

WEST SOMERSET DISTRICT COUNCIL

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

Council Chamber, Williton

AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Council held on 19 November 2014 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. **Joint Independent Remuneration Panel - Process to Review of Members' Allowances**

To consider Report No. WSC 179/14, to be presented by Councillor T Taylor, Leader – **SEE ATTACHED.**

The purpose of the report is to advise the Council of the latest position with regard to the membership of the Joint Independent Remuneration Panel and seek endorsement for the timetable and process to review the Member Allowances Scheme in light of the May 2015 elections.

7. **Fees and Charges 2015/16**

To consider Report No. WSC 181/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of this report is to approve the proposed fees and charges for the period 1 April 2015 to 31 March 2016.

8. Updated West Somerset Statement of Community Involvement

To consider Report No. WSC 180/14, to be presented by Councillor K H Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

The purpose of the report is to recommend the adoption of an updated Statement of Community Involvement for the Council setting out how it will involve the community and other interested parties in the preparation of planning policy documents and also in the development management process.

9. Financial Monitoring Report 2014-15 (April-September 2014)

To consider Report No. WSC 182/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to provide Members with details of the Council's expected financial outturn position in 2014/15 for both revenue and capital budgets, together with information relating to predicted end of year reserve balances.

10. Treasury Management Update – as at 30 September 2014

To consider Report No. WSC 183/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is update Full Council on the Treasury Management position as at 30th September 2014 and to provide an update for the 2014-15 Treasury Management Strategy Statement.

11. Timetable of Meetings 2015/16

To consider the proposed timetable of meetings for the 2015/16 Municipal Year – **SEE ATTACHED.**

12. Standards Advisory Committee

To adopt the minutes of the Standards Advisory Committee held on 23 September 2014 – **SEE ATTACHED.**

13. Blue Anchor Coastal Protection Scheme

To consider Report No. WSC 184/14, to be presented by Councillor A H Trollope-Bellew, Lead Member for Environment - General – **SEE ATTACHED.**

The purpose of the report is to raise awareness of new risks that have been identified in the potential delivery of the Blue Anchor Coastal Protection Scheme.

14. 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 Exmoor Area Panel held on 4 November 2014
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Exmoor-Area-Panel/Exmoor-Area-Panel---4-November-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
- Respect
- Fairness
- Trust

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 COUNCIL**Minutes of the Meeting held on 19 November 2014 at 4.30 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 P N Grierson	Councillor A P Hadley
Councillor B Heywood	Councillor K V Kravis
Councillor E May	Councillor I R Melhuish
Councillor K M Mills	Councillor C Morgan
Councillor P H Murphy	Councillor S J Pugsley
Councillor D D Ross	Councillor L W Smith
Councillor M A Smith	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Assistant Chief Executive and Monitoring Officer (B Lang)
Director of Operations (S Adam)
New Nuclear Programme Manager (A Goodchild)
Revenues and Benefits Manager (H Tiso)
Major Projects Manager (J Holbrook)
Housing Initiatives Implementation Officer (A Devine)
PR and Communications Officer (D Rundle)
Community and Client Manager (S Weetch)
Meeting Administrator (K Kowalewska)

C63 Apologies for Absence

Apologies for absence were received from Councillors H J W Davies, J Freeman, S Y Goss, K J Ross, D J Sanders and T Taylor.

C64 Minutes

(Minutes of the meeting of Council held on 22 October 2014, circulated with the Agenda.)

RESOLVED that the Minutes of the meeting of Council held on 22 October 2014 be confirmed as a correct record.

C65 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 P N Grierson	All	Alcombe	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
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 interests were declared:

Name	Minute No.	Description of interest	Personal or Prejudicial	Action Taken
Cllr M Dewdney	C69	Trustee of Zoological Society of Somerset	Prejudicial	Left the Chamber
Cllr A Trollope-Bellew	C73	Private landlord	Prejudicial	Left the Chamber
Cllr K Turner	C73	Private landlord	Prejudicial	Left the Chamber
Cllr D Westcott	C73	Private landlord	Prejudicial	Left the Chamber
Cllr S Pugsley	C73	Landlord	Personal	Spoke and voted
Cllr D Ross	C73	Landlord	Personal	Spoke and voted
Cllr K Kravis	C73	Landlord	Personal	Spoke and voted
Cllr S Pugsley	C73	Landlord	Personal	Spoke and voted
Cllr P Grierson	C73	Landlord	Personal	Spoke and voted
Cllr M Chilcott	C73	Landlord	Personal	Spoke and voted

C66 Public Participation

Chris Moiser from Tropiquaria spoke on Agenda Item 6 – HPC Planning Obligations Board – Allocations of CIM Funding. In light of the additional information which was circulated prior to the meeting regarding the link to the relocation of the animal enclosure and the relocation of the existing play equipment, Mr Moiser asked Members to reconsider the matter.

C67 Chairman's Announcements

November 2014	Attended the SCC Chairman's Award Ceremony at Taunton Rugby Club
5 November 2014	Attended the Fireworks Display at Butlins
6 November 2014	Firewalking charity event with Cllr E May
7 November 2014	Attended the 20 th Birthday Party of HMS Somerset at Avonmouth Docks
Remembrance Sunday	Attended two church services at Bicknoller and Williton
13 November 2014	Attended the Avon and Somerset Police Awards Dinner

C68 Request for Letter of Support in respect of School Pastors

(Report No. WSC 168/14 circulated prior to the Meeting.)

The purpose of the report was to request a letter of support to aid an application to the Ascension Trust to recognise and train school pastors for deployment at West Somerset College.

The Lead Member for Community and Customer presented the report and provided background information on the proposals for a permanent system of college pastors for West Somerset. He proposed the recommendation which was duly seconded by Councillor M O A Dewdney.

RESOLVED that a letter be sent to Rev Thorogood in support of his application to the Ascension Trust for training and recognition by the school pastors programme.

NOTE: Having regard to the special circumstances pertaining in relation to this item – namely the need for the Council to make a decision before the next scheduled meeting – the Chairman was of the opinion that, despite its non-inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

C69 HPC Planning Obligations Board – Allocations of CIM Funding

(Report No. WSC 158/14, circulated with the Agenda.)

The purpose of the report was 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.

The report was presented by the Lead Member for Resources and Central Support who advised that the details of the nine applications considered by the Planning Obligations Board (POB) were contained within the report, of which the majority were refused with the reasons given. It was important to note that all applicants had a second chance to resubmit to the Board providing proof of community benefit and the links to the Hinkley Point C project.

The Lead Member went on to provide further detail on the Tropiquaria project and due to the imminent roundabout work at Washford Cross she advised that there was a time limit and no other monies were available that could be used to help mitigate the impact of the roundabout being built. The original application sought approval for monies to relocate the primate enclosures but there was now a request to include the part of the bid concerning the relocation of the play area as one could not be relocated without the other.

The Lead Member proposed the recommendation in the report subject to the inclusion of a further recommendation that, in light of the further information which had been provided since the Cabinet meeting, having noted the in-principle support of the Planning Obligations Board, and subject to:

- the consideration of any discussion and any additional observations at the Planning Obligations Board meeting on 2 December;
 - the receipt of three competitive quotes regarding the cost of the relocation of the play area;
 - confirmation that the Zoo is continuing to progress towards achieving charitable status; and
 - the grant of Planning Permission for the relocated play area
- Council approve a maximum allocation of £37,350 towards the cost of replacing the play area at Tropiquaria as part of the works to relocate the primate enclosures at the zoo.

The recommendations were seconded by Councillor M J Chilcott.

Members were fully supportive of the Tropiquaria project and during the debate the following main points were raised:

- Concern was expressed as to whether the Council's decision would still stand if the POB objected and in response confirmation was provided that WSC could release the money on its own accord.
- Concerns raised about some of the recommendations emanating from the POB when determining applications.
- It was felt that the proposal should have been funded as part of travel planning.
- The Council had a moral duty to put the matter right as Tropiquaria was a valuable asset and a major attraction, and time was of the essence.
- The CIM fund needed to be promoted further to support local communities and Members' acknowledged that it was still a learning process.
- In response to criticisms raised regarding the refusal of many of the applications submitted to POB, it was pointed out that the applications needed to show evidence to link the proposals to the Hinkley Point C project.

The Lead Member for Resources and Central Support concluded by acknowledging Members' concerns relating to the Planning Obligations Board's decisions and provided assurance that the issues would become clearer. She went on to thank Members and the New Nuclear Programme Manager for the practical approach being taken to support the community.

RESOLVED (1) that the release of funds for one project, which consists of £40,000 (excluding VAT) for Tropiquaria towards the relocation of primates adversely affected by the works at Washford Cross roundabout, from the £3,500,000 that has been paid by EDF to West Somerset Council for the Community Impact Mitigation (CIM) Fund be approved.

RESOLVED (2) that, in light of the further information which had been provided since the Cabinet meeting, having noted the in-principle support of the Planning Obligations Board, and subject to:

- the consideration of any discussion and any additional observations at the Planning Obligations Board meeting on 2 December;

- the receipt of three competitive quotes regarding the cost of the relocation of the play area;
- confirmation that the Zoo is continuing to progress towards achieving charitable status; and
- the grant of Planning Permission for the relocated play area a maximum allocation of £37,350 towards the cost of replacing the play area at Tropiquaria as part of the works to relocate the primate enclosures at the zoo be approved.

C70 Council Tax Rebate Scheme Review for 2015/16

(Report No. WSC 159/14 circulated with the Agenda.)

The purpose of the report was provide Council with information on the Council Tax Rebate scheme in 2013/14; to advise Council of the changes and impact of funding arrangements on Council Tax Rebate; and to advise Council of the Cabinet's recommendations on the Council Tax Rebate scheme and grant funding for Parish/Town Councils for 2015/16.

The Lead Member for Community and Customer presented the item and provided Members with the background information relating to the Council Tax Rebate scheme. He advised that it was proposed to keep the scheme on the same basis for next year because to alter the scheme a public consultation would have to be undertaken, however this did not apply to the level of grant funding given to parish and town councils. He informed that Cabinet were supportive of reducing the level of funding passed through to parishes by 100% thereby reducing grant funding by approximately £87,600 to nil.

The Lead Member went on to propose the recommendations in the report which were duly seconded by Councillor K V Kravis.

A lengthy debate ensued and the following specific issues were raised:

- It was recognised that difficult decisions needed to be made with regards to funding and in view of the Council's significant financial pressures savings had to be attained in certain areas.
- The proportion of how much each parish/town would have to increase their council tax precept by depended on how many CTR claimants were in that particular parish/town.
- In light of the Council being committed to preventing child poverty, a request was made that when the CTR scheme was next reviewed child maintenance payments be discounted as income.
- Clarification was provided that there was no limit as to how much parish/town councils could increase their precept by due to there being no legislation in place that prescribed a referendum trigger.
- The grant should be passed on to town and parish councils.
- Concern was expressed regarding the detrimental effect this matter was having on WSC's relationship with Minehead Town Council and it was noted that no background information or explanation about how the decision was reached on the reduction of grant funding had been received by the town council.

- Government spending policies need to be simplified and more information about precepts was required to be sent to the parish and town councils.
- Resilience would increase by working closer with towns and parishes.
- It was the District Councillor's role and responsibility to review issues as they arose in order to disseminate the information to parish and town councils.

It was requested that a named vote take place and the recommendations contained in the report were put to the vote separately.

On being put to the vote, recommendation 3.1 was declared CARRIED.

Councillor M J Chilcott	For	Councillor M O A Dewdney	For
Councillor G S Dowding	For	Councillor P N Grierson	Against
Councillor A P Hadley	For	Councillor B Heywood	For
Councillor A F Knight	For	Councillor K V Kravis	For
Councillor E May	Against	Councillor I R Melhuish	For
Councillor K M Mills	For	Councillor C Morgan	For
Councillor P H Murphy	For	Councillor S J Pugsley	For
Councillor D D Ross	For	Councillor L W Smith	Against
Councillor M A Smith	For	Councillor A H Trollope-Bellew	For
Councillor K H Turner	For	Councillor D J Westcott	For

On being put to the vote, recommendation 3.2 was declared CARRIED.

Councillor M J Chilcott	For	Councillor M O A Dewdney	For
Councillor G S Dowding	For	Councillor P N Grierson	Against
Councillor A P Hadley	For	Councillor B Heywood	For
Councillor A F Knight	For	Councillor K V Kravis	For
Councillor E May	For	Councillor I R Melhuish	For
Councillor K M Mills	For	Councillor C Morgan	For
Councillor P H Murphy	For	Councillor S J Pugsley	For
Councillor D D Ross	For	Councillor L W Smith	Against
Councillor M A Smith	For	Councillor A H Trollope-Bellew	For
Councillor K H Turner	For	Councillor D J Westcott	For

RESOLVED (1) that the recommendation from Cabinet that the 2014/15 Council Tax Rebate scheme should be retained for 2015/16 be agreed.

RESOLVED (2) that the recommendation from Cabinet on its preferred option for Council Tax Rebate grant funding to be passed on to Parish/Town Councils in 2015/16 be agreed.

C71 Earmarked Reserves Review

(Report No. WSC 157/14 circulated with the Agenda.)

The purpose of the report was to review earmarked reserves to ensure they are still required.

The report was presented by the Lead Member for Resources and Central Support who proposed the recommendations which were seconded by Councillor E May.

RESOLVED (1) that the surplus uncommitted funds amounting to £107,581 be returned to the General Reserve balance.

RESOLVED (2) that the recommendation by Cabinet to consider the possibility of a supplementary estimate should there be a requirement to fund Disabled Facilities Grants in the future, over and above the grant allocated to West Somerset, be noted.

C72 Hinkley Tourism Action Plan – Allocation

(Report No. WSC 156/14 circulated with the Agenda.)

The purpose of the report was to consult with Council on a suggested approach for commissioning Tourism Monitoring Surveys.

The item was presented by the Lead Member for Regeneration and Economic Growth who provided background information and drew Members' attention to the scope of the work undertaken as part of the monitoring survey. She provided assurance that the money allocated would produce a very professional, credible survey in order to develop a strategy going forward. The Lead Member also advised that clarification would be sought as to whether telephone interviewing would be undertaken.

The Lead Member proposed the recommendation contained within the report which was seconded by Councillor A H Trollope-Bellew.

RESOLVED that the allocation of up to a maximum of £40,000 of the Phase 2 (Part One) Section 106 Tourism mitigation funds for the commissioning of two calendar years of visitor monitoring surveys be approved.

C73 Proposed Social Media Policy and Recording of Meetings Protocol

(Report No. WSC 160/14 circulated with the Agenda.)

The purpose of the report was for the Council to consider adopting a Social Media Policy and Recording of Meetings Protocol.

The report was presented by the Lead Member for Executive Support and Democracy who proposed the recommendations which were duly seconded by Councillor M O A Dewdney.

RESOLVED (1) that the social media guidelines and policy documents as set out in Appendices A, B and C to the report be adopted.

RESOLVED (2) that the recording of meetings protocol as set out in Appendix E to the report be adopted.

C74 **Hinkley Point C Update**

(Report No. WSC 161/14 circulated with the Agenda.)

The main purpose of the report was to provide Members with an update of activity and the latest position regarding the Hinkley Point C project and to seek Member approval for the Council to register its interest in the newly formed New Nuclear Watch Europe interest group.

The Lead Member for Environment - Hinkley provided an update on the project's activity and reported that still no announcement had been made regarding the final investment decision and this was holding up development; also the Cannington bypass was well underway.

The Lead Member drew Council's attention to the stated aims of the New Nuclear Watch Europe group and advised that at the moment there was not a great deal of clarity about the group. He advised that due to not wanting to double up on officer time and resources, the meeting agendas of the New Nuclear Watch Europe group would be monitored to determine how/if it affected WSC.

The Lead Member proposed the recommendations contained within the report which were seconded by Councillor A H Trollope-Bellew.

RESOLVED (1) that the latest position regarding the Hinkley Point C project be noted.

RESOLVED (2) that the Council register its interest in the newly formed New Nuclear Watch Europe interest group.

C75 **EDF Housing Funding Strategy**

(Report No. WSC 160/14 circulated with the Agenda.)

The purpose of the report was to present to Members the recommendations of the Hinkley Point Planning Obligations Board (POB) and to ask Council to approve the Housing Funding Strategy. Four associated bids pursuant to the Housing Funding Strategy were also presented and Council was asked to approve the allocations.

The Lead Member for Resources and Central Support presented the item and proposed the recommendation of the report which was duly seconded by Councillor K M Mills.

On consideration of the report the following points were made:

- Housing was crucial to people's health and wellbeing and the initiative was welcomed as there was no doubt that the HPC project would create a strain on the housing market, although the impact on the demand for housing in the future would be difficult to estimate.
- The schemes were imaginative and provided a lot of detail.

- The amount of work that officers undertook to coordinate voluntary organisations and statutory groups was commended and should continue to be supported in the future.
- Concern was expressed about the possible surplus of accommodation and empty properties at the end of the project period.
- Concern that lower paid income families may be affected due to potential rental increases.
- In response to Section 151 Officer comments, the question was raised as to how the fund would be measured and reported to Full Council. The New Nuclear Programme Manager advised that the housing bids and the delivery of bed spaces would be monitored on a quarterly basis, and these targets would be incorporated within service plans
- It was advised that empty property data was received from council tax records.
- How people operated would be hard to measure and EDF were required to provide information to the Council on where workers were staying.

RESOLVED that the Housing Funding Strategy, attached as Appendix A to the report, and the four initial bids contained in the Housing Funding Strategy and outlined in Section 6 of the report, be approved.

C76 **Minutes and Notes for Information**

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

RESOLVED (1) that the notes of the Exmoor Area Panel held on 2 September 2014 be noted.

RESOLVED (2) that the notes of the Watchet, Williton and Quantock Vale Area Panel held on 16 September 2014 be noted.

RESOLVED (3) that the notes of the Dunster Area Panel held on 13 October 2014 be noted.

The meeting closed at 6.55 pm

Report Number: WSC ¹¹179/14
 Presented by: Councillor T Taylor, Leader of Council
 Author of the Report: Bruce Lang, Assistant Chief Executive
 Contact Details:
 Tel. No. Direct Line 01984 635200
 Email: bdlang@westsomerset.gov.uk

Report to a Meeting of: Council
 To be Held on: 17 December 2014

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

JOINT INDEPENDENT REMUNERATION PANEL – PROCESS TO REVIEW MEMBERS' ALLOWANCES

1. PURPOSE OF REPORT

- 1.1 To advise the Council of the latest position with regard to the membership of the Joint Independent Remuneration Panel and seek endorsement for the timetable and process to review the Member Allowances Scheme in light of the May 2015 elections.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The process of undertaking a corporate and transparent review of Member Allowance Scheme is an important part of ensuring good governance which underpins the local democracy corporate priority.

3. RECOMMENDATIONS

- 3.1 Council notes the formal expansion of the Panel to include Taunton Deane Borough Council.
- 3.2 The Council endorses the Panel membership including the proposed representatives for Mendip District Council and Taunton Deane Borough Council.
- 3.3 That the Council endorses the timetable and process from the formal review of the West Somerset Council Members' Allowance Scheme as set out in Section 5.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
That any proposals that may emerge from the Independent Remuneration Panel may be unaffordable for the Council.	Possible 3	Major 4	Medium 12
<i>A clear statement that the budget for Members' Allowances in respect of 2015/16 be aligned to the total budget for Members' Allowances in respect of 2014/15.</i>	Low 1	Major 4	Low 4

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 Following further deliberations, the Joint Independent Remuneration Panel now comprises of Somerset County Council, Taunton Deane Borough Council, West Somerset Council and Mendip District Council.

5.2 The current full membership of the proposed panel is set out below:
 Graham Russell (Mendip District Council)
 Rob Culligan (Somerset County Council – membership ends January 2015)
 Eelke Zoestbergan (Somerset County Council – membership ends January 2015)
 Ian Partington (Somerset County Council)
 Paul Fellingham (Somerset County Council)
 Robert Govier (West Somerset Council)
 Keith Bevan (Taunton Deane Borough Council with Tony Brown as substitute)
 NOTE: there is currently a vacancy that Somerset County Council is in the process of recruiting to take effect from January 2015.

The Council is requested to note and endorse the composition of the Panel.

5.3 Given the impending May 2015 elections, it is important that there is clarity in terms of a process and timetable for reviewing the Members' Allowance Scheme.

5.4 The Joint Independent Remuneration Panel met on 27 November 2014 and have recommended to the constituent partners that the process for the formal review of the Members' Allowances Scheme should be as follows:

- a) To continue to apply the existing scheme for the first part of the 2015/16 financial year, pending the adoption of a revised scheme of Members' Allowances following the district council elections in May 2015.
- b) To recommend to the Council to be elected in May 2015 that the budget for Members' Allowances for 2015/16 to fund the new scheme following the election is contained within the total budget for Members' Allowances for 2014/15.
- c) To agree to carry out a survey of Members' views on the Council scheme in advance of the 2015 council elections to inform decisions in relation to new scheme.
- d) To agree the following timetable for the review and implementation of a new scheme of Members' allowances:
 - i. Pre district election
 - To carry out a survey of Members to ascertain views on the scheme, suggestions for improvements, numbers of hours worked per week on Council business (to inform future panel recommendations in relation to the allowances scheme).
 - To review the base calculation for basic allowance and agree in principle (subject to affirmation by the new Council) the new basis for the basic allowance calculation.
 - To agree in principle the future indexing of the basic allowance both in terms of the methodology and the length of time it will be applied pending review.
 - To review the overall makeup of the scheme and make any further recommendations to Council for consideration and in principle approval prior to the elections.
 - ii. Post district election
 - Meeting of the panel to be held in June 2015 once the annual meeting of the Council has agreed the committee structure and the Leader has agreed the Executive arrangements of the Council.
 - Panel to bring recommendations to July Council meeting for a new scheme to ask Council to endorse the in principle recommendations from the earlier Council meeting in respect of Basic Allowance and agree Special

Responsibility Allowances, the list of approved duties, travel allowance provisions, carers allowance etc.

- Full Council in July to agree new Scheme of Members' Allowances having considered the recommendations of the Panel and to backdate payments as necessary.

5.5 The Council is requested to endorse the process and timetable as put forward by the Joint Independent Remuneration Panel.

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 In an effort to ensure that any proposals that come forward will be affordable it is suggested that a clear steer be provided to maintain the Members' Allowance Budget for 2015/16 to similar levels as the budget included for this purpose in the financial year 2014/15.

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

7.1 If the recommendation in regard to providing a clear steer on the limits of the total budget allocation for Members' Allowances is approved then there should be no additional pressure on budgets in this respect for 2015/16.

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 None in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

10.1 None in respect of this report; Members will be fully involved in any review of the Members' Allowance Scheme by providing information via a survey and having the final say in terms of the Council making a decision in respect of any recommendations emanating from the panel.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None in respect of this report.

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 None directly in respect of this report.

14. LEGAL IMPLICATIONS

14.1 None in respect of this report.

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Report Number: WSC 181/14
Presented by: Cllr. Kate Kravis, Lead Member for Resources & Central Services
Author of the Report: Steve Plenty, Finance Manager
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Report to a Meeting of: Full Council
To be Held on: 17th December 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:

FEES & CHARGES 2015/16

1. PURPOSE OF REPORT

1.1 To approve the proposed fees and charges for the period 1 April 2015 to 31 March 2016.

2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1 Whilst there is no direct contribution to the delivery of corporate priorities the recommendations in the report are aimed at ensuring full costs of service delivery are recovered where allowed.

