

## WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 17 September 2014 at 4.30 pm

Council Chamber, Williton

### AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meetings of Special Council and Council held on 23 July 2014 to be approved and signed as correct records – **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. **Representation on Committees/Outside Bodies**

To note that following the resignation of Councillor P N Grierson from the Conservative Group, the Leader has nominated Councillor D J Sanders to take up the vacant seat on the Scrutiny Committee.

To also note that Councillor Grierson has resigned as one of the Council's representatives on the Minehead Events Group and following liaison with the relevant parties, it has been agreed not to fill this vacancy, leaving Councillor R P Lillis as the Council's appointed representative on the group.

7. **Member Reporting on Membership of Outside Body for Information**

- Somerset Building Preservation Trust: Minutes of a Board Meeting held on 9 June 2014 from Councillor H J W Davies – **SEE ATTACHED**

**8. West Somerset Railway Partnership Development Group**

To consider Report No. WSC 128/14 to be presented by Councillor K Mills, Lead Member for Regeneration and Economic Growth – **SEE ATTACHED.**

The purpose of the report is to seek Council approval for the nomination of the Portfolio Holder for Regeneration and Economic Growth, Cllr Karen Mills, to represent the Council on the new West Somerset Railway Partnership Development Group.

**9. Blue Anchor Coastal Protection Scheme**

To consider Report No. WSC 127/14 to be presented by Councillor A H Trollope-Bellew, Lead Member for Environment-General – **SEE ATTACHED.**

The purpose of the report is to provide an urgent update to Council on the Blue Anchor coastal protection scheme and the options that now face this Council. The urgency is based around the Environment Agency's inability to hold the allocated money against this project.

**10. HPC Planning Obligations Board – Allocations of Funding**

To consider Report No. WSC 126/14 to be presented by Councillor K V Kravis, 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 Cabinet, for the allocation of monies secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point. The relevant fund is the "Community Impact Mitigation (CIM)" Fund.

**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 Watchet, Williton and Quantock Vale Area Panel held on 10 June 2014  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Watchet,-Williton-and-Quantock-Area-Panel/Watchet,-Williton---Quantocks-Area-Panel---10-June>
- Notes of the Exmoor Area Panel held on 19 June 2014  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Exmoor-Area-Panel/Exmoor-Area-Panel---19-June-2014>
- Notes of the Dunster Area Panel held on 28 July 2014  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---28-July-2014.aspx>

**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

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

<b>Likelihood</b>	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
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
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 COUNCIL****Minutes of the Special Meeting held on 23 July 2014 at 3.00 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding ..... Chairman  
Councillor A F Knight..... Vice-Chairman

Councillor M J Chilcott	Councillor M O A Dewdney
Councillor S Y Goss	Councillor B Heywood
Councillor K V Kravis	Councillor E May
Councillor K M Mills	Councillor S J Pugsley
Councillor D D Ross	Councillor D J Sanders
Councillor L W Smith	Councillor T Taylor
Councillor A H Trollope-Bellew	Councillor K H Turner
Councillor D J Westcott	

**Officers in Attendance:**

Assistant Chief Executive (B Lang)  
Director of Operations (S Adam)  
Meeting Administrator (K Kowalewska)

**Also Present:**

Mr Viv Brewer  
Mr George Burnell  
Mr Michael Gammon  
Mr Peter Humber

**C25      Apologies for Absence**

Apologies for absence were received from Councillors H J W Davies, P N Grierson, A P Hadley, R P Lillis, C Morgan, P H Murphy, K J Ross and M A Smith

**C26      Declarations of Interest**

No Councillor present declared an interest on any item on the agenda.

**C27      Public Participation**

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

**C28      Appointment of Honorary Aldermen**

The meeting was asked to consider conferring the title of Honorary Alderman on Messrs V Brewer, G Burnell, M Gammon and P Humber for the rendering of eminent services to the Council.

Councillor T Taylor proposed the nomination to confer the title of Honorary Alderman on Mr Viv Brewer, which was duly seconded by Councillor K V Kravis. A short résumé of Mr Brewer's contribution to the Council was given and particular mention was made of his many years as Chairman of the Planning Committee. Mr Brewer had represented Crowcombe and Stogumber for 31 years from 1976 to 2007 and had served as West Somerset's chairman twice, in 1987-88 and 2000-2001.

Councillor E May proposed the nomination to confer the title of Honorary Alderman on Mr George Burnell, whom he had first met back in 1951. Mr Burnell had served as a councillor for the Aville ward between 1973 and 2004 and the Council was provided with details of his early life and background and his interest in cars. The proposal which was duly seconded by Councillor M O A Dewdney.

Councillor S J Pugsley proposed the nomination to confer the title of Honorary Alderman on Mr Mike Gammon, which was duly seconded by Councillor B Heywood. Councillor Pugsley went on to provide details of Mr Gammon's significant contribution to the Council between 1995 and 2011 as a Dulverton councillor and during that period he was chairman of the Council in 2003-2004. Councillor Pugsley stated that what Mr Gammon valued the most was people, his constituents and officers of the Council.

Councillor D D Ross proposed the nomination to confer the title of Honorary Alderman on Mr Peter Humber, and provided an account of Mr Humber's contribution to the Council and listed his many achievements. Mr Humber represented the ward of Carhampton and Withycombe from 1996 to 2011. The proposal was duly seconded by Councillor E May.

Following speeches and words of thanks from the nominated Aldermen, the Chairman called for a vote on all four proposals and the vote was carried, unanimously.

**RESOLVED (1)** that the title of Honorary Alderman be conferred upon Mr Viv Brewer.

**RESOLVED (2)** that the title of Honorary Alderman be conferred upon Mr George Burnell.

**RESOLVED (3)** that the title of Honorary Alderman be conferred upon Mr Michael Gammon.

**RESOLVED (4)** that the title of Honorary Alderman be conferred upon Mr Peter Humber.

The meeting closed at 3.35 pm

**WEST SOMERSET COUNCIL****Minutes of the Meeting held on 23 July 2014 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding ..... Chairman  
Councillor A F Knight..... Vice-Chairman

Councillor A Chick	Councillor M J Chilcott
Councillor M O A Dewdney	Councillor S Y Goss
Councillor A P Hadley	Councillor B Heywood
Councillor K V Kravis	Councillor E May
Councillor I R Melhuish	Councillor K M Mills
Councillor S J Pugsley	Councillor D D Ross
Councillor D J Sanders	Councillor L W Smith
Councillor T Taylor	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

**Officers in Attendance:**

Director of Operations (S Adam)  
Assistant Chief Executive and Monitoring Officer (B Lang)  
HR & OD Manager (Fiona Wills)  
Assistant Director – Housing and Community Development (S Lewis)  
Assistant Director – Corporate Services (R Sealy)  
Economic Regeneration and Tourism Manager (C Matthews)  
Finance Manager (S Plenty)  
Meeting Administrator (K Kowalewska)

**C29      Apologies for Absence**

Apologies for absence were received from Councillors H J W Davies, P N Grierson, R P Lillis, C Morgan, P H Murphy, K J Ross and M A Smith.

**C30      Minutes**

(Minutes of the meeting of Council held on 18 June 2014 circulated with the Agenda.)

**RESOLVED** that subject to deleting the words ‘to maintain the Weir and’ in the third line of the third paragraph of Minute No. C21, the Minutes of the meeting of Council held on 18 June 2014 be confirmed as a correct record.

