

SWT Corporate Scrutiny Committee

Wednesday, 5th October, 2022,
6.15 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Sue Buller (Chair), Ian Aldridge, Norman Cavill, Simon Coles, Habib Farbahi, Ed Firmin, John Hassall, Nicole Hawkins, Marcus Kravis, Libby Lisgo, Simon Nicholls, Nick Thwaites, Danny Wedderkopp, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous Corporate Scrutiny Committee

To approve the minutes of the previous meeting of the Corporate Scrutiny Committee held on 7 September 2022

(Pages 5 - 12)

3. Declarations of Interest

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

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

4. Public Participation

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

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

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and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

- 5. Corporate Scrutiny Request/Recommendation Trackers** (Pages 13 - 22)

To update the Scrutiny Committee on the progress of resolutions and recommendations from previous meetings of the Committee.
- 6. Corporate Scrutiny Committee Forward Plan** (Pages 23 - 24)

To receive items and review the Forward Plan.
- 7. Executive and Full Council Forward Plan** (Pages 25 - 28)
- 8. Update on Local Government Reorganisation**

Executive Portfolio Holder Report for Local Government Reorganisation – Councillor Sarah Wakefield.

To provide a verbal update assisted by the Director of Internal Operations, Alison North
- 9. Strategic Flood Alleviation Schemes and Overview of Somerset Rivers Authority (SRA) and Flood and Coastal Protection Board (F&CPB)** (Pages 29 - 50)

This matter is the responsibility of Executive Portfolio Holder for Climate Change, Cllr Dixie Darch.

Report Author: Jonathan Stevens, Assistant Director Climate Change Regulatory Services and Asset Management



ANDREW PRITCHARD
CHIEF EXECUTIVE

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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

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SWT Corporate Scrutiny Committee - 7 September 2022

Present: Councillor Sue Buller (Chair)

Councillors Simon Coles, Habib Farbahi, Ed Firmin, John Hassall, Nicole Hawkins, Libby Lisgo, Janet Lloyd (Subs), Nick Thwaites (Vice Chair) and Loretta Whetlor

Officers: Sam Murrell & Marcus Prouse (Clerks), Alison North, Paul Fitzgerald, Chris Hall, Kerry Prisco and Malcolm Riches.

Also Present: Councillors Benet Allen and Sarah Wakefield.

(The meeting commenced at 6.16 pm)

33. **Apologies**

Apologies were received from Councillors Gwil Wren (subs Janet Lloyd), Marcus Kravis, Ian Aldridge, Norman Cavill, Simon Nicholls, Danny Weddercopp.

34. **Minutes of the previous Corporate Scrutiny Committee**

The Committee resolved to approve the minutes of the previous meeting held on Wednesday 3 August 2022,

(Prop Cllr Ed Firmin / Sec Cllr Whetlor)

35. **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 S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Farbahi	All Items	SCC	Personal	Spoked and Voted
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr N Thwaites	All Items	Dulverton	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

36. **Public Participation**

No public questions or statements were submitted to the committee.

37. **Corporate Scrutiny Request/Recommendation Trackers**

Cllr Farbahi queried the Recommendation Tracker regarding the Catapult Report. It stated there were no budgetary implications to the Catapult report, but the report itself mentioned employing three members of staff to carry out the work identified in the report and an annual cost of 50K. As such, he felt that that the report should be scrutinised by the committee, and the budget should be looked at.

Chris Hall confirmed that no staff had been employed by SWT to the roles identified by Catapult and there were no future plans to recruit. The report only listed recommendations, some of which SWT had chosen not to take forward at this time, and thus there was no budget. Some of the “no cost” recommendations may have been implemented, but there was no requirement to adopt them all.

Cllr Farbahi’s other concerns as identified in the Written Answer Tracker were going to be directly followed up with officers. If this raised further questions, the Chair advised him to bring those to a future Scrutiny meeting.

38. **SWT Corporate Scrutiny Committee Forward Plan**

No comment was made.

The committee noted the Corporate Scrutiny Forward Plan.

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

No comment was made.

The committee noted the Forward plans.

40. **Update on Local Government Reorganisation**

Cllr Sarah Wakefield gave a verbal report on her portfolio responsibilities for the Local Government Review. Her report in the agenda pack had been provided in advance of Full Council (the night before) and as such she advised on the following updates.

There was considerable pressure on teams to deliver the budgets for the new Council, considering the rising costs due to inflation, pay settlement, new legislation around social care, utilities and supply chain materials. A lot of staff were being deployed away from their substantive posts to cover work in advance of vesting day, and this was having an impact on their Business as Usual (BAU) roles. Such work included setting the Medium-Term Financial Plans, budget

setting for the new council, delivery of the LCN consultation and also work to establish the new Taunton Town Council.

The appointment of the new CEO, Duncan Sharkey had happened, and he was due to take up his role in October. Target operating modelling was going to take place across the organisation to create a council that was fit for purpose and safe, legal and functioning on vesting day. Duncan Sharkey will be an integral part of this process to ensure that he had the teams he wants in place to deliver the aspirations of the new Council.

The Local Community Network (LCN) consultation had been launched this week, and Cllr Wakefield encouraged everyone to take part. There are face-to-face consultations due to take place, as well as virtual meetings for councillors, parishes, towns and stakeholders. The following points were made :-

- How big are the boundaries of the LCNs? *The consultation covers three options with various size boundaries. These range from 10 LCNs up to 18 across Somerset. One of the options allows SCC Cllrs to cover their Division only, whilst another might mean that they have to sit on more than one LCN.*
- The geographical boundaries are not set in stone and that is why the consultation is important! It is also recognised that there will be some cross boundary working between parishes with similar issues.
- LCNs will be committees of the Council so only elected SCC members can vote on the decision making as they will be responsible for the budgets.
- Initially LCNs will influence Planning and Licencing but will not determine those decisions. It is recognised that the appropriate training is required for those who sit on these committees. It could evolve however as the Unitary continues to take shape.
- Officer support will be provided to facilitate the LCNs. This is where the majority of the budget will be allocated. They will be set up and ready on vesting day but will develop as the Unitary evolves. It is yet to be determined how they will fit into the municipal calendar and how many meetings will be needed a year.
- Cllrs Lloyd and Lisgo expressed disappointment at the late notice for the consultation that had taken place in Deane House that day. Not enough time to respond or change plans at the last minute.
- Some parish councils would like Alyn Jones to visit them and talk more about the process. He can be booked via email. Send an invitation to AGJones@somerset.gov.uk.
- LCNs will mean management of resources at a more local level. "If we are delivering more services, do we get more funding?" Some parish councils are already asking how their budget process will feed into the LCN.
- The details of the LCNs were not fleshed out in the One Somerset business plan, so they are a growing entity. There was no finance or budget set aside by the previous administration for their implementation, so this will need to be put in place for next year. An estimated £5million has been put in the budget for the current LGR delivery programme.

- Cllr Lisgo accepted that this was going to be a difficult process as the plan was an inherited project which needed to be delivered and was put in place to improve democracy! She was trying to fill out the consultation on-line but found some of the questions intrusive. Cllr Wakefield said that post code details were asked in the questionnaire to ensure that the survey was being filled in by Somerset residents and analyse the data later.
- There was some concern around accessibility. It was not helpful that the questionnaire was only available on-line. What other methods are there to participate?
- Cllr Whetlor asked that invitations were sent to councillors as well as clerks to ensure greater participation. She felt that the LCNs should be run along similar lines to the former Local Strategic Partnerships.

7.10pm Cllr Ed Firmin left the meeting.

- It was requested that the LCN project management team return to Deane House and this is widely publicised to ensure greater participation. *The project team are returning to Deane House on Friday 16 September, and will be at West Somerset House on Monday 10 October. Communications have been sent out to ensure Councillors are notified.*
- Cllr Thwaites highlighted that the LCN Highways pilot taking place on Exmoor was working well, and the parishes were pleased with the progress - so don't stop it!

The chairs closing comments were that communications need to be improved especially to the parishes. Planning training needs to be thoroughly rolled out if LCNs are to be part of the process as parish councils can labour over these decisions. It was also noted that there had been very little commentary to do with corporate issues, not least assets – especially the staff! They are the biggest asset of the Authorities. What is being done for their welfare and to protect their jobs? *This is all covered in the People Workstream of the LGR Programme which is the responsibility of Alison North. There are various welfare and cultural workshops and packages in place to support the staff, and the legal implications come under the Transfer of Undertakings (TUPE) legislation. The wider impact of this and a more in-depth report can be provided at a future meeting.*

7.26pm Cllr Sarah Wakefield left the meeting.

41. **General Fund Financial Performance Report for Quarter 1 2022/23 (30 June)**

The General Fund Financial Performance Report was introduced by Cllr Benet Allen, and presented by Kerry Prisco.

