

SWT Full Council - 7 September 2021

Present: Councillor Hazel Prior-Sankey (Chair)

Councillors Richard Lees, Ian Aldridge, Benet Allen, Marcus Barr, Mark Blaker, Chris Booth, Simon Coles, Dixie Darch, Hugh Davies, Caroline Ellis, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, John Hunt, Dawn Johnson, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Andy Milne, Chris Morgan, Simon Nicholls, Derek Perry, Martin Peters, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Anthony Trollope-Bellew, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Paul Fitzgerald, Chris Hall, James Hassett, Marcus Prouse, Clare Rendell, Amy Tregellas, Jo Comer, Tracey Meadows and Charlotte Winmill

(The meeting commenced at 6.15 pm)

13. Apologies

Apologies were received from Councillors L Baker, S Buller, N Cavill, D Durdan, K Durdan, H Farbahi, S Griffiths, M Kravis, C Palmer, A Sully, N Thwaites, T Venner and G Wren.

14. Minutes of the previous meeting of Full Council

(Minutes of the meeting of Full Council meetings held on 30 March 2021, 13 April 2021, 15 April 2021, 29 April 2021, 30 April 2021 and 4 May 2021 circulated with the agenda)

Resolved that the minutes of Full Council meetings held on 30 March 2021, 13 April 2021, 15 April 2021, 29 April 2021, 30 April 2021 and 4 May 2021 be confirmed as a correct record.

15. 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 M Barr	All Items	Wellington	Personal	Spoke and Voted
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr C Booth	All Items	Wellington and Taunton Charter Trustee	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 & Bishop's Hull	Personal	Spoke and Voted
Cllr R Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	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 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 D Perry	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	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 B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

16. Public Participation

Cheryl Bennet asked the following questions, which were answered by Councillor Dixie Darch as Portfolio Holder for Climate Change:-

Question a:

Was a risk assessment carried out before the contract was awarded to Zipp or anyone for that matter?

Answer:

There was no stand-alone risk assessment prior to awarding the contract to our EScooter operator, Zipp. However, the SWT EScooter scheme was part of the official DfT trials <https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators> and the DfT carried out a public consultation prior to legalising rental EScooters within specific Local Authority trials [Legalising rental e-scooter trials: outcome and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/legalising-rental-e-scooter-trials-outcome-and-summary-of-responses). We procured Zipp through a formal tender exercise which was advertised on the ProContract procurement portal and Zipp and their EScooters had to go through a formal approval process with the DfT in order to take part in the trials. The DfT issued SWT a 'Vehicle Special Order' confirming their approval of our trials in both Taunton and Minehead.

As a council we did an Equalities Impact Assessment which formed part of our submission to the DfT. We also engaged with disability groups prior to submitting our bid. We remained in consultation with these groups and had monthly update meetings with them. This included the Royal National Institute of Blind People, the Macular Society, Somerset Sight, and Compass Disability.

We amended the Traffic Regulation Order as part of our submission to the DfT and completed a risk assessment ahead of the public training and education session, which went ahead prior to go live.

Question b:

I've been advised on the procedure for reporting e-scooters on the pavement or other areas prohibited to cars and traffic and I'm afraid it's not only impractical but laughable. I would be grateful if it could be discussed and even challenged and also ask how many near accidents/traffic violation complaints actually filter through this way?

Answer:

There were different ways to report misuse.

Via the app – you could register a customer service call

Directly to Zipp - via email info@zippmobility.com

Calling SWT customer services (0300 304 8000) and if the customer was unable to email Zipp direct, the call centre would call either Sue Tomlinson or Francisco Parreira at SWT, who would assist by emailing Zipp and asking them to call the person reporting the misuse.

I didn't have exact figures for reported incidences, but they certainly did come to us and were acted upon. I agree that the registration number would be difficult to read at a distance, but location and time of misuse give enough information for Zipp to identify the registered user. This system was working well, particularly in Minehead, where the trial was relatively new.

Question:

I would also like to know where this information was published (and wonder how the general public were supposed to know about the procedure) as I've not seen it other than when as below was emailed to me?

