Wessex Water, Natural England and the Environment Agency had been consulted during the making of the Local Plan, one would have expected that they should have planned for the growth in housing and jobs in the area. If not, then should they not have raised this issue and their concerns at the growth of housing within the county, at that time?

We also understand that, whilst in theory, if mitigation measures are the way forward e.g. on-site package treatment plants, nutrient neutrality assessments, etc. We understand that Natural England have decided that some options are not acceptable. How are we supposed to overcome this issue? The more strategic and wider mitigation plans, that we have been informed are being considered, are going to take a considerable period of time, months if not years to implement, leaving us with no solution to this immediate issue.

The local development and construction industry are reliant on the construction of homes and commercial and public property, we cannot readily look beyond the county in which we operate. It takes months if not years to find development land, negotiate legal agreements and submit planning applications and then many more months/years to secure a planning permission. The larger regional and national developers have the ability, to switch their resources to other regions. Unfortunately, we do not have that ability.

Whilst the Somerset levels are important to us all, so too are the thousands of jobs and livelihoods relying on construction and development in the county. We urge you to immediately review your stance on the determination of planning applications (whether full, S73, or RMA), the discharge of conditions, signing section 106 agreements and also the mitigation measures that can be employed to reduce the impact of phosphates in the Ramsar catchment area.

We would welcome the opportunity to discuss this situation with the appropriate parties to find solutions to enable the development and construction industry to continue working in Somerset.

Yours Sincerely

Mark Thomas, Acorn Developments Ltd., Chris Winter, Cherwyn Developments Ltd.,

Colin Graves, Gadd Properties Ltd., GTH Land and Planning,

Andy Lehner, Otter Construction Ltd., Jonathan Scanlan, Reed Holland Architects,

Ed Khodabandehloo, Summerfield Developments Ltd., Andy Lehner, West of England Developments Ltd.,

Robin Upton, WYG

Lori Busch, Charity Manager of the Mankind initiative made the following submission in respect of item 12 on the agenda.

Please note the response below to my email earlier today at 3:41am stating that I had only just found out about the future of the historic building Flook House being on the agenda for tonight through an article in the Somerset County Gazette.

I wish to put on record my formal complaint about the response as well as the fact that we have not had the opportunity to make formal representations or speak at the scrutiny panel meeting tonight. This makes myself personally and the members, employees and trustees of charity feel that we have been disenfranchised from democratic process.

There is a public expectation that those impacted will be involved in the process however it appears that this has been pushed through during lockdown with no public scrutiny or tenant involvement.

Flook House is also mentioned in historical documents stating that John Trenchard MP resided there during the election of 1715 and was the site of many weddings, and registrations of births and deaths while it was the registry office.

It therefore beggars belief that this council is happy to wilfully let historic buildings fall into disrepair through lack of maintenance and then vote to demolish them, removing yet another part of Taunton's history.

99. **Scrutiny Committee Forward Plan**

(Copy of the Scrutiny Committee Forward Plan, circulated with the agenda).

Councillors were reminded that if they had an item they wanted to add to the agenda, that they should send their requests to the Governance Team.

Resolved that the Scrutiny Committee Forward Plan be noted.

100. **Executive and Full Council Forward Plan**

(Copy of the Executive and Full Council Forward Plans, circulated with the agenda).

Councillors were reminded that if they had an item they wanted to add to the agenda, that they should send their requests to the Governance Team.

Resolved that the Executive and Full Council Forward Plans be noted.

101. **Update on addressing Phosphate levels**

The Assistant Director for Planning Policy presented an update on addressing phosphate levels and the impact on the construction industry in the area as a result of recent developments.

During the debate the following comments and questions were raised.

- The risk of refusing certain planning permission and reasoning around this would be liable to be appealed. If successful on appeal costs would be incurred. It was determined that there was less risk around this due to the precedent of other appeal decisions in Mendip around phosphates.