The projected outturn financial position for the year is an **overspend of £326k** based on estimates made as at 30 June 2022. This is mainly due to a potential pay award pressure exceeding that budgeted, pressures on staffing costs in a challenging labour market and efficiency savings that have not yet materialised.

There are still further risks and uncertainties well documented within the report, with some that will materialise over the next few months and place further pressure on the reported outturn position e.g. pay award and insurance premiums. As reported nationally, the current economic situation is challenging, and the Council is impacted by the rising cost of utilities, fuel and cost of materials. These areas of the business have and will continue to be reviewed closely, and best estimates have been included within this forecast.

The current level of **General Reserves is £6.229m** which provides the ability to cover the current predicted overspend, if required, as well as sufficient resilience to mitigate the risk of any further significant overspend or additional pressures.

The Senior Management Team will manage the position carefully with the aim to come in on budget by the end of the financial year.

The Committee made the following points:-

- Cllr Lisgo asked for more clarity on paragraph 5.12 of the report which explained that the car parking income budget has been reduced and other service have had their budgets realigned. *Car Parking income sits within the External Operations Directorate and has not had its budget changed in the preceding two years, despite the pressures experienced by COVID. The projected forecast was more optimistic, and this adjustment provides a more realistic figure that reflects the challenges within the service. The figure was reduced in the budget setting process for 22/23 but following analysis of the data as part of the Qtr1 process it is considered prudent to reduce it further. Car Parking income is predicting to be lower by about £302k at the end of the financial year.*
- The External Operations Directorate have also looked across the whole range of services to see if this budget loss can be covered by realigning budgets in other areas or producing savings to mitigate against it. Budgets will be realigned across commercial services, building control, fleet management and other contractual services to alleviate this and reduce the pressure. As of Qtr1 each Directorate is looking within its own services to make those savings but this might broaden out as we move through the financial year.
- A request was made for a table to be produced via the [Written Answer Tracker](#) to clearly explain how the variances had been arrived at.
- Car Parking income is ring-fenced and cannot be used to bolster other services within the council. It can only be spent on car park related projects and should not be seen as an income generating “cash-cow”.
- It was queried why the car parking income had reduced and what impact this had on Council services? *So far in this financial year there has been no free car parking, so there has been no loss of income due to this. Covid has played a significant part in the reduction of car parking income. Pre-covid habits have yet to return and there is still a reluctance to utilise the car parks in the town centres. There are less people travelling and returning to work, as more are choosing to work from home.*

- Cllr John Hassall also mentioned that the Park and Ride had increased whilst the Toneway repairs were underway, and people were taking advantage of the free fares. Once the fares were re-implemented the income would be generated for SCC as they manage the service not SWT. Chris Hall pointed out that while the failure to generate income via car-parking was causing one Performance Indicator (PI) to fail, it would alternatively mean that SWT was delivering on its climate change ambition by encouraging Active Travel and more sustainable forms of transport.
- What is the financial risk going forward?
Fuel costs have increased due to inflation. (Highlighted in Para 8.4 report). There has been a 45% increase in the price of fuel – petrol/diesel which is going to cause a significant pressure on budgets. The risks and predicted out-turn are in the report and are being closely monitored.
- Pre-App planning advice is delivered at net cost so is not income generating to the council.
- The current budget did not predict the rates of inflation now being experienced and significantly underestimated them. Comment from the S151 Officer, Paul Fitzgerald was that although SWT has a predicted overspend, it is not as bad as expected. This is being mitigated and SWT has healthy balances in reserves. In the fullness of time, as we progress through the year some adjustments will need to be made, but at the moment the losses and gains are balancing out and SWT is managing to withstand the financial pressures. SMT is planning to come in on budget and is doing everything it can to deliver that.

The Committee noted the report.

(Prop: Cllr Coles / Sec: Cllr Whetlor Unanimous

Cllr Thwaites did not vote as left the room during the discussion.

42. **Corporate Performance Report for Quarter 1 2022/23 (30 June)**

The Corporate Performance Report was introduced by Cllr Benet Allen and presented by Malcolm Riches.

Comments from the committee were as follows: -

- Cllr Lisgo queried the number of complaints relating to each category and if these were broken down into relevant themes and “flavours”. (Page 49) She asked if there could be a more explicit breakdown to determine the areas of the business which were experiencing pressure and that this be circulated to the Committee. Unfortunately, this can’t be discerned from the table in the existing format. Alison North agreed to provide a written response. Passed to the [Written Answer Tracker](#) for follow up.
- Cllr Farbahi queried whether the Council’s adoption of the CNCR policy was going to cause significant pressures, and would it change? *There are no plans to change the CNCR policy which is a corporate priority.*

There were no further questions at this stage, so the Chair closed the meeting.

(The Meeting ended at 8.05 pm)

SOMERSET WEST AND TAUNTON COUNCIL
CORPORATE SCRUTINY COMMITTEE RECOMMENDATION TRACKER 2022/23

Date of Cttee	Scrutiny Recommendation	Decision Maker /Directorate Responsible	Final Decision/ Response to recommendation/	Date of response	Implemented?	Officer Comments/Update
06/07/22 Page 13	Prop: Farbahi / Sec: Firmin to bring forward the Catapult report to Corporate Scrutiny in August for the Committee to debate.	Portfolio Holder for Econ Dev, Planning and Transportation – Cllr Mike Rigby	<p>Members have had an opportunity to understand and discuss the report at a member briefing which was conducted on the 8 March 2022. It was agreed that the report would be circulated following that briefing via mod.gov.</p> <p>The report contains general recommendations for all Innovation leaders and businesses in SWT – There is no requirement for SWT Council to make a key or budget decision</p>	20/07/22	No	Following a discussion with the PFH, Cllr Rigby wants the team to focus on the upcoming Innovation Conference and therefore does not support this coming back to Scrutiny for a re-run of the Member briefing, a recording of which is available for anyone who was not present.

Total Recommendations for 22/23: 1

Agreed:

Agreed in Part:

Not Agreed: 1

SOMERSET WEST AND TAUNTON COUNCIL
CORPORATE SCRUTINY COMMITTEE WRITTEN ANSWERS TRACKER 2022/23

Date of Cttee	Scrutiny Cttee Request for information	Decision Maker /Directorate Responsible	Response to request for information	Date of response	Scrutiny Officer Comments/Update
01/06/2022	Decision taken under the Emergency Rule – <i>Further information requested regarding costings etc</i>	Cllr Benet Allen / Chris Hall	Questions relating to the Coal Orchard Development. Due to commercial sensitivity these will be made available to Councillors confidentially after the public meeting.	06/06/2022	Answers provided by Joe Wharton and uploaded to MOD.GOV.
01/06/2022	Committee asked for further updates on the phosphate situation. <i>Would like a special Scrutiny meeting to highlight these issues.</i>	Mike Rigby / Chris Hall	<p>A members briefing has been set up to take place on 28 July to look at Phosphates and the current five-year housing land supply. The slides from the briefing will be made available afterwards for those who are unable to attend. Chris Hall has also highlighted that the Phosphates on the Somerset levels and moors (somerwestandtaunton.gov.uk) webpage does address most of the concerns.</p> <p>The correct platform for debating phosphate issues is the SWT Phosphates Planning Sub-Committee.</p>	08/06/2022	Answers provided by Chris Hall and Sam Murrell.