3. RECOMMENDATIONS

3.1 That Full Council approve the proposed Fees and Charges for 15/16 on the following bases.

3.1.1 The following fees are unchanged:

- Hackney Carriage Licences (Existing)
- Private Hire Licences
- Acupuncture/Tattooing/Skin Piercing/Semi-Permanent Skin-Colouring Licences
- Scrap Metal Dealers Licensing
- Animal Welfare Licences
- Street Trading Licences
- Gambling Licences
- Land Search Fees
- Housing Inspections for Immigration Purposes
- Court Summons and Liability Orders for Council Tax and NNDR
- Building Control Charges

3.1.2 The following changes are proposed:

New charges for:

- Caravan site licences and;
- Various additional hackney carriage licences (see Appendix B)

Increased charges for:

- Harbour Mooring and Slipway Fees increase in line with inflation
- Pleasure Boat Dues increase in line with inflation
- Green Waste Charges various
- Private Water Supplies increase in line with inflation
- Pre-Planning Advice

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

Description	Likelihood	Impact	Overall
Fees as set are open to challenge as the basis of charge is not defined <i>Fees are set in accordance with the Council approved policy</i>	2 Possible	3 Major	6 High
The council fails to deliver the Medium-Term Financial Plan <i>Fees are set in accordance with the Council approved policy</i>	2 Possible	3 Major	6 High

- 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 Council (24th July 2010) approved a Fees and Charges Policy, which governs the setting of all fees and charges by the council for a 3 year period. Fee-setting requires a framework (as identified in the policy) to ensure that reasonable information is taken into consideration when agreeing the level of charges, concessions and acceptability of charges to service users. The policy is now being reviewed by the new shared management team.
- 5.2 At the Corporate Policy Advisory Group on 29th October 2014, Members supported the principles of either inflationary increases or full cost recovery where appropriate. Proposals for Fees and Charges for 2015/16 have been developed in line with these principles.
- 5.3 Attached at **Appendix A** is a summary of the sources of fee income generated by the council. In accordance with the policy, this summary shows the considerations applied to each type of fee, notably if it is –
- a statutory fee that the council cannot control
 - a discretionary fee that is levied to influence behaviour or recover service costs, or
 - a reasonable charge designed to help discharge a council's responsibility.
- 5.4 **Appendix A** also considers other aspects of the fees policy –
- concessions for some service users
 - ability to generate surpluses to fund service maintenance or growth, and
 - the need to consult with service users over price amendments.
- 5.5 Attached at **Appendix B** is a summary of all fees, current levels and proposed increases.
- 5.6 This report does not contain details in respect of car parking charges. Proposals for car parking are currently being developed, and details of the draft proposals will be shared for informal consultation with Members at Corporate Policy Advisory Group (CPAG) on 27 November 2014, and then through the Council's formal decision process. Formal consultation will then be undertaken in line Traffic Regulations, and details of this consultation and subsequent approval process will be included in the report to CPAG.
- 5.7 The following is a summary of the proposals for fee changes in 2015/16.

Charging Area	2014/15 Arrangements	2015/16 Proposals
Harbour and Slipway Fees	Various	Increased by 2.3% RPI (as at September 2014)
Pleasure Boat Dues	£104	£105.60 Increased by 2.3% RPI (as at September 2014)
Caravan Site Licences	New requirement	As at Appendix B
Green waste bins – annual	£46.50	£53.00
Waste - 3 x bulky items	£38.15	£40.00
Waste - Subsequent items	£8.35	£10.00
Private Water Supply Testing	Various	Increased by 2.3% RPI (as at September 2014)
Pre-planning Application Advice	Various	Increase by 5%

NOTES ON PARTICULAR FEES

Harbour Fees

- 5.8 To be increased in line with inflation (RPI = Retail Price Index) of 2.3% based on September 2014 data. These charges include VAT and it would be difficult to change these in year if VAT changed (the charges have to be displayed at the Harbours).

Green Waste Bins

- 5.9 In line with the principles agreed by Members, the aim is to progress the garden waste kerbside collection and recycling to a full cost recovery basis. Therefore, by removing the current subsidy, the fee for this service in 15/16 would increase to £53 per annum.

5.10 Pre-planning Application Advice

In order to move towards a full cost recovery basis the proposed increase is 5%.

Caravan Site Licences

- 5.11 The Mobile Homes Act 2013 (MHA) amended the Caravan Sites & Control of Development Act 1960 (CSCDA) and was introduced to give greater protection to occupiers of residential mobile (park) homes. It gained royal assent on 26 March 2013 and brought in to effect important changes to park home site licensing from 1st April 2014.
- 5.12 The Council has decided to exercise its discretion and levy fees with the aim of achieving full cost recovery for its site licensing function.

Hackney Carriage Licences

- 5.13 Following a review of the licensing service policies and procedures some changes have been made to the descriptions and types of application and fees for these have been calculated in accordance with the fee construction method detailed above. An example of this is medicals within taxi licensing. This is an element of the licensing criteria that applies to individuals at specific points and not to each licence holder. Therefore to ensure the correct portion of the fee is levied against only those who require it and not borne by the trade as a whole, a separate fee has been calculated.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 Fees and charges income contributes to the overall costs of running the organisation. The level of fees and charges impact directly on the Council's budget and detailed analysis is required to understand the impact of price increases and decreases on service budgets as a whole. It is important that fee levels comply with statutory requirements and where there are no statutory levels in place, that they are reasonable, affordable and proportionate to the service costs.

- 6.2 In order to set appropriate fees, services will need to analyse trends and understand how fee levels influence their customers. An understanding of risks associated with the fee levels is paramount in setting appropriate levels which will generate a value which can be confidently relied upon for budget setting purposes. Any unforeseen loss of income will impact on the Council's resources and may lead to overspends and affect service delivery.
- 6.3 The draft fees and charges proposed would generate the following estimated net income increases for the Council:

Service	Additional Income Estimate
Garden Waste	Approx. £12,000
Harbours	Approx. £400
Planning Pre-app	Approx. £1,000
Private Water Supplies	Approx. £250

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

- 7.1 The draft proposed fees have been prepared according to the policy approved by Council in July 2010. That policy is designed to last a number of years to assist officers and members in approving future fee changes. The framework identified by the policy ensures that decisions are made in the light of all information available, to ensure that councillors can be satisfied and stand by their decisions. The policy is being reviewed by the new shared management team to inform the approach to setting charges in future years.
- 7.2 In order to balance the budget in a challenging economic climate, councils will seek to set fees and charges on a full cost recovery basis for certain services. For us this will be an ongoing exercise which can only be fully developed when the Joint Management and Shared Services arrangements are fully in place. The aim is for relevant areas to be analysed and for updated information regarding total cost to be used in future years' proposals.

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 All charges are applied universally to customers and as such there are no equality and diversity implications in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

- 10.1 None in respect of this report.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None in respect of this report.

13. HEALTH & WELLBEING

13.1 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.

13.2 None in respect of this report.

14. LEGAL IMPLICATIONS

14.1 Building Control fees; Water Sampling charges; and Licensing are set in accordance with relevant guidance.

West Somerset Council Fees and Charges Strategy

Appendix A

The Council is committed to moving towards a sustainable medium-term financial plan, whilst not making services unaffordable to households on limited incomes. In order to ensure fees and charges are being used effectively, the council will ensure its overall charging policy links with its corporate aims and objectives.

This document sets out an overall policy framework to support and guide a practical approach to fees and charges that is consistent with the council's corporate plan.

Use of powers to charge

It is vital that the council looks at all opportunities for reducing costs and increasing income. The Medium Term Financial Plan shows that based on current estimates, savings are required in the medium term.

Councils do not always make the most effective use of their charging powers. In its 2008 study 'Positively Charged', the Audit Commission identified that: -

- Only one in five councils believed they were using charging to its full potential
- Powers introduced in 2003 to charge for discretionary have remained largely unused by councils
- Nearly half of all councils have no agreed policy to guide their decisions on the use of charges
- Decisions on levels of charging are most often driven by corporate income targets, historic charges and by levels in neighbouring councils rather than knowledge of the likely impact on use of services

They recommended that: -

- Councils need to understand better the likely impact of charges on users, and on patterns of service use, and
- they need to communicate better about the purpose of charging, and be accountable for their charging decisions

Ability to Charge

Charges do more than just raise income. They have a role to play in the achievement of council objectives; controlling access; funding investment; responding to competition; and influencing public behaviour.

Charges should be reviewed annually as part of the setting of the revenue budget, but considered in the context of this strategy.

The basis of the powers that councils have to raise income from charging for services is historic, varied and complex. Broadly they fall into three headings;

Statutory Fees

This includes services such as planning fees, liquor and entertainment licences, where the maximum permissible fee is prescribed in legislation. In many cases there is scope to provide discretionary services over and above

the statutory service with the introduction of a supplementary charge, for example: -

- pre-application planning advice
- pre-application building control advice

Reasonable charges

Services that the council has a duty to provide and can make a 'reasonable' charge (for example commercial waste collection and disposal)

Discretionary Fees

Powers conferred by the Local Government Act 2003 allow best value authorities (i.e. Counties, Districts, Town and Parish Councils) to charge for discretionary services. There is a duty to ensure that, taking one year with another, the charges do not exceed the costs of provision.

The budgeted fees to be raised in 2015/16 are shown in **Appendix A1**.

Proposed framework for charging

The policy framework would apply to any service that the council has a power and discretion to provide to the community, or has a statutory duty to provide, and has discretion to set a charge.

Key principles of the framework

Recovery of cost

- Where possible, the cost of providing a discretionary service should be fully recovered through charges except where the council makes a positive decision to the contrary.
- The Council could aim to maximise the potential to generate income, for example, through differential charging to tap into the value placed on the service by different users.
- Where a service is 'demand-led' and/or competes with others based on quality and cost the charge should be determined by the maximum that users are prepared to pay and take account of competitor pricing.

Concessions for certain service users

- Decisions to exempt a particular service from the full cost recovery requirement may be taken by the Council -
 - To support a particular group or group of users in support of achieving its corporate objectives
 - Where it would be impractical (e.g. public access to parks)
 - Where charging would not be cost effective
- Concessionary charges may be available in the following circumstances:
 - To users on low incomes. This will normally be defined as those in receipt of housing or council tax benefit, pension credit or working tax credit
 - Where a business case is made to support a short-term reduction in charges aimed at increasing take-up and the overall income yield for the service in the long-term.

- Where a service is subsidised as a result of a positive decision by the council, the level of subsidy will be made explicit and the decision will be subject to regular review.

Information relevant to charging

- In order to support the decision-making process behind the level of fees and charges and any service concessions, better information is needed. **Appendix A2** contains suggested areas of consideration that could help to make better decisions about the level of charges that should be set.

New charges

- As part of the process of setting new or reviewing existing charges, targets will be established, both qualitative and quantitative.
- Where considered appropriate, after consultation with the Equality Officer, an Equality Impact Assessment should be carried out in order to consider the likelihood of any disproportionate adverse impact on vulnerable groups
- When introducing new charges or making changes to existing charges, the council will have regard to the views of users and other stakeholders. There is a checklist to complete for new charges in **Appendix A3**.

Contribution to corporate priorities

- There may be circumstances where income generation is not the key driver for the way in which prices are set, for example, where the council wishes to manage demand, deter or incentivise certain behaviour, such as encouraging recycling or reducing car use. In this context, the principles of pricing should apply and in particular that any charged activities, enforcement etc. must at least recover cost.

Annual review of charges

- There will be an annual review of fees and charges by officers and elected members as part of the budget setting process. For each service, charging information will be set out in a format that demonstrates that the income stream has been developed in accordance with the principles and approach in this document. There is a checklist to complete in **Appendix A3**.

Definition of total cost

- The council defines total cost as all costs attributable to the service, including allocated overheads and costs of administration and collection.

Sources of information for this policy

- Oxford City Council Fees and Charges Strategy
- Shepway District Council Fees and Charges Strategy
- “Positively charged” – Audit Commission January 2008
- “Is there something I should know?” – Audit Commission July 2009

Appendix A1 - Sources of Fees

Income from fees and charges is a vital resource for local authorities. West Somerset Council's 2014/15 Budget includes the following income from fees and charges: -

Income Source	(Income)	Net service (surplus) / cost
Statutory Fees		
Development Control	(£146,500)	£261,151
Licensing	(£88,600)	(£48,960)
Reasonable Charges		
Council Tax court costs	(£57,550)	£193,070
NDR court costs	(£6,450)	£52,060
Harbours	(£14,785)	£26,767
Open Spaces	(£6,200)	£289,886
Environmental Health	(£15,200)	£155,123
Discretionary Fees		
Building Control	(£136,550)	£116,408
Land Charges	(£64,500)	£2,846
Housing Private Sector	(£1,500)	£110,657
Parking	(£473,550)	(£197,418)
Sub-total	(£1,011,385)	£961,590
Reasonable Charges		
Waste & Recycling	(£85,500)	£1,101,905
Grand Total	(£1,096,885)	£2,063,495

In comparison, for 2014/15 budgeted Council Tax revenue is £1.823m, Business Rates Retention £1.406m and Government Grant is £1.989m.

Appendix A2 - Information that will help to set charges

Clarity on the objectives		
Why is this an issue?	<ul style="list-style-type: none"> • A problem within the service area that charging could influence? • A corporate target that charging could help achieve? • A desire to increase take-up or discourage use? • A need to generate income in order to maintain service levels within the service or elsewhere? 	
What are we hoping to achieve?	<ul style="list-style-type: none"> • Reduction in problems in certain service areas? • Generate economic growth? • Encourage access to services by under-represented groups? • Meet costs and raise money for related objectives? 	
What are the constraints	<ul style="list-style-type: none"> • Wider council strategic issues • Service plans • Agreed charging policy framework 	
The impact of different charging options		
Factors to consider	The data that will help	The analysis that is needed
Who is using the service and when?	Data on service use, as applicable: <ul style="list-style-type: none"> • By location • By time of day • By day of the week • Seasonal information 	<ul style="list-style-type: none"> • Use compared to target • Analysis of customers by age, gender, race, disability, socio-economic group, reasons for service use
The impact of changes to service on service use and other objectives	<ul style="list-style-type: none"> • Historical data on the impact on service use when the council made changes to other local charging levels • Impact and evaluation data from similar councils who have implemented changes 	<ul style="list-style-type: none"> • Forecasts of the likely impact of the charging options on user type and location • Analysis of the impact of changed car park charges in previous years • Forecasts of impact of changes on wider objectives

Understanding costs and income		
Factors to consider	The data that will help	The analysis that is needed
What are your current costs and income?	<ul style="list-style-type: none"> • Total costs and total income generated • Income data from similar councils 	<ul style="list-style-type: none"> • Analysis of income data to show cost and income by location / type / service level • Analysis of cost and income over time, and by location
The impact of changed charges on income	<ul style="list-style-type: none"> • Income data from similar councils who have made changes to charging levels 	<ul style="list-style-type: none"> • Forecast of the likely impact of the options on income, using forecasts for changes in car park use
Does the level of income generation / subsidy reflect local priorities?	<ul style="list-style-type: none"> • The current level of subsidies • Comparison of subsidies with similar councils, with similar community profiles 	<ul style="list-style-type: none"> • Analysis of whether income is making desired contribution to the overall income of the council • Analysis of whether any subsidies can be linked to other council priorities (for example reduced charges to promote economic growth)
Will further cost pressures be faced in the future?	<ul style="list-style-type: none"> • Data on the efficiencies that the council has planned to make 	<ul style="list-style-type: none"> • Forecast of potential future cost pressures, including changes in service, the impact of regeneration • Analysis of impact of future pressures on income
What do the public think?		
Factors to consider	The data that will help	The analysis that is needed
How acceptable are the proposals to the public?	<ul style="list-style-type: none"> • A breakdown of public views by customer group, geographical area and type of service user • Historical data on how the public reacted to other changes to charging made in previous years 	<ul style="list-style-type: none"> • Analysis of complaints, enquiries from focus groups to understand the concerns locally • Analysis of what happened after previous changes to charging levels
What impact will the proposals have on the public?	<ul style="list-style-type: none"> • Comparisons of satisfaction levels in similar councils, with similar community profiles, who made similar changes to charging levels 	<ul style="list-style-type: none"> • Analysis and forecast of the impact that each option may have on public satisfaction levels. • Analysis of the views and the potential impact on other, for example local retailers

Appendix A3 – Charging Checklist
Revisions to fees and charges or introduction of new fees – toolkit

Background Information	
1.	Charge to be considered:
2.	Is this a new charge or an amendment to existing?
3.	Is the charge set by Statute?
4.	Is the level of charge set by Statute?
5.	Is the level of charge based on full cost recovery?
6.	Present level of charges: Service Level A Service Level B Service Level C Service Level D Service Level E Service Level F Service Level G Service Level H Service Level I
The impact of different options	
7.	Who is using the service and when? (breakdown by customer group)
8.	What impact will changed charges have on service use?
9.	Is there evidence that there will be a disproportionate impact on some customer groups? If yes a full equality impact assessment will need to be carried out
10.	What are the projected impacts on other council objectives?
Costs and Income	
11.	What are the current levels of income generated?
12.	What impact will changed charges have on income?
13.	Does the level of income generation reflect local priorities?
14.	Will further cost pressures be faced by the public?
Understanding public opinion	
15.	What consultation and involvement has been carried out?
16.	How acceptable are the proposals to the public?
17.	What impact will the options have on the public?

Hackney Carriage / Private Hire**CHANGES PROPOSED**

DRIVERS		
LICENCE	CURRENT	PROPOSED
Application for new drivers licence	£80.00	£80.00
Application for a new 3 year driver's licence	£170.00	£170.00
Replacement Badge	£15.00	£15.00
Advertising on vehicles		£35.00
Medical		£18.00
VEHICLES		
LICENCE	CURRENT	PROPOSED
Hackney Carriage/Private Hire Vehicle Licence	£168.50	£168.50
Hackney Carriage/Private Hire Vehicle Licence - Renewal	£168.50	£168.50
Transfer of interest for vehicle	£40.00	£40.00
Meter test		£20.00
Trailer Plate	£15.00	£15.00
Replacement vehicle plate	£15.00	£15.00
Internal identification sticker		£16.00
PRIVATE HIRE OPERATOR		
LICENCE	CURRENT	PROPOSED
Private Hire Operator Licence 1 year	£70.00	£70.00
Private Hire Operator Licence 3years	£150.00	£150.00

West Somerset Council Private Water Supply Charges**CHANGES PROPOSED - Increase by RPI 2.3%**

Activity	Max Charge	WSC Charge	Notes
Risk Assessment	£500	Hourly rate x time plus mileage Typically £117 Proposed £119	Based on time to carry out the risk assessment and sampling combined. It includes time to report, including advice, maintenance of records and time for the preparation of plans & drawings. Time for a simple risk assessment and sampling combined is min. 3.2 hours plus mileage costs (typically charge £117). Cost for analysis is additional (see below)
Sampling	£100	Hourly rate x time plus mileage. Typically £54 Proposed £55	Based on time taken to carry out the sampling visit. It includes time on site, preparation and reporting time & advice and maintenance of data. For a simple compliance visit time is 1.4 hour plus mileage (typically charge £54). This charge also applies to any requests for

Activity	Max Charge	WSC Charge	Notes
			sampling. Cost for analysis is additional (see below)
Investigation	£100	Hourly rate x time plus mileage	Local authority investigation under regulation 15 in the event of a contravention, however if improvements can be secured without the need for an investigation no charge made
Authorisation	£100	Hourly rate x time	Following an application preferably in writing seeking an authorisation (under regulation 17). Costs are related to drafting legal notices and consulting with health authority and other relevant persons (where relevant)
Analysis (currently using Somerset Scientific Services)			
Under Reg. 10	£25	£25	Where supply provides <10m ³ per day or, 50 people and is used for domestic purposes. Cost shown is for Conductivity, Enterococci, E.coli, pH and turbidity. Additional parameters added depending on risk.
Check Monitoring	£100	£43	Check monitoring is carried out to ensure that water complies with minimum standards according to Schedule 2. Cost shown is for Coliforms, E.coli, Colony Counts, pH, Conductivity, Turbidity, Ammonium, Colour, Taste & Odour and any residual disinfectants. Other parameters (at cost) added depending on site visit and meeting any relevant conditions in Schedule 2
Audit Monitoring	£500	Typical price is an additional £16 (arsenic & enterococci)	This includes any additional parameters (based on risk) in addition to check monitoring (above) listed in Schedule 1. Parameters can be excluded depending on risk.