- A letter from Natural England has meant would require inspectors requiring the evidence to conclude the development could go ahead.
- Interim solutions potentially included offsetting phosphates. Waste water treatment works were the main factor around this. Some developers were looking at approaches to offset the impacts.
- There were arguments around evaluating the interim solutions.
- Wessex Water plans focused around new infrastructure and offsetting. A market for phosphate offsetting was being considered alongside plans for improvements to treatment works. It was unknown which treatment works would be prioritised in which locations.
- Existing allocations in agricultural land and moving into public ownership was an opportunity to address this. Notifying new planning applicants was emphasised. All applications within the catchment area should be picked up.
- It was questioned if there was a target level of phosphate. Achieving neutrality on new developments was the ambition, in Ramsar sites the aim was to bring them back to a favourable position.
- It was Understood that Kent and Hampshire were setting land aside as mitigation. Wessex Water in conjunction with Bath University were working on algae which could reduce levels. Further solutions were also being explored.
- It was questioned why Wessex Water hadn't been invited at this meeting. Further details of Mitigation measures were requested in addition to when Wessex Water began to address phosphate levels.
- Further information was requested on how could buying "up land" unless it is already contributing to phosphates solve the problem?
- The committee were of the view that there was a need to focus on agriculture.
- It was noted that Ham works had recently built three large sheds, and planning history on SCC web site revealed that they might in fact be related to phosphate extraction and this should be further investigated
- It was questioned what the role of the Somerset Rivers Authority (SRA)?
- Further information was requested around refusing applications and how would it work? The agricultural split was questioned including if 35% could be broken down?
- The Scrutiny Committee requested that the Executive consider the huge impact on our SME's and request they expedite, whilst working with officers and the consultants, the short term solutions for treatment requirement and mitigation measures to provide certainty to our local construction industries.'

The Scrutiny Committee noted the update

102. **Corporate Performance Report - Quarter 2, 2020/21**

The report provided an update on the council's performance for the first 6 months (April – September) of the 2020/21 financial year. The report included information for a range of key performance indicators and also provided an update on progress against the council's annual plan commitments for the year.

As part of the Councils commitment to transparency and accountability the report provided an update on performance for a number of key indicators across a range of council services and also provided progress monitoring for the implementation of the

Corporate Strategy, and the delivery of the commitments made in the 2020/21 Annual Plan.

Impact of Covid-19

There had been a continued impact on the work of the Council as a direct result of the Covid-19 pandemic. The last corporate performance report provided a more detailed update on the specific additional work undertaken by the council between April and July. Many of these tasks had continued and the pandemic still had a significant impact on the council's activity and workload. In addition, there had been further new requirements placed on the council during August and September, such as implementing the grants for people who need to self-isolate having been contacted by Track and Trace.

Key Performance Indicators

The table in Appendix 1 set out the councils Key Performance Indicators and detailed how the council had performed for the first 6 months of the 2020/21 financial year. The table also included a "direction of travel" arrow to show whether performance had improved, worsened or stayed the same, since the last corporate performance report which was for the end of July.

For the majority of indicators the target had either been met or in many cases, been exceeded. The direction of travel showed that for many indicators performance had remained at a similar level to that at the end of July. However, there were several indicators where performance had got worse, but in all cases, the fall was slight and the target was still being met. Close monitoring of these indicators over future months would be undertaken to ensure appropriate action is taken where required. For the 2 indicators where performance is significantly below target, and the indicator is rated "Red", commentary was provided below:

Number of complaints responded to in 10 working days

Further to the analysis undertaken over the summer, a review into the Complaints process was underway. A number of process improvements have been identified and are in the process of being implemented. The review has identified a bottleneck within the process. The process is being changed to remove this bottleneck and to move to a process where complaints are investigated and responded to within the individual services rather than issuing all responses through the Complaints Manager. This will also allow the complaints manager to spend more time analysing complaint trends, working with teams to target improvements based on this intelligence and supporting Case Managers through training and workshops.

In addition the Customer Services team are working with the Business Analysts to develop the existing computer system (Firmstep) process so these changes can be implemented. Training for staff who respond to complaints and workshops on best practice will be developed over the coming weeks and months. To enable these changes additional resources have been temporarily assigned to the complaints team.