<p>06/07/2022</p> <p style="text-align: center;">Page 16</p>	<p>Corporate Performance Report: High proportion of planning refusals have been overturned by the Planning Inspectorate.</p> <p><i>(Page 266 & 272 Agenda) Flagged Red.</i></p> <p><i>Can a breakdown be provided on the proportion of decisions that have been overturned by the Planning Inspectorate following appeals from applicants?</i></p> <p><i>A) Can this be split between officer delegated decisions and those that were determined by the Planning Committee.</i></p> <p><i>B) Have any successful appeals resulted in the awarding of costs to the applicant?</i></p>	<p>Mike Rigby / Chris Hall (Planning)</p>	<p>The Local Planning Authority has received 20 appeal decisions from the Planning Inspectorate for the period from 1 January 2022 to 30 June 2022. Of these 6 were allowed (equating to 30% of appeals determined in this period). This compares with the target against which performance is measured corporately of 33% which is the national average of appeals allowed.</p> <p>Of those allowed in this period, two were appeals following decisions by the Planning Committee, one of which resulted in a costs award to the applicant. The quantum is yet to be determined – the process is that the applicant must submit their costs and for the Council to determine whether they are reasonable. In the event of a disagreement, it then goes for independent taxation.</p>	<p>25/07/2022</p>	<p>Answers provided by Julie Harcombe / Rebecca Miller and Alison Blom-Cooper</p>
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<p>06/07/2022</p>	<p>Corporate Performance Summary: Our Environment and Economy <i>(Page 264, Item 1)</i></p> <p>“A low-carbon, clean, green and prosperous district that attracts high quality employment opportunities and encourages healthy lifestyles”</p> <p><i>Is it possible to provide examples of high-quality companies being attracted to SWT in the last year?</i></p>	<p>Mike Rigby / Chris Hall (Econ Regen)</p>	<p>SWT do not currently measure the number of high-quality employment new businesses moving into the district. However, in January 2022 SWT purchased a licence to a business data platform, which will enable reporting of various statistics relating to business health and growth in the district. The Economic Development Team are exploring the reporting capabilities of the software. Currently, we are unable to provide a figure in response to the question. The Economic Development team with partner organisations, continue to market SWT to inward investors and account manage inward investment enquiries.</p> <p><i>“This period has seen the completion of a new promotional inward investment-focused website for the district and production of an investment video as part of a ‘SWITCH’ campaign, inviting potential investors to switch to Somerset West and Taunton. The campaign highlights the area’s locational, strengths as well as current growth -industries such as healthcare and med-tech, the circular economy, digital and creative, global marine and current construction opportunities in the energy sector.</i></p> <p><i>12 business ambassadors from varying sectors of the economy have also been recruited to act as business ambassadors for the area.</i></p> <p><i>A launch event with a key business audience of commercial agents and developers took place in May 2022. This has formed a key part of the delivery of the Marketing and Communications plan for Inward Investment.”</i></p> <p>(Excerpt from Cllr Rigby’s latest PFH report)</p>	<p>25/07/22</p>	<p>Lisa Tuck</p>
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06/07/2022	Can an explanation / update be provided on the Economic Development Initiatives Ear Marked Reserve?	Mike Rigby / Chris Hall (Econ Regen)	<table border="1"> <tr> <td colspan="2">Economic Initiatives EMR (BE019)</td> </tr> <tr> <td colspan="2">2022/23</td> </tr> <tr> <td>Opening Balance</td> <td>(642,538.36)</td> </tr> <tr> <td>Emergency Town Centre Fund</td> <td>50,000.00</td> </tr> <tr> <td>Budget 22/23 Contribution</td> <td>372,000.00</td> </tr> <tr> <td>Provision for Grant</td> <td>80,000.00</td> </tr> <tr> <td>Innovation Districts</td> <td>50,000.00</td> </tr> <tr> <td>Taunton Town Centre</td> <td>50,000.00</td> </tr> <tr> <td>Taunton Together</td> <td>25,000.00</td> </tr> <tr> <td>Closing Balance</td> <td>(15,538.36)</td> </tr> </table>	Economic Initiatives EMR (BE019)		2022/23		Opening Balance	(642,538.36)	Emergency Town Centre Fund	50,000.00	Budget 22/23 Contribution	372,000.00	Provision for Grant	80,000.00	Innovation Districts	50,000.00	Taunton Town Centre	50,000.00	Taunton Together	25,000.00	Closing Balance	(15,538.36)	22/07/22	Kerry Prisco
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06/07/2022	Can further information be provided on what the Employment Land Schemes and Williton Shooting Club capital programmes will be spent on?	Mike Rigby / Chris Hall (Econ Regen)	The Employment Land Schemes capital programme is currently looking at potential employment sites in Minehead, but SMT have deferred any capital expenditure requests until Unitary. The Williton Shooting Club was a Hinkley funded project which was completed historically, and the unused budget was returned last year.	22/07/22	Kerry Prisco																				

06/07/2022	<p>General Fund Outturn Report: Capital Programme (<i>Page 322</i>). Economic Regeneration Initiatives</p> <p><i>Can a list be provided of how much has been spent on consultancy and to whom?</i></p>	Cllr Benet Allen / Paul Fitzgerald	A comprehensive breakdown of consultancy fees has been emailed to the Corporate Scrutiny Committee.	02/08/22	Paul Fitzgerald
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03/08/2022	<p>Taunton Garden Town Update: Query from Cllr Hassall regarding possible conflict between introducing a bus lane into East Street Taunton whilst making it a pedestrianised area.</p> <p><i>Is there any update on the current position?</i></p>	Cllr Mike Rigby / Sarah Ellwood (Project Manager – Active Travel and Regeneration).	<p>In 2020, during the closure of East St to general traffic to allow social distancing, SWT embarked on a project to explore possible concept designs for a longer term pedestrianisation of East St. Following highly successful stakeholder workshops in summer 2021, concepts for restricting general traffic on East St to allow safer, more accessible active travel and public realm improvements were created and shared with SWT Executive in October 2021. Further work has been carried out to assess impact on people with protected characteristics under the Equalities Act 2010.</p> <p>Although there are still strong aspirations to offer some form of pedestrianisation on East St, no budget for capital delivery has been assigned. SCC has, however, in recent months been successful in receiving funding for a Bus Service Improvement Plan (BSIP) which is highly likely to impact East St and the surrounding area. SCC colleagues responsible for BSIP have assured SWT officers that the East St proposals will be considered when exploring the potential for bus service improvements for the town centre and we will remain involved in the feasibility work.</p>	08/08/22	Jenny Clifford / Sarah Ellwood
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01/09/2022	<p>General Fund: Financial Performance Report Qtr1</p> <p>Cllr Lisgo queried how the virements within the External Operations had been arrived at.</p> <p>Can there be a clearer representation of the variances within that Directorate which clearly show the movement of the budgets? Ref Page 32 of the report. Can a table please be provided?</p> <p>Can this be circulated to the Committee.</p>	<p>Cllr Benet Allen / Internal Operations</p> <p>Chris Hall External Operations</p>	<p>The table identifies that the £302k virement is made up of some reductions in parking enforcement activity, savings identified in Street Scene, some savings and increased income from Parks and Open Spaces, and some savings and additional income from Bereavement Services. The largest single movement is created by increased income in bereavement services, this is a demand led service and in year changes in income are not uncommon. As a reminder these efficiencies against the budget are being used to support a reduction in income from off street car parking.</p> <p>Commercial Services 22-23 Budget Review</p> <table border="1" data-bbox="891 874 1686 1241"> <thead> <tr> <th></th> <th>Parking & Enforcement</th> <th>Street Scene</th> <th>Parks and Open Spaces</th> <th>Bereavement Services</th> </tr> </thead> <tbody> <tr> <td>Expenditure Budgets</td> <td>-£20,040</td> <td>£60,000</td> <td>£42,000</td> <td>-£20,000</td> </tr> <tr> <td>Income Budgets</td> <td>£302,040</td> <td>£0</td> <td>£10,000</td> <td>-£150,000</td> </tr> <tr> <td>Net</td> <td>£282,000</td> <td>£60,000</td> <td>£52,000</td> <td>-£170,000</td> </tr> </tbody> </table> <p>This table has been added to the Executive report and Scrutiny's comments have been referenced.</p>		Parking & Enforcement	Street Scene	Parks and Open Spaces	Bereavement Services	Expenditure Budgets	-£20,040	£60,000	£42,000	-£20,000	Income Budgets	£302,040	£0	£10,000	-£150,000	Net	£282,000	£60,000	£52,000	-£170,000	14/09/22	Chris Hall / Kerry Prisco
	Parking & Enforcement	Street Scene	Parks and Open Spaces	Bereavement Services																					
Expenditure Budgets	-£20,040	£60,000	£42,000	-£20,000																					
Income Budgets	£302,040	£0	£10,000	-£150,000																					
Net	£282,000	£60,000	£52,000	-£170,000																					