**C31      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 L W Smith	All	Minehead	Spoke and voted
Cllr K H Turner	All	Brompton Ralph	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, the following interest was declared:

Name	Minute No.	Description of interest	Personal or Prejudicial	Action Taken
Cllr A P Hadley	C34	Shop owner selling tobacco	Prejudicial	Left the Chamber

### **C32 Public Participation**

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

### **C33 Chairman's Announcements**

23 June 2014	Attended the Armed Forces Day Celebration at West Somerset Council Offices
23 June 2014	Attended the West Somerset College Sixth Form Presentation Evening
28 June 2014	Attended the unveiling of the Watchet War Memorial
9 July 2014	Attended 40 Commando Open Day
14 July 2014	Attended the West Somerset College Key Stage 4 Presentation Evening
16 July 2014	Attended Home Start AGM
22 July 2014	Preview visit of the Police Custody Suite at Bridgwater

### **C34 Tobacco Declaration**

(Report No. WSC 112/14, circulated with the Agenda.)

The purpose of the report was to outline the issues relating to tobacco, health and wellbeing; to recommend that Council signs the Tobacco Declaration, and to consider the possible actions the Council could deliver.

The report was presented in detail by the Lead Member for Housing, Health and Wellbeing who proposed the recommendations which were duly seconded by Councillor D Ross.

The Leader advised that he was supportive and prepared to sign the Tobacco Declaration as it was now evident that WSC could put the intentions of the Tobacco Declaration into practice. He advised that the Council was now a member of the West Somerset Health Forum and held regular discussions with the Williton Health Practice; and he hoped that by continuing to work in partnership with the health and education authorities the Council would play a key role in tackling health and wellbeing issues for the people of West Somerset.

In response to a question regarding the erection of smokefree play area signs in West Somerset Council owned play parks, the Assistant Director – Housing and Community Development confirmed that the intention was to speak to the other parish/town councils to encourage them to do the same.

**RESOLVED (1)** that the Health and Wellbeing Board recommendations be endorsed.

**RESOLVED (2)** that the Local Government Declaration on Tobacco Control be signed.

**RESOLVED (3)** that the SCC request to the Pensions Committee to reconsider its investment policy in relation to the tobacco industry be supported.

**C35 Supplementary Budget Allocations 2014/15**

(Report No. WSC 111/14, circulated with the Agenda.)

The purpose of the report was to request approval of the Council for two supplementary budget allocations for the 2014/15 Revenue Budget.

The Lead Member for Resources and Central Support presented the item and proposed the recommendation contained in the report which was seconded by Councillor A Trollope-Bellew.

During the debate the following main points were raised:

- Due to the numerous complaints received from the public about the sand on the sea front it was suggested that perhaps a regular smaller sum could be put aside in future budgets for clearing the drains and gullies.
- An ongoing, regular maintenance program was required to effectively clear the drains and gullies.
- The work that was being carried out was very much appreciated and would help relationships between WSC and Minehead Town Council.
- Reference was made to the asset management implications contained within the report and that there was still a lot of work to be done.

- The Lead Member for Resources and Central Support stressed that the proposals had derived from listening to the people of Minehead and the Town Council, and gave reassurance that WSC would do its utmost best to support requests where affordable. The monies on this occasion were able to be allocated using the net underspend in 2013/14 and members and officers were congratulated on making this possible. She went on to thank the Chief Executive who had led conversations with the town council and stated that this was a prime example of the benefits of a wider management team in terms of better manpower and resources.

**RESOLVED** that the Supplementary Budget allocations of £5,500 for improvements to Blenheim Gardens and £10,000 for sand clearance from drains and gullies on the seafront in Minehead, making use of 2013/14 budget underspend, be approved.

### **C36 Joint Independent Panel on Members' Remuneration**

(Report No. WSC 106/14, circulated with the Agenda.)

The purpose of the report was to seek approval for a proposal to expand the membership of the Joint Independent Remuneration Panel to include Mendip District Council.

The report was presented by the Lead Member for Executive Support and Democracy.

A question was raised about the procedure for dealing with future requests from Councils to join the Joint Independent Remuneration Panel, and whether the decision needed to go to Full Council for approval, or could it be devolved to an officer. The Assistant Chief Executive responded that he had no objection to delegate the decision to the Monitoring Officer in consultation with the Portfolio Holder to determine any future requests to expand the Panel.

The Lead Member proposed the recommendation, as amended, which was seconded by Councillor E May.

**RESOLVED** that the expansion of the Joint Independent Panel on Members' Remuneration to include Mendip District Council be approved and authority be delegated to the Monitoring Officer in consultation with the Portfolio Holder to take detailed decisions necessary to establish the new Joint Panel, to include dealing with any further requests from Councils within Somerset for the expansion of the Panel.

### **C37 Southwest Audit Partnership Governance Arrangements**

(Report No. WSC 107/14, circulated with the Agenda.)

The purpose of the report was to propose a change to the West Somerset Council "Director" to the Southwest Audit Partnership (SWAP) to reflect the responsibilities of the new Joint Management Team (JMT).

The Lead Member for Resources and Central Support presented the item and proposed the recommendation in the report which was seconded by Councillor D Ross.

**RESOLVED** that the following nominations be approved:

- (i) the Assistant Director – Resources as the Council's Director on the Board of SWAP; and
- (ii) the Assistant Director – Corporate Services as the Alternate Director.

**C38**      **Allocation of HPC Section 106 Tourism Information Funds**

(Report No. WSC 108/14, circulated with the Agenda.)

The purpose of the report was to consult with Council on a suggested approach for the allocation of the HPC Section 106 Phase 2 (Part 1) Visitor Information funds.

The Lead Member for Economic Regeneration and Tourism presented the report in detail and highlighted the fact that all 2014/15, and future, Tourism Information Centres (TICs) would be subject to a Service Level Agreement that clearly set out the levels of activity, monitoring and information that the Council would require from the individual Centres. She went on to acknowledge the strong negotiation skills of the Economic Regeneration and Tourism Manager who had secured and was continuing to secure a significant amount of funding, and also recognised the great commitment of the TIC paid and volunteer staff.

The Lead Member proposed the recommendations contained in the report which were duly seconded by Councillor M O A Dewdney.

The Economic Regeneration and Tourism Manager noted and answered a range of questions from Members relating to the following main issues:

- National advertising/social media campaigns run by the TICs.
- Wider tourism mitigation funds and coastal tourism.
- The need for more innovative ways to promote the whole of West Somerset as a tourist destination.
- The importance of having an up to date database of tourism related businesses and the use of place based marketing in TICs.
- The funding would provide a great opportunity to upgrade TIC equipment and buildings.
- Concerns relating to the lack of rebranding and promotion of Dunster.
- The possibility of investigating visitation patterns to find out what visitors want and what would encourage them to stay for longer in the district.

**RESOLVED (1)** that the allocation of the Phase 2 (Part One) S106 Tourism allocation of £50,000 to those Local Authorities and Visitor Centres named within the Section 106 Agreement be approved, as follows:

(i) £20,000 to West Somerset Council for the purpose of supporting Minehead, Porlock and Watchet Tourism Information Centres.

(ii) £15,000 to Sedgemoor District Council for the purpose of supporting Burnham-on-Sea Tourism Information Centre.

(iii) £15,000 to Somerset County Council for the purposes of supporting the Sedgemoor Services Visitor Centre (located on the M5).

**RESOLVED (2)** that, in respect of this allocation, an addition expenditure budget of £50,000 to the Revenue Budget for Tourism Information Centres with a corresponding income budget of £50,000 for the S106 Contribution be approved.

**C39 Annual Treasury Management Review 2013/14**

(Report No. WSC 110/14, circulated with the Agenda.)

The purpose of the report was to review the treasury management activity and the performance against the Prudential Indicators for the 2013/14 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy and Annual Investment Policy.

