

SWT Executive - 16 November 2022

Present: Councillor Federica Smith-Roberts (Chair)
Councillors Derek Perry, Benet Allen, Chris Booth, Dixie Darch, Caroline Ellis, Mike Rigby, Francesca Smith and Sarah Wakefield

Officers: James Barrahan, Alison Blom-Cooper, Chris Brown, Jenny Clifford, Paul Fitzgerald, Chris Hall, Kate Murdoch, Andrew Pritchard, Clare Rendell, Graeme Thompson, Joanne Toogood, Amy Tregellas and Joe Wharton

Also Present: Councillors Andrew Sully, Simon Coles, John Hassall, Marcus Kravis, Libby Lisgo and Janet Lloyd

(The meeting commenced at 6.15 pm)

138. Apologies

An apology was received from Councillor A Sully, who would be joining via Zoom.

139. Minutes of the previous meeting of the Executive

(Minutes of the meeting of the Executive held on 21 September 2022 circulated with the agenda)

Resolved that the minutes of the Executive held on 21 September 2022 be confirmed as a correct record.

140. 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 C Booth	All Items	Wellington and Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke
Cllr D Darch	All Items	SCC	Personal	Spoke and Voted
Cllr C Ellis	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Kravis	All Items	SCC & Minehead	Personal	Spoke
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke
Cllr J Lloyd	All Items	Wellington &	Personal	Spoke

		Sampford Arundel		
Cllr D Perry	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	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr A Sully	All Items	SCC	Personal	Spoke
Cllr S Wakefield	All Items	SCC	Personal	Spoke and Voted

141. **Public Participation**

Steve Martyn spoke on Blenheim Gardens Café – Minehead:-

The Jewel in The Crown

- Blenheim Gardens Café falls within the Wellington Square conservation area of Minehead. Covenants protecting the gardens have been in place since 1911. These state that the gardens are a public park for the pleasure of the people of Minehead. No permanent buildings are allowed. The buildings that are there are of timber construction and include a band stand, café, shelter and toilets. Alcohol may not be consumed within the gardens and the gates are locked at dusk.

The Café:

- There had been a café in the gardens for at least 40 years, run by one family. They were the last tenant who gave SWT notice in 2018 following a rent increase. There was great sadness when it closed particularly among young families with children and the elderly who used the café as a quiet and peaceful meeting place in contrast to the busy Avenue. The café has now been empty for 4 years and it's condition has visibly deteriorated. This is under SWT's watch and would never have been allowed to happen in Vivary Park.

SWT's Decision To Tender:

- The people of Minehead were not consulted why not?
- Localism Act should have applied, why not ? Public Services (social value) Act was not applied, why not?

The Tender Process:

- Executive Cllr M. Kravis
- Five Expressions of interest
- 20-year lease
- Applicant to repair building
- Applicant to propose rent

- How were the applicants picked? Were any applicants known to the Executive Councillor?
- Has the Executive Councillor had business dealings with any of the applicants before or after the tender?
- Has the Executive Councillor rented, or occupied premises owned by any of the applicants before or after the tender?
- Did the Executive Cllr declare any prejudicial interests before conducting the tender?
- Did the five applicants receive the same brief on the same date?
- Can we see the brief?

The Lease - decision 30/10/20

- The lease was awarded to the proprietors of Bar21 in the Avenue Minehead. The award was made based on the financial value, quality and deliverability of their submission.
- Bar21 is a busy bar with a large outside area of raised decking. It plays very loud music every day of the week. It's a magnet for groups of young men and a popular venue for stag and hen parties. It's very noisy and not in keeping with the Wellington Square conservation area. Local people complain about the noise which can be heard right across the town, Blenheim Gardens and North Hill, but nothing is done to stop it. When residents met in Blenheim Gardens for the minute of silence on the Sunday before the Queen's funeral, loud music continued from Bar21.
- Bar 21 has a history of planning breaches. There were 6 planning enforcements at the time of the tender including its raised decking.
- Did the Executive Cllr take account of the proprietors planning enforcements when making his decision?
- Did the Executive Cllr consider the way Bar21 is run to be compatible with the operation of a café in a quiet park when making his decision?
- According to the proprietors agent the brief was to extend the cafés area. Was this the case?
- Was a requirement to extend the café in the brief to the other applicants?
- The proprietors bid £5875 pa was 3 times higher than the rent paid by the last tenant, who could not make the café pay.
- Was due diligence carried out by the Executive Cllr to determine a realistic market rent and the applicant's ability to deliver the terms of the lease?
- Did the proprietors bid not raise questions about its financial viability given that the café must adhere to the gardens opening hours and no alcohol rules?
- More than two years have passed since awarding the lease to the proprietors. The café has remained empty and the agreed refurbishment by the proprietors has not been completed.
- Does the Executive Cllr still feel that the proprietors bid represents financial value, quality and deliverability?
- A planning application was made 10/08/22 by Bar21 to turn the café into a 100-seat restaurant open from 7am to 11pm. This application doubled the footprint of the cafe well beyond the area included in the lease. It proposed removing mature trees and laying raised wood decking like Bar21. Over 60 objections were posted on the planning website and a petition against the development with 200 names was presented to MTC. The planning