<p>01/09/2022</p> <p style="text-align: center;">Page 22</p>	<p>Cllr Lisgo/Lloyd: Corporate Performance Report Qtr1 – Can a breakdown be provided of the different Directorate complaints? This is to enable a clearer view on where there may be pressures in the business and tweak out common themes.</p>	<p>Cllr Benet Allen / Internal Operations</p>	<p>Examples of the types of complaints for each directorate are:</p> <p>Internal Operations: Council Tax recovery, handling of calls, website issues, claim decisions for discounts/exemptions/benefits and processing times.</p> <p>External Operations: Response time to reports, communication on ongoing cases, standard of service and parking machine faults.</p> <p>Housing & Communities: Timescales for repairs/upgrades, standard of work, communication issues and perceived lack of action regarding ASB.</p> <p>Development & Place: Planning; timescales for decisions, handling of applications and perceived lack of action regarding breaches.</p>	<p>14/09/22</p>	<p>Alison North / Malcolm Riches and Jess Thomas</p>
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	CORPORATE SCRUTINY		
Meeting	Draft Agenda Items	Lead PFH/ Lead Officer	Exec Report?
5 October 2022	Update on LGR - with presentation	PFH Sarah Wakefield / Alison North	
SRD - 23 September	Flooding projects (Scrutiny request Jul 22)	Jonathan Stevens	No
Exec RD - 7 Oct			
Informal Exec RD - 6 Sept			
SMT RD - 24 August			
2 November 2022	Update on LGR (via zoom)	PFH Sarah Wakefield	No
SRD - 21 Oct	Update on Somerset County Cricket Club	CEO Gordon Hollins SCCC	Yes
Exec RD - 4 Nov	Firepool Design Guidance and Masterplan	Graeme Thompson / PFH Planning & Transport - Mike Rigby	
Informal Exec RD - 4 Oct	ANY FURTHER ITEMS TO BE APPROVED		
SMT RD - 21 Sept			
7 December 2022	Update on LGR (via zoom)	PFH Sarah Wakefield	
SRD - 25 Nov	GF Financial Performance 2022/23 Q2	Kerry Prisco / PFH Corporate Resources - Benet Allen	Yes
Exec RD - 9 Dec	Corporate Performance Report Q2	Malcolm Riches / PFH Corporate Resources - Benet Allen	Yes
Informal Exec RD - 8 Nov			
SMT RD - 26 Oct			
4 January 2023			
SRD - 15 Dec			
Exec RD - 6 Jan			
Informal Exec RD - 6 Dec			
SMT RD - 23 Nov			
1 February 2023	Update on LGR (via zoom)	PFH Sarah Wakefield	
SRD - 20 Jan			
Exec RD - 3 Feb			
Informal Exec RD - 3 Jan			
SMT RD - 14 Dec			
1 March 2023	GF Financial Performance 2022/23 Q3	Kerry Prisco / PFH Corporate Resources - Benet Allen	Yes
SRD - 17 Feb	Corporate Performance Report Q3	Malcolm Riches / PFH Corporate Resources - Benet Allen	Yes
Exec RD - 3 March			
Informal Exec RD - 1 Feb			
SMT RD - 18 Jan			

EXECUTIVE

Executive Meeting	Draft Agenda Items	Lead Officer
19 October 2022	New Regulatory Services Enforcement Policy 2022-2023	Jo Toogood
venue =		
Exec RD = 7 October		
Informal Exec RD = 6 September		
SMT RD = 24 August		
16 November 2022	Firepool Design Guidance and Masterplan	Graeme Thompson
venue =	Low Carbon Retrofit Strategy and Action Plan	Chris Brown
Exec RD = 4 November	Governance for Taunton Garden Town	Jenny Clifford
Informal Exec RD = 4 October		
SMT RD = 21 September		
21 December 2022	GF Financial Performance 2022/23 Q2	Kerry Prisco
venue =	HRA Financial Performance 2022/23 Q2	Kerry Prisco
Exec RD = 9 December	Corporate Performance Report Q2	Malcolm Riches
Informal Exec RD = 8 November	Connecting our Garden Communities	Graeme Thompson
SMT RD = 26 October		
18 January 2023		
venue =		
Exec RD = 6 January		
Informal Exec RD = 6 December		
SMT RD = 23 November		
15 February 2023		
venue =		
Exec RD = 3 February		
Informal Exec RD = 3 January		
SMT RD = 14 December		
15 March 2023	GF Financial Performance 2022/23 Q3	Kerry Prisco
venue =	HRA Financial Performance 2022/23 Q3	Kerry Prisco
Exec RD = 3 March	Corporate Performance Report Q3	Malcolm Riches
Informal Exec RD = 1 February	Firepool Design Guidance and Masterplan	Graeme Thompson
SMT RD = 18 January		

FULL COUNCIL

Meeting	Report Deadline	Draft Agenda Items	Lead Officer
29 September 2022	20 September 2022	Community Governance Review for the Unparished Area of Taunton	Marcus Prouse/Kevin Williams
Special Meeting		NO MORE ITEMS	
25 October 2022	13 October 2022	West Monkton and Cheddon Fitzpaine Neighbourhood Plan	Ann Rhodes
Special Meeting		NO MORE ITEMS	
06 December 2022	24 November 2022	PFH Reports	
		Review of the Commercial Property Investment Activity and Performance Report	Joe Wharton
		Appointment of Returning Officer for Taunton Parish Council Elections	Marcus Prouse/Kevin Williams
		Low Carbon Retrofit Strategy and Action Plan	Chris Brown
		Treasury Management 2021/22 Annual Report and Q1 2022/23	John Dyson
07 February 2023	26 January 2023	PFH Reports	
		Delegation of Returning Officer for Potential Parish Election 2023	
		Connecting our Garden Communities	Graeme Thompson
28 March 2023	16 March 2023	PFH Reports	
		Scrutiny Annual Reports x 2	
		Audit and Governance Annual Report	
		Firepool Design Guidance and Masterplan	Graeme Thompson

Report Number: SWT 134/22

Somerset West and Taunton Council

Corporate Scrutiny Committee – 5th October 2022

Strategic Flood Alleviation Schemes and Overview of Somerset Rivers Authority and Flood and Coastal Protection Board

This matter is the responsibility of Executive Councillor Dixie Darch

Report Author: Jonathan Stevens, Assistant Director Climate Change Regulatory Services and Asset Management

1 Executive Summary / Purpose of the Report

- 1.1 To update Members on the progress of strategic flood alleviation schemes and projects, as per the request of Corporate Scrutiny Committee at its meeting on 6th July 2022.
- 1.2 To provide Members with an overview of the Somerset Rivers Authority and Flood and Coastal Protection Board, and the Council's strategic involvement in both, as per the request of Corporate Scrutiny Committee at its meeting on 6th July 2022.

2 Recommendations

- 2.1 That Members note the report.

3 Risk Assessment

- 3.1 There are no associated risks with this report.

4 Background and Full details of the Report

- 4.1 At the July meeting of Corporate Scrutiny Committee, Members requested a report be brought forward to provide an update on the progress of non-coastal strategic flood alleviation schemes and projects. The report was asked to focus specifically on work within the Taunton Deane area of the district.
- 4.2 It was also requested that the report covered strategic links between the Council, Flood and Coastal Protection Board and the Somerset Rivers Authority.
- 4.3 **Taunton Strategic Flood Alleviation Improvements**

The existing flood defences within Taunton, built during the late 1960s/early 1970s and modified in the early 1990s are now deteriorating. They will not provide longer term flood protection to the Town, especially when considering climate change predictions for increased rainfall and flood flows.

- 4.4 Currently, there are approximately 1031 properties (residential, commercial and infrastructure buildings) at risk from river flooding in Taunton from the 1% Annual Exceedance Probability (AEP) flood. The 1% AEP flood has a 1 in 100 chance of occurring once in any one year, taking into account the standard of protection offered by the existing flood defences.
- 4.5 The issue has been exacerbated by climate change, and by 2118, the number of properties at risk of flooding is projected to rise to 2,548.
- 4.6 To protect existing property in Taunton and to allow the town to develop safely, Somerset West and Taunton Council and the Environment Agency began working together in 2014 to produce a long-term strategic solution to reducing flood risk to Taunton and, where possible, the wider catchment.
- 4.7 The partnership was called the Taunton Strategic Flood Alleviation Improvements (TSFAI), and since its inception has been successful in securing funding from the Regional Flood and Coastal Committee: Wessex Levy (£298k), Heart of the South West Local Economic Partnership (£65k), the Somerset Rivers Authority (£665k), Garden Town Communities Local Infrastructure Funding (£300k) and the New Homes Bonus (c. £650k).
- 4.8 The TSFAI partnership's programme of work included three phases:

Phase	Outcomes
One	<p>A flood risk study, identifying:</p> <ul style="list-style-type: none"> (i) areas for improved flood defence walls in Taunton (ii) an area for storing flood water upstream, to provide capacity for the long term (100 years). <p>This study was completed in 2014. The identified solutions required major engineering work to provide the desired level of protection. The capital cost and ongoing maintenance of this was estimated to be upwards of £50million.</p>
Two	<p>A Project Delivery Plan (PDP) with phased 'short term' local intervention solutions that increase flood capacity, pending the longer-term delivery of the larger flood risk reductions identified in Phase One. The local interventions identified were a combination of flood defences and storage.</p>
Three	<p>The delivery of three of the short term (0-10 years) projects identified by SWT and the EA during Phase Two.</p>

- 4.9 On 26 February 2020, SWT Full Council endorsed the strategic and long-term approach set out in the Phase Two work, as well as a commitment to continued partnership working with the Environment Agency to deliver the TSFAI short term measures. £6 million from a Community Infrastructure Levy (CIL) and dedicated project management capacity was made available by SWT to support three of the identified

short-term measures.