"If you witness mis-use of an EScooter which was part of the trial you could report it directly to Zipp who have the power to give warning notices and ban users. You would need to provide as much detail as possible about the incident (day, date, time, location, description of the rider and the registration number) you could email Zipp taunton@zippmobility.com"

Answer:

This was really helpful feedback for which we thank you. It was clear we needed to make this information much more readily accessible to the public. We have updated our webpage FAQ's to include a section on 'How do I report misuse' in response to this.

[EScooter trials \(somersetwestandtaunton.gov.uk\)](https://www.somersetwestandtaunton.gov.uk)

Question c:

I believe Mark Shelford mentioned data collection regarding threats, fear and risk. People didn't report threats, fear and risk as hopefully, nothing concrete happened but the anxiety and fear was still there. That's where a risk assessment would have helped by identifying any problems. People would not or rarely complain about a feeling of threat or fear or anxiety about something that wasn't concrete even if it was real as they would feel like foolish timewasters. I would be interested to know the council's views on this.

Answer:

I agree it was difficult to quantify feelings of fear or anxiety in terms of data collection. However, as mentioned previously, we engaged with disability groups prior to submitting our bid to the DfT and had monthly update meetings with those same groups. On 7 September, along with relevant council officers and staff from Zipp, I would be joining Steve Hyde, Regional Campaigns Officer for RNIB, for a "blindfold walk" in Taunton to gain some insight into the difficulties of navigating badly parked EScooters and cars, or other poor practice affecting people with sight loss. I did not underestimate the challenges that EScooters and bicycles presented for vulnerable pedestrians when misused.

I would like to add some comments about the rationale for introducing the EScooter trial. Both the International Panel for Climate Change and the International Energy Agency were clear that the decarbonisation of transport was imperative given the climate emergency. There's no one solution to this: transition to electric vehicles, a reliable and affordable public transport system, improved active travel infrastructure and car share schemes would all play a role. And EScooters might well be part of that transition. Research showed that a percentage of EScooter journeys would otherwise have been taken by car, so they helped to reduce traffic congestion, air pollution and carbon emissions. The estimated carbon removed as a result of the trial thus far is 17.5 tonnes to date (2.2 for Minehead and 15.3 for Taunton).

Of course, pedestrians were vulnerable when they encountered riders on the pavement and there's no denying EScooters carried a risk. Which was why we needed to continue to be vigilant to stamp out misuse. But we also needed to look at *relative* risk. Admittedly it's early days, but so far there had been 4 EScooter related deaths in the UK. [The Road Safety charity, Brake](#), calculated 1850 UK road deaths and serious injuries per annum since 2012, an average of 5 a day. The highest risk group by far is motorcyclists, followed by cyclists, then pedestrians. A [2018 Public Health report](#) estimated that nearly 250 people a year could be dying prematurely from air pollution in Somerset. Since then, a study in the [Journal of Cardiovascular Research suggests that 14% of UK Covid deaths](#) could be attributed to long term exposure to air borne particulates, which increased the risk of contracting Covid. So, cutting pollution from traffic was really important.

Finally, if we failed to act on the climate emergency then the risks discussed here would be well and truly eclipsed by a calamity far greater....

Alan Debenham asked the following questions which were answered by Councillor Federica Smith-Roberts as Leader of the Council:-

Q (1) Ever since the Earth summit of 1992 and its subsequent Local Agenda 21, 3Rs and new thrust for Sustainability there had been decades of talk and action to save life on this planet from a fate worse than death AND yet here we were again repeating ourselves only with the hell on earth now much closer and its severity now much more devastating. Then and now (very much substantiated by the recent War-on-Want's Minerals Transition Report) the biggest essential to save us had been and still was REDUCTION IN CONSUMPTION AND ECONOMIC ACTIVITY especially in the UK's first world wealth status, so why was there so little in your expenditure and plans which related to this only real life saver and why it's so important for us all to continue the present lockdown - or a lesser version - as long as possible and no real plans seemed to have been made to set-up ward and street-led committees to deal with this enormous permanent change in lifestyle ? (same as asked at Community Scrutiny 3/6/21)

Answer: As a Council, our Carbon Neutrality Climate Resilience plan which was adopted recently was a broad combination of short and longer term actions, including Waste, Food and Farming, Natural Environment and Water as well as Energy, Transport and Industry. As a District, we were committed to growing our economy for the benefit of all in a sustainable manner – sustainable both in terms of the environment as well as innovative, climate aware economic growth. We were bound by National policies on lockdown and would continue to work with local and regional partners to support recovery as identified in the Somerset Recovery and Growth plan.

