

SWT Scrutiny Committee - 3 February 2021

Present: Councillor Gwil Wren (Chair)

Councillors Libby Lisgo, Ian Aldridge, Sue Buller, Norman Cavill, Simon Coles, Dixie Darch, Habib Farbahi, Ed Firmin, Dave Mansell, Phil Stone, Ray Tully, Nick Thwaites and Keith Wheatley

Officers: Paul Fitzgerald, Andrew Randell and Marcus Prouse

Also Present: Councillors Janet Lloyd, Hazel Prior-Sankey and Loretta Whetlor

(The meeting commenced at 6.15 pm)

126. Apologies

An apology was received from Councillor Perry. Councillor Sully attended as a substitute.

127. Minutes of the previous Scrutiny Committee held on 2nd December 2020 and 6th January 2021

The minutes of the meetings held on 2 December 2020 and 6 January 2021 were approved.

128. 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 L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr D Mansell	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr D Perry	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr N Thwaites	All Items	Dulverton	Personal	Spoke and Voted

Councillor Darch declared an interest as a member of Taunton area cycling campaign.

Councillor Buller declared a personal interest as a prior abortive purchaser of one of the units in relation to item 10.

129. **Public Participation**

The following member of the public had requested to speak on item 9 on the agenda.

East Street – Accessibility for Disabled & Older People – MRS SUE GLENN

Prior to East Street being closed to Traffic, for those with a Blue Badge there were around 35 parking opportunities throughout the day when you include the general bays and the yellow line parking that Blue Badge holders were permitted to use. A campaign by the Taunton Disability Action Group (TDAG) has resulted in a few additional Blue Badge bays, 2 on an incline in Billet Street which are not suitable for those unable to negotiate the incline, and others in Magdalene Street which are too far away for many, as is the Multi Storey Car Park. The PIP descriptors which automatically qualify disabled people for a blue badge sets the maximum distance that people can walk to be 50 meters and you must consider the return journey within that. There seems to be an opinion among the able bodied that all disabled people can use wheelchairs or mobility scooters, this is not the case.

When I put it to the leader of the council back last year in a Zoom meeting, “can anything stop this?” she said “no, it’s been a long held desire of the council, one which we inherited” so it would appear the decision has been reached then. Social distancing was, I believe, an excuse used to deliver the pedestrianisation that the public and businesses were previously against, there were other ways to achieve Social Distancing and the Taunton Disability Action Group put several suggestions forward but they were met by a blanket policy of no vehicular access full stop. Further representation by TDAG saw access for Blue Badge parking between 8am – 10am granted, although most businesses don’t open until 9am and is too early for many who live disabled lives to be out and effectively limits when disabled people are allowed to shop, that is not equality.

You may be aware of a very similar scheme introduced by Sadiq Khan which recently lost a High Court challenge after being deemed seriously flawed by a judge (Mrs Justice Lang) who found "It was possible to widen pavements to allow for social distancing, and to allocate more road space to cater for an increase in the number of cyclists, without seeking to 'transform' parts of central London into predominantly car-free zones. "In my judgment, it was both unfair and irrational to introduce such extreme measures, if it was not necessary to do so, when they impacted so adversely on certain sections of the public."

The situation with East Street is that the Council have ignored the provisions of the Equality Act 2010, have removed the accessible parking that allowed many disabled and older people to live independent lives, it is life limiting and life changing and is a sad indictment of the councils attitude towards older and disabled people, the council preferring to make things easier for the fit and active in society at the expense of older and disabled people. Before this situation is allowed to continue or progress, there needs to be a thorough examination, by

those qualified in the area of the Equality Act and disability discrimination, of how this situation fits with the provisions of the Equality Act 2010, in order to ensure that the authority can not be found to be discriminating against the protected groups within the act.

Indirect discrimination as detailed by the Equality & Human Rights Commission.

This can happen when an organisation puts a rule or a policy or a way of doing things in place which has a worse impact on someone with a protected characteristic than someone without one.

130. **Scrutiny Committee Requests/Recommendation Trackers**

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

Affordable Employment Land Local Development order was queried and considered if it could be removed. The LDO was for small developers to bring forward employment on their own land.

Page 12 setting out the extension of public space was discussed, Executive had agreed for this to go ahead.

Funding for tree planting was questioned. Plans within Climate Change and the CNCR budget could be further explored. Research on tree planting across the district was encouraged. Further information around roadside tree planting as part of the garden town project was requested from the Committee.

An item in relation to Cannonsgrove was due to be considered in March, the local communities were being engaged with.

Further concerns were expressed around the rough sleeping strategy in the wider context and not solely in relation to Cannonsgrove.

The Chair of Scrutiny would write to the Leader of the Council for a response in relation to these items.

Resolved that the Scrutiny Committee Action Plan be noted.