The Lead Member for Resources and Central Support presented the report and proposed the recommendation which was seconded by Councillor K H Turner.

**RESOLVED** that the Treasury Management activity for the 2013/14 financial year, attached as Appendix A to the report, be noted.

**C40 Member Reporting on Membership of Outside Body for information**

(The following reports were circulated with the Agenda:

- Somerset Passenger (Public) Transport Forum by Councillor A Trollope-Bellew
- Quantock Hills Joint Advisory Committee by Councillor G S Dowding
- Exmoor Tourism Partnership by Councillor K Mills
- Local Action for Rural Communities by Councillor K Mills
- Into Somerset (Inward Investment) by Councillor K Mills)

The Chairman thanked those Councillors who had submitted reports.

**RESOLVED** that the reports on membership of outside bodies be noted.

**C41 Minutes and Notes for Information**

(Minutes and Notes relating to this item, circulated via the Council's website.)

**RESOLVED** that the draft notes of the Minehead Area Panel held on 11 June 2014 be noted.

**C42 Approval of Redundancies**

(Report No. WSC 109/14, circulated with the Agenda.)

The purpose of the report was to request Council to approve the redundancies of the Revenues, Benefits and Debt Recovery Manager (WSC) with effect from 31 July 2014 and the Planning Policy Lead (TDBC) with effect from 28 February 2015. The necessary financial approvals are already in place via the Business Case for Joint Management and Shared Services. This request for Full Council approval is a separate requirement of the Council's HR policies.

The report was presented by the Lead Member of Resources and Central Support who welcomed Fiona Wills, HR Manager, to the meeting. She advised that WSC had approved the business case and the formation of the new management team; HR had carried out an enormous amount of work to comply with all relevant employment law and policies; and the redundancies had been approved in principle as part of the Joint Management and Shared Services (JMASS) project. She reported that TDBC had approved the decision at their Council meeting on 22 July 2014.

The Lead Member proposed the recommendation which was duly seconded by Councillor S J Pugsley.

In response to a question, the HR Manager confirmed that approval was needed by both Councils and if one Council determined not to approve the redundancies it would have to be put on hold to review the decision to see what the impact of this would be; there would also be a risk of challenge by the affected post holders.

Due to the situation surrounding the Council's finances and the budget deficit, concern was expressed regarding the redundancy implications including the pay in lieu of notice, how much had been spent on redundancies so far and how much further was the Council expected to spend going forward under the JMASS project.

The Lead Member clarified that the payment in lieu of notice was due to not working the notice period either because of an operational reason or the necessity to implement a new structure. She further informed that in the autumn there would be a review of the JMASS project and an update on redundancies would be provided.

**RESOLVED** that the redundancies of the Revenues, Benefits and Debt Recovery Manager (WSC) with effect from 31 July 2014 and the Planning Policy Lead (TDBC) with effect from 28 February 2015 be approved in accordance with the financial details set out in Appendices A and B to the report.

The meeting closed at 6.06 pm



**Minutes of a Board Meeting of the Somerset Building Preservation Trust held at Castle House, Taunton TA1 4AA on Monday 9<sup>th</sup> June 2014 at 10.30 am**

**PRESENT:** Mr Russell Lillford Chairman  
 Cllr John Brunsdon  
 Cllr Hugh Davies  
 Cllr Marcia Hill  
 Mr Patrick Brown  
 Mr John Foden  
 Cllr Stuart Dowding  
 Mr David Gordon  
 Mrs Ann Manders Co Secretary/Treasurer

- 1) **APOLOGIES FOR ABSENCE:** Mr Mike Foden (Vice Chairman), Mr Ray Stokes, Mr Peter Davies, Mrs Angela Yeoman, Cllr David Fothergill, Mr Dennis Davey, Mr David Clark, Mr Bob Croft
- 2) **MINUTES OF THE MEETING HELD ON 7 MARCH 2014** (previously circulated): these were signed by the Chairman as a correct record of the meeting.
- 3) **MATTERS ARISING FROM THE MINUTES:** all items covered by the agenda.
- 4) **APPOINTMENTS AND RESIGNATIONS**
  - (a) Board members
  - (b) Officers
 Nothing to report.
- 5) **FINANCIAL REPORT**

Current situation: Mrs Manders reported that the Castle House project is now coming to a close. The bank accounts currently hold balances of approximately £80,000. An additional £72,000 of income is outstanding from English Heritage and HLF. Some final Castle House payments are still outstanding. Annual grant monies from District Councils towards revenue costs have been coming in slowly. There has been some doubt as to whether SCC would continue their grant, however Mr Lillford confirmed that this has been agreed for this year, but that it was unlikely to be forthcoming next year. Cllr Hill will chase TDBC for their contribution. Mrs Manders reported that she had de-registered for VAT, SBPT can re-register in the future if necessary.

Cllr Hugh Davies reported that WSDC had been awarded a fund of £2 million from EDF in respect of the Hinkley Point development. Local organisations are encouraged to apply for project funding and Mr Lillford was encouraged to speak to Liz Peeks, Conservation Officer at WSDC regarding funding for the Old Minehead Hospital.

**6) CASTLE HOUSE**

- (a) **General update** – Mr Lillford read out a report in Mr Stokes' absence, including the following points:

*The interpretation displays on the ground floor have now been completed - and an AV has been produced to give visitors a brief idea of the history of the house and some of the characters connected with it.*

*The house was officially opened by HRH on April 22 - a highly successful and enjoyable event thanks to a lot of hard work behind the scenes (especially by Ann).*

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*Castle House is attracting good visitor numbers - up to 130 a day during school breaks - and we are opening on some Saturdays as a trial.*

*Bookings for the Vivat apartment appear encouraging. We have had several large family groups staying, including visitors from Australia, America and India.*

*As with all historic projects revenue funding is proving a struggle. We need to find more donors/company sponsors. We also need to promote Castle House as a venue for small meetings/talks etc. Our rates are extremely competitive for the centre of town. If SBPT members can twist any arms or offer any suggestions. We would be grateful.'*

- (b) **Royal Visit on 22nd April** – The Chairman reported that these had been a very successful day and a letter of thanks had been received from the Royal Equerry. The Chairman thanked Mrs Manders and Mr Sidaway for their contribution to the event. Mrs Manders will circulate a link to all Trustees of the photographs taken on the day. The event was covered at local level by both the BBC and ITV.
- 7) **RURAL LIFE MUSEUM** – The Chairman reported that he had been working with Mrs Manders and the Trust Solicitor to agree an Indemnity Agreement with SCC regarding the funding of the Rural Life Museum funding. This had now been agreed and signed and an agreement with Viridor to award £750,000 to the project had now been signed. It is anticipated that this funding agreement will novate over to the new South West Heritage Trust later this year. The SBPT will continue to assist with fund raising, but will bear no financial responsibility for the project. Mr Lillford continues to Chair the Project Board, Robert Battersby of Architecton is the project architect and Martin Pickard is the QS. Tenders for the work are to go out on 16 June. SCC are letting the contract in order that VAT can be re-claimed. There will be an opportunity for Trustees to visit the site once the work has started.
- 8) **THE BISHOP'S BARN, WELLS** – The Chairman reported that the Wells Recreation Trust had held a meeting last week and have agreed to take forward a proposal to offer the SBPT a lease on the building in order that a renovation project on the building can be taken forward, following which the building will pass back to a newly formed Wells Recreation Trust. Mr Gordon asked whether archaeological reports had been carried out. A full Options Appraisal had been undertaken by Benjamin Beauchamp, who have been acting as the architects for the project (digital copy available on request from Mrs Manders). It was reported that no evidence of other historical buildings had been found at the site. Mr Lillford has requested that the Wells Recreation Trust provide a £200,000 endowment fund towards the project to act as match funding and estimated that total project costs would be in the region of £750k. Formal negotiations with the Wells Recreation Trust will be started in the near future and Mr Lillford will keep Trustees up to date with developments.
- 9) **THE OLD COURTHOUSE, CHARD** – The Chairman reported that things are finally moving forward. An options appraisal brief has now been prepared and Mr Lillford will be part of the team carrying out the interviews. A grant for the options appraisal has now been agreed with English Heritage.
- 10) **THE OLD HOSPITAL, MINEHEAD** – Mrs Manders reported that she has accompanied the Chairman and Lady Gass on a site visit in April where they met with members of the Minehead Development Group. The Hospital remains on the open market and continues to decline. The MDG have been struggling with their attempts to negotiate with NHS Properties and so far no private investors had come forward wishing to take the site on. Cllr Dowding expressed disappointment that WSDC were not taking more action, Mr Gordon offered to try and raise publicity regarding the plight of abandoned NHS hospital buildings, Mrs Manders will send him some information.
- 11) **HALSWELL PARK TRUST** – Mr Gibson was absent from the meeting and Mrs Manders was asked to contact him asking for a short written report for onward circulation to Trustees.

