



To: All Councillors

Our Ref CS/KK
Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk
Date 9 June 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

COUNCIL MEETING

Date: Wednesday 17 June 2015
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01643 703704.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

WEST SOMERSET COUNCIL
West Somerset House Killick Way Williton Taunton TA4 4QA
T 01643 703704 F 01984 633022 DX 117701 WILLITON
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RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 17 June 2015 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Annual Council held on 20 May 2015 to be approved and signed as a correct record – **SEE ATTACHED.**

3. Declarations of Interest

To receive and record any declarations of interest in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman 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 wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Chairman's Announcements

6. HPC Planning Obligations Board – Allocations of CIM Funding

To consider Report No. WSC 88/15, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to present the recommendations of the Hinkley Point C Planning Obligations Board and West Somerset Council Cabinet, for the allocation of monies from the Community Impact Mitigation (CIM) Fund secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point.

7. Regulatory Amendments to Statutory Protection Provisions for Statutory Officers

To consider Report No. WSC 86/15, to be presented by Councillor M Chilcott, Lead Member Resources and Central Support – **SEE ATTACHED.**

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into effect on 11 May 2015. They amend the statutory provisions in relation to disciplinary action or the dismissal of the key statutory posts of Chief Executive Officer(Joint Chief Executive), Chief Finance Officer(Director – Operations and Deputy Chief Executive) and Monitoring Officer(Assistant Chief Executive and Monitoring Officer). The regulations require all councils to adopt revised Standing Orders at their first 'ordinary' meeting after 11 May 2015.

The Somerset Monitoring Officers Group (SMOG) met on 21 May 2015 and agreed to recommend a consistent approach across the 6 councils to considering the implementation of these regulatory requirements. This report goes on to detail why SMOG at this stage is proposing that the 6 councils defer making any changes to their standing orders on this matter until later in the year.

8. Hinkley Point C – Economic Development Allocation

To consider Report No. WSC 85/15, to be presented by Councillor K Mills, Lead Member Regeneration and Economic Growth – **SEE ATTACHED**.

The purpose of the report is to outline proposals relating to the Economic Development allocation that forms part of the HPC Site Preparation S106 Agreement and to take into consideration the recommendations of the HPC Planning Obligations Board and Cabinet.

9. HPC Section 106 Agreement – Allocations of Housing Fund – Administration Fees

To consider Report No. WSC 89/15, to be presented by Councillor K Turner, Lead Member Housing, Health and Wellbeing – **SEE ATTACHED**.

The purpose of the report is to present the recommendations of the Hinkley Point Planning Obligations Board (POB) of 7 April 2015 for the allocation of Housing Fund monies secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point, and to request that Cabinet recommend to Full Council the approval of the allocation.

10. Standards Advisory Committee

To adopt the minutes of the Standards Advisory Committee held on 9 December 2014 – **SEE ATTACHED**.

11. Minutes and Notes for Information

Notes and minutes relating to this item can be found on the Council's website using the following links:

- Notes of the Dunster Area Panel held on 14 April 2015
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---14-April-2015.aspx>

12. **Exclusion of the Press and Public**

To consider excluding the press and public during consideration of Item 13 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended as follows:

Item 13 contains information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding that information). It is therefore proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. **Seaward Way, Minehead – Land Sale (Residential)**

To consider Report No. WSC 87/15, to be presented by Councillor K Turner, Lead Member Housing, Health and Wellbeing – **TO FOLLOW**.

Following the disappointing news that David Wilson Homes have recently withdrawn from negotiations for the purchase of the Council's land at Seaward Way, (previously referred to as Residential Land), this report seeks to brief members, and gain a clear steer on the way forward.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Fairness
- Respect
- Trust

RISK SCORING MATRIX

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WEST SOMERSET COUNCIL**Minutes of the Meeting held on 20 May 2015 at 2.30 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding Chairman
Councillor B Heywood Vice-Chairman

Councillor I Aldridge	Councillor D Archer
Councillor A Behan	Councillor M J Chilcott
Councillor R Clifford	Councillor H J W Davies
Councillor M O A Dewdney	Councillor S Y Goss
Councillor A P Hadley	Councillor T Hall
Councillor I Jones	Councillor R P Lillis
Councillor B Maitland-Walker	Councillor K M Mills
Councillor C Morgan	Councillor P H Murphy
Councillor J Parbrook	Councillor S J Pugsley
Councillor R Thomas	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor R Venner
Councillor D J Westcott	Councillor R Woods

Officers in Attendance:

Chief Executive (P James)
Assistant Chief Executive (B Lang)
Assistant Director Energy Infrastructure (A Goodchild)
Meeting Administrator (K Kowalewska)

Prior to the start of the meeting the Chairman requested a minute's silence in memory of Simon Stokes, an ex-West Somerset Council Councillor. Councillor M Chilcott provided Members with a brief résumé of his life and condolences were conveyed to his family and all agreed he would be sadly missed.

The meeting was opened with prayers led by the Reverend Vincent Woods.

Councillor G S Dowding welcomed everyone to the meeting and advised Members of the recent engagements he had attended and reminded Members of the Armed Forces Day event being held on Monday 22 June 2015 at West Somerset House, Williton.

C1 Election of Chairman

RESOLVED that Councillor G S Dowding be elected Chairman of the Council for the ensuing Municipal Year.

Councillor Dowding thanked Councillors for re-electing him as Chairman. He stated that he would do his best to represent the Council at all levels throughout the district and hoped in the ensuing year to be involved in as many ward activities and to visit as many small business as possible.

C2 Appointment of Vice Chairman

RESOLVED that Councillor B Heywood be appointed Vice-Chairman of the Council for the ensuing municipal year.

C3 Apologies for Absence

Apologies for absence were received from Councillors B Leaker and N Thwaites.

C4 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Cllr I Aldridge	All	Williton	Spoke and voted
Cllr D Archer	All	Minehead	Spoke and voted
Cllr H J W Davies	All	SCC	Spoke and voted
Cllr S Goss	All	Stogursey	Spoke and voted
Cllr B Maitland-Walker	All	Carhampton	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr J Parbrook	All	Minehead	Spoke and voted
Cllr A H Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K H Turner	All	Brompton Ralph	Spoke and voted
Cllr T Venner	All	Minehead	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

C5 Minutes

(Minutes of the meeting of Council held on 15 April 2015, circulated with the Agenda.)

RESOLVED that the Minutes of the meeting of Council held on 15 April 2015 be confirmed as a correct record.

C6 Public Participation

No members of the public spoke at the meeting on any items on the agenda.

C7 Appointment of Leader

RESOLVED that the appointment of Councillor A H Trollope-Bellew as Leader be confirmed for a four year term.

C8 **Appointment of Deputy Leader**

RESOLVED that Councillor M J Chilcott be appointed as Deputy Leader of the Council for the ensuing municipal year.

C9 **Cabinet**

The Leader announced the following appointments and portfolios:

Name	Political Group	Lead Member
Councillor A Trollope-Bellew	Conservative	Leader and Performance and Corporate Support
Councillor M Chilcott	Conservative	Resources and Central Support
Councillor M Dewdney	Conservative	Environment
Councillor K M Mills	Conservative	Regeneration and Economic Growth
Councillor C Morgan	Conservative	Energy Infrastructure
Councillor S J Pugsley	Conservative	Executive Support and Democracy
Councillor K H Turner	Conservative	Housing, Health and Wellbeing
Councillor D J Westcott	Conservative	Community and Customer

RESOLVED that the appointments be noted and that the Corporate Plan, Constitution and any other relevant documents be updated accordingly.

C10 **Allocation of Seats to Committees**

RESOLVED that the nominations for Committee seats made by the political groups be ratified and that the composition of the Committees be as detailed below.

SCRUTINY COMMITTEE	
9 seats in total	
Conservative 7	
West Somerset Opposition 2	
Name	Political Group
Councillor D Archer	Conservative
Councillor R Clifford	Conservative
Councillor G S Dowding	Conservative
Councillor R P Lillis	Conservative
Councillor B Maitland-Walker	Conservative
Councillor J Parbrook	Conservative
Councillor R Woods	Conservative
Councillor A Behan	West Somerset Opposition
Councillor P H Murphy	West Somerset Opposition

LICENSING COMMITTEE	
11 seats in total	
Conservative 8	
West Somerset Opposition 3	
Name	Political Group
Councillor S Y Goss	Conservative
Councillor B Leaker	Conservative
Councillor R P Lillis	Conservative
Councillor J Parbrook	Conservative
Councillor R Thomas	Conservative
Councillor N Thwaites	Conservative
Councillor K H Turner	Conservative
Councillor D J Westcott	Conservative
Councillor I Aldridge	West Somerset Opposition
Councillor H J W Davies	West Somerset Opposition
Councillor T Hall	West Somerset Opposition

PLANNING COMMITTEE	
15 seats in total	
Conservative 11	
West Somerset Opposition 4	
Name	Political Group
Councillor D Archer	Conservative
Councillor G S Dowding	Conservative
Councillor S Y Goss	Conservative
Councillor A P Hadley	Conservative
Councillor B Heywood	Conservative
Councillor B Maitland-Walker	Conservative
Councillor C Morgan	Conservative
Councillor J Parbrook	Conservative
Councillor S J Pugsley	Conservative
Councillor K H Turner	Conservative
Councillor R Woods	Conservative
Councillor I Aldridge	West Somerset Opposition
Councillor T Hall	West Somerset Opposition
Councillor I Jones	West Somerset Opposition
Councillor P H Murphy	West Somerset Opposition

AUDIT COMMITTEE	
7 seats in total	
Conservative 5	
West Somerset Opposition 2	
Name	Political Group
Councillor D Archer	Conservative
Councillor R P Lillis	Conservative
Councillor R Thomas	Conservative
Councillor N Thwaites	Conservative
Councillor R Woods	Conservative
Councillor H J W Davies	West Somerset Opposition
Councillor T Venner	West Somerset Opposition