Licensing - Acupuncture/Tattooing/Electrolysis/Skin Piercing/Semi-Permanent Skin-Colouring

NO CHANGES PROPOSED

Registration	Current	Proposed
Premises	£100.00	£100.00
Individual at premises	£50.00	£50.00

Licensing - Scrap Metal Dealers

NO CHANGES PROPOSED

Application Type	Current	Proposed
SMD Licence – Grant (3 year duration)	£755.00	£755.00
SMD Licence – Renew (3 year duration)	£744.00	£744.00
SMD Licence – Variation	£50.00	£50.00

Licensing - Animal Welfare**NO CHANGES PROPOSED**

ANIMAL WELFARE	Current	Proposed
Animal Boarding	£113.50	£113.50
Dangerous Wild Animals	£173.00	£173.00
Dog Breeding	£113.50	£113.50
Home Boarding Licence	£113.50	£113.50
Pet Shop Licence	£113.50	£113.50
Riding Establishments Up to 10 horses	£106.00	£106.00
Riding Establishments 10 - 25 horses	£132.00	£132.00
Riding Establishments 26+ horses	£165.00	£165.00
Zoos*	£408.00	£408.00
Zoos - Transfer	£141.50	£141.50

Licensing – Street Trading**NO CHANGES**

	Current	Proposed
STREET TRADING CONSENTS		
A' Roads - Annual	£884.00	£884.00
A' Roads - 6 months	£458.00	£458.00
A' Roads - 3 months	£230.00	£230.00
Other Areas - Annual 0800 - 2000 hours	£455.00	£455.00
Other Areas - Annual 0800 - 2330 hours	£911.00	£911.00
Other Areas - 6 months 0800 - 2000 hours	£247.50	£247.50
Other Areas - 6 months 0800 - 2330 hours	£495.00	£495.00
Other Areas - 3 months (minimum) 0800 - 2000 hours	£124.00	£124.00
Other Areas - 3 months (minimum) 0800 - 2330 hours	£247.50	£247.50

DAILY RATES FOR ONE-OFF EVENTS (ALL AREAS) - Stalls 0900 - 2000	Current	Proposed
Up to 5m2 (50% reduction for charitable organisations)	£16.50	£16.50
Up to 7m2 (50% reduction for charitable organisations)	£22.50	£22.50
Replacement/Additional Assistant Badge Fee	£10.00	£10.00
Temporary Street Trading/Markets		
Charitable Events (75% of proceeds allotted to charity/cause)	£10.00	£10.00
Commercial Event 5 -24 stalls/vehicles	£25.00	£25.00
Commercial Event 25 -49 stalls/vehicles	£50.00	£50.00

Licensing – Gambling**NO CHANGES PROPOSED**

Gambling Premises Licence - Bingo	Current	Proposed
New Application	£3,049.00	£3,049.00
New Application – with Provisional Statement	£523.00	£523.00
Provisional Statement	£3,049.00	£3,049.00
Transfer	£1,045.50	£1,045.50

Re-instatement	£1,045.50	£1,045.50
Variation	£1,537.50	£1,537.50
Annual Fees	£871.50	£871.50
Gambling Premises Licence - Betting (Not on Course)	Current	Proposed
New Application	£2,614.00	£2,614.00
New Application – with Provisional Statement	£523.00	£523.00
Provisional Statement	£2,614.00	£2,614.00
Transfer	£1,045.50	£1,045.50
Re-instatement	£1,045.50	£1,045.50
Variation	£1,307.00	£1,307.00
Annual Fees	£523.00	£523.00

Gambling Premises Licence - Track Betting (On Course)	Current	Proposed
New Application	£2,178.00	£2,178.00
New Application – with Provisional Statement	£410.00	£410.00
Provisional Statement	£2,178.00	£2,178.00
Transfer	£820.00	£820.00
Re-instatement	£820.00	£820.00
Variation	£1,127.50	£1,127.50
Annual Fees	£871.00	£871.00

Gambling Premises Licence - Adult Gaming Centre (AGC)	Current	Proposed
New Application	£1,742.50	£1,742.50
New Application – with Provisional Statement	£523.00	£523.00
Provisional Statement	£1,742.50	£1,742.50
Transfer	£1,045.50	£1,045.50
Re-instatement	£1,045.50	£1,045.50
Variation	£871.00	£871.00
Annual Fees	£871.00	£871.00

Gambling Premises Licence - Family Entertainment Centre (FEC)	Current	Proposed
New Application	£1,742.50	£1,742.50
New Application – with Provisional Statement	£410.00	£410.00
Provisional Statement	£1,742.50	£1,742.50
Transfer	£820.00	£820.00
Re-instatement	£820.00	£820.00
Variation	£871.00	£871.00
Annual Fees	£666.50	£666.50

Temporary Use Notice (TUN)	Current	Proposed
New	£40.00	£40.00
Replacement	£20.00	£20.00

Licensing - Caravan Sites

NEW CHARGES PROPOSED

Nature of Proposal	Ability to charge came into force 1 April 2014
Caravan Site Licence - Grant	£152.00
Caravan Site Licence - Transfer	£28.00

Local Land Charges - Search Fees**NO CHANGES PROPOSED**

	Current	Proposed
POSTAL / OVER THE COUNTER		
Whole Search	£99.00	£99.00
LLC1	£22.00	£22.00
LLC1 (Additional parcel of land)	£1.00	£1.00
CON 29R	£90.00	£90.00
Additional parcel of land	£10.00	£10.00
CON290 Printed Questions	£7.50	£7.50
Additional Enquiries	£10.00	£10.00
Enquiry on closed search	£20.00	£20.00
Speed Search	£175.00	£175.00
Personal Search	No Charge	No Charge
NATIONAL LAND INFORMATION (NLIS) SEARCHES		
Whole Search	£95.00	£95.00
LLC1	£22.00	£22.00
CON 29R	£85.00	£85.00
Additional parcel of land	£10.00	£10.00
CON290 Printed Questions	£7.50	£7.50
Additional Enquiries	£10.00	£10.00
Enquiry on closed search	£20.00	£20.00
Speed Search	£170.00	£170.00

Private Sector Housing**NO CHANGES PROPOSED**

	Current	Proposed
Housing Inspections for Immigration Purposes	£129.00	£129.00

Harbour Moorings and Pleasure Boats**CHANGES PROPOSED (all charges include VAT)**

	Current (2014/15)	Proposed (2015/16)
Mooring Fees – Annual	£35.50	£36.30
Mooring Fees – Weekly	£7.50	£7.70
Mooring Fees – Daily	£1.80	£1.90
Slipway Fee – Annual	£73.50	£75.20
Slipway Fee – Weekly	£26.00	£26.60
Slipway Fee – Daily	£12	£12.30
All the above fees are cost per metre or part of metre and include VAT		

Mooring Fees are applicable to Minehead only		
Slipway Fees are applicable to both Watchet and Minehead		
Mooring Transfer Fee <i>(Transfer between moorings and/or new vessel and where a Sailing Club Mooring is transferred to a WSC mooring, and the annual fee has already been paid to the Sailing Club)</i> <i>Price includes VAT</i>	£39.05	£40.00
Pleasure Boat Dues <i>Cost per visit to Harbour</i> <i>Price includes VAT</i>	£104	£106.40

Court Summons and Liability Orders for Council Tax and Business Rates

NO CHANGES PROPOSED

	Current Charges		Proposed Charges	
	Summons	Liability Order	Summons	Liability Order
Council Tax	£61.00	£14.00	£61.00	£14.00
Business Rates	£61.00	£14.00	£61.00	£14.00

Elections

Election Costs	Recharged to parishes on equitable basis
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Somerset Waste Partnership charges

CHANGES PROPOSED

	Current	Proposed
Green Waste Bins	£46.50	£53.00
Green Waste Sacks x10	£25.00	£25.00
3 x bulky items	£38.15	£40.00
Subsequent items	£8.35	£10.00

Building Control Charges

NO CHANGES PROPOSED

Table A – New Dwellings		
No.	Current Charge (excl VAT)	Proposed Charge (excl VAT)
1	£670.22	£670.22
2	£982.98	£982.98
3	£1,251.06	£1,251.06
4	£1,429.79	£1,429.79
5	£1,608.51	£1,608.51
6	£1,787.24	£1,787.24
7	£1,921.28	£1,921.28
8	£2,055.32	£2,055.32
9	£2,189.37	£2,189.37

10	£2,323.41	£2,323.41
11	£2,457.45	£2,457.45
12	£2,591.49	£2,591.49
13	£2,725.53	£2,725.53
14	£2,859.57	£2,859.57
15	£2,993.61	£2,993.61
16	£3,127.66	£3,127.66
17	£3,261.70	£3,261.70
18	£3,395.74	£3,395.74
19	£3,529.79	£3,529.79

Notes for Table A

1. For 20 or more dwellings or if the floor area of any dwelling exceeds 300m² the charge is Individually determined
2. The Building Notice Charge is the sum of the plan charge and inspection charge + 25%
3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.

Schedule B – Domestic Works		
Type of Work	Current Charge (Excluding Vat)	Proposed Charge (Excluding Vat)
Single storey Extension <10m ² (*)	£312.76	£312.76
Single storey Extension 10m ² - 40m ² (*)	£428.94	£428.94
Single storey Extension 40m ² - 80m ² (*)	£464.68	£464.68
Multi storey Extension <40m ² (*)	£491.49	£491.49
Multi storey Extension 40m ² - 120m ² (*)	£571.91	£571.91
Multi storey Extension 120m ² - 200m ² (*)	£607.66	£607.66
Loft Conversion >40m ² (*)	£402.13	£402.13
Loft Conversion 40m ² - 100m ² (*)	£428.94	£428.94
Garage/carport <100m ²	£268.09	£268.09
Garage conversion	£245.74	£245.74
Partial glazing (up to 6 windows)	£67.02	£67.02
Total glazing (up to 20 windows)	£134.04	£134.04
Electrical installation	£160.85	£160.85
Renovation of thermal elements, such as wall, floor or roof for work up to £20,000	£160.85	£160.85

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10%

Notes for Table B:

1. Where part of an extension is single storey and part is two-storey the charge for a two-storey extension will be applied.
2. Where a first floor extension is constructed over an existing single storey structure the charge applied is that for a single storey extension of the same floor area.
3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.
4. For domestic work up to £75,000 (but not covered in Table B) refer to Table C

Table C – Domestic work not falling within the above categories		
Estimated Cost £	Current Charge (excluding VAT)	Proposed Charge (excluding VAT)
Up to 2,000	£134.04	£134.04
2,001 – 5,000	£178.72	£178.72
5,001 – 10,000 (*)	£268.09	£268.09
10,001 – 15,000 (*)	£335.11	£335.11
15,001 – 20,000 (*)	£402.13	£402.13
20,001 – 25,000 (*)	£469.15	£469.15
25,001 – 30,000 (*)	£513.83	£513.83
30,001 – 35,000 (*)	£558.51	£558.51
35,001 – 40,000 (*)	£603.19	£603.19
40,001 – 45,000 (*)	£647.87	£647.87
45,001 – 50,000 (*)	£692.55	£692.55
50,001 – 55,000 (*)	£737.24	£737.24
55,001 – 60,000 (*)	£781.91	£781.91
60,001 – 65,000 (*)	£826.59	£826.59
65,001 – 70,000 (*)	£848.94	£848.94
70,001 – 75,000 (*)	£871.28	£871.28

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10%

Notes for Table C:

- Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000
- The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.

Table D – Other Works		
Estimated Cost £	Current Charge (Excluding VAT)	Proposed Charge (Excluding VAT)
Up to 2,000	£134.04	£134.04
2,001 – 5,000	£223.41	£223.41
5,001 – 10,000	£245.74	£245.74
10,001 – 15,000	£312.76	£312.76
15,001 – 20,000	£402.13	£402.13
20,001 – 25,000	£469.15	£469.15
25,001 – 30,000	£536.17	£536.17
30,001 – 35,000	£580.85	£580.85
35,001 – 40,000	£625.53	£625.53
40,001 – 45,000	£670.22	£670.22
45,001 – 50,000	£714.89	£714.89
50,001 – 55,000	£759.57	£759.57
55,001 – 60,000	£804.26	£804.26
60,001 – 65,000	£848.94	£848.94
65,001 – 70,000	£893.61	£893.61
70,001 – 75,000	£938.30	£938.30

Notes for Table D

1. Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000.
2. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.
3. Building Notice applications are not appropriate for non-domestic work.

Pre-planning Advice Charges CHANGES PROPOSED

Nature of Proposal	Written Response with a Site Visit	Further Correspondence or meetings / charge per hour	Further meetings involving management team / charge per hour
Type 1 Other Development: Householder Developments	Current £50 Proposed £52.50	Current £30 per hour Proposed £31.50 hour	Current £50 per hour Proposed £52.50 per
Type 2 Other Developments: Changes of Use / Advertisements / Listed Building Works / Conservation Area Consents / Lawful	Current £100 Proposed £105	Current £30 per hour Proposed £31.50 hour	Current £50 per hour Proposed £52.50 per hour
Type 1 Minor Developments: 1-4 Dwellings / up to 499m ² of commercial use / sites up to 0.1Ha	Current £225 Proposed £236.25	Current £40 per hour Proposed £42 per hour	Current £80 per hour Proposed £84 per hour
Type 2 Minor Developments: 5-9 Dwellings / 500-999m ² of commercial use / isolated homes in the countryside or rural workers dwellings / sites more than 0.1Ha	Current £400 Proposed £420	Current £40 per hour Proposed £42 per hour	Current £80 per hour Proposed £84 per hour
Type 1 Major Developments: 10-24 Dwellings / 1000-1999m ² of commercial use / sites more than	Current £1,200 Proposed £1,260	Current £50 per hour Proposed £52.50 per hour	Current £100 per hour Proposed £105 per
Type 2 Major Developments: 25-199 Dwellings / more than 2000m ² of commercial use / sites	Current £2000 Proposed £2,100	Current £50 per hour Proposed £52.50 per hour	Current £100 per hour Proposed £105 per
Type 3 Major Developments: 200 Dwellings plus / EIA Development / sites more than 10Ha	Planning Performance	Planning Performance Agreement	Planning Performance Agreement

- *****All prices are exclusive of VAT which will need to be added to the above charges at the current rate*****
- A site visit will be carried out in advance of all pre-application advice being provided which will be in writing
- Town or Parish Councils are entitled to a 50% reduction in the respective fee
- Works to provide facilities for a disabled person are exempt from paying a pre-application advice fee
- If different elements of works on one site fall into two of the categories above only the larger of the two fees will be charged

Report Number: WSC 180/14

Presented by: Councillor K Turner, Lead Member for Housing, Health and Wellbeing .

Author of the Report: Toby Clempson Principal Planning Officer – Policy

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Report to a Meeting of: Council

To be Held on: 17th December 2014

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

UPDATED WEST SOMERSET STATEMENT OF COMMUNITY INVOLVEMENT

1. PURPOSE OF REPORT

- 1.1 To recommend the adoption of an updated Statement of Community Involvement for the Council setting out how it will involve the community and other interested parties in the preparation of planning policy documents and also in the development management process.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Whilst the Statement of Community Involvement does not directly contribute towards the Council's Corporate Priorities, the preparation of a Statement of Community Involvement is a statutory duty of local planning authorities and is an essential contributor to the adoption of a sound Local Plan.

3. RECOMMENDATION

- 3.1.1 That Council resolves to adopt the revised West Somerset Statement of Community Involvement attached at Appendix 1 subject to the addition of the following at the end of the first sentence under the heading 'Decisions' on Page 16 of the draft SCI:

“Ward Councillors may request that any application be determined by the Planning Committee. Such requests received within 14 days of validation will be considered by the Chair & Vice Chair of Committee.”

4. RISK ASSESSMENT

Risk Matrix

Description	Likelihood	Impact	Overall
The Council fails to comply with the requirement of Section 18 of the Planning and Compulsory Purchase Act 2004, to prepare a Statement of Community Involvement, risking an unsound finding from the Inspector on Examination of the Local Plan.	Possible (3)	Major (4)	Medium (12)

<i>Preparation and publishing of an up to date Statement of Community Involvement as per the legal requirement.</i>	Low (2)	Major (4)	Medium (8)
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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 Section 18 of the Planning and Compulsory Purchase Act 2004 requires the Council to produce a Statement of Community Involvement. Once adopted, the Statement of Community Involvement must be published on the Council's website.
- 5.2 The Statement of Community Involvement sets out how West Somerset Council will involve the community and other interested parties in producing the Local Plan and in determining planning applications.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The various consultation methods will incur some costs in the form of staff time, advertising, publications, website maintenance, etc. Staff time will be undertaken by existing officers therefore at no additional cost, and other costs will be absorbed within existing budgets.

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

- 7.1 This report supports the fulfilment of the Council's responsibility, imposed by Section 18 of the Planning and Compulsory Purchase Act 2004, to produce a Statement of Community Involvement. This is an essential document to have in place in order to help achieve a finding that the local plan is sound by the Inspector at the Examination.

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

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None.

10. CONSULTATION IMPLICATIONS

- 10.1 The Council's Statement of Community Involvement sets out how it will engage with local communities and other interested stakeholders in the preparation of planning policy and in the operation of the development management service.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 None.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None.

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.

14. LEGAL IMPLICATIONS

14.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires the Council to produce a Statement of Community Involvement.

APPENDIX 1



DRAFT REVISED WEST SOMERSET STATEMENT OF COMMUNITY INVOLVEMENT

November 2014



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What is a Statement of Community Involvement?

This Statement of Community Involvement (SCI) sets out how West Somerset Council will involve the community and stakeholders in the preparation, alteration and review of local planning policy and the consideration of planning applications within the West Somerset Local Planning Authority area – that is, the parts of West Somerset District lying outside the Exmoor National Park¹. This is our second SCI and has been prepared to take account of changes to planning policy nationally and the way in which the Council is structured and organised.

Why have an SCI?

Decisions on where new homes, jobs, shops, services and facilities should go must take account of the capacity of a range of things including, inter alia, local infrastructure, environmental and social constraints. Often, local communities have the best understanding of how their areas work. To this end it is vital that the views of local communities and other stakeholders are taken into account through both plan-making and decision-taking (development management) processes. The Council also has legal duty to prepare an SCI.

The Council also has a legal duty to consult in the preparation of local plans and on planning applications. These duties and responsibilities are set out in a number of pieces of legislation including:

- the Planning and Compulsory Purchase Act (2004),
- Localism Act (2011),
- Town and Country Planning Act (1990),
- Town & Country Planning (Development Management Procedure) (England) Order (2010)
- the Town and Country Planning (Local Planning) (England) Regulations 2012, and;
- the Neighbourhood Planning Regulations (2012).

How can you get involved?

There are two areas of planning that you can be involved in:

- **Planning policy preparation** (The Local Plan and other planning policy documents) - setting the policy framework against which development proposals will be assessed. Decisions on planning applications are made in line with these local planning documents.
- **Planning applications** (Development Management) - most types of development require a planning application to be submitted and approved. Anyone can view and make comments on a planning application.

¹ The Exmoor National Park Authority is the Local Planning Authority for the parts of West Somerset District which lie within the Exmoor National Park. The National Park Authority is responsible for publishing its own Statement of Community Involvement.

Corporate Context

The Council's first SCI was adopted in 2007, it was one of a suite of documents aimed at developing a shared Vision for the future of the West Somerset Local Planning Authority area. Since 2007 there have been changes to National Planning Policy, Equalities Legislation and the Council's Corporate Policies which necessitate the preparation of a revised SCI.

Community Involvement in Plan Preparation

The Planning System

The planning system requires local authorities to produce local development documents. These set out the spatial strategy for an area - where people will live, work and spend their leisure time - and provide the basis on which planning applications are determined.

Planning Legislation, Regulations and Guidance set out what documents must be produced, how they must be developed and examined by an independent examiner.

Further information regarding the Council's programme for preparing development plan documents is contained in the Local Development Scheme.

Copies of the Local Development Scheme are available from:

- the Council's website – www.westsomerset.gov.uk
- or may be inspected at the Council's offices:
 - West Somerset House, Killick Way, Williton, Somerset TA4 4QA, and;
 - Minehead Customer Centre, 1-3 Summerland Road, Minehead. TA24 5BP

The Statement of Community Involvement will be used by the Council to guide the approach to the consultation undertaken in the preparation of its local plans.

There are two types of local plans:

- Development Plan Documents (such as the West Somerset Local Plan to 2032), and;
- Supplementary Planning Documents (these may include planning obligations SPD, strategic site masterplans etc. which provide more detail for the application of statutory planning policies).

The Statement of Community Involvement should be used by those producing the documents to guide the approach to the consultation undertaken in their preparation.

Community Involvement in Plan Preparation

Current Local Planning Coverage in West Somerset

National Planning Policy

(Listed below is some of the legislation)

The Town and Country Planning Act 1990	Localism Act 2011	Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended)	National Planning Policy Framework 2012 National Planning Practice Guidance 2014	
Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)	Planning Act 2008	
Neighbourhood Planning (General) Regulations 2012.	Planning (Listed Buildings & Conservation Areas) Act 1990 (As Amended)	

Related planning documents	Development Plan Documents	Supplementary Planning Documents
Statement of Community Involvement	Saved policies of the West Somerset District Local Plan 2006	Planning Obligations SPD
Local Development Scheme	Draft West Somerset Local Plan to 2032 (Revised Preferred Strategy)	
Annual Monitoring Report	Stogumber Neighbourhood Plan (in preparation)	

Community Involvement in Plan Preparation

Development Plan Documents

The West Somerset Local Plan to 2032 is a Development Plan Document (DPD). The purpose of DPDs is to set out policies and proposals for the regulation and use of land within the LPA area.

Each DPD goes through a series of formal stages of production prior to adoption. These involve the consideration of alternative options, public consultation, and a publication stage at which formal representations are made and submission for independent examination.

The formal stages in the production of a development plan document are:

- Pre-publication consultation – this could be undertaken once or a number of times. The exact scale and extent of consultation may depend on the scope and content of the Plan being prepared. For a Local Plan, issues, strategy options and preferred strategy consultations are likely to be appropriate, as well as other engagement outside these specific exercises.
- Publication – at which point stakeholders and members of the community can make formal representations on the Plan’s soundness. These representations are ultimately put before an Examiner considering the soundness of the Plan.
- Submission – the Council must submit the published plan to the Secretary of State along with all representations received at the publication stage.
- Examination – an independently appointed Examiner will consider the soundness of the Development Plan Document against several tests as well as whether the Council has complied with the relevant Regulations.
- Adoption – following receipt of the Examiner’s Report (and subject to the Plan being found sound) the Council can formally adopt the Plan as a Development Plan Document.

Strategic Environmental Assessment and Sustainability Appraisal

The planning system requires DPDs to go through a process called a Strategic Environmental Assessment (SEA). The purpose of an SEA and Sustainability Appraisal (SA) is to assess the effects of the plan on the environment and to help to inform the choices made in developing the plan’s strategy and policies.

An SEA/SA is produced when starting the process of DPD preparation; it is consulted on to allow interested parties to make representations on what it should contain.

An SA is undertaken when preparing each stage of a DPD, and a report is consulted on throughout the plan-making process, at the same time as the DPD.

Where both these documents are required The Council may combine them into one publication.

An SA is not generally required for SPDs².

Supplementary Planning Documents

Supplementary Planning Documents (SPD) are non-statutory planning policy documents which provide additional information or detail on the how particular policies in a DPD should be applied. Examples include: masterplans, development briefs and design guidance. The process for the preparation of SPDs is simpler than the more formal requirements laid down in the Regulations for preparing DPDs.

The 2012 Local Planning Regulations require the following stages for the production of an SPD:

- Publication – at which point stakeholders and members of the community can make formal representations on the draft SPD. Representations received will be collated into a report which also says how the issues raised have been addressed.
- Adoption – following consideration of the consultation responses and the making of any appropriate amendments, the document will be considered by the Council for formal adoption.

Neighbourhood Planning

The Localism Act 2011 introduced a new, locally prepared, tier of statutory planning policy: Neighbourhood Development Plans and Neighbourhood Development Orders. These Documents, when successfully completed, form part of the Statutory Development Plan for the area, used to determine planning applications. The qualifying body (the Town or Parish Council within West Somerset) is responsible for research, drafting and consultation during the development of the document. West Somerset Council is responsible for formal notification and consultation at certain regulatory stages in the process.

The Council expects the relevant body to undertake appropriate and effective consultation with the community and stakeholders. Such engagement will identify issues that will shape the form and content of the Neighbourhood Plan or Development Order.

Every Neighbourhood Plan or Development Order is individual and therefore the scope and form of consultation will vary. Statutory stakeholders have specialist knowledge, information and expertise which can assist in the development and production of the Neighbourhood Plan. Voluntary Bodies have locally specific

² The Planning Act 2008 altered Section 19(5) of the 2004 Act removing the requirement for local authorities to produce an SA for SPDs. This is because SPDs do not create new policies, but provide detailed advice on the implementation of statutory Development Plan policies which have themselves already been subject to SA. If an SPD is likely to give rise to significant effects the impacts of which have not been covered in the SA of the policy to which the SPD relates, or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive then an assessment may, exceptionally, be required.

knowledge on the range of groups and people in the area. Those who live, work and play in the area may also have specific insights which can be invaluable.

The Council expects the town or parish council preparing the Plan to provide details of the engagement undertaken; including a list of organisations, associations and bodies who were consulted, a summary of their input, how the Neighbourhood Planning group have taken account of any relevant issues and how the draft neighbourhood plan has been shaped to take account of them.

A number of bodies can advise and provide training and support to neighbourhood plan groups. The Council can assist in identifying appropriate organisations and sources of information.

The Council is responsible for notification and facilitating the following regulatory stages in the Neighbourhood Plan process:

- Designation of a neighbourhood planning area. Stakeholders and members of the community can make formal representations on the compliance with the regulations of the proposed Neighbourhood Planning Area. Within the West Somerset Local Planning Authority area the relevant body for neighbourhood planning purposes will always be the local town or parish council. Once a neighbourhood area has been designated by the Council the designation must be formally advertised.
- The Council will check that the Draft Neighbourhood Plan complies with the criteria for a Neighbourhood Plan in the Legislation and Regulations.
- Publicising the Draft Neighbourhood Plan. Stakeholders and members of the community can make formal representations on it. These representations are put before the Independent Person appointed to consider the soundness of the neighbourhood plan.
- Examination of the Neighbourhood Plan: The Council will appoint an appropriately qualified Independent Person to consider whether the draft Neighbourhood Plan is in compliance with the relevant Regulations and Legislation.
- The Council considers the Independent Person's recommendations and amends the plan accordingly where appropriate. Assuming that the draft Neighbourhood Plan can be made compliant it is subject to a referendum within the Neighbourhood Planning Area.
- Decision on the Neighbourhood Development Plan proposal: Following the referendum, if a simple majority of those voting support adoption of the Neighbourhood Plan, then the Council must make the Neighbourhood Development Plan and it becomes part of the Statutory Development Plan for the area.