- 4.10 The three identified short-term measures are collectively known as Taunton Strategic Flood Alleviation Improvement Schemes (TSFAIS), and are as follows:

Scheme	Overview
<p>TTC5 River Tone Left Bank Flood Defences</p>	<p>A combination of repair, replacement or new flood defences between Frieze Hill and Town Bridge to provide reduced flood risk to key transport routes including the A3027 bridge street, A3027 Staplegrove road and the A3087 station road, and the North Town and Firepool areas of Taunton.</p> <p>This scheme is a partnership between the Environment Agency and SWT.</p>
<p>TTC10 Firepool Lockgate and associated bund between the River Tone and Bridgwater to Taunton Canal</p>	<p>Raising levels of the lockgates and the area around them in conjunction with creating an earthen bund defence between the canal and the river from Firepool to Obridge. This scheme aims to prevent flows entering the canal and reduces flood risk for Priorswood and Crown Industrial Estates and Bathpool.</p> <p>The scheme is led by SWT with Environment Agency support.</p>
<p>LRM Longrun Meadow flood attenuation improvements</p>	<p>Optimisation of the existing flood storage area at Longrun Meadow through new embankments, inlet and outlet to remove excess water from the river and control when the water is put back into the river.</p> <p>The scheme aims to reduce flood risk in Taunton town centre and further downstream including areas of North Town, Firepool, Priorswood and Crown Industrial Estates, Bathpool and benefitting tributary flows reducing flood risk in Tangier area.</p> <p>Led by SWT with Environment Agency support.</p>

- 4.11 Construction of the TTC5 scheme remains on track for 23/24 commencement. In Feb 2022 a Collaborative Agreement between SWT and the Environment Agency was signed and Binnies UL Ltd were appointed via an EA framework as contractors for the detailed design, consents, and permissions work. Ecological surveys, land and visual impact assessment and topographical surveys have been completed, with a planning application due to be submitted during Q2 of this financial year. Approval will enable construction to commence to the original timetable of 23/24.
- 4.12 The full project cost estimates are circa £850k for detailed design, consents and permissions, and circa £1.54 million on construction.

Funding is made up of contributions from the following:

- Wessex Levy
- SRA
- Garden Town Communities Infrastructure
- Flood Defence Grant-in-Aid
- Department of Education
- CIL

4.13 TTC10 is led and project managed by SWT, with support from the EA and J Price Consulting Ltd. The contract for detailed design, consents and permissions was let to WSP Engineering Ltd in August 2021. WSP completed preliminary studies (ecology, heritage, landscape, etc.) during spring 2022 to support the scheme, and outline design work started in April 2022. All project milestones have been met to date and granting of planning permission is timetabled for Q3 of 2022. This would see commencement of construction in 2023, in line with the initial schedule.

4.14 SWT undertook a public consultation on TTC10 between 11/7/22 and 7/8/22. Officers are now reviewing all responses.

4.15 The full project costs are circa £580k for detailed design, consents and permissions work and circa £1.5 million for construction.

Funding is made up of contributions from the following:

- SRA
- Garden Town Communities Infrastructure
- CIL

4.16 Both TTC5 and TTC10 have faced significant obstacles due to the Covid 19 pandemic, unstable market forces and difficulty in resourcing contractors to undertake the works, but these have been successfully managed within the project by the EA and SWT teams and the projects remain on target for completion within original timescales.

4.17 LRM is led by SWT, with support from the EA. This project has been awaiting project manager capacity to be released, and a PM from the Climate Change and External Operations directorate was assigned in September. The PM will progress the project to detailed design, consents and permissions work, and this will provide up-to-date construction costings and timescales.

It is anticipated that LRM would qualify for Flood Defence Grant-in-Aid monies and, like the other two short-term measures, SWT will be looking for other partnership funding.

4.18 **The Somerset Rivers Authority (SRA)**

The SRA's creation was proposed in the Somerset Levels and Moors Flood Action Plan. The plan was in response to the floods of 2013/14 and recommended the introduction of a 'Somerset rivers board', working with partners and stakeholders to develop a future governance and funding model to protect Somerset from floods. The Somerset Rivers Authority was established in January 2015.

In December 2015, the Department for Communities & Local Government gave Somerset County Council and local district councils the power to raise a shadow precept of up to 1.25% to fund the SRA. This figure has remained since, and the budget for the SRA for 2021/22 was £3.440,000.

Somerset's councils vote on whether they should continue to support shadow precepting on an annual basis.

- 4.19 Partners in the SRA are Mendip District Council, Sedgemoor District Council, South Somerset District Council, Somerset County Council, Somerset West and Taunton Council, the Parrett and the Axe Brue Internal Drainage Boards, the Environment Agency, Natural England and Wessex Regional Flood & Coastal Committee. Representatives of all these bodies sit on the SRA Board, as agreed in the SRA's Local Memorandum of Understanding and Constitution. A copy of this document is included as an appendix to this report.
- 4.20 The SRA oversees the Flood Action Plan, and funds works within Somerset that meet Flood Action Plan objectives. The objectives are as follows:
- Reduce the frequency, depth and duration of flooding.
 - Maintain access for communities and business.
 - Increase resilience to flooding for families, agriculture, businesses, communities, and wildlife.
 - Make the most of the special characteristics of Somerset (with internationally important biodiversity, environment and cultural heritage).
 - Ensure strategic road and rail connectivity, both within Somerset and through the county to the South West peninsula.
 - Promote business confidence and growth.
- 4.21 Via the budget raised by the shadow precept, the SRA provides additional maintenance and improvements to rivers and their catchments above and beyond statutory obligations, as well as structures such as culverts and drains. Works range from major engineering schemes, such as repairing flood relief channels, to small scale works such as emptying a roadside gully.
- 4.22 Projects are put forward for consideration annually by partners, and those approved are delivered as part of an 'Enhanced Programme of Works'. The programme is approved by the SRA Board at a final budget-setting meeting held every March. Actions can also be added during the year.
- 4.23 Areas of the Somerset West and Taunton district that have benefitted from SRA funded or part funded works (aside from TSFAIS) since 2020 include:
- Vegetation clearance and de-silting to West Somerset streams that lie in Rapid Response Catchments.
 - A flood alleviation study at the Blackbird Bends near Wellington.
 - Removal of silt at the outfall pipe, and de-silting streams in Sampford Brett and Woolston Moor.
 - Highways SuDS trials in two areas of Taunton.
 - Installation of a new high-capacity drainage system in Kingston St Mary.

- Funding towards a natural flood management solution for Doniford catchment farms.
- Funding towards a 25-year flood action plan for Minehead.
- Funding towards flooding improvements to the A358 near Combe Florey.

A full list of SRA funded or part-funded works are listed in Appendix 2 of this report.

4.24 Planned schemes for 2022/23 within Somerset West and Taunton are as follows:

- Funding to reduce the risks of flash flooding to homes, roads and Wessex Water infrastructure in the Wellsprings area of north Taunton.
- A new flood warning system for Lane End in Ham and Lipe Lane in Ruishton.

4.25 Several general activities in the SRA's Enhanced Programme of works for 2022-23 will also benefit Somerset West and Taunton, such as the contribution to the Trees for Action Fund, SuDS inspections and extra programmes of highways maintenance.

The SRA also funds an annual enhanced countywide programme of gully emptying, drain jetting, silt trap emptying and trash screen clearing.

4.26 The SRA does not adopt any of its partners' existing statutory responsibilities or accountabilities. It is designed to provide an extra level of flood protection and resilience, above and beyond the usual activities of other Flood Risk Management Authorities, such as councils, Internal Drainage Boards and the Environment Agency. The SRA is not involved in emergency responses, nor it is involved in coastal flood risk activities, but it does raise additional funding for flood alleviation projects.

4.27 SWT play an active role in the SRA Board and are currently represented on the board by Cllr Dixie Darch, Portfolio Holder for Climate Change, and Jonathan Stevens, Assistant Director Climate Change, Regulatory Services and Asset Management. The Board meets monthly.

The board is also supported by two officer working groups: SRA Technical Group and SRA Management Group.

4.28 **SWT Flood and Coastal Protection Board**

SWT hold their own Flood and Coastal Protection Board (F&CPB). The board was also created following the floods of 2013/14. Its formation was requested by Members, as there was a view that flooding issues in West Somerset differed to those in other areas of Somerset.

4.29 The Board aims to provide a link between local people with knowledge and experience of how their communities flood, with the organisations responsible for flood risk management.

4.30 The F&CPB includes representatives from SWT, Somerset County Council, Exmoor National Park Authority, the Environment Agency, Wessex Water, the local Internal Drainage Board, the SRA and West Somerset Flood Group. It is chaired by Cllr Dixie

Darch, Portfolio Holder for Climate Change.

- 4.31 The group's role is one of advocacy, drawing interested parties together for discussion and to seek solutions to flooding issues across the area. The group has no funding, and reports back to SWT via the Chair.