LOCAL DEVELOPMENT PANEL	
8 seats in total	
Conservative 6	
West Somerset Opposition 2	
Name	Political Group
Councillor D Archer	Conservative
Councillor S Y Goss	Conservative
Councillor B Heywood	Conservative
Councillor B Maitland-Walker	Conservative
Councillor J Parbrook	Conservative
Councillor K Turner	Conservative
Councillor I Aldridge	West Somerset Opposition
Councillor T Venner	West Somerset Opposition

STANDARDS ADVISORY COMMITTEE
9 seats in total
3 West Somerset District Councillors
3 Independent Members
3 Parish/Town Councillors
Councillor P H Murphy
Councillor N Thwaites
Councillor D J Westcott

C11 Appointment of Chairmen and Vice-Chairmen of Committees

The following appointments were made:

Scrutiny Committee

Chairman Councillor P H Murphy
Vice Chairman Councillor R P Lillis

Planning Committee

Chairman Councillor S J Pugsley
Vice Chairman Councillor B Maitland-Walker

Licensing Committee

Chairman Councillor R P Lillis
Vice Chairman Councillor H J W Davies

Audit Committee

Chairman Councillor R P Lillis
Vice Chairman Councillor T Venner

Local Development Panel

Chairman Councillor K H Turner
Vice Chairman Councillor S Y Goss

C12 **Appointment of Representatives on Outside Bodies**

RESOLVED that the Members appointed to serve on Outside Bodies for the municipal year 2015-2016 be as follows:

ORGANISATION	REPS 2014/2015
Management Committee of Broadlands	Councillor J Parbrook
MATA Regal Theatre Co Ltd	Councillor B Leaker
Somerset Rural Youth Project	Councillor A P Hadley
Early Childhood & Child Care Network Meetings	Councillor T Venner
Strategic Partnership Group West Somerset Sports & Leisure Centre	Councillor T Hall
Somerset County Playing Fields Association	Councillor H J W Davies
Somerset Play Forum	Councillor I Aldridge
Somerset Passenger Transport Forum	Councillor M O A Dewdney
Exmoor National Park (politically balanced)	Councillor S J Pugsley Councillor B Heywood Councillor M O A Dewdney Councillor I Jones
Somerset Building Preservation Trust	Councillor H J W Davies Deputy: Councillor G Dowding
The Parrett Drainage Board	Councillor B Maitland-Walker (Dunster Area) Councillor C Morgan (Stockland Area)
Wessex Water Customer Liaison Panels	Councillor M O A Dewdney
Countywide Shared Services Task and Finish Group	Councillor A H Trollope-Bellew (Group Leader) Councillor P H Murphy (Group Leader)
West Somerset Railway Partnership Development Group	Councillor K M Mills Deputy: Councillor B Leaker
WSC Member Champion	Councillor P H Murphy
South West Audit Partnership (SWAP) Members Meeting	Chair of Audit Committee – Councillor R P Lillis
Quantock Hills Joint Advisory Committee	Councillor A Trollope-Bellew Councillor S Dowding
West Somerset Advice Bureau	Councillor J Parbrook
ENGAGE - West Somerset Voluntary Sector Development agency	Councillor R Lillis Deputy: Councillor N Thwaites

Hinkley Point Site Stakeholder Group	Councillor M O A Dewdney Councillor C Morgan Councillor S Goss
Taunton & Somerset NHS Trust – Foundation Trust Council of Governors	Councillor M J Chilcott
Minehead EYE Management Committee	Councillor D J Westcott
Somerset Armed Forces Community Covenant Partnership	Councillor S Dowding
Somerset Local Access Forum	Councillor M O A Dewdney
Minehead Visioning Group	Councillor R Thomas Councillor D Archer Councillor K Mills (PH)
Police and Crime Panel	Councillor G Dowding Deputy: Councillor B Leaker
Health and Wellbeing Board	Councillor K Turner
Joint Partnership Advisory Group	Councillor A H Trollope-Bellew Councillor M J Chilcott Councillor A P Hadley Councillor R P Lillis Councillor P H Murphy
Asset Project Group	Councillor K Turner Councillor A P Hadley Councillor G S Dowding Councillor P Murphy

C13 Appointment of Representatives on the Planning Obligations Board for Hinkley Point

RESOLVED that Councillors M J Chilcott and C Morgan (as reserve) be appointed to serve on the Planning Obligations Board for Hinkley Point for the municipal year 2015-2016.

The meeting closed at 3.06 pm.

Report Number: WSC 88/15
Presented by: Cllr M Chilcott, Lead Member for Resources and Central
Author of the Report: Lisa Redston, CIM Fund Manager
Contact Details:
 Tel. No. Direct Line 01984 635218
 Email: lredston@westsomerset.gov.uk

Report to a Meeting of: Full Council
To be Held on: 17th June 2015
Date Entered on Executive Forward Plan 29/04/2014
Or Agreement for Urgency Granted:

HPC PLANNING OBLIGATIONS BOARD – ALLOCATIONS OF CIM FUNDING

1. PURPOSE OF REPORT

1.1 The purpose of this report is to:

1.1.1 Present the recommendations of the Hinkley Point C Planning Obligations Board and West Somerset Council Cabinet, for the allocation of monies from the Community Impact Mitigation (CIM) Fund secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point.

2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1 The allocation of these funds will enable the Council to deliver against the Corporate Priority of *'maximising opportunities for West Somerset communities and businesses to benefit from the Hinkley development whilst protecting local communities and the environment'*.

3. RECOMMENDATIONS

3.1 That Full Council notes the decision of West Somerset Council Cabinet on 3rd June 2015 as follows:

- To award £22,000 from the CIM Fund to Kilve Cricket Club for improvements to the club, storage shed and equipment.

3.2 That West Somerset Council Full Council endorses the recommendations of West Somerset Council Cabinet and the Hinkley Point C Planning Obligations Board as follows:

- To not award funding of £200,000 from the CIM Fund to Bridgwater College Academy for the Gym and exercise area on the basis that the application did not demonstrate how the project would deliver maximum benefits to the community and did not meet the CIM fund criteria in relation to partnership support or sustainability.
- To award funding of £250,000 from the CIM Fund to Williton Parish Council to deliver the Williton Pavilion Project subject to the agreement of a spending and

payment schedule and the securing of match funding to meet the full costs of the project.

- To not award funding of £151,000 to The Angling Trust to deliver the Sea Angling project on the basis that the application did not demonstrate how the project would deliver value for money in relation to maximising benefits to the community and mitigating the identified impacts.
- To award funding of £243,119 from the CIM Fund to the Onion Collective to deliver the Watchet Boat Museum and Visitor Centre project.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Risk Description	Current Score	Existing and planned control measures	Target Score after control
Lack of quality approvable bids to the CIM Fund due to communities not having the means (skills/resources) to make quality bids and deliver projects resulting in a lack of effective impact mitigation projects	Medium (12)	Community development officers in post in WSC/TDBC and Sedgemoor District councils and Engage WS contracted to support communities in WS in making bids and project delivery. Risk remains feasible as capacity of community development officers is limited.	Medium (9)
Risk of future community impacts not being mitigated due to early demand for funding exceeding available budget resulting an inability to respond to future or unknown impacts.	Medium (12)	Annual contribution payments (2015 and 2016) will ensure a budget is available to respond to future demand. Planning Obligations Board to continue to develop funding strategy that includes mechanisms for review and reprioritisation and trigger points for release of funding to reflect changes in circumstances and impacts.	Low (8)
Failure of the Planning Obligations Board to allocate CIM fund by 2016 resulting in continued requirement for staff resource to manage application/decision making process, finances and to support community.	Medium (9)	Planning Obligations Board to continue to develop funding strategy to provide direction for release of funding.	Low (4)
Failure of the Planning Obligations Board to monitor the actual and potential impacts of the development due to the lack of a defined impact monitoring procedure resulting in the inability of the Planning Obligations Board to apply funding to achieve maximum mitigation of impacts.	Medium (16)	Planning Obligations Board to develop process and procedures for monitoring the impact and potential impact of the development and reflect this in the funding strategy.	Low (8)

4.1 The scoring of the risks identified in the above table has been based on the WSC and TDBC council's risk assessment scoring matrix. Only those risks that score medium or high are detailed in this report. The full risk assessment is available on request from the CIM Fund Manager.

5. **BACKGROUND INFORMATION**

5.1 **Community Impact Mitigation (CIM) Fund**

Applications are considered by the Planning Obligations Board against nine criteria outlined in the Section 106 legal agreement for the Site Preparation Works at Hinkley Point. A recommendation is subsequently made to West Somerset Council's Cabinet. Any proposals above £25,000 also require approval by West Somerset's Full Council.

Criteria	Evaluation Criterion
Priority Impact Zones	<p>Priority shall be given to those areas that are anticipated in the Environmental Statement to experience or which actually experience the greatest adverse impact from the project in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> 1) Directly adjacent to the site 2) Directly adjacent to the main transport routes to and from the site within West Somerset, Sedgemoor and Somerset 3) Within West Somerset and/or Sedgemoor and directly affected by adverse impacts of the project 4) In Somerset but beyond West Somerset and Sedgemoor and experiencing the next greatest degree of adverse impact, with projects which benefit West Somerset and Sedgemoor as well as its immediate area 5) In Somerset and experiencing indirect adverse impacts or in relation to a measure which benefits West Somerset and/or Sedgemoor.
Quality of Life	The principal purpose of the contribution shall be to enhance the quality of life of communities affected/potentially affected by the Project.
Sustainability	To what extent will the project contribute to achieving sustainable communities, contribute to regeneration objectives and raising environmental sustainability?
Extent of benefit	To what extent has the applicant demonstrated that the project will ensure a positive benefit and/or legacy to an adequate proportion of people within that community?
Community Need	To what extent has the applicant demonstrated a need for the project
Community Support	To what extent is there demonstrable local community and and/or business support for the project?
Partner Support	To what extent is there demonstrable local partner support for the project?
Governance	Demonstrate that good governance arrangements are in place, including financial and project management to ensure deliverability?
Value for Money	Can the applicant demonstrate value for money and that reasonable effort has been made to maximise the impact of any investment? Has match funding been secured where appropriate?