12) **WILLIAM STANSELL BUILDING AWARDS** – The Chairman reported that 18 entries had been received with site visits by Mr Paul Richold of Architecton, Mr Patrick Brown, Mrs Manders and himself being arranged over three days. The 18<sup>th</sup> or 25<sup>th</sup> of September were suggested as suitable dates for the award ceremony, Mrs Manders will liaise with Mr Mike Foden to confirm.

13) **VISITS 2014**

- (a) **Balsam House, Wincanton, 31 May 2014** – Mrs Manders reported that more than 30 members had enjoyed a very successful visit to the recently restored Balsam House (Grade II\*). The project was an excellent example of what can be achieved by dedicated individuals.
- (b) **Suggestions for late summer visit** – Mrs Manders suggested a visit to the Tithe Barn at East Lyng, to include a walk to King Alfred's monument which marks the site of Athleney Abbey followed by tea in the Rose and Crown, a 13<sup>th</sup> century coaching inn. Mr Brown suggested a visit to Bishops Lydeard Church followed by a trip on the West Somerset railway to Minehead to view the Old Hospital. Mrs Manders to research further.
- (c) **AGM, Huntstile Farm and Halswell House, Goathurst** – this will be held on 17<sup>th</sup> October and will include lunch followed by a visit to Halswell House.

14) **PRESS AND PUBLICITY** – nothing further to report.

15) **ANY OTHER BUSINESS** – nothing to report.

16) **DATES AND VENUE OF NEXT MEETING:** the next meeting of the Board will be prior to the AGM on 17<sup>th</sup> October 2014 at Huntstile Farm, Goathurst



*Report Number:* WSC 128/14

*Presented by:* Cllr Karen Mills, Portfolio Holder for Regeneration & Economic Growth

*Author of the Report:* Richard Sealy, Assistant Director – Corporate Services

*Contact Details:*

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*Report to a Meeting of:* Council

*To be Held on:* 17 September 2014

*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* N/A

## WEST SOMERSET RAILYWAY PARTNERSHIP DEVELOPMENT GROUP

### 1. PURPOSE OF REPORT

- 1.1 To seek Council approval for the nomination of the Portfolio Holder for Regeneration and Economic Growth, Cllr Karen Mills, to represent the Council on the new West Somerset Railway Partnership Development Group.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 There is no direct contribution to the Corporate Priorities resulting from this report.

### 3. RECOMMENDATIONS

- 3.1 Council are recommended to approve the Portfolio Holder for Regeneration and Economic Growth, Cllr Karen Mills, as the Council's representative to the new West Somerset Railway Partnership Development Group.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
No specific risks have been identified in respect of this report and recommendation	N/A	N/A	N/A

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. BACKGROUND INFORMATION

- 5.1 Attached to this report is a letter, dated 6 August 2014, from the West Somerset Railway Plc, which invites the Council to nominate a representative to attend a new 'Partnership Development Group' being set up by the company.

- 5.2 The letter outlines in detail the background to this proposal, the role and structure of the group, frequency of meeting etc. However, in summary the group is being created to “provide the key stakeholders of the West Somerset Railway with the opportunity to come together to discuss and agree matters of mutual interest around policy, strategic direction and major projects.”
- 5.3 The group, whilst operating within the company’s governance arrangements, will be entirely separate from the day-to-day management structure and operations of the company. The intention is that the group will meet four times a year.
- 5.4 The role of group members will be “to represent their organisation and demonstrate that they are communicating internally and within the stakeholder group on ideas/proposals/decisions.”
- 5.5 Members are recommended to read the attached letter in order to obtain a full understanding of the background and purpose of the group.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 There are no financial or resource implications resulting from this report.

## **7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 There are no direct financial implications for the Council in nominating a member representative to the Partnership Development Group.

## **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 There are no implications for equalities and diversity resulting from this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 There are no implications resulting from this report.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 Our having a representative on the group should improve the ability of both organisations to consult on proposed changes.

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 There are no direct implication for asset management.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 Having a representative on the group will provide an increased ability for the Council to potentially influence any environmental implications resulting from changes being considered by the West Somerset Railway.

**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 There are no implications for health and wellbeing from this report.

**14. LEGAL IMPLICATIONS**

- 14.1 The proposed Partnership Development Group is an informal advisory group, which is intended to help the West Somerset Railway Plc in matters of policy and strategic direction. It is not part of the formal company management structure or responsible in any way for the day-to-day running of the company. However, the Member representative will be bound by the governance arrangements and codes of conduct (including declarations of interest) of the group.





# West Somerset Railway P.L.C

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Richard Sealy  
 Taunton Deane/West Somerset Council  
 Deane House  
 Belvedere House  
 Belvedere Road  
 Taunton  
 Somerset TA1 1HE

6<sup>th</sup> August 2014

Dear Richard

## Partnership Development Group

The company's 10 year Corporate Plan envisages the creation of a forum where stakeholders and support organisations come together to influence the strategic direction of the West Somerset Railway.

The Company is now proposing that this should take the form of a Partnership Development Group. The purpose of the group is to provide the key stakeholders of the West Somerset Railway with the opportunity to come together and to discuss and agree matters of mutual interest around policy, strategic direction and major projects. It is not intended that the group will get involved in day to day commercial matters that are properly the province of the PLC management team, or any aspect of Railway operation for which the PLC as duty holder has responsibilities that cannot be delegated. It is anticipated that the Group will have a say in deciding its own Terms of Reference but will initially be charged with stimulating ideas, creating innovation and the mechanisms by which the PLC can secure closer working arrangements and partnerships with constituent organizations, and for the participating organisations to forge closer relationships between themselves. In particular, it is hoped that the group can provide direction and influence over the prioritisation of objectives contained within the 10 year Corporate Plan, as well as suggesting projects they may wish to contribute practically and financially to the WSR, and links to their own plans. It would also have a say in the railway's response to new issues and opportunities as they arise.

As far as the PLC is concerned, we intend to give this new group equivalent status to all other committees of the PLC board and, therefore, all participants will be expected to adhere to the PLC's governance arrangements and codes of conduct, including declarations of interest.

As far as each participating stakeholder is concerned, they would link to their own governance arrangements within their own organisations.

Somerset County Council has accepted advice that to meet the governance requirements of the PLC as the statutory duty holder of operating rights, to the exclusion of the council and all other groups, and to meet ORR guidelines for a single line management case for safety, the stakeholder group and its governance needs to be set up in this way.