The Neighbourhood Planning Regulations³ set out who must be consulted at which Stage.

³ The Neighbourhood Planning (General) Regulations 2012: statutory instrument 2012 No. 637

Who we will consult

We will consult people at various stages in the development of local plans. The Town and Country Planning Regulations require Local Planning Authorities to involve the community and stakeholders in Local Plan preparation and specify a number of organisations which must be consulted on local plan matters relevant to them (the Specific Consultation Bodies⁴) and also describes a number of interest group types (General Consultation Bodies⁵) to be included. A list of Specific Consultation Bodies, General Consultation Bodies, and other organisations and groups the Council seeks to involve in plan-making is included in Appendix A.

In addition to meeting its statutory obligations, the Council is committed to ensuring that local groups, organisations and individuals are provided with the opportunity to be involved in the preparation of local development documents.

West Somerset Council has a database of consultees, who have either commented upon, or expressed an interest in being involved with the development of local plans. This database is used to keep individuals, companies and organisations informed on the production of the Local Plan and other planning policy documents. New consultees are added to the consultation database via e-mail or letter to the Policy Team requesting inclusion on to the database. The Data Protection Act will be followed to ensure personal data is kept securely and personal details are not disclosed.

Consultation methods

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the minimum requirements for public participation in the preparation of Development Plan Documents. These are marked with an “M”. The Council aims to go beyond these requirements; examples of ways we may do this are listed after the statutory requirements.

A variety of methods will be used at various stages of the planning process to enable community involvement in the preparation of local plans. These methods include, but are not limited to:

- **The Council’s website (M)** – consultation activities will be publicised through the Council’s website, on the Planning Policy and home pages. Local plan evidence base studies are also available to view and download. The www.westsomersetays.com consultation portal will also be available for people to access consultation documents and to read and submit comments online.
- **Inspection Points (M)** – hard copies of documents will be available for inspection at the Council’s Offices during consultation periods. In addition we will also make them available at selected local libraries in the area. Copies of the evidence base studies are also be available to view on request at West Somerset House in Williton.

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012: statutory instrument 2012 No. 767 Regulation 2.(1)

⁵ Ibid.

- **E-mail (M)** – notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation base. The Council's Planning Policy team is contactable via the following e-mail address: ldf@westsomerset.gov.uk
- **Letters (M)** – where we have no e-mail details postal notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation database where we only have a postal address or they have specifically requested to be contacted by post.
- **Local News Media** – Public Notices will be placed in the West Somerset Free Press. Advertisements will include details on when and where planning documents can be inspected, how copies can be obtained, the closing date for representations and where to send them. We will also issue a press release to appropriate local news media.
- **Public exhibitions / drop-in sessions** – these events, staffed by planning policy officers, provide information and detail on the emerging Local Plan's proposals. They offer the opportunity for the public and stakeholders to ask questions about the Plan and collect information and literature about the consultation exercise. This helps to target members of the community who may not get involved through electronic media or more formal methods.
- **One-to-one meetings** – with individuals, groups, organisations and stakeholders as appropriate, to provide the opportunity for exchange on information, discussions and problem solving. However, it is the responsibility of the individual, group or organisation to submit written comments after the meeting if they wish.
- **Presentations** – to groups, organisations and stakeholders as appropriate, to target particular people in the community who may be interested in a specific issue.
- **Community and resident meetings and groups** – use of pre-existing community and resident meetings to target people with specific characteristics or interests.
- **Local Plan Newsletter** – this will be published from time to time via the Council's website to provide information about the progress of planning policy document preparation and public engagement opportunities.
- **Local Plan Workshops** – Round table workshop sessions have been offered at each stage in the preparation of the Core Strategy / Local Plan. These have provided a valuable opportunity to discuss the Plan's strategy and policies in some detail and to receive feedback and answer questions. This informal environment may also help to reach people who might not get involved with more formal processes.
- **Social Media** – we may advertise consultations through the Council's Twitter account with additional tweets if appropriate during the course of the consultation.

It is recognised that some of the methods outlined above may not suit everybody, however it is hoped that the variety of methods will enable a wide range of people to get involved in the consultation process.

In line with Equalities legislation, all of our publications will be written clearly and concisely, explaining any technical terms or language. A translation facilities box will be included on all consultation and adopted DPDs and SPDs. We will also offer an appropriate timescale for representations to be received to allow everyone to have the chance to participate.

Equalities and Diversity

The Equality Act (2010) defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council will aim to ensure that these characteristics do not affect people’s ability to respond to our consultation and have their views heard.

It is recognised that some groups are harder to engage with than others. These can include: those for whom English is not their first language, people with disabilities, children and young people, older people, gypsies and travellers, ethnic minorities, and the homeless. Such groups may not be engaged by or may be unable or unwilling to engage in traditional consultation methods. The Council will endeavour to take account of barriers faced by these groups and try to overcome these by using alternative methods of consultation, or by asking affected groups or individuals how they would like to be involved.

A list of community and voluntary organisations operating in West Somerset with links to equality and diversity groups is included in Appendix A. This is not an exhaustive list, it provides an indication of the variety of harder to reach groups in the District.

What we do with representations received

We will read all representations received and taken into account those which are related to planning policy matters. Because we get a large number of responses we cannot always respond individually to them, but we will produce a summary document which will be published on our website.

All representations received will be public documents and as such will be available for others to see. In line with the Data Protection Act we will not publish personal information such as e-mails, signatures, telephone numbers or addresses. We cannot keep your name secret.

The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass any such material to the Police.

A statement of consultation will be produced containing an overview of the consultation activities undertaken, summary of representations received and how or what the Council will do to accommodate these into account in the final document. This statement will form part of the publication documentation for the Local Plan.

A response report on the consultation exercise will be presented to the Council’s Local Development Panel. All responses will be considered although not all will justify any

amendment to the Plan's content. Responses suggesting changes to the Plan's strategy or policies should be supported by appropriate evidence where possible.

When submitting a DPD to the Secretary of State the Council is also required to submit a statement of compliance setting out which bodies and other persons have been consulted, how they have been consulted, the main issues that were raised and how these have been addressed.

What we will do if you feel unfairly treated

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the Planning team in the first instance. If they are dissatisfied with the response they can make a formal complaint through the Council's Complaint Procedure.

The Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about how a Council has done something. However, they cannot question what a Council has done simply because someone does not agree with it. www.lgo.org.uk

Community Involvement in Development Management

The Planning System

The Planning System requires Local Authorities to determine applications for changes of use of land and buildings.

Planning Legislation, Regulations and Guidance set out what should be in an application and the process for making decisions on its acceptability.

Development Management decisions shape the character of an area. The Council determines a range of applications, inter alia, household extensions, fences, listed building applications, changes of use, advertisements to major housing and business premises⁶.

There are four stages at which the local community and stakeholders may be consulted and/or notified about development proposals:

- pre-application stage - undertaken by the applicant once or a number of times. The exact scale and extent of consultation will depend on the scope and content of the planning application being prepared;
- application stage - undertaken by the Council this is formal consultation on the application;
- when a decision has been made - undertaken by the Council; and
- appeal on a decision - undertaken by the Council on behalf of the Planning Inspectorate (PINS), additional formal comments may be submitted.

Planning Acts, Orders and Regulations set out the approach that the Council and applicants are required to undertake in regard to consultation.

The SCI will be used by the Council to set expectations for applicant led consultation and guide our approach to consultation in the planning application process.

Pre-application (for the applicant to undertake)

Because West Somerset Council is rarely the applicant for planning permission, this section of the SCI is primarily focused on setting the standards we would expect an applicant to follow prior to making an application for planning permission.

We recommend that all applicants undertake appropriate and effective pre-application consultation with the community before submitting an application. Early engagement with the Council, local community and key stakeholders can identify and address issues before applications are submitted, shape the design of the development and ensure sufficient information is submitted for an application to be registered and a recommendation made.

⁶ Applications for waste, minerals and major highway schemes are considered by Somerset County Council. Applications for nationally significant infrastructure projects are considered by the Planning Inspectorate

Engagement with the Council is important and can vary from a short conversation with a Council Officer to a number of meetings with various WSC departments and Elected Members. Pre-application advice is subject to the payment of an appropriate fee. The fee is based on the size and type of development. Details of the Pre-application advice service and fees are available on the WSC web site:

<http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Making-an-Application/Pre-Application-Advice> .

Open and transparent consultation with Parish and Town Councils as well as members of the public at public meetings is recommended. Advice from the Council and Parish or Town Councils is confidential and will be “without prejudice” to any eventual decision of an application. Views from a wide number and range of community members; utilising local and community media, publications and knowledge is expected.

The Council expects an applicant to provide details of the pre-application engagement undertaken; including a list of the organisations, bodies and people who engaged with the consultation, a summary of their responses and an explanation of how they have taken account of any relevant issues raised as well as how the developer has amended their scheme to take account of them. This should also be presented within the appropriate policy context, relevant national and local policies and links to local strategies.

Every planning application is individual therefore the scale of community consultation and techniques used will vary. The Council's Development Management and Policy Teams can advise of the relevant issues and suggest ways to involve and inform the community.

A number of bodies can advise and provide training to communities on a range of planning issues including pre-application engagement, representations to planning applications and planning policy consultations. Planning Aid England provides a range of advice and support to individuals and communities. See their web site for more information: <http://www.rtpi.org.uk/planning-aid> . The Planning Portal also provides information on the planning system to individuals, developers and Councils: <http://www.planningportal.gov.uk>.

Application (for the Council)

When an application is received it will be registered and checked to make sure that all the information the Council expects is submitted. When it has been validated it will be included on the weekly application register. The register as well as all information and correspondence pertaining to the application will be put on the case file. This will be available on the Council's website: www.westsomersetonline.gov.uk/planning . Paper copies of current planning applications will also be available to view on request at West Somerset House's Reception in Williton.

Community Involvement in Development Management

Who we will consult

The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires the Council to consult the community. For certain types of application WSC is also obliged to consult with specific groups and organisations, often referred to as statutory consultees, these are listed in Appendix B. Consultation will be proportionate to the application being considered.

How we will consult

The Council has a duty to ensure applications and decisions are properly publicised in order that the public and stakeholders can meaningfully influence the process. The Council is required to publicise the application, either by site notice or by writing to neighbours. Site notice/s will be placed in a prominent position on or near the site. For some larger developments, applications contrary to the local plan and some statutory applications, such as those affecting Listed Buildings or Conservation Areas, a Public Notice will also be placed in that section of the local newspaper⁷.

The letter, notice or advert will contain details of the planning application and information on where plans and any supporting documents accompanying the application can be viewed. It will also explain where to make representations and when they have to be returned to the Council.

Sometimes planning applications are revised after they have been submitted; this could be as a result of matters of concern or items raised in objections. In these cases, the Council may re-consult those people originally notified of the application to give them the opportunity to comment on the amendments. The Council has a statutory time limit within which WSC has to determine most applications. Given this a 14 day response period will usually apply for re-consultation.

Parish and town councils are consulted on the planning applications within their area.

⁷ Article 13 Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended), DMPO, and Regulation 5 Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended), and Section 67 & 73 Planning (Listed Building and Conservation Areas) Act 1990 to be amended by the Planning and Compulsory Purchase Act 2004)

Community Involvement in Development Management

What we do with representations received

Representations received will be put in the case file and published on the Council's website. The Council will only be able to consider matters relating to planning and the planning application. The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass such material to the Police.

Where appropriate, comments may result in changes to an application, conditions attached to an application decision to address particular issues or refusal of an application. There are nearly always differing views and competing interests, we are required to make informed decisions having regard to national and local planning policies, development impacts and what will be in the best interest of the community.

Decisions

For most minor and householder applications decisions are made by the Assistant Director for Planning and Environment under powers delegated from the Planning Committee.

For major, significant and controversial applications decisions are made by Councillors on the Planning Committee. The Development Management Officers prepare a report for committee outlining the proposal, issues raised and recommendations of either approval, approval with conditions or refusal.

Any person who has made a representation will be notified when the application is to be reported to the Planning Committee for determination.

On occasion the Secretary of State will call in an application rather than let the Local Authority decide. If this happens the Council will provide copies of all correspondence to the Secretary of State and publicise the call-in on its website.

Post-application (the Council)

Once a decision has been made on an application, the Council will publish it on the weekly decision register and in the local newspaper. A copy of the decision notice for all applications since 1974 is also available on the Council's website.

Where an applicant is unhappy with the Council's decision they have the right to appeal. Applicants must lodge an appeal with the Planning Inspectorate who will determine its validity before initiating proceedings and setting a start date. When an appeal is accepted the Council has one week from the start date to notify all statutory consultees and interested persons. Statutory consultees and interested persons may have the opportunity to make any additional comments on the application. Within five weeks the Council will submit all relevant information, including further representations received, and an appeal statement to the Planning Inspectorate. The Inspectorate will re-evaluate the information and determine whether the Council's decision was correct or if it should be overturned. The Council will publish the decision on its website.

What we will do if you feel unfairly treated

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the Planning team in the first instance. If they are dissatisfied with the response they can make a formal complaint through the Council's Complaint Procedure.

The Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about how a Council has done something. However, they cannot question what a Council has done simply because someone does not agree with it. www.lgo.org.uk

Monitoring and Review

The contents of the Statement of Community Involvement will be regularly reviewed in order to keep up to date with any changes in policy, to update consultee groups, where necessary, and to review the relative success of the various community involvement measures undertaken.

Appendix A – Stakeholders to be involved in local planning policy

Specific Consultation Bodies - These are the statutory consultees defined in the Regulations	
Marine Management Organisation	The Highways Agency
English Heritage	Parrett Internal Drainage Board
Natural England	Somerset County Council
Environment Agency	Devon County Council
Sedgemoor District Council	British Telecom PLC
Taunton Deane Borough Council	Commpro Telecommunications
Exmoor National Park Authority	Mobile Operators Association (MOA)
North Devon District Council	Mono Consultants Ltd.
Mid Devon District Council	T-Mobile (UK) Ltd
Homes and Communities Agency	O2 (UK) Ltd
Somerset Supporting People Partnership	Orange Personal Communications
NHS Clinical Commissioning Group and NHS Commissioning Board	Vodafone Ltd
Somerset Health & Wellbeing Board	South West Water
RWE npower renewables	Wessex Water
EDF Energy	Network Rail Infrastructure Limited
National Grid UK Transmission	Avon and Somerset Constabulary
National Grid	British Transco
Western Power Distribution	Wales and West Utilities
Bicknoller Parish Council	Minehead Town Council
Brompton Ralph Parish Council	Watchet Town Council
Brompton Regis Parish Council	North Molton PC
Brushford Parish Council	Twitchen Parish Council
Lydeard St Lawrence Parish Council	Molland Parish Council
Tolland Parish Council	West Anstey Parish Council
Wiveliscombe Parish Council	East Anstey Parish Council
Fitzhead Parish Council	Combe Martin Parish Council
Chipstable Parish Council	West Bagborough Parish Council
Lynton and Lynmouth PC	West Quantoxhead Parish Council
Challacombe PC	Williton Parish Council
Brayford PC	Winsford Parish Council
Carhampton Parish Council	Withycombe Parish Council
Porlock Parish Council	Withypool & Hawkridge Parish Council
Sampford Brett Parish Council	Wootton Courtenay Parish Council
Selworthy & Minehead Without Parish	East Quantoxhead Parish Meeting
Stogumber Parish Council	Elworthy Parish Meeting
Stogursey Parish Council	Oare Parish Meeting
Timberscombe Parish Council	Skilgate Parish Meeting
Upton Parish Council	Stringston Parish Meeting
Nettlecombe Parish Council	Treborough Parish Meeting
Clatworthy Parish Council	Fiddington Parish Council
Crowcombe Parish Council	Nether Stowey Parish Council
Cutcombe Parish Council	Over Stowey Parish Council
Dulverton Town Council	Stockland Bristol PC
Dunster Parish Council	Otterhampton Parish Council
Exford Parish Council	Morebath Parish Council
Exmoor Parish Council	Oakford Parish Council

Exton Parish Clerk	Countisbury PC
Holford Parish Council	Kilve Parish Council
Huish Champflower Parish Council	Luccombe Parish Council
Monksilver Parish Council	Luxborough Parish Council

General Consultation Bodies –	
The Regulations also require the Council to consult such general consultation bodies as it considers appropriate, this lists below are not exclusive and additional organisations can be added on request.	
a. Voluntary bodies some or all of whose activities benefit any part of the authority's area	
The West Somerset Initiative	Seaward Way Community Group
Minehead Conservation Society	Somerset Activity & Sports Partnership
POPP team leader, Age Concern Somerset	West Somerset and Exmoor Bridleways Association
Somerset Playing Fields Association	Community Council for Somerset
Rural Women's Network c/o Council for Somerset	Somerset Gay Health
Age Concern Somerset	Forum 21
Ecos Trust	Friends of Watchet Station
Single Parent Action Network	Scout movement and over 60 club
Cycle Somerset	Engage (formerly W Somerset CVS)
West Somerset Seniors' Forum	Transition Minehead and Alcombe
Somerset Wildlife Trust	Somerset County Federation of Womens' Institutes
The Woodcombe Society	Somerset Association of Local Councils
West Somerset LETS Group	West Somerset Citizens Advice Bureau
Williton Regeneration Partnership	CPRE, West Somerset District Committee
The Ramblers	CPRE South West
Magna Tenants Panel	RSPB SWRO
FWAG South West England Office	The Exmoor Society
10 Parishes	Artlife
Friends of the Earth	SUSTRANS
b. Bodies which represent the interests of different racial, ethnic or national groups in the authority's area.	
Equality South West	Traveller Education Service
Somerset Racial Equality Council	Friends, Families and Travellers
c. Bodies which represent the interests of different religious groups in the authority's area	
Faithnet South West	Property Officer and Secretary of the Houses and Glebe Committee of the Bath and Wells Diocesan Board of Finance
Minehead Baptist Church	West Somerset Methodist Circuit
Somerset Circuit of Jehovah Witnesses	Catholic Church, Clifton Diocese
d. Bodies which represent the interests of disabled persons in the authority's area	
Compass Disability Services	Taunton and District Mencap Society
Open Daws - Disabled Activities in West Somerset	Somerset Cancer Care, Minehead West Somerset Group
	Mind in West Somerset

e. Bodies which represent the interests of persons carrying on business in the authority's area	
Somerset Chamber of Commerce	West Somerset Business Forum
Federation of Small Businesses, Taunton and District	Minehead Chamber of Trade
Country Land and Business Association – South West	Road Haulage Association Bristol/Avonmouth, Cornwall, Dorset, Devon, Somerset, Wiltshire
South West Tourism Ltd	Regen SW
Business Link Somerset	WACET

Appendix B – Stakeholders to be involved in development management

The Regulations⁸ require the Council to consult specific consultation bodies when considering some planning applications.

The statutory consultees for Development Management include:

Local highway authorities

Local planning authorities

Natural England

Parish councils

Rail network operators

Regional development agencies

The British Waterways Board

The Coal Authority

The English Sports Council

The Environment Agency

The Health and Safety Executive

The Historic Buildings and Monuments Commission for England

The National Park Authority

The Secretary of State for the Environment, Food and Rural Affairs

The Secretary of State for Transport

The Theatres Trust

The Office for Nuclear Regulation

The statutory consultees which need to be consulted vary depending on the type of application submitted, and the specific site circumstances. Therefore, the detailed table within Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 should be referred to for more detailed information.

⁸ Article 16 of The Town and Country Planning (Development Management Procedure) (England) Order 2010

Appendix C - Definition of application type

The following is a general guide. As sites and applications are uniquely individual there may be deviations from these categories.

Application type	Description	Examples
Significant applications	Applications where there are considerable issues of scale and controversy	<ul style="list-style-type: none"> ○ Strategic Site Allocations ○ Large scale retail or residential development, i.e.: <ul style="list-style-type: none"> ○ 10 or more dwellings or where the site is more than 0.5 hectares; ○ All uses where floor space is more than 1,000m² or the site is more than 1 hectare. ○ Applications requiring a full transport assessment ○ Proposals to remove community facilities – such as development on playing fields ○ Schedule 1 and 2 developments under Environmental Impact Assessment Regulations⁹ ○ Applications are normally determined within 13 weeks
Departure applications	Applications contrary to or out of line with the Development Plan	<ul style="list-style-type: none"> ○ Applications considered to be in breach of and/or may significantly compromise the delivery of Local Planning Policy, i.e. <ul style="list-style-type: none"> ○ Core Strategy; ○ Local Plan; ○ Site Allocations and Development Management Plan; ○ Town Centre Area Action Plan. ○ Applications which must be submitted to DCLG for their consideration

⁹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Small Scale applications	Applications for sites that are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> ○ Less than 10 dwellings ○ For all other uses where floor space is less than 1,000m² ○ Normally determined within 8 weeks
Other minor applications	Applications for minor items which are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> ○ Applications which impact on a local landmark ○ Applications in the Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI) ○ Applications which propose the loss of a community facility - such as post office, public house ○ Applications for: <ul style="list-style-type: none"> ○ Advertising consent ○ Tree works ○ Conservation Area Consent ○ Listed Building Consent ○ Householder applications ○ Change of use for non-major developments where no building or engineering works are proposed ○ Normally determined within 8 weeks

Appendix D – Glossary of Town and Planning Terms

Glossary

It should be noted that this is not intended as a comprehensive list of planning terms.

Adoption: The formal adoption, by Council, of its Local Plan (cf) or other Development Plan Document following public examination and receipt of a positive report from the Planning Inspectorate is the final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

Allocation: Formal identification of a land parcel for a specific planning use through a development plan.

Amenity: A positive element, or elements, that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquility.

Ancillary use: Where a building or plot of land is in a variety of uses (as defined by the Use Classes Order), the principal use will be the defined use of the land in planning law terms. For example, a factory may have a storage building, offices, a staff restaurant and over-the-counter sales to the public. All of the other uses are ancillary to the predominant use of the factory falling within Use Class B2. If there is no one dominant use a mixed use will exist. Changes in the balance of uses in both instances may constitute a material change of use (cf) and, therefore, require planning permission.

Authorities Monitoring Report (AMR): This measures how the Council is progressing with the timetable set out in the Local Development Scheme (cf). It also assesses the effectiveness of the various policies contained in the Development Plan Documents and monitors key indicators, such as house-building etc.... The Localism Act has removed the statutory requirement to produce this document however it is good practice to prepare such a report..

Appeal: Within a set time of a planning application being determined, or if the Council has failed to determine the application within the statutory timeframe, an aggrieved applicant may ask for a decision to be (re)considered by the Planning Inspectorate. The appeal may be conducted (i) in writing, (ii) by an informal discussion led by the Inspector or (iii) by a formal public inquiry, with cross-examination of witnesses and perhaps barristers to present the respective parties' cases. The Planning Inspectorate decision is binding (but is subject to potential legal challenge in the High Court).

