

Public Agenda Pack



Minutes of a Meeting of the Executive held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Monday, 4 November 2024 at 10.00 am

Present:

Cllr Bill Revans (Chair)
Cllr Liz Leyshon (Vice-Chair)

Cllr Theo Butt Philip
Cllr Heather Shearer
Cllr Sarah Wakefield

Cllr Mike Rigby
Cllr Federica Smith-Roberts
Cllr Richard Wilkins

In attendance:

Cllr Mandy Chilcott
Cllr Diogo Rodrigues
Cllr David Woan

Cllr Caroline Ellis
Cllr Lucy Trimnell
Cllr Jo Roundell Greene

Other Members present remotely:

Cllr Graham Oakes
Cllr Norman Cavill
Cllr Andy Dingwall
Cllr Tony Lock
Cllr Faye Purbrick
Cllr Fran Smith
Cllr Martin Wale
Cllr Gwil Wren

Cllr Suria Aujla
Cllr Nicola Clark
Cllr Andy Kendall
Cllr Sue Osborne
Cllr Leigh Redman
Cllr Claire Sully
Cllr Rosemary Woods

37 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Graham Oakes (in attendance online).

38 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Executive held on 7 October 2024 be confirmed as a correct record subject to an amendment to the attendance to include Cllr Jo Roundell Greene.

39 Declarations of Interest - Agenda Item 3

The following declarations of interest were automatically recorded:

Cllr Theo Butt Philip – Wells City Council
Cllr Graham Oakes – Yeovil Town Council / Yeovil Without Parish council
Cllr Mike Rigby – Bishops Lydeard and Cothelstone Parish Council
Cllr Heather Shearer – Street Parish Council
Cllr Federica Smith-Roberts – Taunton Town Council
Cllr Richard Wilkins – Curry Rivel Parish Council

40 Public Question Time - Agenda Item 4

Public questions were received from Cllr Caroline Ellis.

The questions and responses provided are attached in Annexe A.

41 Executive Forward Plan - Agenda Item 5

The Executive noted the Forward Plan.

42 Somerset Council Improvement and Transformation Programme – November Update - Agenda Item 6

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Transformation, Human Resources, and Localities, Cllr Theo Butt Philip to introduce the report. Cllr Butt Philip drew Members attention to the dashboard and the project risks.

Cllr Butt Philip proceeded to hand over to Alyn Jones, Executive Director Strategy Transformation and Resource, who highlighted the regular updates, the restructuring proposals as part of staff consultation, and the inclusion of the whole risk register.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present, with officers providing responses as appropriate. Questions and points raised included: risks to community safety due to reduced service levels; the need to ensure there is enough support in key areas such as Planning, which uses locums and is struggling to recruit and retain; the challenge of mitigating risks with such a significant change; the impact on staff morale; KPIs and current pressure areas; the potential for further work once the new structure is in place; the details of the indicators within the monthly dashboard; the importance of IT resource for transformation; the positive impact transformation has had in Adults Services with Newton Europe; the high risk of the programme and the confidence levels in mitigations; whether people are choosing to leave the organisation; the timing of reports with the fast-moving nature of the programme; the possible interdependencies of risks and cumulative impacts; whether the Council will have the capacity to meet their four priorities; the fifth priority – ‘an efficient, effective council’.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved to note the latest progress update report including:

- **Progress made in the month from 12 September to 11 October, including the product and milestone for delivery contained within Appendix A.**
- **The current assessment of programme risks, which includes the programme risks that have a score of 16 or higher and that might occur during the change process, and the status of actions to reduce these.**

43 2024/25 General Fund Revenue Budget Monitoring Report - Month 5 - Agenda Item 7

The Leader of the Council, Cllr Bill Revans, invited the Deputy Leader and the Lead Member for Finance, Procurement and Performance, Cllr Liz Leyshon, to introduce the report. She highlighted that there is an improved position compared to the previous month but still requires the corporate contingency to project an underspend at the end of the year, and the pressures within the Children's Services budget, including the Dedicated School Grant (DSG) deficit.

Cllr Leyshon proceeded to hand over to Nicola Hix, Service Director Finance and Procurement, who detailed the main reasons for the decrease in overspend, including: the improved position in the learning disability and leisure budgets; vacancies in Workforce and Localities; an underspend in ICT; an unbudgeted income that had been identified. She explained the progress towards achieving the savings and the savings that are at risk and effort to identify alternative savings.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present, with officers providing responses as appropriate. Questions and points raised included: the ongoing work to reduce placement costs in Children's Social Care and the importance of delivering Homes and Horizons; that reducing school exclusions is a protection measure for children's life chances; the cost savings created by the seven operating Homes and Horizons and the progress towards further homes being delivered; the impact of the increase in employers costs as a result of the Autumn Budget on the cost of providing residential and nursing care; whether provision of special schools and specialist places at mainstream schools could be increased and the need for central government funding to do so; the challenge of funding school places for children who have or may have SEND; whether the overspend in Children's services will increase further; the overspend in Places and mitigations in place; the increase in children coming into care, particularly in the 10-15 age range; the overspend in Waste services and mitigations.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved to:

- a) **Note the Service Directorate Revenue forecast overspend of £5.324m for the year, shown in Table 1.**
- b) **Agree that mitigating actions are to be identified and implemented to pull back the forecast overspend in Service Directorates on an ongoing basis by outturn.**
- c) **Note the total Council Revenue forecast underspend of £0.736m for the year, due to contingency being released into the forecast outturn, shown in Table 1.**
- d) **Note the progress and delivery of the approved savings programme as set out in Table 2.**
- e) **Note the in-year overspend on the Dedicated Schools Grant of £7.509m, an increase of £2.100m from Month 4. Further details in Appendix B.**
- f) **Note the total forecast Dedicated Schools Grant year-end deficit of £61.780m. Further details in Appendix B.**
- g) **Agree that the council continues with the aim of avoiding a Section 114 notice by taking all of the necessary actions and continuing to operate as if one had been issued.**

44 Treasury Management Mid Year Report 2024-25 - Agenda Item 8

The Leader of the Council, Cllr Bill Revans, invited the Deputy Leader and the Lead Member for Finance, Procurement and Performance, Cllr Liz Leyshon, to introduce the report. Cllr Leyshon explained why the paper had been amended with a supplement and highlighted that it was the mid-year review of the Council's treasury activities and that it needed to be in compliance with the CIPFA Code of Practice.

Cllr Leyshon proceeded to hand over to Maria Christofi, Section 151 and Chief Finance Officer, who explained that the report covered borrowing, annual investments, the treasury management policy statement and prudential indicators. She highlighted the capital financing requirement, the debt portfolio, the average rate of borrowing, the investment, the indicators and forecasts, and the revised flexible capital receipt policy included in the report.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present, with officers providing responses as appropriate. Questions and points raised included: clarification on SONIA and the PWLB rates; that the large amount of borrowing showed the size of the Council in Somerset.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved to:

- a) **Note the mid-year borrowing and investment position and that all treasury activities have been carried out in accordance with the approved Treasury Management Strategy, within the Prudential Limits, and in line with the full delegations to the Section 151 Officer.**
- b) **Approve the report as being in compliance with the CIPFA Code of Practice for Treasury Management and recommends it to Full Council at**

- the next available meeting.
- c) **Approve the revised Flexible Capital Receipts Policy for 2023/24 & 2024/25 as set out as Appendix B and recommends it to Full Council at the next available meeting.**

45 Housing Complaints Annual Report 2023-24 - Agenda Item 9

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Communities, Housing Revenue Account, Culture and Equalities and Diversity, Cllr Federica Smith-Roberts, to introduce the report. Cllr Smith-Roberts highlighted that this was in relation to the in-house function only and did not include Homes in Sedgemoor, that the report followed Section 8 of the Housing Ombudsman Code, and that it provided a comprehensive update including compliments as well as complaints, the reasons for the increases in complaints at both Stage 1 and Stage 2, and the learning that was being taken from that.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee Members and other Members present, with officers providing responses as appropriate. Questions and points raised included: the general topics of the complaints, whether they were about the processes or the condition of the properties and the difference between complaints and service requests; concern about damp and mould and the national context; antisocial behaviour and how that is addressed; the importance of the report and monitoring trends; comparison with complaints for Homes in Sedgemoor and how they are managed differently; the learning taken from complaints in both housing providers; health and wellbeing implications for residents with complex vulnerabilities and needs; the vacancies within the team and the impact that has.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved to:

- **Note the Housing Complaints Performance and Service report and provide any observations.**

46 Local Nutrient Mitigation Funding Allocation Approval - Agenda Item 10

The Leader of the Council, Cllr Bill Revans, invited the Lead Member for Economic Development, Planning and Assets, Cllr Mike Rigby, to introduce the report. Cllr Rigby explained that it was related to nutrient neutrality and the award of £9.6m to mitigate nutrient neutrality issues and unlock new development.

Cllr Rigby proceeded to hand over to Alison Blom-Cooper, Head of Planning/Chief Planning Officer, who provided a presentation on the status of the Local Nutrient Mitigation Fund, the purpose of the report, the background, the trial undertaken and the assessment of sites taking place, and that the six projects would be combined into three under the revised allocation.