6. APPLICATIONS CONSIDERED BY THE HPC PLANNING OBLIGATIONS BOARD

6.1 Five new applications to the Community Impact Mitigation Fund were received by 1st March 2015 deadline and were presented to the Planning Obligations Board for consideration on 7th April 2015.

6.2 Kilve Cricket Club

Project Name:	Future proofing Kilve Cricket Club - improvements to storage and equipment
Organisation Applying:	Kilve Cricket Club
Summary of Project:	To make the club more attractive to new and existing residents while offering extended sport and fitness opportunities. Funding is required to replace the substandard storage shed and scoreboard. The current facility is not fit for its purpose of storing ground equipment and the scorer.
Impacts mitigated as stated in application:	Hinkley C development accessible via cliff path, aiming to offer Hinkley C workers opportunities to access Cricket as an option for sporting activity locally and to expand the club to offer additional sport and fitness opportunities to local people and children.
Start Date: 01/06/2015	Total Project Costs: £24,560
Completion Date: 01/08/2015	Amount applied for: £22000
CIM Manager Comments:	Organisation has already secure funding for new pavilion. Project aims to expand and partner with other organisations to offer other sporting and leisure activities. Project aims to offer additional evenings to train, grow team numbers, and provide more opportunities for young people. HPC development is likely to have a higher proportion of male workers who could be attracted to Cricket as a sport and leisure activity. Project aims to link with and offer places for HPC workers. Any offer of funding should be subject to planning permission. Grant Agreement should contain robust monitoring arrangements to ensure the aims are met.
HPC POB recommendation:	Approve bid for £22000 subject to planning permission.

6.3 Bridgwater College Academy

Project Name:	Gym and exercise area at Bridgwater College Academy
Organisation Applying:	Bridgwater College Academy
Summary of Project:	Project aims to build and equip an affordable 'not for profit' gym and fitness area to improve the health and wellbeing of the community of Sydenham.
Impacts mitigated as stated in application:	Population growth due to HPC worker campuses in Sydenham. Predicted growth in population creates need for additional facilities.

Start Date: April 2015	Total Project Costs: £504,000
Completion Date: March 2016	Amount applied for: £200,000
CIM Manager Comments:	<p>Sydenham will be host to worker campuses. Deprived and vulnerable households are more likely to be susceptible to change, increased demands on services and socio-economic impacts of campuses.</p> <p>Good community project, especially beneficial to local young children that would not usually be able to access this type of facility.</p> <p>Lack of evidence of partner support or integration with other community projects in the area.</p> <p>Lack of plans to offer facilities to workers and their families to encourage integration.</p> <p>Sustainability of the project uncertain - plans to offer affordable memberships uncertain after third year.</p>
HPC POB recommendation:	<p>Refuse - Application did not demonstrate how the project adequately meets several of the CIM fund criteria, including partner support, value for money and sustainability.</p> <p>CIM Fund Manager to work with Bridgwater College Academy to provide feedback.</p>

6.4 Williton Parish Council

Project Name:	Williton Pavilion Project
Organisation Applying:	Williton Parish Council
Summary of Project:	To improve sport and recreational facilities in Williton. Replacing existing substandard community building with a new multi-use pavilion, to include changing facilities and a public space for indoor sports and social activities, improving accessibility to the Pavilion, a new assembly area, 2 disabled car parking bays, improved pedestrian links and improved landscaping in preparation for the installation of a multi-use games area to encourage more sporting activity.
Impacts mitigated as stated in application:	During construction phase Williton will host a park and ride facility that will act as a main transport hub for the expected workforce. This is expected to create additional traffic with workers travelling to and from Williton in their cars and a regular bus service to and from the construction site. A new roundabout is also being constructed. Impacts on the centre of the village, residents and local businesses have already been reported, including loss of on street parking, loss of revenue, interruptions to pedestrian access and interruptions to the bus service, delays caused by accident road closures and a lack of diversionary routes. It is likely that workers and families will locate within Williton, creating a need for additional services and community facilities. The project aims to mitigate these impacts by increasing the leisure facilities available locally, providing additional disabled parking spaces and improving pedestrian links to the war memorial ground.

Start Date: 30/9/15	Total Project Costs: £1,300,000
Completion Date: 31/12/17	Amount applied for: £250,000
CIM Manager Comments:	<p>Assists in the delivery of the Somerset Health and Wellbeing Strategy 2013-2018 and West Somerset Sports and Leisure Strategy to develop opportunities outside of Minehead.</p> <p>Well planned design incorporating specific needs of young people and people with dementia or other disabilities.</p> <p>High standard and frequency of community consultation carried out and planned, ensuring project meets community needs and is owned by the community.</p> <p>Wide ranging partner engagement to influence design and share resources.</p> <p>Not all match funding secured to meet full costs of project.</p>
HPC POB recommendation:	Approve application for £250,000 subject to the agreement of an actual cost spending and payment profile and secured match funding to meet the full costs of the project.

6.5 The Angling Trust

Project Name:	Somerset Coast Sea Angling Project
Organisation Applying:	The Angling Trust
Summary of Project:	The project aims to actively promote sustainable sea fishing along the coast between Porlock and Brean, teaching local people about beach, boat and harbour fishing and shoreline awareness, install bait cutting stations and fishing information boards, providing digital and printed brochures, and training fishermen to become fishing coaches. The project will include free schools and public educational and awareness initiatives in relation to sea fishing and conservation.
Impacts mitigated as stated in application:	<p>Perceived devaluing of the Somerset Coastline as a community asset during the preparation and construction of the new build at Hinkley Point. The project seeks to promote a culture of conservation angling in preparation for the incoming migrant workforce.</p> <p>Other impacts include difficulty in accessing popular angling hotspots, traffic congestion affecting access to shoreline, opportunities for increased economic activity through workers that fish, increased isolation of rural communities due to congestion, increase in demand for leisure facilities from workers, reduction in available holiday accommodation taken up by workers, need for increased tourism offer, need to promote sustainable angling to workers, devaluing of the coastline due to stigma as a Nuclear coastline.</p>

Start Date: 1/7/2015	Total Project Costs: £169,537.92
Completion Date: 21/1/17	Amount applied for: £150,998.92
CIM Manager Comments:	<p>26 letters of support were received with the application from a wide range of parish and town councils, tourism agencies and businesses in West Somerset and Sedgemoor, WSC received objections to this scheme from 2 Parish Councils in West Somerset.</p> <p>It is difficult to evidence how the HPC development will have a direct negative impact on sea angling (only 37% of anglers consulted with agreed that it would have a negative impact), however project aims to help to mitigate other identified impacts through benefits to tourism and leisure, education and health and wellbeing and the local environment.</p> <p>Project will run for 18 months. Providing limited long term benefits. Project is likely to be finished before main development and worker numbers peak.</p> <p>Applying for 90% of project costs. Relationship between significance of impact on community, length of time the community will benefit and value added through other contributions does not demonstrate value for money. 58% of the project costs (£89,028) will be spent on wages and office costs for an 18 month project. This does not maximise the impact of the funding directly to the community.</p> <p>Some aspects of the project (such as the school workshops) do not relate to the impacts the project aims to mitigate.</p>
HPC POB recommendation:	<p>Refuse - the application did not demonstrate how the project will deliver value for money in relation to maximising benefits to the community and mitigating the identified impacts.</p> <p>CIM Fund Manager to advise applicant to reapply for funding during peak construction, and to re-evaluate some aspects of the project to ensure the project is mitigating the impacts stated and providing value for money.</p>

6.6 The Onion Collective

Project Name:	Watchet Boat Museum and Visitor Centre
Organisation Applying:	Onion Collective
Summary of Project:	<p>The project aims to enhance the Boat Museum, create a new Visitor Centre and co-locate with the Town Council offices.</p> <p>Funding is required for the capital build element of the project:</p> <ul style="list-style-type: none"> • Repair existing Boat Museum – making it safe and fit for purpose • Modernise Boat Museum – including large glazing enabling visitors to see into the museum • Reclaim the unused land at the junction to create public realm, and gateway to Watchet to welcome visitors to the town. • New build extension as an 'insert' to the Boat Museum to house Visitor Centre and civic offices, toilet and kitchen.

Impacts mitigated as stated in application:	<p>Watchet will suffer impact in terms of transport disruption, congestion and related negative economic effects, especially on tourism. Watchet is a deprived area with an economy that is largely dependent on tourism. The town is especially reliant on day-visitors and traders are already feeling the impact from the works at Washford Cross.</p> <p>Watchet will likely suffer significantly from reduced visitors due to traffic congestion and negative perceptions of the area leading to negative socio-economic impacts. Watchet is also likely to be a settlement area for workers and families creating more community need and increasing transport issues. Impacts are likely to affect quality of life of residents in Watchet.</p>
Start Date: 1/7/15	Total Project Costs: £365,619
Completion Date: 31/3/16	Amount applied for: £243,119
CIM Manager Comments:	<p>The project will be delivered by Onion Collective in partnership with Watchet Boat Museum and Watchet Town Council.</p> <p>A very comprehensive application, with significant attention to detail in terms of planning, delivery and long term sustainability of the project.</p> <p>Project has full support of WSC Economic Development team.</p> <p>Operational costs for the visitor centre will be dependent on securing external funding. (WTC and Boat museum will be self-funding).</p> <p>Watchet town council contribution to explicitly fund new accommodation in the building. CIM fund will not contribute to these costs. Town Council partly contributing to shared costs of other facilities.</p> <p>Match funding not yet secured to cover full projects costs, applications pending.</p>
HPC POB recommendation:	Approve bid for £243,119 subject to full planning permission, securing ownership of the building through asset transfer and secured match funding to cover full project costs.