Number of FOI requests responded to in 20 working days

As reported previously, a dedicated case manager was recruited last autumn to manage the FOI process, and a new process for submitting FOI requests has been implemented. This had led to significant improvements in performance but the Covid crisis and the need to divert resource to urgent additional activities has clearly impacted on our ability to respond to FOI requests.

However, we have reviewed the process for FOIs and are in the process of reconfiguring the system used to manage FOI's (Firmstep) to reflect the shape of the

Remodelled organisation. This work has been delayed due to Covid but has now been assigned to a project team and is underway.

The Annual Plan contained 28 specific commitments that the Council has said it will deliver in 2020/21. The graphic below provides a summary of progress as at the end of September for each of these commitments, split by the 4 themes of the Corporate Strategy. Each commitment has been rated as either Red, Amber or Green to indicate whether it is likely to be achieved.

During the debate the following comments and questions were raised:-

- Appendix 1 performance ratings were questioned around Planning performance, the reasons were requested, it was considered if there was a lack of officers in the Planning Department.
- Vacant areas in The Deane House second floor was queried.
- Reviewing assets and creating revenue was encouraged.
- Answers would be provided following the meeting. A future update was requested in the areas of Asset Management and Planning.
- The definition of complaints followed the definition from the ombudsmen
- This definition was the expression of dissatisfaction of a service delivered by the organisation. Councillor Casework was included as a complaint where deemed appropriate if it had been raised as a complaint. Guidance to Councillors in how this was approached was encouraged.
- A two stage complaints process would be a consideration of the complaint followed by an appeal if the decision or response didn't satisfy the complainant.
- Officer time and capacity spent on addressing complaints were considered, the reduction of complaints as a result was questioned.
- Planning applications determined and extension time was considered, a further breakdown and context of figures was requested. The benchmark used was requested, if it was the national or otherwise.
- Improving business process reengineering and managing of assets was considered. Disposing of costly assets were encouraged.

Resolved:- The Scrutiny Committee noted the report

103. **2020/21 Financial Monitoring as at Quarter 2 (30 September 2020)**

This report provides an update on the projected outturn financial position of the Council for the financial year 2020/21 (as at 30 September 2020).

The position this year was significantly affected by COVID – both in terms of large additional sums spent on issuing financial assistance to local businesses and council tax payers, and direct impact on the Council's service costs and income. Financial pressures are reported, which is partly offset by emergency grant funding from Government but has also required the Council to reprioritise funds and support the annual budget from reserves. Despite this, the Council remains financially resilient and continues to forecast adequate reserve balances.

The current forecast was summarised:

General Fund Revenue Projected £551k overspend (£625k relating to COVID and an underspend of £74k for non-COVID) Housing Revenue Account Projected £140k overspend

This report provided the Council's forecast end of year financial position for revenue and capital expenditure as at 30 September 2020 for the Council's General Fund (GF) and Housing Revenue Account (HRA).

The regular monitoring of financial information is a key element in the Council's Performance Management Framework. Crucially it enables remedial action to be taken in response to significant budget variances, some of which may be unavoidable. It also provides the opportunity to assess any consequent impact on reserves and the Council's Medium Term Financial Plan.

Members will be aware from previous experience that the position can change between 'in-year' projections and the final outturn position, mainly due to demand-led service costs and income levels. The budget monitoring process involves a detailed review of the more volatile budgets and a proportionate review of low risk/low volatility budget areas. Budget Holders, with support and advice from their accountants, update their forecasts on a monthly basis based on currently available information and knowledge of service requirements for the remainder of the year. As with any forecast there is always a risk that some unforeseen changes could influence the position at the year-end, and a number of risks and uncertainties are highlighted within this report. However, the following forecast is considered to be reasonable based on current information.

Budgets have now all been allocated out to the relevant Directors.

General Fund Revenue Budget – 2020/21 Forecast Outturn

The Council was forecasting an overall net overspend of £551k (2.6% of £21m Net Budget), as summarised below. The main reasons for this are due to pressures relating to COVID additional cost and income reductions accounting for £625k of the overspend. A recommendation to Full Council was included in the Month 4 forecast report to approve a supplementary estimate of £657k from General Reserves for COVID related pressures. This is due to be considered by Council on 15 December 2020.