5 Links to Corporate Strategy

- 5.1 The Council's work on flood management and partnership working with other organisations, as detailed in this report, supports the following corporate objectives:
- Shape and protect our built and natural environment, supported by a refreshed Local Plan and develop our heritage, cultural and leisure offer including a clear vision and delivery plan for the Taunton Garden Town.
 - Seek additional funding for new strategic infrastructure and regeneration projects from developers, investors, Government and other funders, which support or enable existing or new communities within our district.

6 Finance / Resource Implications

- 6.1 There are no financial implications arising from this report.

Unitary Council Financial Implications and S24 Direction Implications

- 6.2 There are no financial implications arising from this report.

7 Legal Implications

- 7.1 There are no legal implications arising from this report.

8 Climate, Ecology and Sustainability Implications

- 8.1 There are no climate or ecological implications arising from this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 There are no safeguarding or community safety implications arising from this report.

10 Equality and Diversity Implications

- 10.1 There are no equality and diversity implications arising from this report.

11 Social Value Implications

- 11.1 There are no social value implications arising from this report.

12 Partnership Implications

- 12.1 There are no partnership implications arising from this report.

13 Health and Wellbeing Implications

13.1 There are no health and wellbeing implications arising from this report.

14 Asset Management Implications

14.1 There are no asset management implications arising from this report.

15 Data Protection Implications

15.1 There are no data protection implications arising from this report.

16 Consultation Implications

16.1 There are no consultation implications arising from this report.

Democratic Path:

- **Corporate Scrutiny – 5/10/22**

Reporting Frequency: Once only

List of Appendices (background papers to the report) (delete if not applicable)

Appendix A	Somerset Rivers Authority Local Memorandum of Understanding and Constitution
Appendix B	A full list of SRA funded or part-funded activities that have specifically benefitted the Somerset West and Taunton district since 2020.

Contact Officers

Name	Jonathan Stevens
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Email	j.stevens@somersetwestandtaunton.gov.uk

Local Memorandum of Understanding & Constitution

1. Background and Context

1.1 The Parties

Somerset County Council (SCC), the Axe / Brue and the Parrett Internal Drainage Boards (IDBs), Mendip, Sedgemoor, South Somerset and West Somerset District Councils, Taunton Deane Borough Council, the Environment Agency, Natural England, and the Wessex Regional Flood and Coastal Committee (together the "Parties") comprise the Somerset Rivers Authority (SRA). These Parties, to whom this Local Memorandum of Understanding (MoU) applies, are those agreed to be represented on the SRA Board.

1.2 The Somerset Flood Action Plan

The Parties, together with Defra and DCLG, are committed to reducing flood risk and increasing resilience to flooding in Somerset via implementation of the Somerset Flood Action Plan, including the delivery of its vision for the Levels and Moors (Appendix One). The SRA Board agreed that this will require additional expenditure on water and flood risk management and that this should be secured via an SRA precept.

1.3 Memorandum of Understanding 8th December 2014 and sustainable funding mechanism

Pursuant to the commitment in para 1.2 above, on 8th December 2014 a Memorandum of Understanding was agreed by the local authorities, the IDBs, Defra and DCLG, which confirmed funding totalling £2.7m available to the SRA for 2015/16. That MoU included a commitment to work together to review the options for a sustainable local funding solution for the work of the SRA from 2016/17 onwards, and provide an assessment of the options for consideration by Ministers in July 2015.

In September 2015, it was decided that the preferred funding mechanism was the establishment of the SRA as a precepting body and the Chairman of the SRA wrote to both the Secretaries of State for Environment, Food and Rural Affairs, and for Communities and Local Government with a view to discussing and agreeing how to implement this as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

1.4 Local Government Finance Settlement 2016-17

The Local Government Finance Settlement 2016-17 included the provision of alternative notional amounts for council tax levels so that pending the establishment of the Somerset Rivers Authority as a precepting body, Somerset County Council and all Somerset district councils could set a shadow precept of up to the equivalent of a 1.25% increase in Council Tax, for the purpose of funding the Somerset Rivers Authority.

1.5 This Local Memorandum of Understanding (Local MoU)

This Local MoU document is not intended to be legally binding on the Parties, but the Parties agree to the Local MoU, intending to honour their obligations set out in it. It will cover the period up to 31st March 2019. Section 2 of this Local MoU set outs a constitution for the SRA. Information on background papers, technical terms and acronyms, can be found in Appendix 2.

1.6 Term & Amendment

This Local MoU shall come into effect on 1st April 2018, and shall continue in force unless terminated in accordance with this Local MoU. It will be reviewed prior to the end of the financial year, and no later than 31st March 2019.

Proposals for amendments should be communicated to the SRA Senior Manager, no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be circulated for comment and any recommendations made to the SRA Board, and in accordance with its decision-making arrangements decided by a simple majority.

1.7 Previous Arrangements

Prior to this Local MoU, the Parties have worked collaboratively in relation to the Somerset Rivers Authority through a Local MoU dated March 2017. Those arrangements will be superseded by the arrangements put in place under this Local MoU.

Signed by **David Hall** for and on behalf of **Somerset County Council**

Date

Signed by **John Williams** for and on behalf of **Taunton Deane Borough Council**

Date

Signed by **Ric Pallister** for and on behalf of **South Somerset District Council**

Date

Signed by **John Osman** for and on behalf of **Mendip District Council**

Date

Signed by **Anne Fraser** for and on behalf of **Sedgemoor District Council**

Date

Signed by **Brenda Maitland-Walker** for and on behalf of **West Somerset Council**

Date

Signed by **Tony Bradford** for and on behalf of the **Parrett Internal Drainage Board**

Date

Signed by **Jeff Fear** for and on behalf of the **Axe & Brue Internal Drainage Board**

Date

Signed by **John Harris** for and on behalf of the **Wessex Regional Flood & Coastal Committee**

Date

Signed by **Rachel Burden** for and on behalf of the **Environment Agency**

Date

Signed by **Matt Heard** for and on behalf of **Natural England**

Date

2. Somerset Rivers Authority (SRA) - Constitution

2.1 Legal Status of SRA

The SRA will continue as an unincorporated association. This does not require any new statutory powers. In participating in this association, the Flood Risk Management Authorities (FRMAs, see para 2.3.1) are acting in accordance with the co-operation duty under the Flood and Water Management Act 2010, Section 13.

The SRA Board has agreed it is committed to enabling the necessary legislation to be enacted to establish the SRA as an independent precepting body as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long-term funding of the SRA on a statutory basis when parliamentary time allows.

2.2 Purpose of the SRA

2.2.1 To bring together and co-ordinate the Environment Agency, Natural England, the Somerset Internal Drainage Boards (IDBs), the Lead Local Flood and Highway Authority (Somerset County Council - SCC) and the other Somerset local authorities, in their roles as FRMAs

2.2.2 To provide a strategic overview of the continued delivery of the Somerset Flood Action Plan, and Flood Risk and Water Level Management in Somerset

2.2.3 To provide a public forum and single point of contact for collective decision-making in respect of Flood Risk and Water Level Management in Somerset

2.2.4 To identify, prioritise, find funding for and oversee the delivery of additional flood risk and water level management work across the whole of Somerset, over and above that which the FRMAs are able to justify within their existing funding streams and to prepare an annual programme detailing that work, to raise the necessary funds and to oversee its delivery.

2.2.5 To enable the FRMAs to take on a broader role, to ensure that Somerset's flood risk and water level management activity benefits from the collective wisdom, experience and knowledge of all its members;

2.2.6 To undertake the detailed planning and, with government, put in place the necessary arrangements for the establishment of the SRA as a precepting body.

2.2.7 To achieve long-term sustainable flood risk management funding for Somerset

2.3 Scope of Activities

2.3.1 The geographic scope of the SRA is the whole of the area administered by Somerset County Council

2.3.2 The SRA does not diminish the responsibilities of the individual Parties or those of riparian owners. The existing FRMAs and their existing associated funding streams, responsibilities and accountabilities continue, and their existing powers and discretions are unaffected. However, opportunities will be taken to join up delivery where agreed.

2.3.3 The SRA makes publicly available, in one place, information about all the planned inland flood risk and water level management activity in Somerset, funded from Somerset's FRMAs' and other local partners' existing budgets. This information is called the Somerset Common Works Programme.

2.3.4 The SRA prepares an annual Enhanced Programme detailing the additional work outlined in 2.2.4. The SRA commissions the delivery of such actions, details of which in respect of the 2018-19 Enhanced Programme, can be found in Appendix Three.

2.3.5 The SRA co-ordinates the implementation of the Somerset Flood Action Plan whose outstanding actions, are contained in either the Somerset Common Works Programme or the Enhanced Programme.

2.3.6 Public Sector Co-operation Agreements under the Flood & Water Management Act 2010 section 13(4) will be used as appropriate.