7. FINANCIAL/RESOURCE IMPLICATIONS

- 7.1 On 6th May 2015, EDF has made the payment for the first anniversary of phase two under the Site Preparation Work (SPW) agreement. Under this, the CIM fund has received £1,751,749, inclusive of inflation uplift. This is in addition to the £3,735,426 previously under phase two, bringing the total CIM Fund received to £5,487,175.
- 7.2 Financial information regarding allocated funding from the Community Impact Mitigation Fund can be found in Appendix A.
- 7.3 These proposals will not have an impact on the Council's own resources.
- 7.4 All organisations applying for funding are subject to financial viability checks to reduce risk associated with the award of grant funding.

8. COMMENTS ON BEHALF OF SECTION 151 OFFICER

- 8.1 The rules relating to the Section 106 Agreement have been adhered to by bringing this report to Full Council for a decision. All monies are accounted for within the Community Impact Mitigation (CIM) Fund received from EDF and held by West Somerset Council.

9. EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 Members must demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Organisations applying to the CIM and Stogursey Contributions Funds are required to describe how their project will promote equal opportunities and will be accessible to all people in the community regardless of background, ability or personal circumstances.
- 9.3 Projects that restrict membership or access to services without being able to 'objectively justify' their reasons for doing so will not be eligible to be considered for funding. Projects that wish to limit access must be able to show that the less favourable treatment contributes to a 'legitimate' aim and that it is 'proportionate.'
- 9.4 Organisations are required to provide a copy of their Equal Opportunity Policy with their application to demonstrate awareness of their responsibility to deliver accessible services that advance equality.
- 9.5 Wider community benefit and the ability of the project to promote cohesive communities are both taken into account when scoring applications and making recommendations.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 There are no direct implications on crime and disorder in West Somerset as a result of the recommendations within this report.

11. CONSULTATION IMPLICATIONS

- 11.1 Applications to the CIM Fund are considered Planning Obligations Board. The Board consists of representatives from EDF, Sedgemoor District Council, West Somerset District Council and Somerset County Council.
- 11.2 All applicants are required to demonstrate that they have consulted with their local and wider communities on project proposals with the aim of informing their need appraisal and to shape delivery of their project.

12. ASSET MANAGEMENT IMPLICATIONS

- 12.1 There are no direct asset management implications as a result of this report

13. ENVIRONMENTAL IMPACT IMPLICATIONS

- 13.1 There are not considered to be direct implications of approving the release of these monies associated with the Community Impact Mitigation Fund. However, there are obviously environmental impacts associated with the wider proposed development of Hinkley Point C. These have been assessed within the Environmental Statement submitted by NNB Genco with the application to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037) and mitigation measures have been secured.
- 13.2 Applicants are required to describe how their projects will promote environmental sustainability.

14. HEALTH & WELLBEING

- 14.1 The Community Impact Contribution and Stogursey Contribution have been paid to West Somerset Council for the purpose of mitigating the impacts of the Hinkley C development on local communities through projects that promote or improve the economic, social or environmental wellbeing of local communities.
- 14.2 The application and scoring process has been developed to prioritise funding of projects that aim to improve the health and wellbeing of people, families and communities affected by the development.
- 14.3 Applications are required to evidence and demonstrate that
- The communities is taking responsibility for their own health and wellbeing;
 - Projects provide benefits which empower communities to be thriving and resilient
 - Projects provide benefits which support people to live independently.

15. LEGAL IMPLICATIONS

- 15.1 These funds have been paid by a developer (NNB Genco) due to the signing of a Section 106 legal agreement for planning permission to carry out the site preparation works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037). As part of this legal agreement West Somerset Council shall take into account the recommendations of the Planning Obligations Board when deciding how to apply those elements of the Community Impact Mitigation Contributions (Schedule 1 – General, Para. 5.3 of the S106).

APPENDIX A:

Hinkley Fund Community Impact Mitigation Fund Approval Balances

	£	£
CIM Fund received under SPW Phase 2		3,735,426
CIM Fund received under SPW Phase 2+1		1,751,749
		<u>5,487,175</u>
<u>Less previously approved allocation</u>		
Stogursey Parish Council - Burgage Road Play Area	(90,373)	
Wembdon Village Hall - New VH & Play Area	(250,000)	
Somerset Youth & Community Sailing Association	(9,600)	
Tropiquaria - Relocation of primates	(40,000)	
Tropiquaria - Relocation of play area	(37,350)	
Porlock Shellfish Project	(800)	
Westfield United Reform Church - Street Café	(110,000)	
Williton Bowling Club	(13,000)	
		<u>(551,123)</u>
Current Uncommitted Balance		4,936,052
<u>Less current applications recommended for approvals</u>		
Kilve Cricket Club	(22,000)	
Onion Collective	(243,119)	
Williton Parish Council	(250,000)	
		<u>(515,119)</u>
		<u>4,420,933</u>

Report Number: WSC 86/15

Presented by: Cllr M Chilcott, Lead Member for Resources and Central Support

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Report to a Meeting of: Council

To be Held on: 17th June, 2015

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: n/a

REGULATORY AMENDMENTS TO STATUTORY PROTECTION PROVISIONS FOR STATUTORY OFFICERS

1. PURPOSE OF REPORT

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into effect on 11 May 2015. They amend the statutory provisions in relation to disciplinary action or the dismissal of the key statutory posts of Chief Executive Officer (Joint Chief Executive), Chief Finance Officer (Director – Operations and Deputy Chief Executive) and Monitoring Officer (Assistant Chief Executive and Monitoring Officer). The regulations require all councils to adopt revised Standing Orders at their first 'ordinary' meeting after 11th May 2015.

The Somerset Monitoring Officers Group (SMOG) met on 21st May 2015 and agreed to recommend a consistent approach across the 6 councils to considering the implementation of these regulatory requirements. This report goes on to detail why SMOG at this stage is proposing that the 6 councils defer making any changes to their standing orders on this matter until later in the year.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The provision of a transparent and fair process for dealing with any allegation of misconduct by a statutory officer of the council is important in reputational terms as part of good governance which underpins the local democracy corporate priority.

3. RECOMMENDATIONS

- 3.1 That Council defer agreeing revisions to the existing Standing Order provisions relating to the statutory protection arrangements for the posts of Chief Executive, Director - Operations and Deputy Chief Executive and Assistant Chief Executive and Monitoring Officer to the November 2015 Full Council meeting for the reasons outlined in paragraph 3.7.1 of this report.

4. **RISK ASSESSMENT (IF APPLICABLE)**

Risk Matrix

Description	Likelihood	Impact	Overall
By not changing standing orders as required under the new regulations, the council could be open to challenge	3	4	12
<i>This risk is clearly acknowledged and considered less of a risk than to adopt a process that could be legally flawed; there is also a process in place to deal with any allegation that may need to be considered in the interim</i>	2	4	8

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

5. **BACKGROUND INFORMATION**

- 5.1 The Chief Executive Officer, the Monitoring Officer, and the Chief Finance Officer have statutory responsibilities to discharge to their councils. Since 2001 they have had statutory protection in the form of mandatory Standing Orders requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these post-holders. The DIP is appointed early in the procedure, when it appears to a council that an allegation of misconduct by the relevant officer requires to be investigated. No disciplinary action may be taken against these officers other than in accordance with a recommendation in a report made by a DIP. All councils have appropriate standing order provisions within their constitutions to reflect these requirements. The intention of this provision was to ensure that these officers can discharge their duties without any fear of being influenced by elected members and being dismissed without good reason.
- 5.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 attempt to simplify, as well as localise, the process to dismiss these statutory officers by removing the requirement that a DIP should be appointed. The regulations also remove any statutory protection for these posts where disciplinary action short of dismissal is proposed. In place of the DIP process, but only in relation to a proposed dismissal, a decision to dismiss a post-holder in one of these statutory posts can only be taken by full council, which must first consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.
- 5.3 Following the publication of the regulations a debate amongst legal experts and professional associations at national level has emerged which focuses on a lack of clarity over the interpretation of some key elements of the requirements and resulting legal complications. There is currently a significant level of uncertainty over the interpretation of the requirements and representations are being made to the Department for Communities and Local Government (DCLG) by professional associations including the Local Government Association and the Association of Chief Executives requesting clarification of and preferably amendments to the regulations.

The issues that are causing concern are:

- 5.4 Any reduction in the statutory protection provisions increases the risk of these posts being exposed to political pressure and of inappropriate sanctions being registered

against post-holders. The lack, under the regulations, of any protection for disciplinary action short of dismissal is a particular concern given the elected member exposure that these post-holders have as a result of their roles.