The Leader of the Council, Cllr Bill Revans, invited comments from Committee

Members and other Members present, with officers providing responses as appropriate. Questions and points raised included: how miscanthus grass works as a nutrient mitigation and previous challenges with this approach; whether this was covered by a Section 106 agreement; the long time-frame for land to recover from fertiliser user; the committed spend deadline and the importance of spending effectively; the need for this to be reviewed ahead of the committed spend deadline.

The Leader of the Council concluded the discussion and proceeded to a vote on the recommendations, which were agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive resolved to:

- a) Delegate authority to the Executive Director Community, Place and Economy, in consultation with the Chief Finance Officer, to commit spend up to £9.6m from the Local Nutrient Mitigation Capital Funding to deliver nutrient mitigation schemes in line with grant conditions in the financial year 2024/25.**
- b) Delegate authority to the Executive Director Community, Place and Economy, in consultation with the Chief Finance Officer, to reallocate funding as necessary between the projects listed in Table 2 to ensure that the entirety of the £9.6m funding is committed by 31st March 2025, as required by MHCLG.**

(The meeting ended at 12.40 pm)

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CHAIR

Executive Committee – 4 November 2024 – Public and Member Questions

Annexe A – Public and Member Questions	
Name of person submitting	Question
<p>Cllr Caroline Ellis</p> <p>Page 7</p>	<p>At the time of writing 1,584 residents have signed a petition demanding that Somerset Council retain the Mary St/High St car park as a car park, rather than sell it to a developer for housing. They are deeply concerned at the social and economic impact of the potential loss of this car park – on the viability of key arts and social venues and businesses in the vicinity, on places of worship, attendance at vital community events, and on older and disabled people’s access to vital services and amenities in the area. They would like the Council to come to a fuller understanding and appreciation of the role this car park - which is the only one in the area with evening parking - plays in the community, the myriad social and community services in the vicinity whose service users rely upon it and the impact on women and disabled people of removing a safe and accessible night time parking option. People will not simply say ‘oh well, let’s park further away’ – many will literally not be able to; instead they will stay at home, lose access to friends and activities, feel isolated and businesses will lose vital custom. To date I note that no mitigation has been proposed to address the loss of 12 disabled parking bays or the complete lack of parking in this key area after 7pm. I would like to ask the Executive the following questions:-</p> <ol style="list-style-type: none"> 1. Do they not agree that the grave concerns expressed and the large degree of public concern over this now merits a pause to conduct <ol style="list-style-type: none"> a. an equality impact assessment on this proposed asset disposal b. a wider socio-economic impact assessment on the proposed asset disposal, taking into account the impact on vital community services in the vicinity including services, venues/cultural and social amenities as well as high street and other neighbouring businesses and to engage properly with local residents, businesses and community groups whose lived experiences, needs and circumstances are so relevant to taking good decisions? 2. Have they considered alternatives to selling the land to a developer for housing which would nonetheless provide a route to helping to close the budget gap? Such alternatives could include potential disposal to the Town Council to continue to run as a public car park (they would need to be provided with details of likely maintenance costs and revenue, carry out a condition survey and all other aspects of due diligence in order to consider this) or retaining the car park lower storey(s) and building housing above (this could secure at least some accessible parking including at night time whilst offering the prospect of securing further income towards balancing the budget.)

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	<p>3. Have they considered whether there is any viable mitigation possible within current budgetary constraints – for example opening Orchard Car Park in the evenings (not just for one off events – the need for evening parking is a DAILY need), improving its safety and creating further on-street disabled parking spaces close by and various other measures?</p> <p>4. Can we be assured that early, transparent and meaningful engagement and consultation with stakeholders will become the norm before decisions on specific asset disposals come forward in the future so that we can fully understand and assess all the implications and avoid unintended consequences that could impact negatively on our communities and economy?</p>
<p>Full written response</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 8</p>	<p>High Street Car Park, also known as Mary Street Car Park is a two multi-storey carpark located next to the Orchard multi-storey carpark in Taunton. This car park was considered by the Executive meeting on 5th of August and approved for disposal as surplus.</p> <p>Asset Management Group (AMG) considered the disposal of High Street Car Park in December 2023. AMG were advised that a valuation had been sought some time ago which confirmed that the site would be attractive to the market for a potential housing development and should be sold after pre-application advice was obtained.</p> <p>The car park was brought back to AMG in March 2024 for further consideration prior to a formal decision. It was noted that there is surplus capacity at other town centre car parks, so no significant reduction in income was anticipated if this car park was to close.</p> <p>The recommendation is to market as an unconditional sale which could achieve in the region of £600,000, with a positive pre-app the receipt could be over £1m. AMG agreed with the recommendation to declare the site surplus and proceed with the recommended sales strategy. AMG also discussed the proximity of the Crescent Car Park and significant funding had been invested in the recent improvements by SWT/SC Councils.</p> <p>Somerset Council is committed to a rationalisation of its property and land portfolio, reducing holding and management costs and achieving capital receipts and reduced revenue costs, following the ongoing review of surplus assets. The Council’s response to the financial emergency has been to establish a financial strategy that embeds a sales target for surplus assets.</p> <p>The High Street Car Park was one of 22 non-operational buildings and small parcels of land which hold development potential that could generate significant receipts. AMG provided a steer that these disposals should be brought forward to Scrutiny prior to the Executive so there was full transparency on the range of assets identified as surplus.</p>

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Local Members were informed by email that this car park would be considered by the Scrutiny Corporate and Resources, and again on 26th of July that it would be discussed at the Executive meeting on 5th of August. Taunton Town Council was also notified of the proposals before both the Scrutiny and Executive meetings.