Application form: Each planning application must be accompanied by a formal application form. These forms follow a national standard and include the name and address of the applicant, the location of the development and details of the proposal. Must be accompanied by: a signed ownership certificate; a plan of the proposal at an appropriate and recognised scale; and usually by a variety of other information i.e. Design and Access Statement, an Environmental Impact Assessment, Ecological Surveys, Transport Assessments, etc.

Approved plans: A plan at a recognised scale that shows the development permitted by a grant of planning permission. Any significant variation in the built form from that shown on the approved plans may require a further planning application or may lead to enforcement action, which could include the demolition of the offending buildings or cessation of the aberrant use(s). See also 'Decision Notice'.

Blight: The reduction, or perceived reduction, in value of a building or piece of land as the result of a planning decision.

Brownfield land: Land which has been previously developed. Often associated with urban land but equally relates to previously developed land in the countryside. May be contaminated by pollutants which require remediation before re-use and redevelopment occur.

Call-in: Some planning applications must be notified to the Secretary of State to give her/him the opportunity to 'call-in' an application for her/his own determination. The Secretary of State also has powers to call-in any application and may direct us to hand it over to them. The application is considered at a public inquiry by one or more members of the Planning Inspectorate (cf) who make recommendations to the Secretary of State, who decides whether or not to allow the application.

Capacity study: A study designed to identify what capacity or 'headroom' there is for a particular form of development. Uses population projections and other statistical data/assumptions to identify whether there is a gap between the current amount of provision and the level of provision projected as being necessary (usually at some point in the future). Most commonly associated with retail capacity studies, where a developer wants to show that there is the capacity for a new store that will not undermine existing stores. But see also 'Urban capacity study'.

Change of use: Planning permission is usually required to change the use of a building or land to another use class. Intensification of a use may constitute a change of use.

Code for Sustainable Homes: A national standard for sustainable design and construction of new homes. It aims to reduce carbon emissions and promote higher standards of sustainable design above the minimal set out in the Building Regulations. The code awards new homes a star rating from 1 to 6, based on their performance against nine sustainability criteria which are combined to assess the overall environmental impact. Six stars are the highest achievable score, reflecting exemplary developments. Code level 3 compliance became mandatory in September 2010 for new-build residences, currently compliance with higher levels of the Code is voluntary.

Comparison shopping: Shopping for non-essential items, generally of a higher value (such as furniture and electrical goods) but also extends to clothing, books, cosmetics, etc. Comparison shopping has traditionally been conducted in town centres, but since the 1980s has also been carried out in retail [warehouse] parks and, most recently, on-line. See also: 'Convenience shopping' and 'Town centres first'.

Compulsory Purchase Order (CPO): An Order issued by the government, or a local authority, for the enforced acquisition of land or buildings for public interest purposes. For example, for the construction of a major road or the redevelopment of certain brownfield sites. The purchasing authority needs to be capable of demonstrating that they have tried to acquire the property by negotiation before a CPO can be issued. Most CPOs are preceded by a CPO Inquiry conducted by a member of the Planning Inspectorate, who will either confirm or reject the Order.

Conditions: Planning permission is usually granted subject to conditions, all of which must be complied with. Conditions should only be imposed when permission would otherwise have to be refused. It is the responsibility of the developer to ensure that the terms of all conditions are met.

Conservation area: A defined area, designated by a local council, which is to be preserved or enhanced because of its special architectural or historic interest. There are 11 conservation areas in the West Somerset LPA area. A special planning regime operates in conservation areas.

Convenience shopping: Shopping for goods of an essential day-to-day nature, such as food, newspapers, tobacco, etc.

Decision notice: The official document, issued by the Local Planning Authority, Planning Inspectorate or the Secretary of State, that grants or refuses planning permission. Development may not legally begin before the decision notice has been issued. Reasons for permitting or refusing development, and for any conditions imposed on a permission, are always given. In conjunction with the approved plans, this is the definitive statement of the development that has been granted or refused permission.

Design Guides, Statements or Codes: A document which focuses on the visual character of a place and how it might be protected or enhanced.

Delegation/delegated decision: Decisions on planning applications where officers make decisions on behalf of the elected planning committee. The majority of decisions are made in this way, provided that there are no complex issues, or the proposal is wholly acceptable in planning terms. It is also used for refusal when an application is clearly not in accordance with planning policies or practice.

Demolition: Requires planning permission only in certain circumstances (such as for homes), but planning permission is normally required to rebuild on the site. Demolition of listed buildings requires Listed Building Consent and special provisions apply in conservation areas.

Density: In the case of residential development, a measurement of either the number of habitable rooms (any room used or intended to be used for sleeping, cooking, living or eating purposes i.e. not bathrooms, hallways, utility rooms) per hectare or the number of dwellings per hectare [dph].

Department for Communities and Local Government (DCLG): Government department responsible for, inter alia, preparing primary and secondary legislation on town and country planning and for preparing guidance to direct and assist in the day-to-day interpretation and operation of the statutory town planning system, such as the National Planning Policy Framework. Also determines called-in or recovered planning applications.

Departure: A proposed development that is not in accordance with the adopted development plan, but for which the Local Planning Authority proposes to grant planning permission subject to no intervention from the government.

Design & Access Statement: Prepared by applicants for planning permission. Describes the development and explains how the design was arrived at, what local planning policies have been observed, how any public engagement has been reflected in the design, and how relevant principles of good design have contributed to the proposal. This document enables the lay public to understand how the finished proposal was arrived at, and acts as a check upon the quality of the decision-making process which led to that proposal by the developer concerned.

Detailed application/'Details': A planning application seeking full permission for a development proposal, with no matters reserved for later planning approval. Antithesis: outline application development: Defined in the 1990 Act as "the carrying out of building, engineering, mining or other operations in, on, over or under land" (known as operational development) or "the making of any material change of use of any buildings or other land". Not all development requires planning permission – see 'Permitted development'.

Development Brief: See 'Masterplan'.

Development Management: The new name for development control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.

Development Plan Document (DPD): Statutory documents produced by LPAs that must be taken into account in determining planning applications eg: the Local Plan. Currently, planning permission must be granted in accordance with these documents unless material considerations indicate otherwise. Development Plan Documents must be subjected to examination by The Secretary of State for Communities and Local Government. Under the changes introduced by the Localism Act and the NPPF most of the former Local Development Framework documents have been combined into a single Local Plan.

Edge of centre: A location that is within easy walking distance of the primary shopping area.

Enabling development: Development that is usually contrary to established planning policies but which is exceptionally permitted because it has been demonstrated to be necessary to generate funds to enable the conservation of a Listed Building or its setting and where the indirect benefit of the enabling development clearly outweighs any direct harm that it would cause.

Enforcement: The investigation and resolution of alleged breaches in planning control, usually undertaking development without permission or failing to observe conditions. An otherwise acceptable breach of planning control can be corrected by a retrospective planning application. Formal enforcement action, which could include issuing of an Enforcement Notice to require the demolition of any offending buildings/structures or cessation of any aberrant use, may only be undertaken if the development would not be permitted and it is considered "expedient" to take action. Can ultimately lead to action in the County Court against the defaulting party if negotiation and service of an Enforcement Notice fails to remedy the breach of planning control.

Environmental Impact Assessment (EIA): Likely to be required for nationally defined large-scale developments. Undertaken by the developer when applying for planning permission, the EIA assesses the social, economic and environmental impacts of the proposed development and identifies what remedial measures may be necessary to counter any negative impacts. Used as an informative to decision-making rather than a determinant of whether permission should be granted.

Environmental Information Regulations 2005 (EIR): Provide a statutory right of access to environmental information held by public authorities. Covers information about air, water, soil, land, flora and fauna, energy, noise, waste, emissions and information about decisions, policies and activities that affect the environment.

Examination: See 'Public examination'.

Fee: Nationally set fees are required for a planning application to be determined. Locally-set fees are payable for pre-application discussions and advice. In both cases, the fees vary depending upon the scale and nature of the development being proposed. The fee income is kept by the Council and offset against the costs of providing the planning service. There are limited exemptions from paying planning application fees, including householder applications by registered disabled persons.

General Permitted Development Order (GPDO): The Town and Country Planning (General Permitted Development) Order 1995 allows for the extension of, or changes to, a property without the need for express planning permission, within certain guidelines. This includes small domestic extensions which comply with pre-determined measurements.

Grampian-type condition: A negative condition imposed on a planning permission barring development from happening until a particular action on another piece of land not owned by the applicant has been performed (usually highways works). Named after a court case involving Grampian Regional Council in 1984.

Green Belt: There is no land designated as Green Belt within West Somerset District.

Greenfield land: Land which has not previously been developed (hence antithesis: brownfield land). Most commonly associated with land in the countryside but could equally apply to an undeveloped site within an urban area.

Highways Authority: Somerset County Council is the Highways Authority for Somerset. It is charged with the statutory responsibility of adopting, maintaining, designing, making safe and constructing all roads, footways and public rights of way which are not the responsibility of the Highways Agency (see above). A major consultee on planning applications and in the preparation of Local Plans.

Householder application: A, generally smaller-scale, application to alter or enlarge a house, including works within the garden of a house which are not permitted development. Nationally these form the majority (60%) of the applications received by LPAs.

Inquiry: See 'Appeal'.

Judicial Review (JR): A challenge to the High Court by any aggrieved and affected party against a decision made by, for instance, the Council, the Planning Inspectorate or the Secretary of State. Can only be made on points of law (viz, not planning judgments) and must be made "expeditiously" after the decision to be challenged has been made. This means that applications for JR must be made within 3 months.

Landbank: A stock of land (for housing, for example) which has planning permission or is allocated for development in adopted Core Strategies or Local Plans but has yet to be developed. Housebuilders commonly have considerable landbanks, which bolster their value on the Stock Exchange.

Lawful Development Certificate (LDC): A specialist type of application that determines: (i) whether the existing use of land or buildings is lawful for planning purposes or (ii) confirms that a proposal does not require express planning permission. Often necessary to confirm that the use, operation or activity named in it is lawful when land or property is placed on the market for sale. A fee is charged for an LDC; it is not the same as a planning permission. Sometimes used in enforcement cases.

Listed Building: A building or structure on the Statutory List of Buildings of Special Architectural or Historic Interest maintained by the Secretary of State for Culture Media and Sport. Listing began as a consequence of the destruction of historic buildings during the 1939-45 war and was included in the 1947 Town and Country Planning Act. It was the Planning Act of 1968 however which introduced the concept of 'listed buildings' as such and which afforded them statutory protection. Listing currently protects some 500,000 buildings and structures across England and Wales. By reason of their relative importance, Listed Buildings fall into three categories: Grade I, Grade II* and Grade II, of which the majority - over 90% - are Grade II. A listed building may not be demolished, extended or altered without Listed Building Consent from the Local Planning Authority. No fee is charged for applications for Listed Building Consent but a flat fee is charged for pre-application discussions. Enabling development may, exceptionally, be contemplated in order to secure the preservation of a Listed Building where this can be properly justified..

Local Development Scheme (LDS): This document sets out which planning policy documents are to be prepared by the LPA and also the timetable for their review and the preparation of new documents.

Local Plan: A term which describes the statutory local planning document produced under the pre-2004 planning system that set out all the Council's policies on the development and change of use of land and buildings. Since the passing of the Localism Act 2011 and the publication of the NPPF, the Local Plan is also the new statutory planning document which replaces the Local Development Framework Core Strategy and associated documents which had been introduced in 2004.

Local Planning Authority (LPA): A local authority is charged by central Government with the statutory duty to prepare development plan documents and undertake other duties under the Planning Acts. District Councils have planning powers for all development in their administrative areas with the exceptions of minerals and waste and nationally significant infrastructure projects such as the Hinkley Point C new nuclear proposals. County Councils have planning powers for minerals and waste proposals within their administrative areas. Within West Somerset District, the Exmoor National Park Authority is the LPA for the part of the District within the Exmoor National Park. The West Somerset LPA area comprises the parts of the District which are not in the National Park.

Major application: Involves any one or more of the following: (i) mineral deposits; (ii) waste development; (iii) a site for 10 or more new homes or where the site area for new homes is 0.5ha or more; (iv) the provision of a building or buildings where the floorspace to be created is 1,000m² or more; or (v) any other development carried out on a site with an area of 1 hectare or more.

Masterplan: A term usually applied to a comprehensive written and/or cartographic representation of a potential development scheme. Sometimes a masterplan may have SPD status or it may be submitted with a planning application. Alternatively, land-owners or developers may prepare masterplans to guide their own, or other parties', development. It is important to have a clear understanding of the status and intent of any particular masterplan in order to ascertain how much weight should be placed upon it. A good masterplan sets out constraints and opportunities presented by a site and the principles of the type, form, layout and appearance of development appropriate for it.

Material considerations: Factors considered in the determination of applications for planning permission, alongside the statutory development plan. These include: residential amenity, highway safety, traffic, noise, smell, design and appearance, conservation and listed building interests and any relevant planning comments made by consultees. In order to be material a consideration must relate to the use and development of land and to the planning merits of the development in question. Non-planning comments and the number of objections received are not material considerations. What is considered to be material may be subject to appeal and/or judicial review but the weight to be attached to a material consideration is solely for the decision-maker and will not be challenged by the courts.

Minerals Local Plan: A statutory long-term development plan framework for mineral extraction and associated development. Covers oil, coal, gas, sand, gravel, crushed rock and chalk. All minerals planning powers (plan-preparation and development management) reside with the County Council in Somerset.

National Planning Policy Framework (NPPF): From 1 April 2012 this 50 page document replaced 2,000 + pages of national government policy, advice and guidance contained in Planning Policy Statements and Planning Policy Guidance Notes and their annexes. Until up-to-date local plans are put in place, planning applications must be determined in accordance with the presumption in favour of sustainable development contained within the NPPF.

National Planning Practice Guidance: A web-based resource initiated by the Secretary of State on 6th March 2014 giving additional information on the practical application of the National Planning Policy Framework.

Neighbourhood plans: Introduced under the planning provisions of the Localism Act 2011. Parish or Town Councils may prepare statutory neighbourhood development plans, the policies of which will be material in assessing planning applications within the designated neighbourhood area concerned. These Plans must be in general conformity with the strategic policies of the local plan. After public examination, if found compliant with the regulations they must be subject to a local referendum following which, if successful, being formally 'made' by the LPA.

Net migration: Takes into account natural change in the population (births and deaths) and also those people who have moved into, and out of, the locality. A well accepted population projection model. See also: 'Nil-net migration' and 'Population projections'.

Non-determination: If the Council fails to make a decision on a planning application within the set time, the applicant may appeal to the Planning Inspectorate who then make the decision, rather than the Council.

Objections: Representations received by the Local Planning Authority or any other determining body in respect of either a planning application or a development plan which opposes all or part of the proposals. In order for the objections to be considered and given weight they must raise legitimate planning matters (see 'Material considerations'). The number of objections received is not a legitimate ground for refusing planning permission.

Outline application: An application for planning permission primarily designed to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters. Usually applies to major developments where it is either uncertain whether the proposal is in conformity with the development plan or where the scale of the development is such that it is inappropriate to be exact in every detail at the time of applying for planning permission.

Out of centre: In retailing terms, a location that is clearly separate from the primary shopping area of a town centre but not outside the urban area.

Out of town: In retailing terms, a location clearly outside the current urban boundary.

Overbearing: A term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect.

Over-development: An often pejorative term describing an amount of development (for example, the quantity of buildings or intensity of use) that is considered excessive in terms of demands on infrastructure and services, or impact on local amenity and character.

Overlooking: A term used to describe the effect when a development or building affords an outlook over adjoining land or property, often causing loss of privacy.

Overshadowing: The effect of a development or building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.

Performance targets: Local Planning Authorities have nationally set performance targets to meet, principally revolving around the time taken to determine different types of planning applications. These were originally set as Best Value Performance targets.

Permitted development: Building works and uses as defined by the General Permitted Development Order and Use Classes Order that can be undertaken without the need for express planning permission from the Local Planning Authority.

Planning Acts: The first Planning Act was in 1909 but the modern planning system was introduced by the Town and Country Planning Act of 1947. There have been a series of further Acts over the succeeding years, with the main ones in use today being the four 1990 Acts, the Planning and Compulsory Purchase Acts of 1991 and 2004 and the Planning Act of 2008. To these have been added the planning provisions of the Localism Act 2011. Supplementing the Acts are various circulars, statutory instruments (such as the Local Planning (England) Regulations) and the National Planning Policy Framework (1st April 2012) as well as other guidance notes, policy statements and ministerial announcements.

Planning application: A planning application is necessary in order to secure express planning permission from the relevant Local Planning Authority for development that is not otherwise permitted development. See also 'Application form'.

Planning Obligations: Securing the delivery of community benefits by legal agreement following negotiation with applicants for planning permission, without which any development would be unacceptable. May include the physical construction of facilities, the provision of land or the payment of a fee in lieu of on-site provision. The building of affordable housing and the provision of new children's play areas are examples. Also known as Section 106 agreements. These may not be used to remedy existing infrastructure deficiencies and should only be used to meet the needs generated by the development being permitted. There is currently no intention to introduce the Community Infrastructure Levy in the West Somerset LPA area. (cf).

Planning Inspectorate (PINS): National Body that undertakes planning and enforcement appeals on behalf of the Secretary of State for Communities and Local Government (usually against Local Planning Authority refusal of permission or non-determination of planning applications). As of 2012 it also determines nationally important infrastructure projects. Holds evidence-gathering, quasi-judicial examinations into both planning applications and local plans and DPDs. PINS decisions on planning applications are binding on all parties except Government, but all of its decisions may be overturned by the courts on limited technical grounds following judicial review.

Planning Permission: The consent given by the Local Planning Authority, the Planning Inspectorate or the Secretary of State for development. Usually given with conditions and with a time limit for the beginning of development. May be subject to planning obligations. Reasons for permission will be given on the decision notice. Will be closely based on the information given in the planning application form and the ancillary information supplied by the applicant.

Planning Portal: A Government sponsored web-site from which much useful generic information about the statutory town and country planning and building control systems can be gathered. Most LPAs are connected to the Planning Portal via hyperlink, such that it acts as a 'one stop shop' for developers and the public wishing to gain access to the planning pages of their local authority's web-site. West Somerset Council, offer electronic submission of planning applications and the payment of fees via the Planning Portal.

Pre-application discussions/fees: An opportunity for councils and developers to work together to achieve developments that deliver benefits to the community and the economy. These discussions are provided for a fee, for officer time, but in the long-term they can save time, costs and frustration and optimise the potential of a site.

Previously Developed Land (PDL): See 'Brownfield land'.

Primary Shopping Area (or Primary Shopping Frontage): A designated area where the number of Use Class A1 shops is most concentrated in a town centre. Beyond the primary shopping area may lie secondary and tertiary shopping areas, where shop uses become more diluted by other A-use classes (such as pubs, restaurants, banks) and other town-centre type uses (such as assembly and leisure uses).

Prior Approval: A procedure where permission is deemed granted if the Local Planning Authority does not respond to the developer's application within a certain time. Often relating to telecommunication or agricultural developments. **Public examination:** An interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a DPD. Similar to an informal hearing: see 'Appeal'.

Public [local] inquiry (PLI): See 'Appeal'.

Refusal of planning permission: The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will "cause demonstrable harm to interests of acknowledged importance". The person making the decision will issue a decision notice detailing the reasons for refusal. Within a set time, aggrieved applicants have the right to appeal against the refusal of planning permission.

Retrospective planning application: Occasionally a Local Planning Authority may receive, or in some enforcement cases encourage, those parties that have undertaken unauthorised development to submit a planning application to regularise the situation. Attempting to sell land or buildings upon which unauthorised development has occurred can lengthen the process and reduce the price received.

Saved policies: Policies within a development plan that the Secretary of State has allowed to continue to have legal force, following passage of the 2004 Act, during the production of replacement Development Plan Documents. Development plan policies which were not included in saving directions issued by the Secretary of State no longer have any effect.

Secretary of State for Communities and Local Government: The member of the Government with responsibility for local government functions including town and country planning.

Section 106 agreements: See 'Planning gain/obligations'.

Sequential test: The process of demonstrating that development is to occur on the most preferable location for the appropriate use. Most commonly associated with the 'town centres first' policy.

Site Notice: Statutory notice posted on, or close to, a development site for at least 21 days, providing public notice of the existence of a planning application on the site. Usually accompanied by the publication of the same notice in a newspaper circulating in the locality.

Soundness, tests of: At a public examination held by one or more members of the Planning Inspectorate, local plans are checked against four tests of soundness – whether they have been positively prepared, are justified, effective and consistent with national policy - and whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements. Neighbourhood plans are not tested for soundness but will be tested for compliance with the relevant regulations. These criteria are established in the National Planning Policy Framework.

Statement of Community Involvement (SCI): This sets out the Council's policy on involving the community in policy-making and major planning applications. The preparation of an SCI is a statutory requirement.

Stop Notice: Notice served by an LPA on a land-owner where there is a breach of planning control that requires to be stopped. Serving a stop notice must follow an enforcement notice. Does not come into force for three days and gives reasons why the stop notice is necessary.

Strategic Environmental Assessment (SEA): Required to be prepared for plans and policies under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes". Undertaken in conjunction with the Sustainability Appraisal. All but the least important of planning documents now have to be subject to SA/SEA.

Strategic Flood Risk Assessment (SFRA): Study to provide a reference and policy document to inform the local plan; and to ensure that the Council meets its legal obligations in respect of managing flood risk. SFRA come in two levels, SFRA Level 1 covers the whole LPA area at a relatively basic level. SFRA level 2 focuses in considerably more detail on flood risk issues affecting areas for which major development is proposed.

Strategic Housing Land Availability Assessment (SHLAA): Study to determine the availability and viability of potential future housing sites.

Strategic Housing Market Assessment (SHMA): Study to identify the full objectively assessed housing need for the area including evidence on the types of housing that are needed to meet current and future demand. Used to inform both the local plan and development management decisions...

Sui generis use: A use not falling within any of the defined planning Use Classes (cf). Any change of use requires express planning permission.

Supplementary Planning Document (SPD): SPD provides more detailed information on the way in which statutory planning policy and proposals featured in development plan documents will be applied. They are also used in the process of determining planning applications.

Sustainability Appraisal (SA): An assessment of the impact the proposals contained within a DPD would have on the environment, economy and society. It is carried out in conjunction with the Strategic Environmental Assessment. The results of SA are used to help make choices between available strategy /policy options in the interests of developing a sustainable Local Plan.

Sustainable Development: The underpinning definition for planning is that included in Resolution 24/187 of the United Nations General Assembly: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." As cited on page 2 of the National Planning Policy Framework, which goes on to state that: "The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute what the Government's view of what sustainable development in England means in practice for the planning system".

Temporary Stop Notice: Served by an LPA on a landowner where a breach of planning control needs to be stopped immediately. Lasts for 28 days, during which the LPA must decide whether to issue an Enforcement Notice. Must specify the activity to be halted. See also 'Stop Notice'.

'Town centres first': A sequential locational test that developers and LPAs have to demonstrate has been followed in the placing of new shopping, leisure and office developments. The preferred order in the sequential test is: town centre; edge of centre; out of centre; out of town. Only if it can be clearly demonstrated that the development cannot be placed in a location higher in the preferential scale can the development be placed in a less favoured location lower in the hierarchy.

Town, Parish or Village Plans: Community led documents which help a community come to a collective view about various issues affecting its life and future development. They can address both planning and land use issues as well as social and service related matters. Their contents are not material considerations in considering planning applications unless they have been prepared through the full SPD processes and have been adopted by the Council as such. One of the main benefits of this type of document is that it helps communities respond to consultation exercises in a well informed way.