Members of the Group will be expected to represent their organization and demonstrate that they are communicating internally and within the stakeholder group on ideas/proposals/decisions. Whilst the Board of the PLC would not be obliged to action any particular recommendation of the Group, the PLC believe that such instances would be unusual unless contrary to governance requirements or duty holder responsibilities. Since the PLC is dependent on the backing of its support organisations it would be counterproductive for it to disregard the views expressed and the recommendations made in this forum.

In terms of frequency, it is proposed that the Group would meet 4 times per year and will be scheduled to reflect planning cycles, AGM's etc.

In terms of membership, it is likely that the Director with the strategy/planning profile would become the representative of the PLC. It is anticipated that other senior persons would also attend if required for specific issues.

Stakeholders would come from the various groups currently operating in support of the railway, as well as volunteers/staff and the relevant local authorities. The first meeting would be asked to consider terms of reference and appropriate ongoing participation. The PLC would chair the group in its first year as terms of reference are agreed and validated to any regulatory standards, but in order to make it inclusive it is proposed that the chairmanship be rotated, either annually or biennially thereafter.

It should be noted that, at its meeting on 10 June, Somerset County Council's Scrutiny Committee supported the creation of this group as a means to move things forward, reinforcing the view of the leader of the Council, John Osman which he expressed when we met him a week earlier. In their letter of 6 Aug to us the Council affirmed the following:

1. That the freehold of the railway was not for sale
2. That the Council supports the setting up of a stakeholder group and that all members will work together
3. That the Council would re-engage with the PLC in discussions relating to a lease extension including pre-emption rights after a period of reflection of ~ 6 months
4. That the PLC as 'fit and proper persons' would continue as leaseholders and duty holder to operate the WSR.

To underscore the security of our freehold, at the same Scrutiny meeting, Cll Osman in reply to a question from myself, stated that 'SCC will never sell the freehold of the WSR outside of the WSR' and this was confirmed in their letter of 6/8/14.

Although the PLC is entitled to an automatic extension of the term of the current lease under the protection of the 1954 Landlord and tenant Act whoever is freeholder, and the leasehold is purely a commercial matter between SCC and WSR PLC, it is anticipated that the discussions over extension of terms would include (as have previous discussions with the Council) any pre-emption rights and rights to sublease/sublet to other organisations. It is likely that the extended terms would give some discretion to the company to offer short term arrangements, but longer term will need consultation from both the stakeholder group and Somerset County Council.

One additional area where it is proposed that the PDG would have an input is in relation to the freehold of the West Somerset Railway, currently owned by Somerset County Council. You will be aware that a few months ago the Council had decided, in principle, to sell the freehold but that in May its leader reversed that decision and indicated that for the foreseeable future it is not for sale or further discussion. The Council have indicated that such an important decision, i.e. if it were to implement selling the freehold in the future, would likely only be contemplated if consultation with the broader West Somerset Railway family showed support for this. The proposed Partnership Development Group should be the vehicle to consult and obtain such views if that were to become a possibility.

The exact composition of the group has yet to be finally determined but the County Council are being invited to be included in its membership, and have indicated through officers that they are willing to do so. It is possible that, because of the large number of support groups on the railway, not every organisation will be able to be directly represented at all times on the Group.

The Company would like the group to be the first stage in its Corporate Restructuring process and are keen to put it in place as soon as possible. In view of the priority we are giving to this proposal a reply by 15/8/14 would be appreciated, together with an indication of your thoughts on representation.

Thank you for your help in this matter to date.

We really hope you will accept this opportunity to join with us and work together for the benefit of the whole WSR family.

Should you wish to discuss anything further please contact me on 01984 631083, or by email: [chairman@wsrail.net](mailto:chairman@wsrail.net)

Yours sincerely,



John Irven

Chairman, WSR PLC

*Book online at [www.west-somerset-railway.co.uk](http://www.west-somerset-railway.co.uk)*



*Report Number:* WSC 127/14  
*Presented by:* Chris Hall  
*Author of the Report:* Chris Hall – Assistant Director Operational Delivery  
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*Report to a Meeting of:* Council  
*To be Held on:* 17<sup>th</sup> September 2014  
*Date Entered on Executive Forward Plan* 15/08/14  
*Or Agreement for Urgency Granted:*

## BLUE ANCHOR COASTAL PROTECTION SCHEME

### 1. PURPOSE OF REPORT

- 1.1 This report seeks to provide an urgent update to Council on the Blue Anchor coastal protection scheme and the options that now face this Council. The urgency is based around the Environment Agency's inability to hold the allocated money against this project.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1

### 3. RECOMMENDATIONS

- 3.1 It is recommended that Council consider progressing with option two as the most affordable option, and presents the least risk to this Authority.
- 3.2 It is recommended that should members wish to progress with option two or three WSC do not financially underwrite the longevity of any scheme in the form of a guarantee to the hotel owners.
- 3.3 It is recommended that Council approve £25,000 capital from the reserve as a supplementary estimate to support option two (or three should members not approve the recommendation).

### 4. RISK ASSESSMENT

- 4.1 In addition to the risk assessment matrix below there are a number of risks that need to be considered that might not be apparent from the table.
- 4.2 We have been informed that this is our one chance to gain support funding from the EA, if this opportunity is missed then there will be no other funding source available to us, we have also been advised by the EA that should no further action be taken by September / October '14 then the funding allocation will not be held for this scheme.
- 4.3 There may be moral obligations / expectations on WSC if the do nothing option is taken. Should the hotel be eventually lost to the erosion, then WSC may become liable for the

clear up costs. This would first fall to the owners of the property but if they are unable to pay the waste will still have to be removed and this could cost 10's of thousands of pounds.

- 4.4 There are considerable benefits of the scheme and whilst the hotel owners would be the first beneficiaries the scheme extends well beyond the hotel area. The bid for funding sets out the full detail but the road is one of the main benefits to the area, there are tourist implications as well as more general traffic flow issues that would be created should this road no longer be in operation. SCC's funding contribution to WSC recognises some of this.
- 4.5 One of the largest risks that may not have been previously understood is that if this project is successful in receiving funding it is a WSC project. All of the funds would be paid to us and we would be required to run all elements of the project. This includes areas such as detailed design, technical expertise, procurement, project management and implementation, these are of course services that we could buy in but the project budget would be ours so any additional costs would have to be met by WSC.
- 4.6 There is a contingency in the projected project costs but the EA were concerned that this might not be set appropriately high enough to deal with the unknowns of a construction project of this scale, it also need to be remembered that the erosion is somewhat of a moving feast, each storm has an impact on the remaining cliff and may increase the amount of work that is needed.
- 4.7 The Project costs are based on best estimates, they are not quotes from contractors and subsequent discussions with the contractors have revealed their concerns that the project could be underwritten and a guarantee offered.
- 4.8 It is considered that a key risk to WSC is the need to financially underwrite the project as well as provide the agreed contribution of £25,000. This contribution has not been approved in the capital allocations.

### Risk Matrix

Description	Likelihood	Impact	Overall
EA funding opportunity may be withdrawn (estimated Set/Oct) <i>Attempts are being made to progress a Member decision within the timeline.</i>	High		
Stakeholder contributions may be withdrawn <i>WSC have not committed to their contribution, and the hotel owners have also not confirmed theirs as it requires a longevity guarantee. The EA also have a time limit on their funding.</i>	High		
Scheme longevity cannot be guaranteed or underwritten <i>Continue to look for another partner to underwrite the scheme and work with the hotel owners try and negotiate this condition out.</i>	Med		

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. BACKGROUND INFORMATION

- 5.1 West Somerset Council (WSC), as the Coastal Protection Authority have the power to lead on a project to protect the coastline. The section of coastline is identified as being "hold the line" in the shoreline management plan. It is therefore understood that the Coastal

Protection Authority would hold the coastline in place and protect it from erosion. There are two exemptions that can be considered for an Authority not to hold the line, these are:

Where a protection scheme in this location may cause damage in another location.

or

Where the cost of a protection scheme is unaffordable.