- 5.5 A particular concern relates to the constitution of the independent panel required to advise Council in relation to a dismissal. The regulations require relevant *independent persons* appointed by councils for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to be invited to participate in an independent panel established to advise a council on a proposed dismissal. The uncertainty relates to whether that panel should comprise only of *independent persons* (minimum of 2 required) or whether it can and should include elected members. The regulations state that the panel is a committee of the council and "may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority....". However, the letter from DCLG to Chief Executives and the explanatory memorandum which accompanied the regulations both imply that the independent panel should only comprise of *independent persons*. This is a critical point because if elected members are included in the independent panel membership this then brings forward further requirements and complications in respect of the independent panel membership including the need for political proportionality to be applied and the influence of the *independent persons* would be much diluted as they would be in a minority on the panel. The regulations provide for the independent panel to be a formal but not a standing committee of the Council. The regulations also require an authority to appoint a panel at least 20 working days before the Council meeting which will consider the matter.
- 5.6 As stated the Council must invite relevant *independent persons* to be considered for appointment with a view to appointing at least two such persons to the Panel. The Council must appoint to the Panel such relevant *independent persons* who accept an invitation and in the following priority order:
- (a) A relevant *independent person* who has been appointed by the Council and who is a local government elector
 - (b) Any other relevant *independent person* who has been appointed by the Council
 - (c) A relevant *independent person* who has been appointed by another authority or authorities.
- 5.7 The particular problem and direct conflict in relation to the involvement of *independent persons* is that the regulations require them to be voting members of the panel to advise the Council on dismissal of the statutory officers but the Localism Act 2011 doesn't allow an individual to be appointed as an *independent person* by a Council if they are a co-opted voting member of a committee of that Council. This would rule out the *independent persons* appointed by this Council from participating in the Panel advising the Council on the dismissal of a statutory officer.
- 5.8 The current DIP process is often incorporated into statutory officers' contracts of employment, so authorities will need to agree variations to such contracts, if this is the case, if they are not to find themselves complying with the new regulations, but in breach of contract.

In fact, for TDBC and WSC, the procedures are incorporated into protected officers' contracts of employment as they form part of the JNC Conditions of Service Handbook for Chief Executives.

There are several methods for varying or changing a contract of employment but the Local Government Association have advised that they are seeking to amend the JNC model procedures through collective agreement, thereby potentially removing any need to make changes at a local level.

Having established that the DIP process is contractual then, until such time as the contracts of employment are amended nationally through collective agreement or locally (through agreement by the parties or termination and re-engagement) it is necessary to ensure both the Regulations and contractual requirements are met. The Local Government Association (LGA) has proposed a potential model for authorities to use where this is the case. This model is set out in the LGA Advisory Bulletin No. 624 relating to Workforce: Employment Relations.

- 5.9 Finally, *independent persons* were recruited for a specific and different purpose and may not wish to participate or have the required skills.

Therefore, taking into account the matters set out above, there is currently a lack of clarity as to how the new regulations can be enacted by councils without the serious risk of legal challenge.

Response of the DCLG to representations

- 5.10 At the time of writing this report a response has been received from an officer contact at the DCLG in answer to representations made by the Association of Democratic Officers (ADSO) specifically in relation to the make-up of the panel. This confirms the Government's intention that the advisory panel should only comprise *independent persons* and not elected members and this remains inconsistent with the regulations. This response also doesn't address the issues of the conflict between the legislative requirements applying to the appointed *independent persons*. As the situation stands SMOG is unable to identify a suitable local solution that the councils in Somerset can apply to overcome this conflict.

Proposal

- 5.11 SMOG considered the options available for recommendation to the 6 councils at this stage as follows;
- (a) Defer amendment of existing standing order provisions to the autumn in the hope that a satisfactory way forward can be achieved in consultation with DCLG. This carries some risk if a Somerset council is faced with a relevant disciplinary or dismissal situation in advance of any changes being formally agreed to a council's constitutional arrangements. Given that this sort of situation is rare the view of SMOG is that this is a risk worth carrying at this stage on the basis that if a situation arises that requires a panel to be established then a Chief Executive can use his or her emergency powers to agree a suitable way forward in consultation with members as required by that Council's Constitution and depending on national developments. This was the preferred option identified by SMOG and forms the basis of the recommendation in this report. As has already been referenced, the LGA has issued guidance on this matter that could be followed if required.
 - (b) Each council proceeds with the establishment of a panel comprising *independent persons* or a mix of *independent persons* and elected members. Either of these options runs a significant risk of not being compliant with the new regulations or in conflict with other legislative requirements and would require considerable work to put in place locally.

The consensus was that option (a) was the more appropriate way forward at this stage and that there was strength and sense in the 6 councils applying a consistent approach to this course of action

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The proposal in this report is to defer any changes pending further advice. There are no new financial implications as a result of this deferral. There may be financial implications of removing contractual protection to statutory roles, but this would need to be set out clearly in any future report to council on the detailed way forward.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 7.2 None in respect of this report

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None in respect of this report

9. CONSULTATION IMPLICATIONS

- 9.1 None in respect of this report

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1 None in respect of this report

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1 None in respect of this report

12. HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

- 12.1 None in respect of this report

13. LEGAL IMPLICATIONS

- 13.1 Covered in the background information

Background Papers

Local Government Association Advisory Bulletin No. 624 Workforce: Employment Relations

Report Number: WSC 85/15

Presented by: Cllr Karen Mills, Lead Member for Regeneration and Economic Growth

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Report to a Meeting of: Council

To be Held on: 17 June 2015

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 14/4/15

HINKLEY POINT C: ECONOMIC DEVELOPMENT ALLOCATION

1. PURPOSE OF REPORT

- 1.1 To outline proposals relating to the Economic Development allocation that forms part of the HPC Site Preparation S106 Agreement, and to take into consideration the recommendations of the HPC Planning Obligations Board and Cabinet.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The Council's 2nd Corporate Priority is in relation to New Nuclear Development at Hinkley Point: Maximising opportunities for West Somerset communities and businesses to benefit from the nuclear development whilst protecting local communities and the environment.
- 2.2 Objective 4 of the Corporate Plan is that the economic opportunities that arise from the development and associated activities are maximised.

3. RECOMMENDATIONS

That Council approve the drawdown of the HPC S106 Economic Development allocation of £66,641 to support the delivery of the areas of activity as detailed in paragraph 6.2 and Appendix A.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The Council fails to deliver or meet its Corporate priorities and objectives	Possible (3)	Major (4)	Medium (12)
<i>The Council has ensured that its corporate priority for Hinkley Point C makes specific reference to maximising opportunities for West Somerset businesses</i>	Possible (3)	Moderate (3)	Medium (9)
The initiatives set out in the Economic Development paper are not delivered	Possible (3)	Major (4)	Medium (12)

<i>Delivery of the project activity is embedded in the targets of the Service Plan and will be monitored on a quarterly basis</i>	Possible (3)	Moderate (3)	Medium (9)
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

5. **BACKGROUND INFORMATION**

- 5.1 Appendix A sets out details of two phases of Economic Development activity and funding. Phase One (related to the first draw down of funding), has been delivered. The second phase (in planning terms referred to as 1st Anniversary of Phase 1) relates to proposals from the Economic Development Team of the Council for utilising the second phase.
- 5.2 The funds are allocated within the Section 106 legal agreement to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037). The legal agreement requires the Council to take into account the recommendations of the Planning Obligations Board when deciding how to apply those elements
- 5.3 The first tranche of £64,000 for Economic Development activity was approved by Council in March 2013. Funds have been used to target support to where it is most needed and to lever in further funds to extend activity where opportunities exist to do so. Appendix A (2.3) sets out the detail of how funds have been spent / allocated by the Economic Development team in line with Council and Planning Obligations Board approval.
- 5.4 The proposals for delivery of the second tranche of funding are contained in Appendix A (3) and are divided into three broad areas of business support; supply chain enhancement, small business enterprise support and support for local economic initiatives.
- 5.5 The HPC Planning Obligations Board considered these proposals at their meeting on 7 April 2015. They reviewed the impact of the first allocation and were pleased to note the very positive outcomes in respect of additional funds levered in and specific outputs achieved. Their opinion was that the projects proposed for the second tranche provided practical interventions to assist business and aligned with the criteria set out in the Section 106 legal agreement. Therefore they agreed that these proposals should be forwarded to West Somerset's Cabinet / Council with the recommendation to approve.

6. **FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The Phase 2 Economic Development Allocation of £66,171 (which includes indexation) has been received by West Somerset Council.
- 6.2 The following table summarises the activity within the Action Plan that will require funding.

Site Prep Works Phase Two Allocation	2015/2016
Supply Chain Enhancement	£20,470
Small Business and Enterprise Support	£26,171
Local Economic Initiatives Support	£20,000
Total	£66,641

The activity within each area, where specific work packages are commissioned will be subject to normal procurement and contractual regulations to ensure best value for money as well as the delivery of contractual obligations.

7 COMMENTS ON BEHALF OF SECTION 151 OFFICER

- 7.1 As the accountable body for the S106 funding, the total expenditure of £66,171 will be recorded in the Council's accounts. It is important to note that the S106 funding is one-off monies and it is advisable to use this to support one-off spending in order to prevent an ongoing budgetary commitment for the Council. It is not expected that there will be any associated costs, other than staff time and minimal administration, in respect of this item.
- 7.2 To aid monitoring and reporting against financial approvals, it is recommended that the sum of £66,171 is added to the Revenue Budget creating an agreed budget for the expenditure, with a matching income budget of £66,171 and be funded from S106 contributions received. This will not impact on Council's Net Budget position.

8 EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:
- Eliminate discrimination, harassment, victimisation
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 8.2 The Council's commitment to equalities and diversity is reflected in the Council's Core Values of the Corporate Plan.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no direct implications

10 CONSULTATION IMPLICATIONS

- 10.1 Consultations have been undertaken with EDF (via the Local Supply Chain Engagement Forum), the Hinkley Enabling Team (Supply Chain Support), Hinkley Point Tourism Action Partnership and with local businesses. We have also discussed our proposals with Sedgemoor District Council and we will be looking to procure some of the business support services jointly, to ensure that there is no duplication of activity and we improve our 'purchase power' with external agencies.

11 ASSET MANAGEMENT IMPLICATIONS

- 11.1 There are no direct implications.

12 ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no direct implications.