131. **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.

132. **Full Council Forward Plan**

(Copy of the Full Council 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 Full Council Forward Plan be noted.

133. **Executive Forward Plan**

(Copy of the Executive 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 Executive Forward Plan be noted.

134. **East Street/St. James Street, Taunton Pedestrianisation**

The report was split into two recommendations, which contributed to the same goals and objectives. The first detailed a plan to increase participation in active travel, reduce private car and public transport use whilst enabling social distancing in Taunton town centre, centred around new interventions on East Street. The second sought authorisation for SWT Officers to work with the Highway Authority to make a permanent traffic regulation order on St James Street, following the successful 12- month trial closure which ended earlier this year.

In May 2020 the Government announced a £2bn funding package to increase levels of active travel in the UK. This grant was broken down into two phases: Emergency Active Travel Fund Tranche 1 to enable social distancing while allowing non-essential retail to reopen in July after the first national lockdown; Tranche 2 sought to embed these changes in travel habits and create more permanent schemes to increase active travel in the long term.

Following the first national lockdown and the reopening of nonessential retail, July 2020 saw the closure of East Street to allow for social distancing and increase walking and cycling to reduce reliance on public transport and private car use. A temporary barrier was added to the Fore Street junction at the Burma Memorial roundabout and was marshalled throughout the day to allow emergency vehicles and retail deliveries one-way access on to East Street.

Throughout this time, a longer-term solution to the marshalled temporary barrier was also being sought and the Council launched consultations – both online and directly with key stakeholder representatives.

An interim measure to allow socially distanced shopping throughout December was in force which allowed Blue Badge holders one-way access to park on East Street before 10 am. A longer term plan for East Street had been developed that incorporated public realm improvement work, consultation feedback and allowed social distancing.

The Council, working in partnership with Somerset County Council agreed to create additional Blue Badge holder bays in key town centre streets and some car parks. In

tandem, a plan to restrict vehicular access to East Street is proposed that will also look to enable greater traffic movement during peak travel times around Taunton town centre

Cycle lanes would be created which will enable two-way directional travel for bicycles 24 hours a day and new cycle storage and street furniture would be added to complement the anticipated increase in cyclists this scheme would see.

To address the needs of those with mobility issues, extra parking would include Blue Badge bays on Billet Street and on Magdalene Street, with two additional Blue Badge spaces in the Crescent Car Park. The layout of the proposed car park on the bus station site in Tower Street would also have an increased proportion of Blue Badge bays when it came into operation in the New Year.

Councillor Rigby set out a response to Mrs Glenn's public submission.

Clarification was provided that East Street had not permanently adopted pedestrianisation. The temporary Closure of East Street to traffic commenced in June 2020 in advance of the reopening on July 4th 2020. This was to formalise the temporary closure that's in place. The number of blue badge spaces were set out, there were 4 spaces in Billet Street, 2 in Magdalene Street and a number in Paul Street. Additional blue badge spaces would be provided in the bus station car park.

An automatic barrier would be put in place for shop delivery, traffic modelling on the high street would be undertaken before consideration comes back to council to analyse traffic flow and consider if the temporary closure should remain permanent. Opportunity to use the exercise to analyse the impact to the town centre.

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

- SWT and SCC had a positive relationship in discussion over the proposals, SCC was the recognised highways authority.
- Ultimate responsibility remained with County Council, both parties had to agree on the proposals for successful implementation. Funding from the Active Travel fund from central government had funded the proposals alongside the temporary barrier.
- The ongoing cost implications would be part of any permanent decision.
- Access for those with disabilities were questioned and concerns were expressed that the Council could be breaking the law under the Equality Act by restricting access for residents with disabilities.
- It was acknowledged that there was competing requirements from stakeholders with different needs and requirements.
- Further concern was expressed that the East Street consultation was not properly quantified.
- 4.2.3 and 4 describes the process underway in relation to St James Street project. There had been no planned equivalent with East Street.
- Officers had taken into account the needs of a wide range of disabilities in coming forward with these proposals.

- The committee were of the view that increasing walking and cycling opportunities shouldn't impact on those with disabilities. Concerns were expressed in relation to the loss of parking ability to blue badge holders.
- Project officers had taken advice and undertaken assessment process to consider the needs of disabled groups. Evidence of decision making would be supplied.
- The committee cautioned that without an EIA there could be the potential for legal challenge.
- The aim of increased public transport not being reduced as a result of proposals was emphasised. More information was requested in relation to the loss of bus stops in East Street and different routes busses were required to take as a result.
- Members of the Scrutiny Committee requested the EIA following the Scrutiny Committee, it was agreed the wording around public transport would be rephrased in future versions of the report.
- A more reasonable time restriction for Blue Badge parking was determined to be before 11am and after 3pm to give greater option of choice and inclusivity.
- The committee questioned if there was a Code of practice for pedestrianisation and access, Cheshire had one and efforts were encouraged to Somerset County Council to create this.
- Limits on parking for Lorries was encouraged between 8pm and 10pm.
- Electric busses which could be used in shorter routes was encouraged to be considered.
- A further period of temporary closure for Covid-19 funded by the active travel fund for Covid-19 secure shopping would be considered.
- St James Street proposals were set out
- Any changes to the St James Street appearance or permanent closure was a legal process, there was a desire in the short term to change the street surfacing.
- There was a desire to see a change to the look and feel of the shopping environment, it was too early to set out what this would look like.