(Thanks to Dawn Adey and management team for the very detailed Corporate Investment Report which made interesting reading of the Council's risky new multi-million-pound role as Capitalist Commercial Property Investors to cover for this Tory government's decade long policy to withdraw a major part of central finance support.)

Q (2) In view of the Council's placing such vital importance in doing everything in line with combating the potential sixth extinction facing us all in the name of present and fast developing Climate and Environmental Emergencies, how was it that this report did not have at the prominent front of it a clear statement of ethical strategy and policies which SHOULD UNDERPIN all investments made e.g. policy not to invest in fossil fuel procurement or usage, to invest preferably to support local food production and local businesses, etc.?

Answer: The Commercial Investment strategy was one of multiple income generators for the council. The strategy encompassed many different target sectors, including renewable energy, which were assessed by our specialist team when appraising and recommending acquisitions for the Council to consider. Projects within other programmes including Housing, Heritage and Regeneration included net carbon zero targets ensuring that they were designed with climate change impact from the outset. This included both in construction and in operation. These projects would create local jobs and support growth for local businesses, which would in turn support the local supply chain. The Coal Orchard development which would soon complete in Taunton town centre was targeting regional and local businesses for the commercial space and we look forward to being able to reveal the first occupants soon.

Q (3) Would it not be preferable for this Council, particularly following the previous mantra of Liberal Democrats to follow the Layfield Commission Report of 1979 and vigorously demand local income and sales taxes to make local Councils more self-financing actual governing authorities, and therefore to go looking for things upon which charges could be raised or buying shares or ownership of profitable local well-needed businesses where good returns are certain ?

Answer:

Whilst we were subject to central government cuts as every district, we continued to be successful in applying for funding initiatives and thanks to the hard work of officers have been successful in receiving separate grant awards from Homes England, Department of Culture, Media and Sport, Ministry of Housing, Communities and Local Government and the Department of Transport which would help us to deliver projects in the district that supported local business and climate change initiatives (Seaward Way, Coal Orchard, Toneworks, Norton Hillfort, Active Travel / East St pedestrianisation, EV charging point roll out)

Q (4) After all the expenditure and excellent official ballot of the whole of Somerset regarding the proposed Councils' re-organisation AND such a resounding result in great favour of the Stronger Somerset case for the two new unitary Councils, not one, why and how was it SWT Council with other District councils were not challenging the ridiculous decision of Secretary of State Jenrick to a Judicial Review ?

Answer: Currently the analysis of the decision by the SOS, consultation response analysis and poll analysis were with our legal Counsel for review. Once we had Counsel's advice, we would make a decision and formal statement would be made by the District Leaders.

Gideon Amos read out a statement which related to agenda item 17, Motion regarding Planning Changes.

17. **To receive any communications or announcements from the Chair of the Council**

The Chair of the Council opened the meeting with a minutes silence on behalf of Councillor Alan Wedderkopp.

She also thanked Councillors Martin Hill, Peter Pilkington and Phil Stone for their service over the past few years and welcomed the new Councillors Dawn Johnson, Barrie Hall and Steve Griffiths.

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

The Leader of the Council made the following announcements:-

- She thanked Councillor Anthony Trollope-Bellew for his hard work and service as Leader of the Conservative Group and welcomed Councillor Roger Habgood as the new Leader. She hoped to carry on working well together in the future.

- The Leader made a statement regarding Local Government Reorganisation.

19. **To receive any questions from Councillors in accordance with Council Procedure Rule 13**

No questions were received under Procedure Rule 13.