13 HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 The overall aim of the proposals is to help make local businesses more sustainable, effectively maintaining and increasing employment opportunities in the local area. Active engagement in employment has been linked to mental health benefits providing a sense of purpose as well as helping families and communities to thrive and people to live independently.

14 LEGAL IMPLICATIONS

14.1 The recommendations that form part of this Report are in line with the requirements of the HPC Site Preparation S106 – Schedule 6

Appendix A**Report to the HPC Planning Obligations Board – March 2015****Economic Development Allocation Site Prep Works - Phase 2****1) Summary**

- 1.1 This paper sets out West Somerset’s preferred approach to utilising the balance of the business support funding received from EDF Energy through the Site Preparation Works Section 106 (‘S106’).
- 1.2 Use of the second tranche of funding (received on the first anniversary of Phase 1) aims to build upon the groundwork laid down and successes achieved by the activities implemented within the first allocation (section 2.3 provides further detail). The work streams focussed on developing effective communications research, support for local businesses, capacity building for the supply chain and building resilience for our key towns and villages. The areas of activity are of strategic importance in terms of maximising benefit from the HPC project, ensuring West Somerset businesses have every opportunity to engage and participate to establish a longer term legacy for the area in terms of sustained economic growth.
- 1.3 West Somerset Council is now seeking the Board’s views on the new proposals in advance of activity, in accordance with the requirements of Paragraph 4.2, Schedule 6 of the Section 106 agreement.
- 1.4 It should be noted that this paper does *not* cover usage of the funds to be received through the first two years following DCO transition

2) Background

- 2.1 The table below outlines the Economic Development Allocation to West Somerset Council within both the Site Preparation Works Section 106 and Development Consent Order (DCO) Section 106. The subject of this paper is the Site Prep Works First Anniversary of Phase 1 allocation and remaining unallocated funds (£470) from Phase 1.

S106 / Phasing	Amount	Status
Site Prep Works		
Phase One	64,470	£64,000 Allocated in 2013
<i>1st Anniversary of Phase 1</i>	<i>£66,171</i>	<i>£66,641 (£66,171 + £470 unallocated from Phase 1) is the subject of this paper</i>
Development Consent Order		
Year 3 – Year 9	75,000 per annum	2015 - 2022
Year 10	37,500	

- 2.2 The section 106 (for site preparation works) Schedule 1 and Schedule 6 Paragraphs 4.1.1 – 4.1.6. refers to 6 purposes for which the contribution can be utilised:

- i. The cost of business support initiative and relevant projects to deliver proactive information and advice to existing and new businesses in relation to the Development and / or other elements of the Project
- ii. The cost to the Councils of coordinating between the Development and/or other elements of the Project and wider economic activity to seek to enhance local economic growth opportunities
- iii. The cost of liaising with existing and new businesses to build resilience and identify barriers to growth in sectors of the economy directly and indirectly linked to the development and / or other elements of the project and also those sectors not aligned to the development, so as to seek to develop a resilient and robust economy for the longer term
- iv. The cost of investing in creating the right conditions for growth through initiatives linked to infrastructure, land and premises
- v. The cost of undertaking assessment and analysis to generate intelligence and evidence to shape support initiatives and relevant projects
- vi. The cost of working alongside NNB Gen Co (EDF) in liaising with potential inward investors and supply chain related businesses to identify barriers and opportunities to realising economic growth and /or benefits within the Councils' areas

2.3 To date, West Somerset Council has spent/committed £64,000 on relevant Economic Development Activity (following POB and Council approvals). Funds have been carefully used to target support where it has been needed most and to lever in further funds to extend activity where opportunities exist to do so. Elements delivered have included the following:

Element of Support	HPC S106	Match
Databases and Research This element has assisted with researching business support needs and with the purchase of data in order to assist with businesses engagement and dissemination of business support and HPC supply chain information. The data sets developed have also enabled targeting of specific business sectors with key messages.	£15,000	NA
Food and Drink Engagement of the F&D sector in business networking and collaboration activity, primary through a project entitled 'Stepping Up to the Market'. Some of the businesses involved have gone on to engage with Somerset Larder. The project levered in outside funding from LEADER and SCC. A further opportunity levered in outside funding from Magnox to further strengthen collaboration within the sector and developed the skills of locally employed chefs in the creative use of local produce.	£4,000	£16,950
Business Mentoring The set-up of a voluntary professional business mentoring network, drawing on local expertise, enabling tailored support to be provided to local SMEs. Support has also been provided to the Social Enterprise 'Cornerstone' which was set up by a collective of volunteers who met through the original project. Their aim is to continue to develop the capacity of business mentoring locally. The original project levered in	£10,000	£21,000

additional support from LEADER. Funds have also been made available for workshops and to assist with specific certification of businesses in key sectors (eg ISO and SALSA).		
Business Support for Tourism and Hospitality Funds have been used strategically as part of a European bid which has levered in a further £33,000 for West Somerset. The Cool Project has established a strategic framework for the recently produced HTAP Strategy and has piloted a number of work streams that has seen tangible outcomes in terms of marketing / promotion products for the industry and a number of skills and training activities for the tourism and hospitality sector. We have also levered in a further £12,000 from the Local Response Fund to assist with training requirements in order to raise standards within the hospitality industry.	£15,000	£45,000
Town / Village Centre Support Largely used as a facilitating budget, support provided has developed networks and dialogue with business groups and provided appropriate workshop support and professional business advice. As well as stimulating High Street activity, the fund has also helped the Watchet business community by assisting with mitigation during the time of road works at Washford Cross. The budget has also provided technical support in respect of preparatory works for a recent Coastal Communities bid, the success of which has secured £637k for the construction of a major piece of transport and tourism infrastructure – part of the Steam Coast Cycle Trail, linking towns and villages in the area.	£20,000	£31,120
Totals	£64,000	£114,070

The HPC outputs from the above activity has resulted in the following:

HPC Output of Individuals accessing 1:1 programmes	248
HPC Output of Businesses attending training of over 2hrs	422
Number of businesses registered on the supply chain portal	307

Further detail on outputs includes:

Businesses Provided with a Mentor	44
Business Mentors recruited	32
Businesses receiving intensive IT support / using new IT tools	57
Successful business collaborations	16
Marketing Materials produced	4
Intensive business assist (direct dialogue and signposting to specific support)	148
Non-intensive business assist (receiving info on the HPC project)	1884

3) Proposal

3.1 It is proposed to separate the remaining Economic Development funding from the Site Preparation Works S106 into three distinct activity strands:

i. Supply Chain Enhancement (£20,470)

As the HPC project moves forward it is likely that the need for supply chain support will intensify. This element will seek to secure resources to support the local business community to access / compete for relevant contracts related to Hinkley Point C. The experiences of businesses involved in early consortium development (such as Somerset Larder) have taught us for example that legal and technical issues have been a hurdle and additional support in these areas may be required.

Support may include a contribution to the provision of a discrete officer/mentor within the supply chain to work in conjunction with wider partners, in proportion to the number of West Somerset based businesses that are involved. We understand District economic development officers will be invited to the supply chain work streams in due course and this will further inform and direct activities.

It is proposed to split activity into three elements:

- **Support for Supplier Consortiums** – Funding will be utilised to support the development of local supply consortia, either on legal, system or wider advice. Evidence from round one suggests that a mixture of mentoring and technical support can significantly improve the potential of local groups to both establish themselves as a viable partnership and to secure work from the development at HPC.
- **Wider Supply Chain Outreach** – Targeted visits and engagement with those still outside of the supply or whose businesses/ sectors have yet to be engaged within the project. In sectors where specific diagnostic support is not already provided (e.g. through MAS etc), the project will also seek to provide simple business diagnostics as part of the visit, illustrating opportunities to market and highlight likely barriers. Support will be provided on a one to one basis, as well as via wider workshop formats.
- **Development Support** – As supported in the previous allocation, an element of financial support for specific Hinkley related development activity (ISO, SALSA and other relevant certification, consortium development costs) will be provided. The proportion allocated to this element will be dependent on the cost of the first two areas of support, as well as upon the level of external and private sector match that can be secured.

ii. Small Business and Enterprise Support (£26,171)

The West Somerset economy is characterised by small businesses. Evidence suggests that whilst an element of the local business community will be able to compete (collaboratively) for direct contracts emerging from Hinkley, a far larger number may be more likely to benefit from down- stream activity. Therefore it is proposed to utilise a proportion of the funding to procure high quality local providers to support for small and micro business to assist in three key areas:

- **Digital Mentoring** – Building on previous work which has raised general awareness amongst the business community of the capabilities of social media for business, this project goes a step further to provide a service to advise more specific aspects of digital marketing for the individual business. It will offer both more advanced digital workshops as well as one-to-one support to ensure that knowledge imparted is incorporated into a digital strategy for the business. 1-2-1 sessions and opportunities for follow up support. This project is timed to follow the recent roll out of faster Broadband to many areas of West Somerset.

- **General Business Advice** – Providing a general referral service for advice on business regulation, business planning, finance and funding and other core matters. Early issues emerging around the project suggest that a part time resource, working closely with the core team, who could engage on such issues could be invaluable in the medium term. The referral service will also be able to link to the supply chain strand of the ED project and wider partners, on identifying opportunities for small business locally to both work together and alone to secure HPC related growth.
- **Business Mentoring for Upskilling and Expansion** – Building on past successful business mentoring programmes, this element will provide specific advice for those seeking to expand and take on more employees, helping businesses deal with transition matters and provide support for those encountering employment law, VAT registration and other matters for the first time.

iii. Local Economic Initiatives Support (£20,000)

This element of support follows on from the Town and Village Centre support provided in the previous Site Preparation Works allocation, which has been successfully utilised as a facilitating budget to engage with the business community and respond to local business need and economic opportunities.