5.2 WSC has been engaged with the hotel owners, the Environment Agency (EA) and other stakeholders for many years. The aim of this engagement was to gain support funding for a bid to the EA for a coastal protection scheme that would protect the hotel, the highway owned by Somerset County Council (SCC), and a number of other properties identified as being at risk over the next 20 or so years.

5.3 The engagement work was able to identify support funding as follows:

SCC materials in kind	£100,000	Confirmed
SCC contributions in cash	£25,000	Confirmed
WSC contribution in cash	£25,000	Not confirmed
Blue Anchor Hotel owners in cash	£50,000	Not confirmed
Old Cleeve PC contribution in cash	£150	Confirmed

5.4 It was assumed when bidding to the EA that the funding from WSC was confirmed, in fact this has been found not to be the case, the WSC contribution is represented on the list of capital requests but at present there is no member approval for the use of this money for this scheme. With considerable pressures on the capital budget Members would need to consider this scheme alongside the other request for capital resources.

5.5 The financial business case for this scheme is very finely balanced and should any single element of the funding decrease, or costs increase then the scheme would no longer be considered viable by the EA, this is a different assessment to the 32 issues they have raised.

5.6 Through the significant work of Steve Watts and support from John Buttivant at the EA, WSC commissioned a number of pieces of technical work to support our funding bid to the EA. This work has so far cost WSC in the region of £11,500 this spend was at risk, i.e. there has been no support from other agencies on this cost and if the bid fails or is not continued then the money will not be recoverable.

5.7 Through this process the EA have allocated funds to a project, this allocation would not be achieved again if we were starting from the beginning as recent demands on these funds have increased and the Blue Anchor scheme would no longer meet the criteria.

5.8 A bid submission was presented to a panel on 29<sup>th</sup> January 2014, this was hoped to be the point at which the EA would support the scheme and release their contribution to WSC to run the project.

5.9 In March the EA confirmed that the bid had failed and that there were some 32 issues that they had concerns with regarding the scheme. They have held the funding allocation in place and have offered us the opportunity to resubmit and present the bid.

## **6. CONTRACTOR UPDATE**

6.1 It should be noted that WSC did not have the money to deliver this scheme in the normal way. Either in terms of paying for the final works or in the way that services of others have been commissioned. The normal process would be for the Lead Authority to scope out the works and conduct (or commission) all the necessary surveys and produce (or commission) a designed scheme that a contractor could then price. WSC did not do this due to the

financial constraints and has made the best of the funding they did have by working in partnership with a known contractor. This means that the pre works have not been completed which limits the assurances that can be offered by the contractors.

- 6.2 Following a previous informal update to Cabinet Councillors in March '14, officers were requested to go back to the contractors and identify the basis of their costs, and if the recent weather conditions would have made a tangible difference to the delivery of this scheme, either in construction time or financial terms. It should be noted that to date no payments have been made to these contractors and they have conducted a vast amount of work in support of this project. We have reached a point where they are no longer willing to conduct further works at their risk.
- 6.3 Contractors have confirmed that their pricing was always based on a best endeavors approach and was never intended to give the guarantee that we had initially anticipated due to the way the scheme was commissioned. They have requested that limited pre works are carried out in the form of topographical surveys, ground condition surveys, and with a view to testing some of their construction assumptions. These works would cost in the region of £35k and would again be at WSC's risk.
- 6.4 The contractors have provided the statement below as their assessment of where we are with the scheme.

*"I think we need to be realistic and frank at this stage and say that we think the best that can ever be offered in these circumstances is a resourceful 'best endeavours' approach where the respective clients and stakeholders need to understand, yes challenge too, and ultimately buy in to measures that will earnestly try and give the best longevity for the money available, but which can never come with a guarantee. I do not think any insurance company would underwrite this type of work at these budget levels for any affordable premium."*

## **7. OPTIONS**

- 7.1 As stated above with this being a WSC project there are a number of options to be considered and balanced with the risks set out above. These options are:
- 1) Do nothing – cease any further works towards the bid.
  - 2) Provide further officer resources to resubmit the bid
  - 3) Provide further officer resources and the necessary technical consultancy to resubmit the bid. (£40k)
- 7.2 Option one is presented for Members to recognise that there are still choices to continuing the bidding process. There are considerable disadvantages to taking this route but in the short term this is the most affordable option.
- 7.3 Option two supports officers to continue to work on the bid and answer as many of the 32 issues raised by the EA panel. This option will not provide the best chance of success as there are technical questions that will remain unanswered and without a guarantee of longevity the funding from the hotel owners may not be forthcoming. However it will allow WSC to return to the panel for reassessment of the bid without the risk of the EA funding being withdrawn purely through time. Negotiations can continue with the Hotel owners and their mortgage company to try and remove their longevity condition. This option allow WSC to do all that it reasonable can afford whilst and showing a continuing support to the scheme. If approved at the EA panel WSC will still need to support the £25k capital contribution to the scheme.

- 7.4 Options three supports the officer time and provides £40,000 of financial resources to deliver the requested technical consultancy works, this option gives WSC the best chance of the bid being a success but is by no means a guarantee.
- 7.5 Options two and three require members to support the ownership of the project and accept the risks identified above. It is not considered acceptable to be awarded the funding and then make a decision not to proceed unless new information or risk is identified. If Members are uncomfortable with the known risks at this stage this needs to be resolved before any additional works or money is spent.

## **8. FINANCIAL/RESOURCE IMPLICATIONS**

- 8.1 Each option set out has considerable financial implications, in choosing to do nothing the Council may face considerable pressure, through public expectation, to further support the property owners (the hotel in the first instance). In choosing to progress the project there are immediate costs of around £40,000 of technical works, the contribution to the scheme of £25,000, plus the identified financial risks that WSC may need to find resources for.
- 8.2 No available in-budget resources have been identified to support Option 3.
- 8.3 Borrowing the £25,000 is an option that

## **9. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 9.1 The financial risks are well described in this report and Members need to decide if this is a priority for funding. The challenge is around affordability. The financial challenges facing the Council are well understood and this project places an additional "call" on the councils already scarce capital resources. The decision is whether this is more important to the council and the community it serves than some of the other calls on resources – and indeed whether the Council can underwrite the significant financial risk of the overall project.
- 9.2 If Members are minded to support this scheme (effectively recognising this is a priority against other schemes) then there are choices to be made on funding. The usual choices available include:-
- Unallocated Capital Resources: - not an option as this has been fully utilized in underwriting the funding for the SEP Broadband extension project earlier this year.
  - Revenue Funding:- the first quarters budget monitoring report suggests the Council is heading for an underspend in the 2014/15 financial year. Part of this could be earmarked to support this project. This would require approval of a virement. Members need to consider not only the funding needed for the initial studies. The longer term financial risks, and precedents set by such a project would have significant financial implications for the Council and the level of reserves required to support these risks.
  - Future Capital Receipts:- not an option as the current policy is to use these to repay external debt.
  - Borrowing:- This is an option but whilst removing the pressure on capital expenditure places it on the revenue budgets. The cost of doing so would be in the region of £1,000 per year for 25 years, with negligible borrowing cost.
- 9.3 I recommend that the Assistant Director also investigates the issue of insurance cover to mitigate the risks identified in the report, and enter into discussions with SCC regarding their ability to run this project on our behalf.