application was withdrawn. We expect another planning application will soon follow.

- The proprietors track record and activities since being chosen to run the café suggest he is not a suitable candidate.
- So far, the lease has not been signed and cannot be signed until agreed refurbishment has been completed.

What Next?

- We believe the tender process was poorly executed and lacked sound judgment.
- We want the lease stopped.
- Such an important and historic public building demands that the people of Minehead must now be consulted to protect its future.
- We understand there was a consultation document circa 2012 which concluded that Blenheim Gardens should remain unchanged. We would like to see this document.
- A group of Minehead residents have expressed an interest in taking over the café with any profits used to support local causes. This deserves consideration.
- The information contained in this document has been sourced from local newspapers, online media and discussions with local residents and has not been fact checked. SWT Asset Management refused to our FOI request for information concerning the lease.

The Portfolio Holder for Economic Development, Planning and Transportation gave the following response:-

The issues that have been presented to us this evening have already been responded to by the Service, and by the Leader of the Council, and responded to through our complaints procedure at both stage 1 and 2, and through Freedom of Information requests. None of the information this evening is new and has been clearly responded to.

Whilst we welcome public participation in our decisions the responses provided have always been clear and transparent, but I will reiterate the headlines for the benefit of the committee.

- The council made the decision to publicly market the opportunity to run the Blenheim Gardens Café, this was advertised in an open fair and transparent manner all documentation was provided equally and in the same timeframe.
- Information was constant with viewings held for parties that requested them so they could assess the building condition.
- The timeline for responses was extended to accommodate Minehead Town Council's request for more time, all parties were notified of this extension of time which was provided to anyone wishing to bid. We also publicised this extension.
- Potential applicants were not selected to bid, the marketing was public and available to any interested party, there were no exclusions and so to suggest Minehead were not consulted is inaccurate.
- The bid responses were assessed by a panel of officers and the Assets portfolio holder.

- The lease lengths were put forward by the bidders on the basis of the time they felt necessary to recover their refurbishment costs, none of the bids meet the trigger points under the Localism Act so there is no breach in our duties.
- The Council has a duty to achieve best value and has taken a proactive and transparent stance to achieve investment in a property where there was no council budget to make the necessary improvements. It will also achieve an income from this process. The alternative option may have been a permanent closure and demolition.
- To suggest that the council lacked judgement and have executed the process poorly suggests a misunderstanding of the entire process despite the council's clear, consistent and robust responses. For clarity this is a process that have been successful elsewhere in the district, you only have to look at the café in Goodland Gardens to see how private investment can enhance a public space.
- We are aware that a successful bidder made a planning application that was country to their bid submission. The application was not supported by the Assets team who act as landlord. Members will be aware that anyone can make a planning application on any land with the planning authority being required to consider the application on its merits. From our role as a landlord, we are clear that should the application have been approved we would not allow this work to be delivered as we remain the landowners and our consent would have been required.
- There have been various suggestive statements made about the Executive Member involved in the tender process. This is not the way to raise concerns over the behaviour of a councillor. If the public speaker wished to raise a concern or make a complaint, there is a process to do so which we would be happy to provide to you
- This scheme has not been without its problems, works were paused while an acceptable solution was being sought to create a refurbishment which would comply with the Minimum Energy Efficiency Standards.
- We have received an acceptable certificate which means they can continue with works.
- Considerable officer time and resources have gone into responding to these matters and I hope this to be the last contact we receive, however those involved in the complaints have the right to contact the local government ombudsman if they remain unhappy and we are ready to defend our position and share all information with the LGO.

142. **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.