It is therefore proposed to utilise this budget in a similar way to support local business advice and information sessions which are responsive to local business need and to support local activity which has the potential to achieve economic benefit for businesses in the area.

Dialogue will continue with local Chambers, Minehead Vision Group and other regeneration focussed partnerships to help shape the scope of support required as well as the opportunities to exploit, utilising partner linkages to the immediate business community affected by the project.

4) Finance

4.1 It is proposed that the elements outlined above will draw funding down as follows:

Site Prep Works Phase Two Allocation	2015/2016
Supply Chain Enhancement	£20,470
Small Business and Enterprise Support	£26,171
Local Economic Initiatives Support	£20,000
Total	£66,641

4.2 As far as practicable, West Somerset Council will be seeking opportunities for leverage of further funding into relevant activity, maximising the impact for the local area.

5) Governance

5.1 Contracts and procurements will be managed in service, in line with West Somerset Council standing orders and financial regulations. In line with the agreed approach, quarterly update reports on performance and delivery activity relating to and outputs/outcomes will be fed into the DSG dashboard.

6) Procurement

6.1 Procurement will be split into three, reflecting the differing elements of the project:

Supply Chain Enhancement – We are aware of Sedgemoor DC’s Supply Chain Enhancement proposals and that they are aiming to secure a delivery partner for a very similar element of work as that described in 3.1i above. We are in dialogue with Sedgemoor DC and have discussed the possibility that an appropriate proportion of this allocation may be contributed to extend delivery of this contract into the West Somerset area. Given potential total size of this contract it is likely to be procured under the OJEU process by Sedgemoor DC.

Small Business and Enterprise Support – We are aware of Sedgemoor DC’s Small Business and Enterprise Support proposals and are in dialogue on potential for procurement and delivery of these elements of work across both Districts. The intention is to competitively tender this element of support. We are aware of a number of high quality business support providers covering the area with whom WSC or one of its partners has already worked. As far as possible, West Somerset Council will be seeking to utilise its funding to enhance existing capacity and increase leverage into the immediate area.

Local Economic Initiatives Support – The WSC Economic Regeneration Team is in regular dialogue with relevant partners. Appropriate procurement for small value contracts will be undertaken as priorities and proposals are finalised.

7) Next Steps

7.1 This proposal requires project approval from the Planning Obligations Board (POB) as required by the section 106 agreement and agreement from West Somerset Cabinet and Full Council. Procurement activity is expected to commence in Spring / Early summer 2015.

March 2015

Report Number: WSC 89/15
Presented by: Councillor K Turner, Lead Member for Housing
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Report to a Meeting of: Council
To be Held on: 17 June 2015
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 23/4/15

HPC SECTION 106 AGREEMENT – ALLOCATIONS OF HOUSING FUND – ADMINISTRATION FEES

1. PURPOSE OF REPORT

The purpose of this report is to present the recommendations of the Hinkley Point Planning Obligations Board (POB) of 7 April 2015 for the allocation of Housing Fund monies secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point, and to request that Cabinet recommend to Full Council the approval of the allocation.

2. CONTRIBUTION TO CORPORATE PRIORITIES

The Draft EDF Energy Housing Funding Strategy is directly related to the delivery of the WSC Corporate Plan, and associated targets, by setting out the proposals for meeting the Corporate Priority below:

Corporate Priority: New Nuclear Development at Hinkley Point – Objective 5: The availability of housing supply within West Somerset is increased to mitigate the extra demands linked to Hinkley Point workers.

3. RECOMMENDATIONS

- (i) That Council approve that, in accordance with the s106 agreement to contribute to the costs of both Councils, a fee of 5% of total project costs covering additional local authority administration in delivering the wider suite of initiatives should be applied to all previously approved Housing Contribution Fund projects, including £34,245 for the recently approved Withycutter (£4,000), Paragon Laundry (£15,133) and Monmouth Street (£15,112) enabling projects.
- (ii) that Council notes that the Planning Obligations Board requested that SDC and WSC officers monitor the actual costs in relation to the development and delivery of Housing Contribution Fund projects and that the results of this monitoring are presented at the next meeting of the Board. The results of the monitoring will be used as a model to

enable greater accuracy in prediction of actual administration costs for future Housing Contribution projects.

4. **RISK ASSESSMENT (IF APPLICABLE)**

Risk Matrix

Description	Likelihood	Impact	Overall
Work across all 3 authorities and the need to balance resources, priorities or focus from partnership in delivery of Hinkley proposals (project management, embedding legacy projects etc)	2	3	6
<i>Commitment to prioritising and resourcing Hinkley in operational arrangements</i>	1	3	3
Uncertainty over future of SWELT as delivery agent for private sector Landlord & Tenant Services	3	4	12
<i>Committing resources to Project Teams for delivery of individual proposals</i>	1	4	4
Competing agendas across the districts, compounded by different perspectives at varying levels of project management may lead to confusion or threaten partnership approach	3	4	12
<i>Clarity and openness over lines of engagement</i>	2	4	8

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. **HOUSING FUNDING STRATEGY**

- 5.1 The Housing Fund of £4m was secured to provide finance to deliver additional housing capacity to mitigate any potential adverse effects on the local private rented and low cost housing market that might arise from the Hinkley Point C development. The fund is provided under the Section 106 Agreement in relation to the Site Preparation Works, with a further £3.5m to be made available when EDF Energy elect to Transition to the Development Consent Order (minimum of £1m for Sedgemoor District Council (SDC) and £500,000 for West Somerset Council (WSC)).
- 5.2 The EDF Housing Funding Strategy, providing a summary of joint bids by WSC and SDC, was approved by the Planning Obligations Board (POB) on 7 October 2014, and adopted by West Somerset Full Council on 19 November 2014. All the individual initiatives contained in the Strategy are now being implemented. In addition, funding for a number of “enabling” bids have been approved and are now being developed.
- 5.3 Paragraph 3.6 of Schedule 2 – Accommodation and Housing - of the S106 Agreement in relation to the Site Preparation works states that: *the maximum amount of any payments made from the housing contribution that may be applied towards administration, expenses or other related costs shall be 5% of the relevant payment in addition to any payments for the purpose described in paragraph 3.2.12 (the employment of Councils Housing Initiative Implementation Officers).*
- 5.4 As the individual initiatives are being explored and developed with partners who need to be involved, it has become apparent that a range of additional resources are necessary (for example administration, procurement advice, legal agreements) to enable the project to proceed to the implementation stage and it is suggested that this is justifiably funded from the charging of the 5% fee. This is over and above the work that is being undertaken by the Housing Initiatives Implementation officers and is necessary to deliver the initiatives that have already been approved. The use of the funds is considered to be value for money in the context of the overall housing fund and will ensure that the required number of bed spaces are being delivered.

- 5.5 West Somerset and Sedgemoor District Councils' approach has always been that the impact of the Hinkley C development and the costs to the Councils in representing the community and dealing with the direct and indirect impacts of the project does not fall to the local taxpayer. The impact on staff resources funded from Section 106 agreements relating to the Hinkley Point C project in delivering the Councils' corporate priorities within their Corporate Plans, however, should not be underestimated.
- 5.6 A report on this issue was requested by POB members at the penultimate meeting to confirm the reasons for requesting this fee, particularly in relation to the three enabling applications presented to the members (Withycutter, Paragon Laundry and Monmouth Street sites). A fee of 5% is necessarily applied across the range of the housing fund applications to cover the additional costs of developing and implementing the initiatives. This report was presented to the POB on 7 April 2015 which agreed the recommendations below:
- (i) *The Planning Obligations Board agreed to recommend to Cabinet that, in accordance with the S106 Agreement to contribute to the costs of both Councils, a fee of 5% of total project costs covering additional local authority administration in delivering the wider suite of initiatives should be applied to all Housing Contribution Fund projects, including the recently approved Withycutter, Paragon Laundry and Monmouth Street enabling projects. The application of the administration fee and the percentage to be applied will be subject to reflection and appraisal by the Planning Obligations Board when assessing future bids to the Housing Contribution Fund.*
 - (ii) *The Planning Obligations Board requested that SDC and WSC officers monitor the actual costs in relation to the development and delivery of Housing Contribution Fund projects and that the results of this monitoring are presented at the next meeting of the Board. The results of the monitoring will be used as a model to enable greater accuracy in prediction of actual administration costs for future Housing Contribution projects.*

6. FINANCIAL IMPLICATIONS

- 6.1 Members will appreciate that the financing of the bids comes directly from the Section 106 agreement for Site Preparation Works at Hinkley Point C and will recall that the Section 106 agreements funds two housing officers at WSC (and equivalents at SDC) who will be responsible for delivering some of the work, working with partners to deliver some of the work and monitoring partners delivering the remaining work. As such there are no significant financial or resource implications for the Councils General Fund – see Report and comments below. The Section 106 agreement also funds a Finance Officer who will work with the Housing Team and the Assistant Director – Energy Infrastructure to track spend and delivery.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The funding for the delivery of the Housing Strategy is from the s106 agreement for Site Preparation Works at Hinkley Point C, not the Council's own resources. However, we must be able to demonstrate to our stakeholders, in particular EDF Energy and other parties to the s106 agreement, that we have maximised the benefit from this fund in terms of mitigating of the impact of HPC on West Somerset and Sedgemoor. Within the Housing schedule set out in the s106 agreement, WSC on behalf of West Somerset and Sedgemoor District Councils received £4.004m (£3.750m plus inflation uplift), making this the largest single contribution received under the agreement.
- 7.2 Many projects and initiatives that the Housing contribution will fund are extending what the Council already provides. We do need to ensure in these circumstances that we separate the Hinkley-funded services from the Council's services and separate our resources. We must ensure that the s106 contribution only funds services where it links back to the Hinkley Point C project, and avoid funding anything that the councils should and would have funded normally. Any bids to the Planning Obligations Board / Cabinet / Council will need to clearly demonstrate this distinction.