The Executive report stated: -

This small multi storey car park is located within the centre of Taunton, has been put forward for release by Parking Services as they have identified that capacity can be met in the Council's owned Orchard Street multi storey, which lies adjacent.

The asset suffers from anti-social behaviour issues and requires ongoing management and investment in maintenance.

It is considered that the site has residential development potential, and a Planning pre-application is being undertaken for residential use.

Based on the advice of the Equalities Team, Equality Impact Assessments were not required for the disposal of the original list of 22 commercial sites of which the High Street Car Park formed part.

Following the Executive, a formal pre-application was submitted in September 2024, for a mix of housing and apartments. The site will then be marketed with agents in accordance with the pre-application recommendations.

The High Street Car Park has a long history of reports relating to anti-social behaviour, primarily excessive vehicle noise as the car park is a meeting place for “racers.” There are also regular reports of individuals causing a disturbance associated with rough sleeping. Regular dialogue has been ongoing with the Police and Platinum Skies, the retirement development overlooking the car park. Requests had been made for the car park to be closed to reduce the anti-social behaviour. This is not possible due to the covenant in place to the owner/occupier of Mendip House who refused to accept any impediment to their access. On the basis that this asset has been declared surplus there is no current capital or revenue budget set aside for improvement, repairs or maintenance.

There has been a recent fire incident in the High Street car park. The car park would require significant capital investment to make the car park a safer and a more inviting space for the public.

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Recently, it has been highlighted that the people who attend The Lawns Social Club and the Creative Innovation Centre use the car park, in particular in the evenings and at weekends but other parking provisions are available.

The Orchard Car Park is owned by the Council however the upper floors extend over the Orchard Shopping Centre and those areas are subject to a lease. The lease is for 80 years commencing in 1983 and, as tenant, the Council has a requirement to keep the entire car park open to service the shopping centre. The structure of the car park was surveyed in 2021 and 2023 and deemed to be structurally sound, albeit circa £80,000 of remedial works were undertaken at the time. Notwithstanding a car park of this age and construction does require ongoing maintenance. The works proposed will, in the main, address the concrete degradation to the exposed floors and water ingress. As part of the annual maintenance programme a scoping document is being prepared which will be issued to a specialist contractor and with a budget sum that is yet to be determined.

The Orchard Car Park (also known as the Paul Street car park) is closed in the evening for the same reasons as the High Street upper floors car park to prevent anti-social behaviour and rough sleeping. Unlike High Street car park the Orchard Car Park is served by a number of lifts providing a greater level of accessibility.

Where there is specific event in Vivary Park or other major events in the town there is an option for the Orchard Car Park to remain open later in the evenings and also the option remains to use the Car Park in response to specific demands.

The Orchard multi-storey car park has a capacity of 553 standard bays and 37 disabled bays. The parking contractor NSL advises that there is capacity in the Orchard Car Park typically on Mondays to Fridays from levels upwards from 3A, including 4A, 5 and 5A. On Saturdays, there is generally capacity from level 4A upwards.

As with most of the towns multi-level car parking facilities, both High Street and Orchard Street Car Parks are dated and require funds to maintain them to an acceptable standard. Given the extra capacity at Orchard Street and the requirement to keep it open the decision to close High Street allows for investment to be focused on one site rather than two. There would be value in a separate review of options for the future of the High Street Car Park, this review should consider the impacts and opportunities for the privately owned Orchard Shopping centre and the Council owned and operated Library.

Whilst the decision to dispose was focused on the service declaring the asset as surplus, the ability to support a housing need should also be recognised.

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Since the Council decision, concerns have been raised in regard to accessibility and suitability of alternative parking facilities with much attention on High Street Car Park. Appended to this briefing is a location plan that identifies the alternative off road parking facilities in central Taunton, a number of these won't be a suitable distance for all users but there will continue to be accessible parking at the nearby Fons George, Ash Meadows, Crescent and Shire Hall.

On 18th October, the Asset Management Group revisited the High Street Car Park, although the car park had been declared surplus by the service, the future options for the site are contingent on a favourable pre-application outcome.

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