2.3.7 Where works are undertaken by a Party, the practices and procedures of that Party shall apply. Each of the Parties shall take responsibility for its own liabilities, including insurance; e.g. through appropriate insurance cover or indemnity of Members and officers.

2.3.8 The SRA will not include within its scope, activities associated with emergency response and recovery or coastal flood risk.

2.4 Funding

2.4.1 Funding totalling £2.87m will be available to the SRA for 2018/19, which will be raised by Somerset's local authorities and the Parrett and Axe/Brue Drainage Boards as follows:

Authority	Contribution – subject to budget setting decisions
Somerset County Council	£2,506,900
Taunton Deane BC	£72,186
Sedgemoor DC	£72,140
Mendip DC	£72,862
South Somerset DC	£110,978
West Somerset C	£24,795
Somerset Internal Drainage Boards	£20,000
Total	£2,879,861

2.4.2 The Heart of the South West LEP Growth Deal funding totalling £13.1m is available to SCC as the accountable body for the SRA for the 6-year period 2015/16 – 2020/21

2.4.3. SCC will account for the use of all funds to the Parties as set out in para 2.7

2.5 Host Authority

2.5.1 As recipient and accountable body for the funding contributions from Somerset's local authorities, SCC shall act on behalf of the SRA Board as Host Authority. In particular it shall:

- Provide the services of its Chief Financial Officer and Monitoring Officer at no cost;
- Provide accounting, financial analysis, accounts payable and receivable.

- Provide procurement services to all contracts SCC awards on behalf of the SRA and, on request, on those of the SRA's delivery partners as required.
- Employ any Host Authority staff and provide HR and IT services in support of them and the SRA website;
- Respond to requests for information;
- Carry out such other functions as may be agreed.

2.5.2 The costs of the Host Authority in this role shall be covered by the funding available to the SRA, and shall be separately identified in the SRA budget for the year as shall any interest accruing in respect of funding made available at the beginning or during the year.

2.5.3 The SRA shall, where relevant and unless otherwise agreed, operate in accordance with Host Authority practices and procedures, including the following:

- Procedural standing orders for the conduct of meetings;
- Financial regulations;
- Equalities policies;
- Policies for dealing with access to information and data protection.
- Employment Policies
- Formal decision-making procedures

2.6 Conduct of SRA Board Members

Members of local authorities, IDBs and Regional Flood and Coastal Committees are bound by their own codes of conduct, as are staff of the Environment Agency and Natural England. SRA board members, including any co-opted members, will in particular need to comply with the principles of the Host Authority's Members' code of conduct as it applies to the declaration of interests, and compliance with the principles of public life set out by the Nolan Committee on Standards in Public Life.

2.7 Obligations

2.7.1 As the accountable body for the funding, SCC shall ring fence the funding, provide quarterly information on spend to date against budget and interest accrued to the SRA Board. In particular, SCC will apply its normal financial probity and accountability controls, and will maintain reliable, accessible and up to date accounting records with an adequate audit trail for at least six years.

2.7.2 The other Parties shall pay to the Host Authority their contribution (see para 2.4.1) on 1st April 2018, following receipt of an invoice from the Host Authority, and shall provide timely information relating to progress, costs, benefits and impacts in connection with their roles as delivery partner in relation to the SRA 2018/19 Enhanced Programme (see Appendix Three).

2.7.3 The Parties shall, by 31st March 2018, agree the budget for 2018-19, arrangements as to the way in which SRA funding for 2018-19 shall be spent, managed and accounted for. These shall include mechanisms for handling any underspends against budget, for managing the risk of cost increases, and for facilitating the flow of funding from SCC to meet agreed expenditure incurred by another Party.

2.7.4 SCC will settle all payments within 30 days of agreement and submission.

2.8 Member Organisations (The Parties)

Somerset County Council, the Axe / Brue and the Parrett IDBs, Mendip, Sedgemoor, South Somerset and West Somerset District Councils, Taunton Deane Borough Council, the

Environment Agency, Natural England, and the Wessex Regional Flood and Coastal Committee.

2.9 SRA Board

2.9.1 Composition of Board: One representative per member organisation, except for the IDBs that shall each have two, totalling 13 members.

2.9.2 Authority of Board: The SRA Board has the authority to;

- Agree the SRA annual Enhanced Programme and authorise SCC to release SRA funding for the delivery of its current year's activities;
- Endorse programmes that reduce both the risk and impact of flooding and other activities supporting the delivery of the Vision and the Flood Action Plan to be carried out by the Parties;
- Determine the scope of services provided by SCC as Host Authority.

2.9.3 Appointment of Board Members and Period of Office: The Parties have appointed representatives to serve as members of the SRA Board. Board members shall hold office until written notification of their removal and / or replacement is received by the Host Authority, or shall cease with immediate effect if they cease to hold office within that member organisation.

2.9.4 Nomination of Deputies to Attend Meetings: Each of the Parties shall nominate a deputy for its appointed Board member, to attend and to vote at any meeting of the Board in place of the appointed Board member, who for any reason is unable to attend.

2.9.5 Appointment of Chair and Vice-Chair: The SRA Board elected a Chair and a Vice-Chair who are members of the Board on July 21st 2017. They will hold office until they cease to be members of the Board or until July 21st 2019, whichever is the earlier and an election will be held at the next meeting of the Board to appoint their successors. If neither the Chair nor Vice-Chair is present, then a member shall be elected from those present to act as Chair for that meeting.

2.9.6 Co-option of additional Board Members: The SRA Board shall have the power to appoint additional non-voting members to the Board. The process for co-option is to invite expressions of interest following agreement to do so by the SRA Board. Any expressions of interest would need to be accompanied by a curriculum vitae setting out relevant skills and experience of the invited individual or representative of the invited organisation. To ensure that adequate time is available for consultation on any co-option proposal any expressions of interest should be forwarded to the SRA Senior Manager, for circulation to Board Members for comment no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be put as recommendations to the SRA Board, and in accordance with its decision-making arrangements, decided by a simple majority.

2.9.7 Voting: Decisions to be made by a simple majority of voting members attending. In the event of a tied vote, the Chair shall have a casting vote. In the event of a disclosable pecuniary interest and/or a prejudicial interest arising, a member will need to abstain from participation in accordance with normal practice.

2.9.8 Quorum: A minimum of 9 voting members, including the accountable body for the funding.

2.9.9 Access to Meetings and Information: SRA Board meetings will be open to the public. Papers will be published on the SRA website 5 clear working days prior to meetings. Minutes of Board meetings will also be published on the website.

2.9.10 Public Speaking and Questions: Guidance is published on the SRA website as follows:

“Public Question Time

You may ask questions and/or make statements or comments about any matter on the agenda. The length of public question time will be no more than 30 minutes in total, unless extended at the discretion of the Chair.

If you wish to speak at the meeting then you will need to submit your statement or question in writing at least two clear working days ahead of the meeting. This can be done by sending an email to sra@somerset.gov.uk

A slot for Public Question Time is set aside near the beginning of the meeting. However, questions or statements about any matter on the agenda for this meeting may, at the chair’s discretion, be taken at the time when each matter is considered.

You must direct your questions and comments through the Chair. You may not take direct part in the debate, unless invited to do so by the Chair.

The Chair will decide when public participation is to finish.

The amount of time you speak will be restricted normally to two minutes only, although it can be extended at the discretion of the Chair.”

2.9.11 Frequency of Meetings: A calendar of meetings for each Board year will be approved by the Board and published by the beginning of each financial year. Full Board meetings are held quarterly and extra meetings will be called in the event of an urgent decision.

2.9.12 Attendance at Meetings: Each of the Parties shall be responsible for meeting any remuneration, costs and expenses associated with attendance at meetings.

2.10 Officer Support and Availability of Information

2.10.1 Where appropriate, the Parties shall make such of their officers and their information available for the purposes of the SRA, and for the Host Authority to meet its responsibilities, and in particular for updating and implementing the Flood Action Plan, the outstanding works of the SRA 2015/16, 2016/17 and 2017/18 Enhanced Programmes, the SRA 2018/19 Enhanced Programme and Somerset’s Common Works Programme.

2.10.2 An officer management group has been set up to oversee the delivery of the SRA’s Enhanced Programmes and the outstanding actions of the Flood Action Plan. Their terms of reference are set out in Appendix Four and members of the SRA Management Group are senior officers as follows:

- Paula Hewitt (Chair), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- Brendan Cleere, Taunton Deane District Council and West Somerset Council
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Michele Cusack, Somerset County Council
- Ben Thorne, Farming and Wildlife Advisory Group, South West
- Donna Gowler, Natural England
- Nick Stevens, Somerset Consortium of Drainage Boards
- Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

2.10.3 An officer technical group has been set up in support of the Board. Their terms of reference and membership are set out in Appendix Four

2.11 Delegations / Urgent Business

2.11.1 The SRA delegations are outlined in Appendix Five.

2.12 Dispute Resolution

2.12.1 All disputes between the Parties on the meaning and interpretation of the constitution, and all disputes or differences in any way arising from the constitution, shall in the first instance be referred to the next meeting of the SRA Board for resolution.