Tree Preservation Order (TPO): An order made by an LPA securing the protection of a single tree or group of trees of significant amenity benefit to their local area. In general, it is an offence to cut down, top, lop, uproot, willfully damage or willfully destroy a tree subject to a Tree Preservation Order without the consent of the Local Planning Authority.

Unauthorised development: Development that requires planning permission but which does not have it. Once unauthorised development comes to the attention of the Local Planning Authority an enforcement investigation will be begun. Unauthorised development can be regularised by a retrospective planning application in some instances or it may be beyond the time limits for enforcement action (four years for operational development or ten years for a change of use or breach of a planning condition). A Lawful Development Certificate is sometimes applied for to regularise the situation.

Use Classes [Order]: Government statutory instrument that sets out broad classes of similar uses. Currently there are 15 different use classes. Within each class, planning permission is not required to change from one use to another e.g. changing from a butcher's shop to an internet café does not require planning permission as both fall within the same use class (A1 - shops). There are also certain changes of use from one class to another that do not require planning permission e.g. from a pub (class A4) to a shop (class A1).

Validation: The initial process carried out by the Local Planning Authority upon receipt of a planning application. Checks are undertaken to ensure that all of the necessary information has been supplied with the application form and that the appropriate planning application fee has been paid. Only once this process has been completed will an application:

- be registered as valid;
- be given a unique reference number;
- be allocated to a specific planning officer (known as the case officer) to process and determine, and;
- be added on to the weekly list.

The necessary consultation letters will be sent out only after validation is completed.

Waste Local Plan/LDF: A statutory long-term development plan framework for managing and disposing of waste. In Somerset, Somerset County Council is the waste local planning authority being responsible for both plan-preparation and development management concerning waste matters.

Weekly list: A compendium of all new valid planning applications received by the Local Planning Authority in the preceding seven days. Gives limited details including the application reference number, the address of the development, a brief description of the proposals and the name of the case officer. Available to view free of charge or to purchase.

Weight: The weight to be attached to an issue in the determination of a planning application is a matter for the decision-maker and will not usually be challenged by the courts. See also 'Material considerations'.

Report Number: WSC 182/14
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Report to a Meeting of: Full Council
To be Held on: 17th December 2014
*Date Entered on Executive Forward Plan
Or Agreement for Urgency Granted:*

FINANCIAL MONITORING REPORT 2014-15 (APRIL – SEPTEMBER 2014)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide Members with details of the Council's expected financial outturn position in 2014/15 for both revenue and capital budgets, together with information relating to predicted end of year reserve balances.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The Council's financial performance is directly linked to the 'Local Democracy' priority in terms of local accountability and maximising government funding. Additionally, financial performance and monitoring of financial information is crucial to monitoring the progress being made in delivering all Council services.

3. RECOMMENDATIONS

- 3.1 That Full Council notes the current financial standing of the Council together with the estimated position at the end of the financial year.
- 3.2 That Full Council approves £95,158 be transferred to General Fund Reserves in respect of the following:
- NDR Administration £75,158
 - Interest Costs £20,000
- 3.3 That Full Council approves £49,985 is transferred to the Business Rates Smoothing Reserve to set aside the updated forecast retained business funding surplus in the year.
- 3.4 That Full Council approves a budget transfer (virement) of £40,000 of in year underspends, to provide funds necessary to support essential asset condition surveys in respect of key compliance matters along with stock condition information that will support the development of a robust asset management plan to assist with future decision making and prioritisation of works.

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

Risk Matrix

Description	Likelihood	Impact	Overall
That the Authority overspends against the approved budget	3	4	12
<i>Regular budget monitoring reports are produced and managers actively manage the budgets under their responsibility</i>	1	4	4

- 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 The regular monitoring of financial information is a key element in the Council's Performance Management Framework. Crucially it enables remedial action to be taken in response to significant budget variances, some of which may be unavoidable. It also provides the opportunity to assess any consequent impact on the Medium Term Financial Plan.

- 5.2 The Financial Performance Report has been reviewed by Scrutiny Committee at its meeting on 13 November 2014, and the recommendations were supported. In addition to the following queries/comments were noted:

- a) Building control surplus/deficit – Information related to previous three financial years requested. The position is as follows: 2011/12 = £146,000 net cost, 2012/13 = £127,000 deficit, 2013/14 = £156,000 net cost. The financial position reflects the cost of the service including regulatory non-chargeable work and chargeable work which can be recoverable through building regulation fees. The net budget in 2013/14 was £122,000, therefore there was a 'deficit' against budget of £34,000 last year. Total income for chargeable work has declined during the last three years.
- b) Transformation Challenge Grant – Query the 80:20 split between TDBC and WSC. This was answered at the Scrutiny Committee; the split is notional for accounting purposes and it is expected the whole of the grant will be needed to deliver the ambitions of shared services and transformation for the partnership with Taunton Deane.
- c) Capital Budgets for Street Sweeping Vehicles – Are the budgets in the Capital Programme gross or net of capital receipts for existing vehicles? The budget is based on the total estimated purchase costs, excluding any potential receipts from disposal of existing vehicles.
- d) Capital Receipts – requested that information in respect of Capital Receipts Reserve. This will be incorporated in future reports.

6. **REVENUE BUDGET OUTTURN 2014/15 AND RESERVES**

- 6.1 This is the half yearly financial monitoring report for 2014/15. This report provides an indication of the forecast outturn for the year. Clearly there are still risks and uncertainties within the forecast, and officers will continue to monitor the position closely through the year and provide regular updates in line with the normal reporting timetable.

- 6.2 As the overall forecast underspend is quite large, and there is a high degree of certainty in respect of some areas therefore it is considered appropriate to make budget adjustments to reduce the Net Budget and return in year savings to the general fund. This report therefore includes a recommendation to return £95,158 to reserves. [Note - This recommendation has been amended to that which was included and agreed by the Scrutiny Committee at its meeting of the 13th November 2014 due to additional work being carried out by the Finance Team in relation to the Council Tax Benefits forecast. Subsequent work has established that

the proposed transfer of £41,160 was an incorrect assumption and therefore has been removed at this time. The estimated position at the end of the financial year has subsequently been amended to reflect this.]

- 6.3 The current forecast outturn for the 2014/15 Revenue Budget shows a projected **underspend of £190,575** against the Net Budget. Table 1 below provides a summary the revenue budget and outturn for the year.

Table 1 – Summary Predicted Revenue Outturn 2014/15

	Original Budget £	Revised Budget £	Predicted Outturn £	Variance £
Corporate	229,197	229,197	217,922	-11,275
Operations	4,251,602	4,326,713	4,241,868	-84,845
Housing and Communities	421,918	444,418	423,042	-21,376
Growth and Development	213,158	277,743	224,664	-53,079
Subtotal - Net Service Costs	5,115,875	5,278,071	5,107,496	-170,575
Interest costs and income	27,850	27,850	7,850	-20,000
Revenue Funding of Capital Programme	0	25,000	25,000	0
Provision for capital debt repayment	200,400	200,400	200,400	0
Subtotal – Net Costs before reserve transfers	5,344,125	5,531,321	5,340,746	-190,575
Transfers from Earmarked Reserves	-51,820	-193,450	-193,450	0
Transfers to Earmarked Reserves	279,482	541,511	591,496	49,985
Transfers to/from General Reserves	-321,108	-436,358	-436,358	0
NET BUDGET	5,250,679	5,443,024	5,302,434	-140,590
Business Rates Funding	-1,405,894	-1,598,239	-1,648,224	-49,985
Revenue Support Grant	-1,224,738	-1,224,738	-1,224,738	0
New Homes Bonus	-443,644	-443,644	-443,644	0
Council Tax Support Admin Grant	-240,683	-240,683	-240,683	0
Other Grants	-59,659	-59,659	-59,659	0
Council Tax	-1,823,221	-1,823,221	-1,823,221	0
Council Tax Freeze Grant	-20,547	-20,547	-20,547	0
Council Tax Support Grant to Parishes	87,530	87,530	87,530	0
Estimated Surplus on 13/14 NDR	-119,823	-119,823	-119,823	0
TOTAL FUNDING	-5,250,679	-5,443,024	-5,493,009	-49,985
NET UNDER(-)/OVERSPEND FOR THE YEAR	0	0		-190,575
Proposed transfer of in year savings to reserves immediately (see recommendations)				95,158
Proposed virement for asset management (see recommendations / 6.6 below)				50,000
Residual Forecast Underspend projected to transfer to reserves at year end				45,417

- 6.4 It is assumed any final Net Underspend or Overspend at the end of the financial year will be transferred to General Reserves.
- 6.5 A detailed breakdown of the main differences between the outturn and budget amounts is provided in **Appendix A**. The most significant variances relate to:
- a) **Business Rates Retention:** The current projected retained funding under Business Rates Retention exceeds the budget by £49,985. This forecast could change during the year, right through to the year end, and it is considered prudent to set this predicted surplus aside in the Business Rates Smoothing Reserve at this stage. Further detail is included later in this report.

- b) **Building Control:** The predicted overspend is mainly due to income from fees being predicted to be lower than the budget by approximately £26,000. This is partly due to increased competition from private sector suppliers.
- c) **NDR Administration:** The cost of collection grant charged to the Collection Fund is allowed to be credited to the billing authority's accounts. This amount was not included within the original budget and therefore leads to an underspend of £75,158. It is proposed to transfer this amount to the general fund balances as an in year budget saving.
- d) **Interest Costs and Income:** The financing costs of the Authority's current loan are predicted to be lower than the approved budgeted figure which results in an underspend of £20,000. It is proposed to transfer this amount to the general fund balances as an in year budget saving.

New Cost Pressure – Asset Management

- 6.6 The Asset Management team have been reviewing the data held on Council assets in relation to compliance matters such as asbestos, electrical safety, legionella and fire safety, in addition to the adequacy of information about the condition of assets. It has been concluded that steps need to be taken to undertake survey work to the Council's assets to ensure we can identify and manage compliance matters and make appropriate decisions on maintenance prioritisation. This information will also support the creation of a refreshed asset management plan including future decisions regarding asset retention or disposal. Therefore additional funding of £40,000 is requested in the current financial year to ensure our statutory responsibilities are effectively managed and we can undertake effective asset management in future. It is proposed to fund this through a virement from other budgets that are forecasting to underspend in the year.

There has also been a request for additional funding of £10,000 in respect of Dulverton Weir works. This is to enable engineering / professional works to be carried out to establish what futures works are necessary.

General Reserves

- 6.7 The original Net Budget for the year included approved transfers from General Reserves of £321,108, effectively providing income to the Revenue Budget. Since February 2014 Council has approved supplementary budget allocations totalling £115,250, as shown in the table below, resulting in a current approved transfer to the Revenue Budget of £436,358. As set out in this report, approval is sought to transfer in year savings of £95,158 back to General Reserves.
- 6.8 The following table also shows the requested transfer of £107,581 from uncommitted earmarked reserves currently with Full Council for approval and therefore the forecast movement on the General Reserves Balance during the year. The reserves balance is currently **£555,508**, and is forecast to be £627,247 as at 31 March 2015 (but see note 6.8 below).

Table 2 – Predicted General Reserves Balance 31 March 2015

	£
Balance Brought Forward 1 April 2014	991,866
Original Budget 2014/15	-321,108
<i>Supplementary Budget Allocations:</i>	
Sand Clearance – Minehead Seafront	-10,000
Blenheim Gardens	-5,500
Blue Anchor Coastal Protection	-25,000
Planning Policy – Local Plan	-74,750
Current approved Balance	555,508
<i>Forecast:</i>	

	£
In Year Savings – Proposed Transfer To General Reserves	95,158
Requested transfer of uncommitted balances from Earmarked Reserves	107,581
Underwritten Broadband Costs (if insufficient capital receipts)	-131,000
Projected Balance Carried Forward 31 March 2015	627,247
2014/15 Residual Forecast Underspend (net of recommended virement)	45,417
Possible uncommitted balance at year end	672,664

- 6.9 There is an approval to underwrite part of the cost of the Superfast Broadband capital project funding from general reserves, in the event that insufficient capital receipts are in place to fund the scheme. If this is needed, assuming all recommended transfers are approved, the balance of uncommitted reserves would be £627,247 which is £127,247 above the recommended minimum of £500,000. If the current forecast outturn position is accurate the projected balance could increase to £672,664 at the financial year end.
- 6.10 As has been highlighted to members previously, reserves are 'one-off' funds and this is not a sustainable basis for funding services long-term, which will need to be addressed through the budget setting process for future years.

Earmarked Reserves

- 6.11 Earmarked Reserves are amounts that have been set aside for specific purposes from existing resources, where the expenditure is expected to be incurred in future years. The table below provides a summary of the movement in earmarked reserve balances during 2014/15 financial year to date, highlighting that earmarked reserve balances are predicted to be £1,666,405 as at 31 March 2015, an increase of £62,803. The totals below take into account the recommendations proposed within the Earmarked Reserves report currently going to Full Council on 19th November 2014. Further detail is provided in **Appendix B**.

Table 3 – Estimated Earmarked Reserves Balance 31 March 2015

	Current Balance £	Forecast £
Balance Brought Forward 1 April 2014	1,375,940	1,375,940
Transfers to Revenue Account (From Earmarked Reserve)	-51,820	-301,031
Transfers from Revenue Account (To Earmarked Reserve)	279,482	591,496
Balance Carried Forward 31 March 2015	1,603,602	1,666,405

Business Rates Retention

- 6.12 2014/15 is the second year of the Business Rates Retention scheme – which incentivises local authorities to support business growth and retain a share of the rewards (and risks) by directly influencing our funding. When the budget for 2014/15 was approved there remained some uncertainties over precisely how the funding would be calculated, although this is now much clearer following receipt of up to date guidance in April/May to support the 2013/14 year end calculations.
- 6.13 The amount of retained funding will comprise some amounts that are fixed from the outset, and some which will ultimately be based on year end balances on 31 March 2015 - the amounts credited to the Revenue Budget in 2014/15 will be identified from a combination of the 2014/15 NNDR1 (Original Budget Estimate) and the 2014/15 NNDR3 (End of Year position):

Heading	Fixed or Variable	Source
40% Standard Share of Business Rates Income	Fixed	2014/15 NNDR1
Tariff to Government	Fixed	2014/15 NNDR1
Share of Previous Year's Collection Fund Surplus	Fixed	2014/15 NNDR1
Levy Payment to Government	Variable	2014/15 NNDR3
Safety Net Receipt from Government	Variable	2014/15 NNDR3
Section 31 Grant (Government-funded Reliefs/ Discounts)	Variable	2014/15 NNDR3

- 6.14 The following table summarises the current forecast in respect of retained business rates funding in 2014/15. As the table shows, retained business rates for the year is projected to be £1,648,224. This is higher than estimated for the revised budget by £49,985.

Table 4 – Retained Business Rates Funding Forecast

		Original Budget £	Forecast Jun 2014 £	Forecast Sept 2014 £
40% Share of Business Rates Income	F	4,720,092	4,720,092	4,720,092
Tariff to Government	F	-2,979,434	-2,979,434	-2,979,434
Section 31 Grant Funding for Reliefs	V	0	361,225	323,461
50% Levy Payment to Government	V	-334,764	-503,644	-415,895
Retained Business Rates for the Year		1,405,894	1,598,239	1,648,224
Previous Year's Collection Fund Surplus	F	119,823	119,823	119,823
Total Business Rates Funding		1,525,717	1,718,062	1,768,047

F = Fixed, V = Variable

- 6.15 The following table summarises the calculation of the Levy or Safety Net Payment due to/from central Government under the retention system. The forecast levy of £415,895 – a 50% share of business rates income above our funding baseline – is included in Table 4 above.

Table 5 – Gain/Loss under the Retention Scheme

	Original Budget £	Forecast Jun 2014 £	Forecast Sept 2014 £
Forecast Non Domestic Rating Income	11,800,231	11,978,042	11,450,974
*Add back: Reliefs funded by S31 Grant	0	666,586	754,908
Adjusted Non Domestic Rating Income	11,800,231	12,644,628	12,205,882
40% Standard Share for WSC	4,720,092	5,057,851	4,882,353
Tariff to Government (fixed amount)	-2,979,434	-2,979,434	-2,979,434
Total Retained Income	1,740,658	2,078,417	1,902,919
WSC Business Rates Baseline	1,071,130	1,071,130	1,071,130
Net Business Rates Growth v Baseline	669,528	1,007,287	831,789
50% Levy Payment to Government	334,764	503,644	415,895
Retention of Growth by WSC	334,764	503,643	415,894

**The funding baseline is adjusted to avoid double-funding for the costs of enhanced Small Business Rates Relief, which is reimbursed to the Council via Section 31 Grant; and for Localism Reliefs to guard against authorities awarding reliefs to the extent that the authority trips into the safety net position.*

- 6.16 As previously reported, the council's share of business rates funding is directly linked to the total amount of business rates due and collected in the area, and a potentially significant risk exists in respect of the costs of refunds and appeals. If these are forecast to vary significantly from budget estimates this will be highlighted in future reports.
- 6.17 Taking into account the inherent risks and uncertainties within the retention system, together with accounting timing differences between financial years, the Council maintains a contingency balance in a Business Rates Smoothing Reserve. It is recommended to transfer

the further projected surplus identified in Q2 of £49,985 to this reserve, which would increase the balance to £731,816. Whilst this might appear a large contingency sum, the risks are significant particularly in respect of the outstanding Hinkley B appeal that has yet to be determined by the Valuation Office. This reserve will be reviewed again at the end of the financial year.

7. CAPITAL BUDGET PREDICTED OUTTURN 2014/15

7.1 The original approved Capital Programme for 2014/15 was £672,618 and related to schemes which were intended to be completed within the twelve month period. The proposed funding sources were as follows:

£433,836	Funded from Useable Capital Receipts
£238,782	Funded from Grants

7.2 During the first six months of 2014/15 the following supplementary estimates have also been approved:

£43,053	Minehead Heritage Trail (Funded from Planning Obligation contributions)
£ 2,000	Burgage Road Play Area (Funded from Planning Obligation contributions)
£25,000	Blue Anchor Coastal Protection Scheme (Funded from Revenue)
£20,000	Dulverton Weir (Funded from Useable Capital Receipts)
£240,000	Superfast Broadband (Funded from Useable Capital Receipts)

7.3 Therefore the revised Capital Programme (Appendix C to this report) currently stands at £1,002,671 and is forecast to be funded from the following sources:

£693,836	Funded from Useable Capital Receipts
£283,835	Funded from Grants
£ 25,000	Funded from Revenue Reserves

7.4 At this time no significant variances have been highlighted to the revised capital programme and it has been assumed that if schemes are not delivered in the current financial year then a formal request will be made to carry over unspent budgets to the next financial year.

7.5 Scrutiny Committee, at its meeting on 13 November 2014, requested that information is included in the Financial Performance information in respect of Capital Receipts Reserve. It is proposed to include this as standard in future reports.

8. FINANCIAL/RESOURCE IMPLICATIONS

8.1 Contained within the body of the report.

9. COMMENTS ON BEHALF OF SECTION 151 OFFICER

9.1 It is prudent to return known in year savings to the Council's General Fund Reserve at this stage, offering maximum flexibility regarding future financial decisions.

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

10.1 None directly in this report.

11. **CRIME AND DISORDER IMPLICATIONS**

11.1 None directly in this report.

12. **CONSULTATION IMPLICATIONS**

12.1 None directly in this report.

13. **ASSET MANAGEMENT IMPLICATIONS**

13.1 None directly in this report.

14. **ENVIRONMENTAL IMPACT IMPLICATIONS**

14.1 None directly in this report.

15. **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.

15.1 None directly in this report.

16. **LEGAL IMPLICATIONS**

16.1 None directly in this report.

SUMMARY OF PREDICTED REVENUE VARIANCES TO BUDGET AS AT 30TH SEPTEMBER 2014

Group and Detail	Q1 Forecast Variance £	Q2 Forecast Variance £	Comments
Corporate			
Legal	-10,131	-13,000	Underspend in relation to the Mendip District Council legal contract.
Other variances	-14,012	1,725	
Group Total	-24,143	-11,275	
Operations			
Building Control	34,424	29,299	Reduction in predicted application fees being received.
Public Conveniences – All	39,502	12,056	Approved savings budget of £56,450 was shown in total under the public conveniences budget heading as at Quarter 1. However as can be seen from the comment included under the Street Cleansing heading below, the figure has been split across tow service areas, therefore reducing the overspend in respect of public conveniences for Quarter 2.
Street Cleansing	0	17,309	Approved savings budget in respect of rural bin emptying was originally shown under the public conveniences budget heading. However the savings budget of £22,000 has been now allocated to correct service, however the savings have not been fully achieved.
Waste	-13,000	0	
Council Tax Benefit	-41,160	10,000	Following additional work in this area the finance team has realised that an incorrect assumption was made in relation to this area both in the Quarter 1 report and subsequently in the Q2 report presented to Scrutiny Committee at its meeting on 13 th November. Therefore the budget has been corrected to reflect the revised forecast position and the main body of the report has duly been amended.
Housing Benefits	9,400	-60,000	General underspend having looked at payments made against subsidy received in Quarters1 and 2.
NDR Administration		-75,158	Business Rate collection grant not included within the original 2014/15 budget.
Other variances	-53,662	-18,351	
Group Total	-24,496	-84,845	

Group and Detail	Q1 Forecast Variance £	Q2 Forecast Variance £	Comments
<i>Housing and Communities</i>			
Estates – Assets		-11,019	Generally income received higher than budgeted.
Private Sector Renewal		35,217	Sedgemoor contract for 2013/14 not paid or accrued therefore both 2013/14 and 2014/15 to be paid in the current financial year.
Other variances	-11,924	-45,574	
Group Total	-11,924	-21,376	
<i>Growth and Development</i>			
Development Control	-23,807	-63,987	Increased application fees being received and contributions being received in respect of salary costs.
Other variances	-590	10,908	
Group Total	-24,397	-53,079	
<i>Other Variances</i>			
Interest and other income	-20,000	-20,000	Under spend on predicted external loan interest costs together with increased investment returns.
Subtotal – Net overspend / underspend before reserve transfers	-104,960	-190,575	

SUMMARY OF PREDICTED EARMARKED RESERVES AS AT 30TH SEPTEMBER 2014

Earmarked Reserve Account	1 April Balance £	Transfers In	Transfers Out	Transfers Between Accounts	31 March (Predicted Balance) £	Comments
Area Based Grant	113,634		-9,004		104,630	It is being recommended as part of the current earmarked reserves report to return £9,004 to general fund balances.
Community Safety	4,455		-922		3,533	External funding specifically earmarked for community safety initiatives
Land Charges	28,530		-1,727		26,803	Government grant specifically earmarked for providing refunds when due
Tourism	15,911		-3,154		12,757	Specifically earmarked for tourism and is topped up by ENPA
Seaside Towns	20,083		-9,190		10,893	Specifically earmarked for initiatives in Minehead
New Homes Bonus	113,850		-113,850		0	£51,820 to be used in 2014/15 for Rural Housing project and HIA contract. It is being recommended as part of the current earmarked reserves report that the remaining £62,030 be returned to general fund balances
Sustainability Reserve	57,698				57,698	Earmarked for initiatives that have a positive impact upon the long term sustainability of the Council
Minehead Events	9,651		-2,982		6,669	Mary Portas grant – specifically earmarked
Housing Benefit Admin	11,782				11,782	Government Grant – specifically earmarked to provide support in times of recession
Council Tax Reform	49,308	66,044	-49,572		65,780	Government Grant – specifically earmarked to support implementation of Council Tax Reforms
Benefits External Processing	1,657				1,657	Underspend from Previous External Processing Benefit funded from Benefit Reform Grants
DHP Reserve	44,861				44,861	Government Grant – specifically earmarked for Discretionary Hardship Payments
District Election Reserve	20,000				20,000	Earmarked for costs of 2015 elections
Water Bathing Signs	1,266				1,266	Environmental grant specifically earmarked

Earmarked Reserve Account	1 April Balance £	Transfers In	Transfers Out	Transfers Between Accounts	31 March (Predicted Balance) £	Comments
Other Election Reserve	15,107				15,107	Funds to meet the additional costs of IER.
IER Reserve	11,664				11,664	Funds to meet the additional costs of IER
Land Charges Surplus / Deficit	31,547		-31,547		0	It is being recommended as part of the current earmarked reserves report to return £31,547 to general fund balances.
Inspire	7,131				7,131	Earmarked for costs under the Inspire Directive
Transparency Code	2,588				2,588	Earmarked to meet the cost of complying with the transparency code
Exmoor at your Fingertips	1,780				1,780	LARC Fund to fund the Exmoor at your fingertip project
Roughmoor Signage	1,011		-1,011		0	Contribution from business to fund sign for Roughmoor Enterprise centre. Works have been carried out.
Minehead Town Centre Signage	885				885	Contribution from Minehead Chamber of Trade and Morrison s106 to fund the signs
Our Place	2,500	6,949			9,449	Contribution for the Our Place project
Eat Exmoor	500		-400		100	Contribution from SCC for the Eat Exmoor Project
National Grid PPA	16,911		-16,911		0	Earmarked to part fund the post of Nuclear Programme Manager. Monies have been utilised.
CCTV	4,000		-4,000		0	Underspend in 13-14 earmarked to fund the purchase of a new CCTV camera
Homelessness Prevention	66,120		-22,500		43,620	£50,000 Homeless Prevention Grant (part of RSG) plus remainder of Mortgage Rescue Grant
Section 31 - Flooding	13,486		-13,486		0	Funds to support businesses after the winter flooding. Monies have been used to support businesses.
Watchet Harbour Dredging	7,500		-7,500		0	Underspend in 13-14 earmarked to fund additional dredging in 14-15. Works have been carried out.
Planning Staff Salary	6,000		-6,000		0	Part of the 13-14 planning application fees income earmarked to fund additional salary costs in the planning service in 14-15. Monies have been utilised.