## **10. 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

## **11. CRIME AND DISORDER IMPLICATIONS**

11.1 There are not thought to be any crime and disorder implications at this stage.

## **12. CONSULTATION IMPLICATIONS**

12.1 There are not thought to be any consultation implications at this stage.

## **13. ASSET MANAGEMENT IMPLICATIONS**

13.1 The scheme would continue to be an asset of WSC and periodic inspections with the necessary maintenance would have to be included in future asset management programs.

## **14. ENVIRONMENTAL IMPACT IMPLICATIONS**

14.1 There are considerable environmental implications due to the nature of this scheme. If WSC chose to take the bid no further or are not successful in securing the funding and no other organisation can be found to progress this scheme then it is expected that the erosion will continue leading to the loss of the hotel, the road, and a number of other properties.

## **15. LEGAL IMPLICATIONS**

15.1 Information to date supports the view that WSC can apply the exemptions to hold the line categorisation.

15.2 Information to date suggests that the hotel owners are liable for any costs associated with the prevention of the hotel falling onto the beach, and any clear up costs should they become necessary.

15.3 Clarity is still needed if the EA or WSC have responsibilities should prevention or clean up works be required and subsequent action taken against the owners to recover the costs.

*Report Number:* WSC 126/14  
*Presented by:* Cllr Kate Kravis  
*Author of the Report:* James Holbrook, Major Projects Manager  
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*Report to a Meeting of:* Full Council  
*To be Held on:* 17<sup>th</sup> September 2014  
*Date Entered on Executive Forward Plan* 29/04/2014  
*Or Agreement for Urgency Granted:*

## HPC PLANNING OBLIGATIONS BOARD – ALLOCATIONS OF FUNDING

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the recommendations of the Hinkley Point C Planning Obligations Board and Cabinet, for the allocation of monies secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point. The relevant fund is the “Community Impact Mitigation (CIM)” Fund.

### 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 approves the release of funds for two projects from the £3,500,000 that has been paid by EDF to West Somerset Council for the Community Impact Mitigation (CIM) Fund. This consists of:
- £90,373 for Stogursey Parish Council for the construction of new play area equipment at Burgage Road, Stogursey; and
  - £250,000 for Wembdon Village Hall and Playing Fields Trust towards the construction of a new village hall and playing fields in Wembdon.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
-------------	------------	--------	---------

West Somerset 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)
Cabinet loses its opportunity for final approval of bids.	Possible (3)	Major (4)	Medium (12)
<i>Mechanisms are in place to ensure that Cabinet shall continue to take into account the recommendations of the Board when deciding how to apply the Community Impact Contribution and will have final approval</i>	Possible (3)	Moderate (3)	Medium (9)

- 4.1 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. **BACKGROUND INFORMATION**

- 5.1 Proposals 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 beyond £25,000 also require approval by West Somerset's Full Council.

<b>Criteria</b>	<b>Evaluation Criterion</b>
<b>Priority Impact Zones</b>	<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"> <li>1) Directly adjacent to the site</li> <li>2) Directly adjacent to the main transport routes to and from the site within West Somerset, Sedgemoor and Somerset</li> <li>3) Within West Somerset and/or Sedgemoor and directly affected by adverse impacts of the project</li> <li>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</li> <li>5) In Somerset and experiencing indirect adverse impacts or in relation to a measure which benefits West Somerset and/or Sedgemoor.</li> </ol>
<b>Quality of Life</b>	The principal purpose of the contribution shall be to enhance the quality of life of communities affected/potentially affected by the Project.
<b>Sustainability</b>	To what extent will the project contribute to achieving sustainable communities, contribute to regeneration objectives and raising environmental sustainability?

<b>Extent of benefit</b>	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?
<b>Community Need</b>	To what extent has the applicant demonstrated a need for the project
<b>Community Support</b>	To what extent is there demonstrable local community and and/or business support for the project?
<b>Partner Support</b>	To what extent is there demonstrable local partner support for the project?
<b>Governance</b>	Demonstrate that good governance arrangements are in place, including financial and project management to ensure deliverability?
<b>Value for Money</b>	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?

- 5.2 Four applications were received and presented to the Planning Obligations Board at their August meeting. The recommendations from the Board were subsequently presented to Cabinet on Wednesday 3<sup>rd</sup> September.

<b>Project Name:</b>	<b>JJ's Activity Centre</b>
<b>Expression of Interest Ref No:</b>	<b>6</b>
<b>Organisation Applying:</b>	<b>Jessica Jarvis (Individual)</b>
<b>Issues outstanding from Eligibility Checklist:</b>	<b>Annual Statement of profit and loss accounts, balance sheets, constitution, three competitive quotes, architects plans, planning consents</b>
<b>Documents received:</b>	<b>Business Plan</b>

- 5.3 This application is seeking **£420,000** to open an indoor activity centre. The main activity being soft play (split between three areas (disabled and babies less than 1, children under 4 and children over 4)), indoor sports arena, laser quest, internet café and meeting/function rooms. The centre would be located at Crossways Industrial Estate, Watchet.
- 5.4 The applicant submitted an Expression of Interest and a Full application form was sent out on the basis of the location and type of proposal. West Somerset Council Community Development Officers have been in dialogue with the applicant to make them aware of the criteria that they would need to comply with and what type of projects are unlikely to be supported by the Planning Obligations Board.
- 5.5 The proposal is located within the 3<sup>rd</sup> level of Priority Impact Zones as it is located within the administrative area of West Somerset. The catchment area for type of proposal could potentially be quite wide and encompass the main Hinkley site and main freight transport routes as the nearest comparable facilities are located within Taunton and Bridgwater.

- 5.6 The application has been submitted and is from an individual rather than a community based group. The information submitted is in the form of a business plan seeking a loan rather than a grant and has previously been used to try to secure loans.
- 5.7 The applicant has not provided any details about their interest (freehold/leasehold) in the site and has confirmed that they do not have planning permission to change the use of the building from a Class B use to Class D use.
- 5.8 In relation to community support, a petition has been signed with several hundred signatures and social networking is being used to provide an update on the project to interested individual.
- 5.9 The applicant has not secured any match funding and is seeking 100% of the total costs of this project from the Community Impact Mitigation (CIM) Fund.
- 5.10 The applicant does not have experience of managing any projects before but have secured the service of a Project Manager, although the Project Manager will be charging for this (budgeted into overall business plan figures).

#### **Planning Obligation Board Recommendation:**

- 5.11 The Board has made a recommendation that this proposal should be refused on the basis that this application is from an individual rather than a community based organisation with little evidence to ensure good governance, value for money (no match funding) and town/parish council support.

#### **Cabinet Recommendation:**

- 5.12 Cabinet endorsed the approach of the Planning Obligation Board.

<b>Project Name:</b>	<b>Church House, Crowcombe - External Fabric Conservation Project</b>
<b>Expression of Interest Ref No:</b>	<b>21</b>
<b>Organisation Applying:</b>	<b>Church House Charity</b>
<b>Issues outstanding from Eligibility Checklist:</b>	<b>Public Liability Insurance</b>
<b>Documents received:</b>	<b>Business Plan, Income and Expenditure Accounts for 2012 and 2013, Constitution, Architects Plan, Letter of Support from Parish Council, History of Church House leaflet, Copy of Village magazine</b>

- 5.13 Church House is a charity which manages a Grade II\* Listed Building in Crowcombe. They are seeking **£12,500** (of a total cost of £54,000) for external improvements to the building. This predominantly consists of repointing and repairs to the existing rubble stonework. The existing cement pointing is causing significant damp problems within the building.
- 5.14 The group is looking to secure the monies required over the next two years and since they launched the project they have raised £3,000. Three quotations have been provided and they have secured a contractor. The estimated commencement for the works is June 2016.
- 5.15 In 2013, the building had approximately 150 bookings and was used for over 225 days. The building is used for a mixture of uses including community events, courses, art exhibitions, local clubs and private functions (e.g. wedding receptions etc.).