- 7.3 Both Councils' approach has been that Councils' costs of dealing with the impact of both the direct and indirect costs of the HPC should not fall to the local council tax payer. The S106 Agreement in relation to the Site Preparation Works limits the amount each authority can spend on Housing Implementation Officers to £60,000 pa. However as individual initiatives are being developed with partners it has become apparent that a range of additional resources are necessary – for example administration, procurement advice, drawing up legal agreements - to enable the projects to proceed to implementation stage. The administration for some projects may be high (eg Somerset HomeLet) but the 5% is small against the specific scheme. Conversely other projects may be of a high cost with a correspondingly high admin fee, for comparatively small administration requirement. Therefore by applying the 5% administration fee across all 14 of the current projects ensures the funding of the additional associated costs. Concern was expressed about the relatively high administrative fee because of the high value of the last 3 enabling bids. POB has requested that SDC and WSC officers monitor the actual costs in relation to the development and delivery of Housing Contribution Fund projects and that the results of this monitoring are presented at the next meeting of the Board. The results of the monitoring will be then be used as a model to enable greater accuracy in prediction of actual administration costs for future Housing Contribution projects.
- 7.4 The demand figures for number of bed spaces/houses are only an estimate within the Housing Strategy and may be subject to change, between schemes or between Councils, projects seeking formal allocations pursuant to the Housing Strategy will be considered by the Planning Obligations Board and subsequently WSC's Cabinet and Council in due course. The strategy has been designed to be flexible depending on the demand from landlords and residents, and can be adjusted. If adjustments are required, we must ensure that both councils and their communities still get their fair share of the fund. In the event of an overspend it is noted that over £900k of the total Housing contribution is currently unallocated.
- 7.5 Within the agreement, there is a further restriction. We can only spend a total of up to £2.000m on schemes other than Private Sector Initiatives and Social Housing services (except for Accreditation of landlords). We will need to monitor what we spend on these areas to avoid breaching this limit. Again, projects seeking formal allocations pursuant to the Housing Strategy will be considered by the Planning Obligations Board and subsequently WSC's Cabinet and Council in due course to provide a robust overview of how the money is allocated and spent.

8. EQUALITY & DIVERSITY IMPLICATIONS

Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The Hinkley Housing Funding Strategy complies with recommendations that the Council should maximise all opportunities to monitor and measure responses and outcomes against diversity criteria to help plan future housing provision in a way that reflects the needs of all groups within the community. The proposals are intended to increase the supply of accommodation available to all, with measures to assist vulnerable local residents access housing across West Somerset and Sedgemoor. All actions should be in compliance with the Human Rights Act.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 All housing developments should be designed to minimise the potential for crime and disorder. The Housing Fund proposals are designed to mitigate the impact of HPC workers on accommodation in the district, by meeting the needs and aspirations of the local community, improving the quality of housing across the district, increasing housing supply and housing options, so could be expected to have a positive impact on crime and disorder.

10. CONSULTATION IMPLICATIONS

- 10.1 All the Housing Fund proposals have been developed in consultation with Somerset West Private Sector Housing Partnership (SWPSHP), Somerset West Landlord & Tenant Services (SWELT), private sector landlords, the West Somerset Affordable Housing Group, and the West Somerset Housing Forum. This proposal was discussed by the members of the West Somerset Policy Advisory Group on 19 March.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 There are no direct implications

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no direct implications of approving the Housing allocations. However, there are obviously environmental impacts associated with the wider proposed development of Hinkley Point C. These have been assessed within the Environmental Statement submitted by NNB Genco with the application to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037) and mitigation measures have been secured.

13. HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

- 13.1 The Housing Fund proposals are designed to mitigate the impact of HPC workers on accommodation in the district, by meeting the needs and aspirations of the local community, improving the quality of housing across the district, increasing housing supply and housing options, so could be expected to have a positive impact on health and wellbeing.

14. LEGAL IMPLICATIONS

- 14.1 These funds have been paid by a developer (NNB Genco) due to the signing of a Section 106 legal agreement for planning permission to carry out the site preparation works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037). As part of this legal agreement West Somerset Council shall take into account the recommendations of the Planning Obligations Board when deciding how to apply those elements of the Housing Contributions

STANDARDS ADVISORY COMMITTEE**MINUTES OF THE MEETING HELD ON 9 DECEMBER 2014****AT 4.35 PM****IN THE COUNCIL CHAMBER, WILLITON****Present:**

Mr T Evans Chairman

Councillor J Davies

Councillor J Fulwell

Mr I Gunn

Councillor K H Turner

Councillor S O de Renzy-Martin

Mr J Gamlin

Councillor P H Murphy

Councillor D J Westcott

Officers in Attendance:

Monitoring Officer (B Lang)

Meeting Administrator (K Kowalewska)

SA10 Apologies for Absence

No apologies for absence were received.

SA11 Minutes of the Meeting held on 23 September 2014

(Minutes of the Meeting of the Standards Advisory Committee held on 23 September 2014 - circulated with the Agenda.)

RECOMMENDED that the Minutes of the Meeting of the Standards Advisory Committee held on 23 September 2014 be confirmed as a correct record.**SA12 Declarations of Interest**

No declarations of interest were declared.

SA13 Public Participation

No member of the public had requested to speak.

SA14 Review of the Standards Regime

The Monitoring Officer provided an update as to the current situation following discussions held at the last meeting of the Standards Advisory Committee on 23 September 2014 when it was resolved to continue with

the standards regime currently being operated at West Somerset Council with no proposals to make any changes to the process.

The Monitoring Officer advised that the Taunton Deane Borough Council's (TDBC) Standards Committee had requested the Constitutional Sub-Committee to review their current working arrangements as there was some dissatisfaction concerning the fact that the parish and co-opted members were not able to fully participate in the voting process, and as a result TDBC's Full Council had approved that following the May 2015 Elections the Committee would become a Standards Advisory Committee in a similar format and way of working to that of WSC, with a composition of five Borough councillors, three Parish councillors and three independent persons, enabling any Committee member to be Chair. However, there were still differences in terms of how complaints were dealt with between the two Councils.

RECOMMENDED that the Monitoring Officer's update be noted.

SA15 **Training for Councillors following the Local Government Elections in May 2015**

(A copy of the Induction Programme planned before the last Elections in 2011 – circulated with the Agenda.)

Members of the Committee were asked to consider what should be included in the Induction Programme for Councillors following the Elections in May 2015. Councillor P Murphy was Member Champion for WSC in terms of member development and he was currently working on a fit for purpose programme with officers and the TDBC Member Champion, Councillor G Slattery, and an objective input would be useful. It was noted that in addition to the in-house programme, there would be opportunities for Members to attend regional events and various 'taster days' in conjunction with SALC and TDBC. The induction programme would also be an opportunity to provide a refresher for returning Members.

Councillor Murphy provided clarification about his role as Member Champion and confirmed that although he did not have direct responsibility for parish and town councils, WSC did have a role to encourage professional conduct and to provide support to parish and town councils.

In terms of training and development for parish and town councils, who adopt their own code of conduct, the Monitoring Officer advised that his statutory role was to ensure register of interests were correctly completed and appropriately available to the public, and that a process was in place to consider complaints about alleged breaches of the code of conduct. There was no requirement upon WSC to ensure that parish and town councils were appropriately trained but there was a recognised role that the district council would provide support on code of conduct issues.

The Monitoring Officer confirmed that awareness sessions about code of conduct would be included in the induction programme as well as training on planning, as both topics were deemed to be important and worthwhile.

For the benefit of new and returning Councillors it was suggested that the layout of the 2011 programme should be broadly repeated with changes made regarding the Hinkley Point element, however there was scope for it to be further developed to include the element of working across two councils. It was noted that engaging with experienced Councillors and role play was beneficial. The point was also made that it would be useful if a few members of the Standards Advisory Committee could contribute to the induction programme by attending one of the code of conduct training sessions for parish and town councils.

RECOMMENDED (1) that code of conduct training be included within the induction programme.

RECOMMENDED (2) that the induction programme be adapted to include partnership working.

RECOMMENDED (3) that, subject to the availability of resources, training to be provided to parish and town councils, in consultation with SALC, and that committee members would like to participate and become involved.

SA16 Proposed Social Media Policy and Recording of Meetings Protocol

The Monitoring Officer reported that West Somerset Council had recently approved a Social Media Policy and Recording of Meetings Protocol which provided guidance and a framework for Councillors and staff, and he provided the Committee with a summary of the information contained therein. He advised that complaints may be received relating to social media.

RECOMMENDED that the Monitoring Officer's update be noted and a copy of the Recording of Meetings Protocol and Social Media Policy be circulated to Members of the Standards Advisory Committee.

SA17 Monitoring Officer's Update

The Monitoring Officer reported on activities undertaken since the last meeting and Members of the Committee noted that no formal complaints had been received. He had attended a useful training session with Louise Somerville Williams on the role of the independent person where one matter being flagged up related to the challenges with dealing with extreme cases of bad behaviour in the light of the lack of sanctions that would act as an effective deterrent to serious cases of inappropriate conduct.

In light of changes being made, there was a need to update the Constitutions for both West Somerset and Taunton Deane Councils and an update on progress would be provided at the next meeting.

Finally, he informed that a member of the public had raised an issue regarding whether special treatment should be made of councillors who are sub-contractors to direct contractors with Council and whether there should be a requirement to include such an interest in their register of interests. The Monitoring Officer would be discussing this matter with other Monitoring Officers in Somerset.

RECOMMENDED that the Monitoring Officer's update be noted.

SA18 **Date of Next Meeting**

The next meeting of the Standards Advisory Committee was scheduled for 3 March 2015 at 4.30 pm.

The meeting closed at 5.40 pm