143. **New Regulatory Services Enforcement Policy 2022-2023**

During the discussion, the following points were raised:-

- Councillors queried whether the Policy would give any powers to control living conditions or did it give additional powers to what was already in place.
The Regulatory Services Operational Manager advised that the Policy did not give any additional powers. The HHSRS dealt with the conditions of a property. The Policy gave powers to issue financial penalties.
- Councillors agreed that the policy was very clear and transparent.
- Councillors queried whether the Council carried out inspections for private rented accommodation for enforcements issues related to energy standards.
The Regulatory Services Operational Manager advised that they did not actively seek out issues related to energy standards, they generally followed up on complaints only. Councillors were further advised that grants had recently been sought to assist landlords.
- Councillors queried what happened with empty properties if there were issues with conditions or enforcement.
The Regulatory Services Operational Manager advised that there were limitations with what could be done on empty properties as that was covered by regulatory policies. The Council did employ an empty homes officer who did work on getting properties reinhabited.
- Councillors were pleased to see work was being done on empty properties.
- Councillors agreed that it was good to see EPC rules included, however, they wanted to ensure that inspections were carried out.
The Regulatory Services Operational Manager advised that they would rely upon tenants coming forward.
- Councillors queried whether housing associations would fall with the private landlord bracket.
The Regulatory Services Operational Manager advised that they would, but that non-enforcement routes would always be considered as they would want to work amicably with the housing associations.

Resolved that the Executive adopted the following:-

- Somerset West and Taunton's Regulatory Services Enforcement Policy 2022-2023; and
- Somerset West and Taunton's Private Sector Housing Enforcement Policy 2022- 2023.

144. **Low Carbon Retrofit Strategy and Delivery Plan**

During the discussion, the following points were raised:-

- Councillors were pleased to see the Strategy being brought forward and that it included retrofit and work on new properties.
- Councillors were pleased to see that the baseline data had been collated and included in the Strategy.
- Councillors queried how officers would make sure that tenants were not disrupted when the work was carried out.
The Assistant Director for Development and Regeneration agreed that it would be a challenge, but that the work formed part of the capital programme, so the work needed to align properly.

- Councillors were looking forward to the show home being open in the new year, so it could showcase what work could be achieved.
- Councillors wanted to ensure that letters were sent out to the tenants to advise them of what work would be carried out.
- Councillors highlighted that tenant engagement has been at the core of the work carried out on the Strategy.
- Concern was raised on the removal of gas supplies, which were due to be replaced with electric, which would cost more for tenants.
The Assistant Director for Development and Regeneration advised that as part of the work carried out on the bidding for air source pumps, they would include calculations on the difference in energy costs. They hoped not to make tenants worse off due to the proposed work.

Resolved that the Executive recommended to Full Council the following:-

- Full Council approved the Low Carbon Retrofit Strategy and Delivery Plan. The delivery of the strategy would need to be managed within the annual budget setting process, including the Medium-Term Financial Plan and 30-Year Business Plan, to ensure the overall affordability of the schemes being proposed each year; and
- The Portfolio Holder for Housing and the Director of Homes and Communities progressed the steps identified in the delivery plan and to promote the approach with Somerset County Council colleagues.

145. **Governance for Taunton Garden Town**

During the discussion, the following point was raised:-

- Councillors queried where the new Taunton Town Council fitted into the work.
The Garden Town Implementation Manager advised that they were aware of the establishment of the Town Council and that it had been included in the report within the delivery board and stakeholders' work.

Resolved that the Executive approved the following:-

- 1) The Taunton Garden Town governance proposals.
- 2) That responsibility for the finalisation of initial non-political representation on the proposed Delivery Board and Forums was delegated to the Director of Development and Place in consultation with the Portfolio Holder for Planning and Transportation.
- 3) That delegated authority was granted to the Director of Development and Place in consultation with Legal Services to prepare initial governance documents for approval at the first meeting of the Delivery Board.

146. **Firepool Design Guidance and Masterplan**

During the discussion, the following points were raised:-

- Councillors were pleased to see the report come forward for consultation.
- Councillors hoped that the work would start soon, as it had been in the pipelines for years.
The Principal Planning Policy Officer advised that after the consultation had closed, it would go to Full Council for approval.

- Councillors praised the Project and that it was a good legacy for the Council to leave for the residents and visitors of Taunton.
- Councillors were pleased to see public artwork included alongside the Project.
- Councillors were keen to see the Project signed off prior to vesting day.
- Councillors thanked the officers for all their hard work.

Resolved that the Executive approved the Draft Firepool Masterplan and associated supporting evidence documents for public consultation.

147. **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).

148. **Cultural Grant Provision**

Resolved that the Executive approved recommendation 2.1 within the confidential report.

(The Meeting ended at 8.55 pm)