2.12.2 In the event that the dispute is not resolved through this mechanism, it shall be referred to a mediator in accordance with the CEDR Model Mediation Procedure.

2.12.3 All parties shall use their reasonable endeavours to conclude the mediation with 40 business days of referral of the dispute to mediation.

2.12.4. If the dispute is not resolved in accordance with para 2.12.2 within 40 business days, it shall be referred to an arbitrator to be agreed between the parties in dispute, and failing agreement, to an arbitrator appointed by the President of the Chartered Institute of Arbitrators, and the Arbitration Act 1996 shall apply to any such arbitration.

2.13 Withdrawal / Termination

2.13.1. In order to withdraw from the SRA, any Party shall give not less than 3 months' notice in writing to the Host Authority to expire on 31st March in any year.

2.13.2. The Parties may agree to wind up the SRA through a decision of the SRA Board by giving not less than 3 months' notice to the Host Authority.

2.13.3 If a Party serves notice to withdraw under para 2.13.1 above, or the Parties agree to wind up the SRA under para 2.13.2 above, the Host Authority shall arrange with that Party or the Parties, such operational, administrative and financial arrangements as may be agreed between the Parties.

2.13.4. A Party withdrawing from the SRA, or the Parties winding up the SRA, shall be entitled to receive a fair share of any assets held, offset by any liabilities, to be agreed between the Parties, at the date of the withdrawal or winding up, to be received when those assets are able to be realised.

2.13.5 In the event of the Parties winding up the SRA all redundancy liabilities for directly employed SRA staff will, in the first instance, be met using remaining SRA funds. Should the SRA funds be insufficient then the funding partners (as set out in paragraph 2.4.1) will share the remaining liabilities across the funding partners in the same proportion as their annual contribution as at the start of that financial year.

2.14 Overview and Scrutiny

2.14.1 A joint Scrutiny Panel has been established, comprising 2 members from each local authority and 1 member of each Internal Drainage Board, to oversee and scrutinise the activities of the SRA.

2.14.2 Officer support and administrative services for the joint scrutiny panel will be provided by Somerset County Council's Democratic Services team.

Appendix Two: Background Papers, Glossary of Terms & Acronyms

A1.1 Background Papers

- Background papers can be found on the Somerset Rivers Authority website at www.somersetiversauthority.org.uk

A1.2 Technical Terms

- **Prejudicial Interest** - An interest of an individual Board member, which could be perceived to represent a conflict of interest with any matter considered by the Board
- **Public Sector Co-operation Agreements** - The Flood and Water Management Act 2010 enables an FRMA to arrange for a flood risk management function to be exercised on its behalf by another risk management authority. This can be done under a Public Sector Co-operation Agreement.
- **Riparian Owner** - An owner of land or property adjoining a watercourse.

A1.3 Acronyms

- BC Borough Council
- CEDR Centre for Effective Dispute Resolution
- DC District Council
- DCLG Department for Communities and Local Government
- Defra Department for the Environment, Food and Rural Affairs
- FRMA Flood Risk Management Authority
- HR Human Resources
- IDB Internal Drainage Board
- IT Information Technology
- MoU Memorandum of Understanding
- SCC Somerset County Council
- SRA Somerset Rivers Authority

Appendix B

A full list of SRA funded or part-funded activities that have specifically benefitted the the Somerset West and Taunton district since 2020.

- Extensive pioneer and maintenance dredging of the River Parrett upstream and downstream of Burrowbridge, over several years, and silt monitoring along the Parrett and Tone.
- Dredging of Haymoor Main Drain and Tank Rhyne, which take water to Currymoor Pumping Station.
- Repairs to the River Avill Flood Relief Channel between Dunster and the sea.
- Vegetation clearance along West Somerset streams in rapid response catchments (such as Bratton Stream in Minehead, Doniford Stream, Horner Water, Traphole Stream and Washford Stream).
- Dulverton Weir and Leat improvement investigations.
- Part-funding for two innovative schemes of river and floodplain restoration and habitat improvement on the National Trust's Holnicote estate in the Selworthy area and across 125 hectares of Tivington Farm.
- Natural flood management schemes at places including Beggearn Huish, Bishop's Lydeard, Brompton Ralph, Combe Sydenham, Compartment 28 and Tim Wood upstream of Roadwater, Cothelstone, Croford, Crowcombe, Fitzhead, Halse, the National Trust's Holnicote estate (numerous initiatives in places such as Dunkery Beacon and around Selworthy), Hoccombe, Lower Lovelynych, Lower Vexford, Luxborough, the Marcombe valley near Ashbrittle, Milverton, Nynehead, Oake, Pitminster, Poundisford, Staple Fitzpaine, Staplegrove, Thorne St Margaret, West Bagborough and West Buckland.
- Many natural flood management activities to help slow the flow of water down through catchments have been carried out as a result of online auctions for SRA grants. In 2021-22, to cite just the most recent year, places included Blagdon Hill, Burrowbridge, Cheddon Fitzpaine, Dunster, Durston, Lydeard St Lawrence, Milverton, North Curry, Nynehead, Oake, Pinksmoor, Rumwell, Staplegrove, Stoke St Gregory, Tolland, Wellington, Wellisford and West Monkton.
- Grants given through the Trees for Water Action have enabled groups of local people to plant trees and hedges to help reduce flood risks arising from surface water run-off. Places to benefit in 2021-22 included Bishop's Lydeard, Bradford-on-Tone, Gotton, Holywell Lake, Kingston St Mary, North Curry and Stoke St Gregory.
- Highways referrals (in which answers to road flooding problems are sought in better management of land nearby) in places including Bilbrook, Brushford, Carhampton, Dulverton, Horner, Kilve, Luxborough, Minehead, Monksilver, Nettlecombe, Porlock, Roadwater, Selworthy, Stogumber, Stogursey, Washford, West Luccombe and Williton.

- Soil visits (whose aim is encouraging better soil husbandry to reduce surface water run-off) in places including Bishop's Lydeard, Brompton Regis, Combe Florey, Carhampton, Corfe, Croford, Durston, Exford, Kingston St Mary, Leighland, Lower Holway, Luccombe, Pinksmoor, Preston Bowyer (B3227), Sherford, Staple Fitzpaine, Stogumber, Stogursey, West Bagborough and Winsford.
- In 2021-22 a Doniford Stream catchment project led to natural flood management schemes in Bicknoller Combe, Stogumber, Triscombe, and Williton.
- A major review of Sustainable Drainage Systems (SuDS) covered sites in Bishop's Hull, Carhampton, Creech St Michael, Minehead (x2), Bishop's Hull, Norton Fitzwarren, Taunton and Wellington.
- SuDs inspections in 2021-22 checked sites in Bishop's Lydeard, Comeytrove, Cotford St Luke, Creech St Michael, Henlade, Monkton Heathfield, North Curry, Taunton, Stogursey, Stoke St Gregory, Williton, Wellington and Wiveliscombe.
- Raingarden projects with residents at Kilkenny and Middleway sheltered housing in Taunton.
- Funding in Carhampton for drainage improvements in 2021 along the A39 at Carhampton Cross, B3191 Eastbury Road and Hill Lane.
- Drainage improvements along the A38 between Wellington and Taunton at Rumwell and Chelston.
- A follow-up study of further flood alleviation possibilities around the A38 Blackbird Bends near Wellington.
- Installation of a new high-capacity drainage system in Lodes Lane, Kingston St Mary.
- Funding the development of a 25-year flood action plan for Minehead.
- Funding allocated for drainage improvements to the A358 near Combe Florey.
- Funding allocated for drainage improvements in Creech St Michael
- Sampford Brett culvert de-silting and improvements around the culvert's outfall into the Doniford Stream.
- Local flood risk management measures (chiefly drainage improvements) in Bicknoller, Combe Florey, Exton, Holford, Lower Henlade, Minehead (A39 Hopcott Road and Periton Lane), Old Cleeve to Blue Anchor Road, Sampford Brett, Washford, Wootton Courtenay,
- Community flood resilience plans devised with residents in Burrowbridge and North Curry.
- Community grants given for flood resilience equipment and/or training in Allerford and Selworthy, Bicknoller, Dulverton, Dunster, Exebridge, Wiveliscombe and Williton.
- Developing forthcoming trials of very localised early flood warning systems with local flood wardens, flood group members and residents in Monksilver, Luxborough, Roadwater and Sampford Brett.