Earmarked Reserve Account	1 April Balance £	Transfers In	Transfers Out	Transfers Between Accounts	31 March (Predicted Balance) £	Comments
Coast Protection	2,275		-2,275		0	Underspend in 13-14 earmarked to fund sand clearance costs in 14-15. Works have been carried out.
Morrison's Footpath	6,000				6,000	Earmarked to part fund the footpath upgrade
JMASS Reserve	374,983				374,983	£150,000 in respect of Central Government (Transformation Challenge Grant) received. The other £224,983 is the remainder of the £358,000 allocated as part of the Business Case report following the payment of redundancy costs.
Council Tax Discount Scheme	5,000		-5,000		0	It is being recommended as part of the current earmarked reserves report to return £5,000 to general fund balances.
Community Right to Challenge	8,547				8,547	Monies set aside for potential claims.
Assets of Community Value	7,855				7,855	Monies set aside for potential claims.
Business Rates Retention Smoothing Account	269,663	462,153			731,816	£219,823 transferred as part of the setting of the 2014/15 budget. As part of Q1 forecast, a surplus of £192,345 for retained BR is currently projected. As at Q2 a further surplus of £49,985 for retained BR is predicted. It is again proposed to earmark these funds at this stage and review later in the year.
JMASS Project Reserve	20,200				20,200	£20,200 set aside as part of the Business Case approval.
Planning Policy Reserve	0	56,350			56,350	Monies set aside and to be drawn down in 2015/16 to cover additional costs arising and relating to the West Somerset Local Plan preparation through to examination and beyond to adoption.
Totals	1,375,940	591,496	-301,031	0	1,666,405	

PREDICTED CAPITAL PROGRAMME AS AT 30TH SEPTEMBER 2014

	Original Capital Budget (£)	Revised Capital Budget (£)	Predicted Outturn (£)	Variance (£)
Dulverton Mill Leat / Weir Structure	0	20,000	17,809	-2,191
Seaward Way (Housing Land) – Disposal Costs	20,000	20,000	20,000	0
Seaward Way (Leisure Land) – Disposal Costs	16,000	16,000	16,000	0
Microsoft Licence	13,636	13,636	13,636	0
Watchet Harbour – Impounding Wall	19,100	19,100	19,100	0
Watchet Harbour – Concrete Columns	27,000	27,000	27,000	0
Watchet Harbour - Ladder	3,000	3,000	3,000	0
Street Cleaning Vehicle – Small Sweeper	48,000	48,000	48,000	0
Street Cleaning Vehicle – Medium Sweeper	90,000	90,000	90,000	0
Former Aquasplash Site – Disposal Costs	13,900	13,900	13,900	0
Former Visitor Information Centre – Disposal Costs	4,200	4,200	4,200	0
Townsend Farm – Disposal Costs	3,000	3,000	3,000	0
CCTV Installation	65,000	65,000	66,807	1,807
Disabled Facilities Grants	183,782	183,782	183,782	0
Shared Service Costs With TDBC	135,000	135,000	135,000	0
IT Hardware Replacement Programme	31,000	31,000	31,000	0
Superfast Broadband	0	240,000	240,000	0
Blue Anchor Coastal Protection Scheme	0	25,000	25,000	0
Minehead Heritage Trail	0	43,053	43,053	0
Burgage Road Play Area	0	2,000	2,000	0
	672,618	1,002,671	1,002,287	-384

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Report Number: WSC 182/14
Presented by: Cllr K V Kravis, Lead Member for Resources and Central Support
Author of the Report: Sue Williamson, Principal Accountant - Corporate
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Report to a Meeting of: Full Council
To be Held on: 17th December 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: N/A

TREASURY MANAGEMENT UPDATE – 30TH SEPTEMBER 2014

1. PURPOSE OF REPORT

1.1 To update Full Council on the Treasury Management position as at 30th September 2014 and to provide an update for the 2014-15 Treasury Management Strategy Statement.

2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1 None directly in relation to this report.

3. RECOMMENDATIONS

3.1 To approve the Treasury Management position as at 30th September 2014 (Appendix A).

3.2 To approve the amendments to the 2014-15 Treasury Management Strategy Statement (Appendix B).

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The Council fails to maintain an adequate system of internal control	Unlikely (1)	Major (3)	Medium (1)
<i>The Council has in place suitable arrangements</i>			

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 On 26th March 2014 the Council approved the Treasury Management Strategy Statement, Minimum Revenue Policy and Annual Investment Strategy for 2014/15 in line with the CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code").
- 5.2 The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals. These reports are required to be adequately scrutinised by committee before being recommended to the Council. This role is undertaken by the Audit Committee.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 As set out in the report.

7. SECTION 151 OFFICER COMMENTS

- 7.1 Performance to date is at 0.45% and investment income is predicted to be £1,000 above the budget of £15,000 for the financial year 2014/15.

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 None in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

- 10.1 None in respect of this report.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 None in respect of this report.

13. LEGAL IMPLICATIONS

- 13.1 None in respect of this report.

Treasury Management Update

Six Months Ended 30th September 2014

1. Introduction

The Chartered Institute of Public Finance and Accountancy's Treasury Management Code (CIPFA's TM Code) requires that authorities report on the performance of the treasury management function at least twice yearly (mid-year and at year end).

The Authority's Treasury Management Strategy for 2014/15 was approved by full Council on 26 March 2014.

The Authority has borrowed and invested sums of money and is, therefore, exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

2. External Context

Growth and Inflation: The recent strong performance of the UK economy continued with output growing at 0.8% in Q1 2014 and at 0.9% in Q2. The services sector once again grew strongly. On the back of strong consumption growth, business investment appeared to be recovering quickly, albeit from a low base. The annual CPI inflation rate fell to 1.5% year-on-year in August.

Revisions to the GDP methodology, now compliant with the European System of Accounting 2010, mean that growth is now estimated to be 2.7% above its pre-recession peak in Q1 2008 rather than just 0.2% higher, the general theme being that the recession was not as deep and the recovery was earlier than initially estimated. In anticipation of these revisions, the MPC has forecast growth at 3.4% in 2014.

Unemployment: The labour market continued to improve, with strong employment gains and the headline unemployment rate falling to 6.2%. However, earnings growth remained very weak, rising just 0.6% for the three months May-July 2014 when compared to the same period a year earlier. The growth in employment was masked by a large number of zero-hour contracts and involuntary part-time working.

UK Monetary Policy: The MPC made no change to the Bank Rate of 0.5% and maintained asset purchases at £375bn. However, there was a marked shift in tone from the Bank of England's Governor and other MPC members. In his Mansion House speech in June Governor Mark Carney warned that interest rates might rise sooner than financial markets were expecting. Following some mixed messages from Governor Carney later in the summer, the minutes of the August and September MPC meetings revealed a split vote with regards to the Bank Rate. Ian McCafferty and Martin Weale voted to increase Bank Rate by

0.25%, arguing economic circumstances were sufficient to justify an immediate rise. The MPC emphasised that when Bank Rate did begin to rise, it was expected to do so only gradually and would likely remain below average historical levels for some time to come.

In the Bank of England's August Inflation Report the Bank forecast growth to be around 3½% in 2014, easing back thereafter to around its pre-crisis historical average rate. Inflation was forecast to remain at, or slightly below, 2% before reaching the target at the end of the 2-year forecast period.

The Bank's Financial Policy Committee also announced a range of measures to cool the UK's housing market to avert the potential of spiralling house prices derailing a sustainable economic recovery. Key recommendations included lenders stress-testing mortgage applicants can cope with a 3% rise in interest rates; putting a 15% cap on the number of mortgages at more than 4.5 times the borrower's income; and a separate Treasury pledge banning anyone applying for a loan through the Help to Buy scheme borrowing more than 4.5 times their income. The Prudential Regulation Authority also announced that it intends to consult on capital requirements for mortgages.

The result of the Scottish referendum in the end was close, but not as close as many believed it might be. However, the political upheaval set in motion (the Prime Minister's linking of a more devolved Scotland to giving greater powers to English MPs over English-only legislation, the prospect of Scotland's potential freedom to raise taxes not being replicated elsewhere in the UK) is arguably likely to be just as problematic in the run-up to and beyond next year's general election.

Eurozone inflation continued to fall towards zero (HICP inflation registered just 0.3% in September), and there was mounting evidence that the already feeble recovery was losing pace. The unemployment rate remained stubbornly high at 11.5%. The European Central Bank lowered its official benchmark interest rate from 0.15% to 0.05%. The rate it pays on commercial bank balances held with it was also cut further into negative territory from -0.1% to -0.2% and the Marginal Lending Facility rate cut further to 0.3%. The ECB also announced a programme of acquiring Asset Backed Securities (ABS) from banks in an effort to encourage lending which was viewed as being one step away from full blown Quantitative Easing (QE) adopted by the US, UK and Japanese central banks. The minutes of the Bank of England's MPC meeting in September noted that "weakness in the euro area had been the most significant development during the month" and that, if it led once again to uncertainty about the sustainability of euro-area public and external debt, it could damage confidence and disrupt financial markets

There was no change from the US Federal Reserve as the central bank kept policy on its current track with a reduction in asset purchases by \$10 billion per month. Asset purchases are expected to end by October 2014, expectations therefore turned towards the timing of rate increases. The US economy rebounded strongly in Q2 with annualised growth of 4.6%.

Market reaction: Gilt yields have continued to decline and hit a financial year low at the end of August, before ticking upwards in the run up to the Scottish referendum. What has driven yields lower is a combination of factors but the primary drivers have been the escalation of geo-political risk within the Middle East and Ukraine alongside the slide towards deflation within the Eurozone (EZ).

3. Local Context

At 31/03/2014 the Authority's underlying need to borrow for capital purposes as measured by the Capital Financing Requirement (CFR) was £7.633m, while usable reserves and working capital which are the underlying resources available for investment were £9.003m.

At 31/03/2014, the Authority had £3.5m of borrowing and £2.153m of investments. The Authority's current strategy is to maintain borrowing and investments below their underlying levels, referred to as internal borrowing.

The Authority has a decreasing CFR over the next 3 years due to the proposed repayment of £3.5m of borrowing.

4. Borrowing Strategy

At 30/09/2014 the Authority held £3.5m of loans, this position remains unchanged from 31/03/2014, and is part of the authority's strategy for funding previous years' capital programmes.

While the intention of the Authority was to repay the loan on maturity in August 2014 it became necessary to refinance the loan as the expected capital receipts from the sale of surplus assets have not yet been realised.

At the present time it is the intention to set aside £1.8m of capital receipts in 2014/15, with a further £1.7m set aside in 2015/16. Therefore the Authority would be looking to replace its current loan of £3.5m when it is repaid in February 2015 with a £1.7m loan. This is based upon current predictions and receipt of capital monies from planned asset disposals. The Authority's chief objective when borrowing continues to be striking an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

Affordability and the "cost of carry" remained important influences on the Authority's borrowing strategy alongside the consideration that, for any borrowing undertaken ahead of need, the proceeds would have to be invested in the money markets at rates of interest significantly lower than the cost of borrowing. As short-term interest rates have remained, and are likely to remain at least over the forthcoming two years, lower than long-term rates, the Authority determined it was more cost effective in the short-term to use internal resources instead.

The benefits of internal borrowing were monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise. Arlingclose assists the Authority with this 'cost of carry' and breakeven analysis.

Borrowing Activity in 2014/15

	Balance on 01/04/2014 £'000	Maturing Debt £'000	New Borrowing £'000	Balance on 30/09/2014 £'000	Average Rate %
CFR	7,633			7,433	
Short Term Borrowing	(3,500)	3,500	(3,500)	(3,500)	0.45
Long Term Borrowing	0	0	0	0	0
TOTAL BORROWING	(3,500)	3,500	(3,500)	(3,500)	0.45
Other Long Term Liabilities	0	0	0	0	0
TOTAL EXTERNAL DEBT	(3,500)	3,500	(3,500)	(3,500)	0.45
Increase/(Decrease) in Borrowing				3,933	

5. Investment Activity

The Authority holds invested funds on its own behalf with a separate fund for the section 106 contribution from EDF for the building of Hinkley C nuclear power station representing income received in advance of expenditure plus balances and reserves held. Cashflow forecasts indicated that during 2014/15 the Authority's investment balances would range between £2m and £14m million, more than in previous years due to the Hinkley section 106 investments.

The Guidance on Local Government Investments in England gives priority to security and liquidity and the Authority's aim is to achieve a yield commensurate with these principles.

Investment Activity in 2014/15

Investments	Balance on 01/04/2014 £'000	Investments Made £'000	Maturities/ Investments Sold £'000	Balance on 30/09/2014 £'000	Average Rate (Yield) %
Short term investments (call accounts, deposits) Banks and Building Societies with ratings of BBB+ or higher	2,749	30,200	(20,796)	12,153	0.46
Long term investments Banks and Building Societies with ratings of BBB+ or higher	0	0	0	0	0
Money Market Funds	0	9,650	(6,815)	2,835	0.43
TOTAL INVESTMENTS	2,749	39,850	(27,611)	14,988	
Increase/(Decrease) in Investments				12,239	

Security of capital has remained the Authority's main investment objective. This has been maintained by following the Authority's counterparty policy as set out in its Treasury Management Strategy Statement for 2014/15.

Counterparty credit quality was assessed and monitored with reference to credit ratings (the Authority's minimum long-term counterparty rating is A- across rating agencies Fitch, S&P and Moody's); credit default swap prices, financial statements, information on potential government support and reports in the quality financial press.

Credit Risk

Counterparty credit quality as measured by credit ratings is summarised below:

Date	Value Weighted Average - Credit Risk Score	Value Weighted Average - Credit Rating	Time Weighted Average - Credit Risk Score	Time Weighted Average - Credit Rating
31/03/2014	6.45	A	6.67	A-
30/06/2014	5.18	A+	5.03	A+
30/09/2014	5.41	A+	4.81	A+

Investments made by West Somerset Council for the first six months of the year have all been short term with no investments made for longer than a three month period. Money Market funds and call accounts have also been utilised to manage the Council's surplus internal cashflow.

Expenditure on Hinkley C is due to commence from December 2014 and therefore Hinkley investments have also been short term, but for slightly longer periods of up to 364 days.

6. Counterparty Update

The European Parliament approved the EU Bank Recovery and Resolution Directive (BRRD) on April 15, 2014. Taking the view that potential extraordinary government support available to banks' senior unsecured bondholders will likely diminish within its two-year rating horizon for investment-grade entities, in April Standard and Poor's (S&P) revised the Outlook of Barclays, Deutsche Bank, Credit Suisse and ING Bank from Stable to Negative (note, this is not the same as a rating review negative). In May, Moody's also changed the outlook from stable to negative for 82 European banks and from positive to stable for two European banks. The institutions affected on the Authority's lending list are Nationwide Building Society, Pohjola Bank, Svenska Handelsbanken, Landesbank Hessen-Thuringen, Bank Nederlandse Gemeenten and Nordea Bank.

In August Moody's changed its outlook for the UK banking system from stable to negative, citing the reduction of government support for systemic banks as the reason. Although the agency believes that the stand-alone financial strength of UK institutions is improving they believed that this is more than offset by the potential bail-in risk now faced by investors. Similarly, in August S&P revised the outlooks for major Canadian banks to negative following the government's announcement of a potential bail-in policy framework.

There was strong likelihood that the UK, alongside Germany and Austria, would accelerate the adoption of the BRRD and that the implementation of bail-in resolutions would be fast-tracked in these countries to 1st January 2015, a full year ahead of other EU nations.

Banks in the UK and EU banks face stress tests this autumn, which may result in some institutions having to additionally bolster their capital buffers. The extent to which this might be required and the form they will have to take casts uncertainty over capital requirements in the system.

7. Budgeted Income and Outturn

The average cash balances were £14m during the period. The UK Bank Rate has been maintained at 0.5% since March 2009. Short-term money market rates have remained at relatively low levels (see Table 1 in Appendix 1). New deposits were made at an average rate of 0.46%. Investments in Money Market Funds generated an average rate of 0.43%.

The Authority's budgeted investment income for the year is estimated at £15k. The Authority anticipates an investment outturn of £16k for the whole year.

8. Compliance with Treasury Management Indicators

The Authority confirms compliance with its Prudential Indicators for 2014/15, which were set in March 2014 as part of the Authority's Treasury Management Strategy Statement.

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed will be:

Borrowing

	2014/15 %	2015/16 %	2016/17 %
Upper limit on fixed interest rate exposure	100	100	100
Actual	100		
Upper limit on variable interest rate exposure	100	100	100
Actual	0		

Investments

	2014/15 %	2015/16 %	2016/17 %
Upper limit on fixed interest rate exposure	100	100	100
Actual	80		
Upper limit on variable interest rate exposure	100	100	100
Actual	20		

Fixed rate investments and borrowings are those where the rate of interest is fixed for the whole financial year. Instruments that mature during the financial year are classed as variable rate.

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing will be:

	Upper %	Lower %	Actual %
Under 12 months	100	0	100
12 months and within 24 months	100	0	0
24 months and within 5 years	100	0	0
5 years and within 10 years	100	0	0

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than 364 days: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the total principal sum invested to final maturities beyond the period end will be:

	2014/15 £m	2015/16 £m	2016/17 £m
Limit on principal invested beyond year end	6	6	6
Actual	3	0	0

9. Outlook for Q3 and Q4 2014/15

The stronger economic growth seen in the UK over the past six months is likely to use up spare capacity more quickly than previously assumed. Arlingclose has brought forward the timing for the first rise in Bank Rate to Q3 2015.

In addition to two MPC members having voted for a rate rise in August and September, the rhetoric from Committee members has in general become more hawkish. However, the lack of inflationary pressure is expected to allow policymakers to hold off monetary tightening for longer than the market currently expects. The near-term risk is that the Bank Rate could rise sooner than anticipated, which is captured in the 'upside risk' range of our forecast table below.

The focus is now on the rate of increase and the medium-term peak and, in this respect, expectations are that rates will rise slowly and to a lower level than in the past.

	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17
Official Bank Rate											
Upside risk	0.25	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50
Arlingclose Central Case	0.50	0.50	0.50	0.75	0.75	1.00	1.00	1.25	1.25	1.50	1.50
Downside risk				0.25	0.25	0.50	0.50	0.75	0.75	1.00	1.00

10. Compliance with Prudential Indicators 2014/15

The Local Government Act 2003 requires the Authority to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the Prudential Code) when determining how much money it can afford to borrow. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice. To demonstrate that the Authority has fulfilled these objectives, the Prudential Code sets out the following indicators that must be set and monitored each year.

Estimates of Capital Expenditure: The Authority's planned capital expenditure and financing may be summarised as follows.

Capital Expenditure and Financing	2013/14 Actual £'000	2014/15 Estimate £'000	2015/16 Estimate £'000	2016/17 Estimate £'000
Assets	347	126	0	0
Plant and Equipment	87	203	0	0
Disabled Facilities Grants	233	184	0	0
Information Technology	63	45	0	0
Transformation Costs(WSC/TDBC)	0	135	0	0
REFCUS (Capital Spend on Non WSC Assets)	371	70	0	0
Total Capital Expenditure	1,101	763	0	0
Capital Receipts	(615)	(454)	0	0
Revenue Reserves	0	(25)	0	0
Government Grants	(486)	(284)	0	0
Total Capital Financing	(1,101)	(763)	0	0

Estimates of Capital Financing Requirement: The Capital Financing Requirement (CFR) measures the Authority's underlying need to borrow for capital purposes.

Capital Financing Requirement	31.03.14 Actual £'000	31.03.15 Estimate £'000	31.03.16 Estimate £'000	31.03.17 Estimate £'000
General Fund	7,633	5,633	2,906	2,906

The CFR is forecast to fall over the next three years as capital expenditure financed by debt is outweighed by resources put aside for debt repayment.

Gross Debt and the Capital Financing Requirement: In order to ensure that over the medium term debt will only be for capital purposes, the Authority should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.

Debt	31.03.14 Actual £'000	30.09.14 Estimate £'000	31.03.15 Estimate £'000	31.03.16 Estimate £'000	31.03.17 Estimate £'000
Borrowing	3,500	3,500	1,700	0	0
Finance Leases	32	32	32	32	32
Total Debt	3,532	3,532	1,732	32	32

Total debt is expected to fall below the CFR during the forecast period.

The actual debt levels are monitored against the Operational Boundary and Authorised Limit for External Debt, below.

Operational Boundary for External Debt: The operational boundary is based on the Authority's estimate of most likely, i.e. prudent, but not worst case scenario for external debt.

Operational Boundary	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000
Borrowing	7,500	7,700	7,700	7,700

Authorised Limit for External Debt: The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Authority can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

Authorised Limit	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000
Borrowing	10,000	10,000	10,000	10,000

Ratio of Financing Costs to Net Revenue Stream: This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2013/14 Actual %	2014/15 Estimate %	2015/16 Estimate %	2016/17 Estimate %
General Fund	0.88	2.91	0	0

Incremental Impact of Capital Investment Decisions: This is an indicator of affordability that shows the impact of capital investment decisions on Council Tax. The incremental impact is the difference between the total revenue budget requirement of the current approved capital programme and the revenue budget requirement arising from the capital programme proposed earlier in this report.