20. **Decision taken under the urgency rules regarding the Additional Restrictions Grant Scheme**

During the discussion, the following point was raised:-

- Councillors thanked officers for their hard work in processing the grants which had helped many residents and businesses within the district.

Resolved that Council noted the decision made by the Director of Development and Place on behalf of the Chief Executive on 14 May 2021 under paragraph 5 of the Budget and Policy Framework within the Council's Constitution in relation to the release of funds to the Additional Restrictions Grant Scheme.

21. **SWT Outside Bodies Update**

During the discussion, the following points were raised:-

- Councillor Loretta Whetlor proposed an amendment that Councillor Andy Milne should be a representative on the Exmoor National Park Authority, due to his ward being mainly within the National Park area, which was duly seconded by Councillor Roger Habgood.
- A vote was taken on the proposed amendment, which was carried and became part of the substantive motion.
- Councillor Chris Morgan left the meeting.
- Councillors corrected the name on the list of representatives for the Albemarle Centre.
- Councillors queried the use of substitutes for certain groups.
Advice was given that the group would need to be asked whether substitutes were allowed within their Terms of Reference.

Resolved that Council agreed the updated Appointments of Representatives to Outside Bodies for 2021/2022 (attached as Appendix A).

22. **Somerset West and Taunton Council amended Political Allocation and Councillor Appointments to Committees**

During the discussion, the following point was raised:-

- Councillors highlighted a correction to the committee composition which had taken place since the report had been originally published.

Resolved that Council approved the:-

- a) Political allocation as attached (Appendix A)

b) Councillor appointments to Committees (Appendix B)

23. **Local Government Re-organisation - Structural Change Order (SCO)**

During the discussion, the following points were raised:-

- Councillors stated that now the Local Government Reorganisation had been approved and would be carried out through the formation of a Unitary Authority, they needed to focus on the Structural Change Order (SCO) to ensure that the best outcome was achieved for the local residents and that they were all well represented.
- Councillors also wanted to ensure that officers jobs remained secure and that as many officers were taken forward to the New Council as possible.
- Councillors believed that it was the wrong time for a Unitary Authority to be established, however, they wanted to ensure that the transition period through to the New Council was smooth for all the residents in the area.
- Concern was raised that the Secretary of State, who was not locally based, was making all the decisions on behalf of the local residents.
- Councillors queried whether the recommendation to set up a committee system for the New Council would be adhered to.
The Leader advised that a committee system was not part of the SCO and that sort of detail would follow later once the Shadow Council had been formed.
- Councillors pleaded that they were kept informed throughout the whole decision-making process of the New Council.
The Leader would try and keep all councillors involved through member briefings as often as required.
- Councillors queried what the official outcome was of the consultation.
The Leader would report back with the consultation results.
- Concern was raised on behalf of the local community who had great uncertainty on how local issues would be dealt with by the New Council.
- Councillors pleaded that all officers and councillors worked together throughout the whole process both at district and county level.
The Leader of the Council thanked all for their comments.

Resolved that Council:-

- 2.1 Noted the next steps following the Secretary of State for Housing, Communities and Local Government's ("MHCLG") decision regarding local government re-organisation in Somerset.
- 2.2 Delegated to the Chief Executive, following consultation with the Leader of the Council and the Monitoring Officer or their deputy under the terms of Schedule 2 Paragraph 19 of the Local Authorities (Functions and Responsibilities) (England) Regulation 2000:
 - a) The appointment of Members and Officers to any body (that was a body created under the Public Body powers) such as a Joint Committee or sub-committee of two or more local authorities in connection with the establishment of a Unitary Council in Somerset.
 - b) Delegated power to negotiate and in urgent circumstances to agree to the terms of a draft Structural Change Order to be laid before Parliament for the creation of the unitary authority for Somerset. (This

delegated power was to be exercised on the basis that the terms of such order were to be considered by the Councils Executive at the earliest opportunity and referred to Full Council, however, where the Government indicate that time was of the essence, then if circumstances did not permit an urgent referral to Full Council, then this power was the basis upon which officers may need to commit the Authority to such best terms that could be negotiated.)