During the debate the following comments and questions were made:-

- HRA debt was questioned. This was currently around £100 million and was serviced in some instances by internal borrowing
- Would external borrowing be required to service the levels of debt.
- Clarification was requested on the £249k funding for Unitary and if this had been spent. This would be provided to the committee as an update.
- A mixture of borrowing and capital right to buy receipts covered
- Additional borrowing capacity enabled shocks
- External treasury advisors were worked with to ensure all activities were safe
- The age of the housing stock varied in age but the profile of the housing stock could be provided, the majority was post war.
- Leisure operator approval was an assumption that SLM would receive a loan, this was not required so would be remove from future reports.
- It was considered if Covid-19 losses would be absorbed with General Reserves. It was questioned if an increase in welfare funerals would be included as part of the Covid-19 costs. It was a general increase which couldn't identify Covid-19 as being responsible.

- Income loss compensation arrangements meant 70% cover in reduction from sales fees and charges which included loss of parking revenue, therefore 30% would need to be covered.
- Was there specific central government recompense for the car parking income and addressing the vulnerability of the budget in the reliance on parking income? Assumptions were being made against future budgeting for the next financial year along with scale of reserves to address volatility and further reductions in income.
- It was requested for a car parking strategy to be provided along with income and usage numbers to be supplied quarterly.
- Alternatives for the use of car parks which were underutilised due to the reductions in travel were requested.
- Further information on the future use of assets alongside income modelling was requested.

The Scrutiny Committee noted the Council's forecast financial performance and projected reserves position for 2020/21 financial year as at 30 September 2020.

104. **Review of Voluntary and Community Sector Grants**

On 19th February 2020, the Localities Manager brought forward a report to Full Council outlining the Voluntary and Community Sector (VCS) Grants Annual Review for 2019/20. This is a comprehensive report and no attempt is made to replicate it here.

A link to the copy of that report was provided

Full Council resolved "that officers, in consultation with Councillors, carried out a review of current areas of funding and set new funding objectives in line with the Councils corporate objectives and current needs within the community and reported to the Scrutiny Committee, Executive and Full Council in September/October 2020;"

Initial work towards the review outlined above took the form of a workshop of officers who set a number of criteria that they felt VCS funding should meet. These included but were not limited to:

- Money and debt advice
- Housing advice and tenancy sustainment
- Mental health support and advocacy
- Social enterprise, skills and training support in deprived areas
- General information, advice and guidance
- Support for rural areas
- Support for families
- Advice for Community buildings and village halls
- Community transport

From March onwards the country had seen the effects of the global pandemic known as COVID-19. This has had a profound effect on the voluntary and community sector in two ways. Firstly, this sector had been at the forefront of efforts to look after the wider community in often unexpected ways. There were countless examples of communities and individuals stepping forward to provide help and support. Secondly, this sector had been unable to raise funds for themselves in their normal fashion and were therefore vulnerable themselves to the effects of the coronavirus, albeit economically.

The priorities set out in the report came from a workshop to act as a guide for decision making regarding 20/21 funding of the VCS. In light of the interruption and disruption caused by COVID, the aim of this review was to demonstrate if the Council is meeting these priorities and in which locations to identify any gaps by priority or geographic area.

The original report recommended aligning funding with Corporate Objectives and current needs within the community. Corporate Objectives and the current needs within the community as espoused by the Voluntary and Community Sector are aligned – in particular, this work supported tackling economic, social and health inequalities within the groups and communities that need extra support. It was felt that employment and skills were generally picked up elsewhere and so were not fully reflected.

This commentary formed part of the review of Voluntary and Community Sector Grants taken to Full Council in February 2020. Other issues recommended in the review referred to the Governance of the schemes, in particular clarity of outputs, outcomes and performance measures submitted by partner organisations. Further to that the grant proposal document included information captured on sustainability of projects, match funding and added value. This has been picked up as a business as usual improvement. Grants forms are continually reviewed and improved and work is in progress to try to align the application process to ensure that applicants have a clear and obvious process which signposts them to the right funding for their project. Additionally, each scheme is subject to grants monitoring, usually on a quarterly basis. These meetings often identify and implement incremental improvement to process and reporting mechanisms.