The Scrutiny Committee Recommended:-

2.1 Officers continued to work with Somerset County Council's Highways team and representatives of Taunton's disability interest groups on proposed modifications to vehicular access on East Street in Taunton to increase active travel and enable social distancing. Specifically, instructing them to:

2.1.1. Limit vehicular access and restrict traffic movement to one direction only (from the Fore Street junction, exiting onto East Reach/ Silver Street)

2.1.2. Creating cycle lanes in both directions and offering additional cycle parking 2.1.3. Create additional Blue Badge parking on Magdalene Street, Billet St and the Crescent Car Park

2.2. The 12-month trial scheme for St James Street be made permanent

135. **Executive Cllr PFH Session Kravis**

The report of Councillor Marcus Kravis – Asset Management and Economic Development was presented to the committee.

Updates in relation to the following Major and Special Projects were provided:-

Coal Orchard Work continued on the project, with significant progress made on all of the buildings. Work will start on the riverside steps, a vital part of the public realm and flood

mitigation measures, in the New Year. The revised programme is now to complete all three blocks and the public realm for May 2021.

Seaward Way light industrial build. The main build was all but finished with some minor highway works being pushed back due to the ground conditions. Snazaroo have started their tenant fit out, with fixtures fittings and signage now being installed. The design of the residential build is being progressed by the Housing team and is being debated at Full Council on 1st December 2020.

Firepool GWR building / cycle path The GWR refurbishment work has now commenced, aiming to secure and return the building to active use as a site office by Q1 2021. Plans for the cycle path are being adapted to allow for the build programme and construction footprint of the Innovation Centre which overlaps with the original temporary route. Access will be made available from Trenchard Way to Canal Road for pedestrians and cyclists in Spring 21 as planned.

Digital Innovation Centre SWT are continuing to work in collaboration with SCC on delivery of a 3000m2 Digital Innovation centre on the Firepool site. The project teams are working up the detailed infrastructure and services plans, and aligning respective build programmes to allow delivery of the Innovation Centre alongside the key infrastructure work.

Special Purpose Vehicle SWT have been exploring the most efficient delivery route for large projects such as Firepool and a dedicated development arm which will be solely focussed on delivery of key regeneration projects was approved a Full Council on 3rd November. The detailed work to progress this key component is now underway, with a view to formation of the new company in the next quarter.

Infrastructure, Utilities and Flood work Work continued on the detailed design and specification work to address the many civil and engineering issues on the main Firepool site has been continuing, and work will start in earnest in Q1 2021.

Bus Station The planning application to convert the Bus Station to a temporary car park will be submitted before the end of calendar year.

Heritage The Heritage team have been particularly busy throughout the quarter, working alongside owners, funding bodies and consultees on projects across the district.

Tonedale Mill The S48 Repairs notice has been served and discussions continue with the owners on their response to the notice and the emergency works required on site.

Assets

Dulverton Weir SWT continued to work with the Dulverton Weir and Leat Conservation Trust and other stakeholders to investigate future options for the repair and long term future of the site.

Norton Hillfort Work continued to secure the transfer of the site to the South West Heritage Trust for long term guardianship.

During the consideration of the report the following comments and questions were raised:-

- Management of assets and realisation of funds from these played an important part in budget considerations.

- A lack of an asset register and strategy was a concern, a comprehensive record was requested to generate an income needed but also to divest the organisation of liabilities.
- The previous strategies still existed, a programme of merging these asset registers was underway.
- The Council could not use the disposal of assets for the purposes of borrowing.
- An update was requested in relation to the Local development order at Firepool.
- It was questioned if assets were cross referenced with pathfinder and incorporating them onto one asset register. A written answer would be provided and circulated.
- Access to Information - Exclusion of Press and Public During discussion of the following item 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 the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Scrutiny Committee 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. If Councillors on the Committee wish to discuss any of the confidential appendices included in the following reports, a motion to exclude will have to be passed as follows;
Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next items of business on the grounds 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)
- A detailed discussion in relation to the development at the Coal Orchard site was considered along with the development mix.

The Scrutiny Committee thanked the Portfolio Holder for his attendance and noted the update.

(The Meeting ended at 8.31 pm)