2.3 An advisory group of the political Group Leaders on the Council to advise and work with the Chief Executive, Leader of the Council and Monitoring Officer or their Deputy in considering the Structural Change Order, and the membership of that group to be the Leader of Council, the Deputy Leader, Leader of the Independents Group, Leader of the Conservative Group and Leader of the Labour Group.

24. **SWT Cultural Strategy**

During the discussion, the following points were raised:-

- Councillors congratulated the Portfolio Holder for Culture for all her hard work in getting the Strategy to Full Council and for her enthusiasm whilst presenting the report.
- Concern was raised on the images used within the document and that they were not very diverse and did not include people from varied ethnic and ability groups.
The Portfolio Holder for Culture would amend some of the images before the document was published.
- Councillors were happy to finally see that cultural events were being promoted.

Resolved that Council:-

- Approved the vision and objectives within the attached appendix; and
- Authorised the Strategy Specialist and Communications Team (in consultation with the Culture Portfolio Holder) to agree the final design and publication style for the Strategy.

25. **Commercial Property Investment Update**

During the discussion, the following points were raised:-

- Councillors were pleased to see the report being discussed in open session.
- Concern was raised that it appeared the Council was 'chasing money' and that officers should let ethics guide the work and not just be profit driven.
The Portfolio Holder for Corporate Resources advised that a new ethos had been adopted within the Strategy and that lessons could always be learnt from what had been done in the past.
- Councillors queried what the time frame was for the short-term borrowing mentioned in the report.
The Section 151 Officer confirmed that short-term meant loans over a period of 6-12 months and that officers would use loans based on the best rates and guidance from Arlingclose.

- Councillors queried what was being done to ensure that the investment work would be carried forward into the New Council. Councillors hoped that the other District Councils and County Council would be involved. *The Portfolio Holder for Corporate Resources agreed and hoped the work would be carried forward within the New Council.*

Resolved that Council noted the report which was the review of the Commercial Property Investment activity and performance for 2020/21 financial year.

26. **Access to Information - Exclusion of the Press and Public**

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involved 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).

27. **Future High Street Fund Grant**

Councillor Steven Pugsley left the meeting.

Resolved that Council approved the recommendations within the confidential report.

28. **Re-admittance of the Press and Public**

29. **Motion regarding Planning Changes**

During the discussion, the following points were raised:-

- Councillor Sarah Wakefield introduced her Motion and raised the following points:-
 - The new legislation would: reduce or remove the right of residents to object to applications near them; grant automatic rights to developers to build on land identified as ‘for growth’ through a Government algorithm imposing up to 26,000 additional new homes (over a 20 year plan period or 1,231 per year according to Lichfields consultancy) on our District without consultation; remove locally generated and approved Section 106 payments for infrastructure associated with developments and would replace it with a centralised national levy.
 - The Town and Country Planning Association had commented that the proposals “would undermine local democracy, marginalise local councils and fail to achieve high quality places” and the Royal Institute of British Architects had called the proposals ‘shameful and which would do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes’. The RIBA also commented that the proposals could even lead to the next generation of slum housing.

- The existing planning procedures, currently administered by our own team in Somerset West and Taunton Council, allowed for local democratic control over future development, and gave local people a voice in commenting on and objecting to planning proposals which affected them.
- The proposals for automatic rights to build in ‘growth’ areas through a zoning process, and increased permitted development rights, risked a largely unregulated development and unsustainable communities.
- Local communities must remain key partners in shaping the future of their communities, and that local determination of the planning framework and the fair and open local consideration of planning applications played an important part in this process.
- Councillors supported the Motion as they believed that members of the public should be part of the democratic decision-making process.
- Councillors were disappointed about the Planning Reforms that had been proposed by Central Government.
- Councillors hoped that the Planning Reforms would be amended before the final stages of submission.
- Councillors wanted the local planning system to remain at local levels and not be dictated by central guidance.

Resolved that Council:-

1. Wrote to and lobbied both of the District’s Members of Parliament, urging them to strongly oppose the proposals and to publish the replies received from them; and
2. Highlighted its concerns over the proposals with the public and local residents who would be affected.

(The Meeting ended at 9.15 pm)