All expenditure is outlined in the linked report above.

A review of projects has taken place and where questions have been raised, these have been addressed with funding partners and in some cases additional measures have been put in place to better understand and quantify projects. For example, a project was being monitored in terms of hours received and number of referrals made. In order to provide additional assurance, additional qualitative measures have been put in place to give a better understanding of the work undertaken and the value achieved for the customer and the Council.

A desktop review had been undertaken to understand the allocation and proportion of spend against the priorities outlined above. This is summarised in the table below:

During the debate the following comments and questions were raised:-

- Establishing the cross party members working group was welcomed, renewing the understanding of this area for Councillors.
- It was questioned if Engage still existed in a separate entity or were subsumed by Spark, this was confirmed by the officers. Spark undertook the role for all Districts in Somerset.
- It was questioned if there has been a misuse of funds from a third party organisation, with this having been set out as a risk in the report.
- The different levels resilience of communities across the Council area was considered, and if any work had been done to determine this. The levels of funding should reflect the levels of resilience and take into account the specific impact to community and organisation. This was recognised as an influence across the district, especially with a disparity of volunteers.
- The disparity for the West Somerset Advice Bureau grant compared to the Taunton area was questioned, an increase in the grant was requested due to the outreach work undertaken.

- The majority of enquiries are over the phone and by email and were staffed by volunteers. Further Councillor participation to address similar issues was requested.
- A full review of voluntary and community sector grants was requested.
- Increases to grants were needed for the future and ongoing impact of the pandemic.
- The lack of information from the impact of Covid needed to be addressed to consider what additional future funding would be required. Further communication to establish the issues going forward to consider options around increasing funding.
- The members working group would be in the best position to review the organisations and how grants were placed.

The Scrutiny Committee Recommended:-

1. To maintain or increase current levels of funding for the final year of the current agreement to end in March 2022.
2. To recommend to Executive that a cross party Members Working Group is established to work with officers to ensure that clear funding criteria are in place for future work with the Voluntary and Community Sector beyond March 2022.
3. As part of the review of the Voluntary and Community Sector Grants, the increased workload for the two Citizens Advice Bureaus that cover the SWT area must be recognised accordingly with a grant increase in line with their objectives to meet increased demands due to Covid, and that this support is equalized across population areas that they cover, but not to the detriment of other organisations being funded by SWT.

105. Access to Information - Exclusion of the Press and Public

Resolved that:- The Scrutiny Committee Recommended 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).

106. Extension of Public Space at Belvedere Road

The Asset Management Team are reviewing ongoing liabilities for Council owned property as part of the 30 year maintenance plan. The asset in question and the disused building nearby have been identified as adding limited value to the portfolio when compared with the on-going costs of maintenance, the capital investment needed, and the potential to improve the area that the current properties occupy.

The recent surveys on property compliance have identified an immediate expenditure required on the asset. Added to that was a further predicted spend was needed to modernise the property and improve accommodation standards.

The recommendations of this report were to demolish both properties and remove the ongoing liabilities for Somerset West and Taunton Council. The area to then be utilised as an extension to the public space removing the opportunities for antisocial behaviour through activities no longer being shielded by the buildings.

- The carbon cost of asset disposal was questioned along with the building and land value.
- Consideration to the surrounding landscape areas were questioned. Future use was still to be defined.
- Recent works on the roof had been undertaken, cost estimates of roofing works in the report were questioned.
- Additional uses of the building was requested to be considered such as houses and office space.
- Auctioning the building was requested to be considered.
- Ongoing support with the tenants to assist with alternative office space was encouraged.
- It was requested not to demolish Flook House and to use the saving, tenant income and other funding be sought to invest in improving it.
- The committee were of the view for the item to be considered at Full Council due to it being an asset of importance to the residents of Taunton.

The Scrutiny Committee recommended to the Executive:-

The Committee consider that the historic importance of the building to Taunton in the long term requires that its future needs to be secured and the decision of its future needs to be taken at Full Council.

(The Meeting ended at 9.45 pm)