- 5.16 Crowcombe Parish is located in 3<sup>rd</sup> level of Priority Impact Zone. The village itself is located at the base of the Quantocks and will not be impacted at this stage by any of the works currently taking place on the main site. However, the wider Parish does consist of an area on the Quantock Hills which does have far reaching extensive views of the main site. It could be considered that a high percentage of the community that currently use the hall also frequent the Quantock Hills.
- 5.17 In relation to Hinkley Point, the application has stated that Church House is both an Emergency Accommodation Centre and an Emergency Rest Centre for the Quantocks area for HPB.
- 5.18 The principal purpose of the contribution is to enhance the quality of life of communities affected/potentially affected by the Project. In this instance the project makes reference to the issue but it is unclear how these works would enhance the quality of life of communities affected by the Project. The application is not clear how the awarding of monies for these works would automatically allow for an increase in usage/booking in subsequent years.
- 5.19 From a 'sustainability' perspective, this scheme enables external works to take place at a Grade II\* listed building and ensure that it remains fit for purpose and can continue to be used as a community facility within the village.
- 5.20 The application provides information to show that three estimates have been sought and the organisation has a sound business plan.

**Planning Obligation Board Recommendation:**

- 5.21 The Board declined the application on the basis that the application does not demonstrate that there is an impact on Crowcombe from the site preparation works at HPC.

**Cabinet Recommendation:**

- 5.22 Cabinet endorsed the approach of the Planning Obligation Board.

<b>Project Name:</b>	<b>Burgage Road Play Area</b>
<b>Expression of Interest Ref No:</b>	<b>22</b>
<b>Organisation Applying:</b>	<b>Stogursey Parish Council</b>
<b>Issues outstanding from Eligibility Checklist:</b>	<b>Copies of relevant policies and Planning Consent</b>
<b>Documents received:</b>	<b>Application Form, Note on Planning Consent, Note on Finance, Annual Accounts, Constitution, Lease, Public Liability Insurance, Business Plan, Architects Drawing, 3 cost estimates</b>

- 5.23 This application seeks to provide play equipment at Burgage Road Play area in Stogursey with associated landscaping and appropriate surfaces. The application is seeking **£90,373** which is the total cost of the scheme. The area previously had play equipment which had to be removed for safety reasons. New equipment will be provided for use by children over six years of age.
- 5.24 The land is owned by West Somerset Council and leased to Stogursey Parish Council. Stogursey Parish Council has listed this as one of their top 5 priority projects in the parish. Planning Permission will be required but the applicant considers that permission will be granted due to previous play equipment being located at the site.

- 5.25 The project would be completed within six months of any monies being awarded. The project has the support of the local school and youth club.

**Planning Obligation Board Recommendation:**

- 5.26 Recommend approval subject to further clarification being sought in relation to VAT being included or excluded on cost of equipment. There is the potential for contingency funds (5% of contract cost £4,100) to be retained by West Somerset Council and released if required.

**Cabinet Recommendation:**

- 5.27 Cabinet endorsed the approach of the Planning Obligation Board and have therefore recommended to Full Council that this application for funding should be supported.

<b>Project Name:</b>	<b>Wembdon Village Hall and Playing Fields</b>
<b>Expression of Interest Ref No:</b>	<b>38</b>
<b>Organisation Applying:</b>	<b>Wembdon Village Hall and Playing Fields</b>
<b>Issues outstanding from Eligibility Checklist:</b>	<b>N/A</b>
<b>Documents received:</b>	<b>Cover Letter, Funding Plan, Income and Expenditure Forecast, Proposed Schedule of Charges, Sufficiency Assessment, Financial Statements, Constitution, Tender Report, Architects Plans, Planning Decision Notice, Letter of Support from Wembdon Parish Council, Letters of support from Wembdon Cricket Club, Sunshiners Pre-school and Football Club and Public Liability Insurance</b>

- 5.28 This proposal is seeking **£250,000** of funds to build a village hall and playing fields in Wembdon village (located in the District of Sedgemoor). This proposal would be funded from £1,000,000 that is to be applied solely for projects in Sedgemoor Council's administrative area and particularly in Bridgwater. This would consist of a main hall, community lounge, pre-school rooms, changing rooms and recreational space including 2 cricket pitches and 5 junior football pitches. The total cost of the project is £2.6 million
- 5.29 The project has been identified in a Parish Council Plan (2008) and forms part of the Green Network in the 'Bridgwater Vision' document. The provision of cricket and football pitches also meets the needs outlined in the Sedgemoor Sports and Recreational Facilities Strategy and Delivery Plan.
- 5.30 The project would be managed by a group consisting of the trustees, user group representatives and a Project Manager. The trust has raised over £1.8 million in external funding with the total project cost being £2.6 million. The total projects costs are the result of tenders received from a number of contractors.
- 5.31 Planning permission was granted in November 2012 and the trust is seeking to commence the project by the end of 2014 and the build will take approximately 15 months.
- 5.32 The Trust have outlined that the main beneficiaries of the project will be the residents of the parish of Wembdon. This parish is located on one of the main transport routes from the M5 to the main Hinkley Point C site. The Trust are also seeking to encourage residents of Bridgwater and adjoining parishes to also use them.

- 5.33 The applicant has provided a 'Five year income and expenditure projection' and anticipate an annual income of between £30,000 and £35,000 once the facility is fully established with annual running costs of approximately £15,000. The trust are seeking to make a surplus of between £15,000 and £20,000 per year to be kept in reserve for capital improvements, refurbishment etc. Wembdon Cricket Club will take responsibility for maintaining the 'green wedge' and the sports grounds.

**Planning Obligations Board Recommendation:**

- 5.34 The Board recommend conditional approval subject to further information regarding:
- How the proposal addresses impacts associated with the Site Preparation Works at HPC?
  - How the £250,000 of funds links into the wider funding for the project and how it enables the release of funding from other grant providers?
  - Delivery timescales for the project; and
  - Links with wider community initiatives.
- 5.35 Following the Planning Obligations Board meeting, the applicant has provided additional information to try and address these issues and their response is attached as Appendix A.

**Cabinet Recommendation:**

- 5.36 Cabinet endorsed the approach of the Planning Obligation Board. Following additional information that had been submitted by the applicant, Cabinet have made a recommendation to Full Council that this application for funding should be supported.

**6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 As per Schedule 1 General, Para. 5.3 of the Section 106 Legal Agreement, West Somerset Council's Cabinet (and/or Full Council) are required to give final approval for the release of these monies. This follows a meeting of the Planning Obligation Board on the 12<sup>th</sup> August 2014 which agreed to the make a recommendation to Cabinet to allocate initial funds for two projects. Cabinet met on Wednesday 3<sup>rd</sup> September 2014 and endorsed the recommendations of the Board.

**7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

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

**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 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 These projects have been presented to the Planning Obligations Board on 12<sup>th</sup> August 2014. The Board consists of representatives from EDF, Sedgemoor, and Somerset County Council. It is chaired by West Somerset Council. The Board subsequently made a request to Cabinet to make a recommendation to Full Council to release fund for two projects.

**11. ASSET MANAGEMENT IMPLICATIONS**

11.1 There are no direct implications.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 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. LEGAL IMPLICATIONS**

13.1 These fund 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).