Incremental Impact of Capital Investment Decisions	2014/15 Estimate £	2015/16 Estimate £	2016/17 Estimate £
General Fund - increase in annual Band D Council Tax	0	0	0

Adoption of the CIPFA Treasury Management Code: The Authority adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2011 Edition in March 2012.

Appendix 1**Money Market Data and PWLB Rates**

The average, low and high rates correspond to the rates during the financial year rather than those in the tables below.

Please note that the PWLB rates below are Standard Rates. Authorities eligible for the Certainty Rate can borrow at a 0.20% reduction.

Table 1: Bank Rate, Money Market Rates

Date	Bank Rate	O/N LIBID	7-day LIBID	1-month LIBID	3-month LIBID	6-month LIBID	12-month LIBID	2-yr SWAP Bid	3-yr SWAP Bid	5-yr SWAP Bid
01/04/2014	0.5	0.36	0.39	0.42	0.46	0.56	0.84	1.05	1.44	2.03
30/04/2014	0.5	0.36	0.4	0.42	0.47	0.57	0.85	1.09	1.47	2.02
31/05/2014	0.5	0.35	0.4	0.43	0.48	0.67	0.87	1.11	1.46	1.98
30/06/2014	0.5	0.36	0.4	0.43	0.5	0.71	0.94	1.33	1.7	2.17
31/07/2014	0.5	0.37	0.41	0.43	0.5	0.72	0.97	1.34	1.71	2.17
31/08/2014	0.5	0.36	0.42	0.43	0.5	0.77	0.98	1.22	1.53	1.93
30/09/2014	0.5	0.43	0.45	0.43	0.51	0.66	1	1.25	1.57	1.99
Average	0.5	0.37	0.41	0.43	0.49	0.67	0.92	1.21	1.57	2.06
Maximum	0.5	0.43	0.5	0.43	0.51	0.81	1	1.38	1.77	2.26
Minimum	0.5	0.24	0.36	0.42	0.46	0.56	0.84	1	1.36	1.91
Spread	--	0.19	0.14	0.01	0.05	0.25	0.16	0.38	0.41	0.35

Table 2: PWLB Borrowing Rates – Fixed Rate, Maturity Loans

Change Date	Notice No	1 year	4½-5 yrs	9½-10 yrs	19½-20 yrs	29½-30 yrs	39½-40 yrs	49½-50 yrs
01/04/2014	127/14	1.44	2.85	3.83	4.41	4.51	4.49	4.47
30/04/2014	166/14	1.45	2.86	3.79	4.37	4.46	4.43	4.41
31/05/2014	206/14	1.45	2.78	3.65	4.27	4.38	4.35	4.33
30/06/2014	248/14	1.63	2.95	3.74	4.3	4.4	4.36	4.34
31/07/2014	294/14	1.66	2.96	3.7	4.21	4.3	4.27	4.25
31/08/2014	334/14	1.55	2.7	3.38	3.88	3.97	3.94	3.93
30/09/2014	378/14	1.57	2.77	3.46	3.96	4.07	4.05	4.03
	Low	1.4	2.68	3.36	3.87	3.96	3.94	3.92
	Average	1.55	2.86	3.67	4.22	4.32	4.29	4.27
	High	1.69	3.07	3.86	4.42	4.52	4.49	4.48

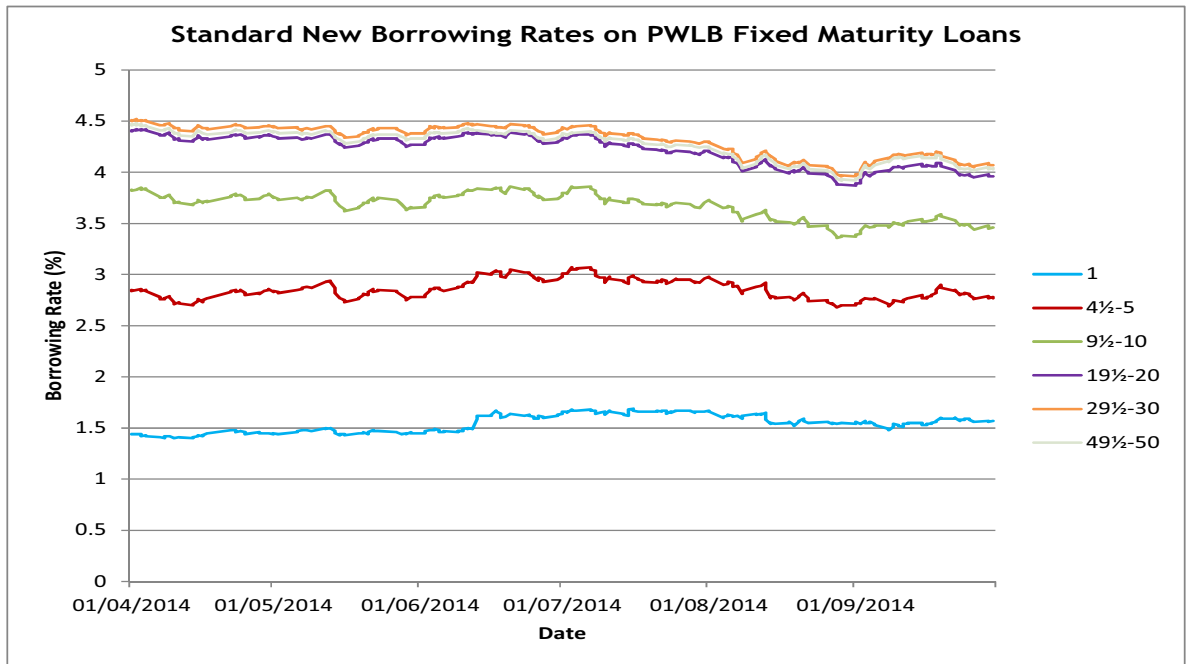


Table 3: PWLB Borrowing Rates - Fixed Rate, Equal Instalment of Principal (EIP) Loans

Change Date	Notice No	4½-5 yrs	9½-10 yrs	19½-20 yrs	29½-30 yrs	39½-40 yrs	49½-50 yrs
01/04/2014	127/14	2.09	2.92	3.85	4.24	4.42	4.49
30/04/2014	166/14	2.12	2.93	3.82	4.2	4.38	4.45
31/05/2014	206/14	2.08	2.84	3.68	4.08	4.27	4.36
30/06/2014	248/14	2.29	3.01	3.76	4.12	4.3	4.38
31/07/2014	294/14	2.32	3.02	3.73	4.05	4.21	4.28
31/08/2014	334/14	2.13	2.75	3.4	3.72	3.89	3.95
30/09/2014	378/14	2.18	2.82	3.48	3.79	3.97	4.05
	Low	1.99	2.73	3.38	3.71	3.87	3.95
	Average	2.19	2.92	3.7	4.05	4.23	4.3
	High	2.39	3.13	3.89	4.26	4.43	4.5

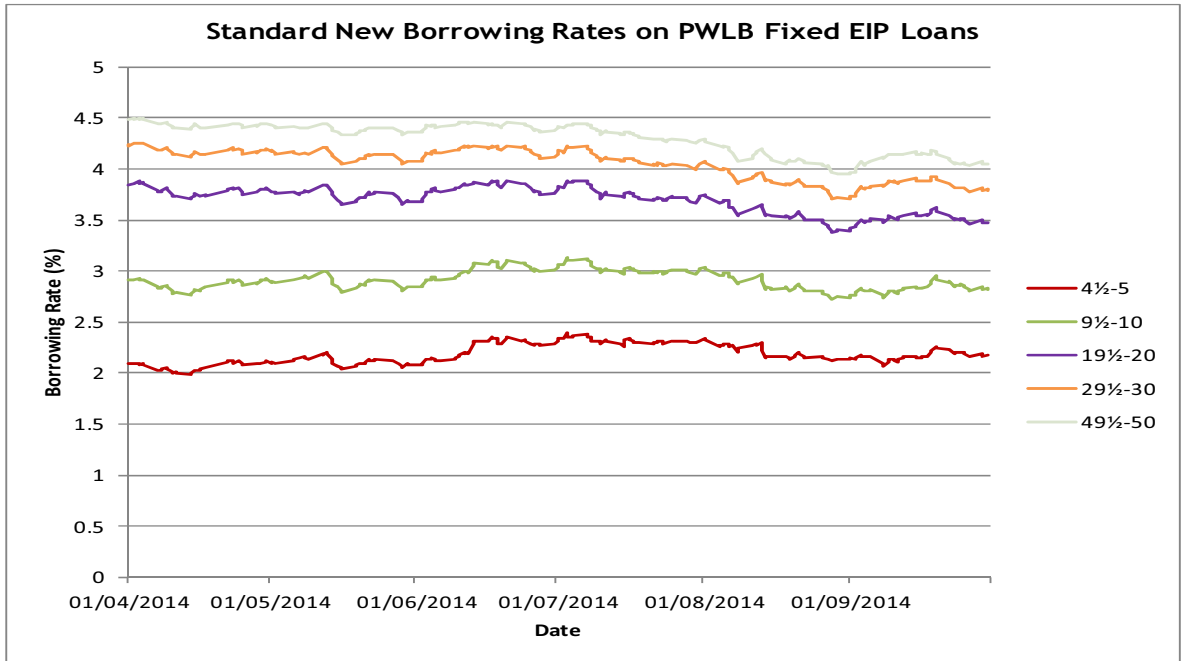


Table 4: PWLB Variable Rates

	1-M Rate	3-M Rate	6-M Rate	1-M Rate	3-M Rate	6-M Rate
	Pre-CSR	Pre-CSR	Pre-CSR	Post-CSR	Post-CSR	Post-CSR
01/04/2014	0.55	0.56	0.57	1.45	1.46	1.47
30/04/2014	0.55	0.56	0.57	1.45	1.46	1.47
31/05/2014	0.55	0.57	0.58	1.45	1.47	1.48
30/06/2014	0.59	0.61	0.67	1.49	1.51	1.57
31/07/2014	0.58	0.61	0.69	1.48	1.51	1.59
31/08/2014	0.58	0.62	0.72	1.48	1.52	1.62
30/09/2014	0.64	0.68	0.75	1.54	1.58	1.65
Low	0.55	0.56	0.57	1.45	1.46	1.47
Average	0.58	0.6	0.65	1.48	1.5	1.55
High	0.64	0.68	0.76	1.54	1.58	1.66

Appendix B

Treasury Management Strategy Statement – 2014-15 Mid-Year Update

1. Introduction

The UK is implementing the final bail-in provisions of the EU Bank Recovery and Resolution Directive to commence in January 2015, a year ahead of most other countries. Credit rating agencies have stated they plan to review EU banks' ratings in line with each country's implementation of the directive. Many UK banks have standalone ratings in the "BBB" category, with uplifts for potential government support taking them into the "A" category. There is therefore a realistic risk that some major UK banks' credit ratings will fall below A- this financial year if this uplift is removed.

2. Recommendations

In view of the above it is therefore recommended to make the following amendments to the 2014-15 Treasury Management Strategy Statement:

Table 2: Approved Investment Counterparties

Counterparty		Cash limit	Time limit
Banks and other organisations whose lowest published long-term credit rating from Fitch, Moody's and Standard & Poor's is:	BBB+	£2m each	100 days

Table 3: Non-Specified Investment Limits

Category of non-specified investment	Current cash limit	Amended cash limit
Total investments without credit ratings or rated below A-	£4m	£8m
Total non-specified investments	£10m	£14m

Treasury Management Indicator:

	Target
Portfolio average credit rating	BBB+

WEST SOMERSET DISTRICT COUNCIL MEETING TIMETABLE 2015 - 2016

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	MAY (2015)	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY (2016)	FEBRUARY	MARCH	APRIL	MAY (2016)
MON		1								1 Scrutiny Agenda Setting 10.30 am			
TUES		2 ENPA			1 ENPA Exmoor Area Panel 7.30 pm			1 ENPA Audit Committee 2.30 pm		2 ENPA	1 ENPA Standards Advisory Committee 4.30 pm		
WED		3 Cabinet 4.30 pm	1 Cabinet 4.30 pm		2 Cabinet 4.30 pm			2 Cabinet 4.30 pm		3 Cabinet 4.30 pm	2 Cabinet 4.30 pm		
THUR		4	2		3 Environment PAG 2.30 pm	1 Housing PAG 2.30 pm		3 Hinkley PAG 2.00 pm Planning (P) 4.30 pm (Nov & Dec Meeting)		4	3 Exmoor Area Panel 7.00 pm		
FRI	1	5	3		4	2		4	1 Bank Holiday	5	4	1	
SAT	2	6	4	1	5	3		5	2	6	5	2	
SUN	3	7	5	2	6	4	1	6	3	7	6	3	1
MON	4 Bank Holiday	8	6	3	7	5 Scrutiny Agenda Setting 10.30 am Dunster Area Panel 7.00 pm	2 Scrutiny Agenda Setting 10.30 am	7 Scrutiny Agenda Setting 10.30 am	4 Scrutiny Agenda Setting 10.30 am	8	7 WWQ Area Panel 7.00 pm	4	2 Bank Holiday
TUES	5 ENPA	9 Community PAG 2.30 pm WWQ Area Panel 7.00 pm	7 ENPA	4 ENPA	8 Local Development Panel 2.30 pm	6	3 ENPA Community PAG 2.30 pm Exmoor Area Panel 7.00 pm	8 Standards Advisory Committee 4.30 pm WWQ Area Panel 7.00 pm	5 ENPA Corporate PAG (P) 2.30 pm	9	8 Licensing Committee 4.30 pm	5 ENPA	3 ENPA
WED	6	10 Local Development Panel 2.30 pm Minehead AP 6.30 pm	8	5 Cabinet 4.30 pm	9 Minehead Area Panel 6.30 pm	7 Cabinet 4.30 pm	4 Cabinet 4.30 pm	9 Minehead Area Panel 6.30 pm	6 Cabinet 4.30 pm	10 Local Development Panel 2.30 pm	9 Environment PAG 2.30 pm Minehead Area Panel 6.30 pm	6 Cabinet 4.30 pm	4 Cabinet 4.30 pm
THUR	7 Parliamentary, District & Parish Council Elections	11 Scrutiny Committee 3.30 pm	9 Scrutiny Committee 3.30 pm	6 Scrutiny Committee 3.30 pm	10 Scrutiny Committee 3.30 pm	8	5	10	7 Housing PAG 2.30 pm	11 Scrutiny Committee 3.30 pm	10 Scrutiny Committee 3.30 pm	7	5
FRI	8	12	10	7	11	9	6	11	8	12	11	8	6
SAT	9	13	11	8	12	10	7	12	9	13	12	9	7
SUN	10	14	12	9	13	11	8	13	10	14	13	10	8
MON	11	15	13	10	14	12	9	14	11	15	14	11 Scrutiny Agenda Setting 10.30 am	9 Informal Council 2.30 pm
TUES	12	16 Standards Advisory Committee 4.30 pm	14 Environment PAG 2.30 pm	11	15 WWQ Area Panel 7.00 pm	13	10	15 Corporate PAG 2.30 pm	12	16	15	12	10
WED	13	17 Cabinet Agenda Setting 12.00 Council 4.30 pm	15	12	16 Cabinet Agenda Setting 12.00 Council 4.30 pm	14 Econ Dev & Tourism PAG 2.30 pm	11 Environment PAG 2.30 pm	16 Cabinet Agenda Setting 12.00 Council (P) 4.30 pm	13 Environment PAG 2.30 pm	17 Cabinet Agenda Setting 12.00 Council (P) 4.30 pm	16 Cabinet Agenda Setting 12.00 Council 4.30 pm	13 Econ Dev & Tourism PAG 2.30 pm	11 Annual Council 2.30 pm
THUR	14	18 Exmoor Area Panel 7.00 pm	16	13	17	15 Scrutiny Committee 3.30 pm	12 Scrutiny Committee 3.30 pm	17 Scrutiny Committee 3.30 pm	14 Scrutiny Committee 3.30 pm	18	17 Housing PAG 2.30 pm	14	12
FRI	15	19	17	14	18	16	13	18	15	19	18	15	13
SAT	16	20	18	15 70 th Ann VJ Day	19	17	14	19	16	20	19	16	14
SUN	17	21	19	16	20	18	15	20	17	21	20	17	15
MON	18 Informal Council 2.30 pm	22 Armed Forces Day ?????	20	17	21	19	16	21	18	22 Corporate PAG 2.30 pm	21 Audit Committee 2.30 pm	18 Dunster Area Panel 7.00 pm	16
TUES	19	23 Housing PAG 2.30 pm	21 Licensing Cttee 4.30 pm	18 Community PAG 2.30 pm	22 Standards Advisory 4.30 pm	20	17	22	19 Exmoor Area Panel 7.00 pm	23 Community PAG 2.30 pm	22	19	17 Environment PAG 2.30 pm
WED	20 Annual Council 2.30 pm	24 Corporate PAG 2.30 pm	22 Cabinet Agenda Setting 12.00 Council 4.30 pm	19 Cabinet Agenda Setting 12.00 Council (P) 4.30 pm	23 Corporate PAG 2.30 pm	21 Cabinet Agenda Setting 12.00 Council (P) 4.30 pm	18 Cabinet Agenda Setting 12.00 Council 4.30 pm	23	20 Cabinet Agenda Setting 12.00 Council 4.30 pm	24 Council (Budget) 4.30 pm	23 Corporate PAG 2.30 pm	20 Cabinet Agenda Setting 12.00 Council 4.30 pm	18 Cabinet Agenda Setting 12.00
THUR	21	25 Hinkley PAG 2.00 pm Planning 4.30 pm	23 Econ Dev & Tourism PAG 2.30 pm	20	24 Hinkley PAG 2.00 pm Planning 4.30 pm	22	19	24	21	25 Planning Committee 4.30 pm	24 Hinkley PAG 2pm Planning 4.30 pm	21 Scrutiny Committee 3.30 pm	19 Scrutiny Committee 3.30 pm
FRI	22	26	24	21	25	23	20	25 Bank Holiday	22	26	25 Bank Holiday	22	20
SAT	23	27	25	22	26	24	21	26	23	27	26	23	21
SUN	24	28	26	23	27	25	22	27	24	28	27	24	22
MON	25 Bank Holiday	29 Scrutiny Agenda Setting 12.45pm Audit Committee 2.30 pm	27 Scrutiny Agenda Setting 10.30am Dunster Area Panel 7.00 pm	24 Scrutiny Agenda Setting 10.30 am	28 Audit Committee 2.30 pm	26	23	28 Bank Holiday	25 Dunster Area Panel 7.00 pm	29 Scrutiny Agenda Setting 10.30 am	28 Bank Holiday	25 Corporate PAG 2.30 pm	23
TUES	26	30	28 Housing PAG 2.30 pm	25	29	27	24 Licensing Committee 4.30 pm	29	26 Corporate PAG 2.30 pm	29	26	24	24
WED	27 Environment PAG 2.30 pm		29 Corporate PAG 2.30 pm	26 Corporate PAG 2.30 pm	30	28 Corporate PAG 2.30 pm	25 Local Development Panel 2.30 pm	30	27 Econ Dev & Tourism PAG 2.30 pm		30	27	25 Corporate PAG 2.30 pm
THUR	28 Planning Committee 4.30 pm		30 Planning Committee 4.30 pm	27 Planning Committee 4.30 pm		29 Planning Committee 4.30 pm	26 Corporate PAG 2.30 pm	31	28 Planning Committee 4.30 pm		31	28 Planning Committee 4.30 pm	26 Planning Committee 4.30 pm
FRI	29		31	28		30	27		29			29	27
SAT	30			29		31	28		30			30	28
SUN	31			30			29		31			31	29
MON				31 Bank Holiday			30						30 Bank Holiday
TUES													31

School Holidays are highlighted in yellow.

References to ENPA are Exmoor National Park Authority Planning Committees.

(P) = Provisional

PAG = Policy Advisory Group (not open to press or public)

Timetable DD/MM/YYYY

STANDARDS ADVISORY COMMITTEE

Minutes of the Meeting held on 23 September 2014 at 4.30 pm

Present:

Mr T EvansChairman

Councillor J Davis
Mr J Gamlin
Councillor K Turner

Councillor J Fulwell
Councillor P H Murphy
Councillor D J Westcott

Officers in Attendance

Monitoring Officer (B Lang)

Meeting Administrator (R Bryant)

SA1 Apology for Absence

Mr I Gunn.

SA2 Appointment of Chairman

RESOLVED that Mr T Evans be appointed Chairman of the Standards Advisory Committee for the remainder of the Municipal Year.

SA3 Appointment of Vice-Chairman

RESOLVED that Mr I Gunn be appointed Vice-Chairman of the Standards Advisory Committee for the remainder of the Municipal Year.

SA4 Minutes

(Minutes of the Meeting of the Audit Committee held on 24 September 2013 – circulated with the Agenda. These minutes were adopted by the Council at its meeting held on 20 November 2013.)

RESOLVED that the Minutes of the Standards Advisory Committee held on 24 September 2013, be confirmed as a correct record.

SA5 Declarations of Interest

No interests were declared.

SA6 Public Participation

No members of the public had requested to speak on any item on the Agenda.

SA7 Overview of Standards Regime

(Report No. WSC 125/14, circulated with the Agenda.)

The purpose of the report was to provide an overview of how the standards regime currently operated at WSC in comparison with the processes in place at TDBC to enable a discussion as to how best to work together going forward.

The Monitoring Officer stated that both TDBC and WSC had retained Committees to oversee the standards regime following the introduction of the Localism Act 2011.

These Committees had broadly the same purpose in promoting and maintaining high standards of conduct by district/borough, town and parish elected Members and co-opted members of Councils in their respective areas.

There were nevertheless distinct differences in the composition of the two committees.

At TDBC there were five voting Councillors (politically proportional) together with three co-opted independent members and two co-opted parish councillors as observers. The Committee could therefore make its own decisions notwithstanding that by its very nature, the Committee could be considered to be "political".

In contrast, WSC had retained a Committee with a composition similar to before the Localism Act, consisting of three independent members (one of whom is Chairman), three WSC Councillors (politically balanced) and three parish councillors. All nine members could vote but, to ensure that this complied with current legislation, the Committee could only make recommendations to West Somerset' Full Council.

The WSC version did maintain, or at least the perception, of a greater "independence" by having a majority of non-Councillors sitting on it who all had an equal voice. This did however result in some of the processes being more elongated by virtue of the Committee only being "advisory".

In terms of cost, the only additional expense for TDBC was the payment of an annual allowance of £500 plus expenses for the Independent Person whereas at WSC additional payments were made to the six co-opted members (with a further allowance for the Chairman) which resulted in the total cost of just over £5300 per annum.

Reported that there were many similarities between the two processes, as well as some differences too including how the initial assessment of

complaints was undertaken and how each authority determined complaints at a formal hearing.

Although it was not intended to draw any conclusions as to which of the options were the “best”; given the closer working between the two Councils there could be some value in exploring whether there were any areas of mutual benefit to be gained from working in a similar way. An informal discussion between the respective Chairmen of the TDBC and WSC Standards Committees had already taken place to explore possible closer working.

Further reported that TDBC’s Standards Committee had subsequently requested a review of the current arrangements that it was currently working to with a view to making recommendations that would enable the parish and co-opted members to more fully participate in the process than they were able to do currently.

During the discussion of this item, the following comments were made:-

- Although it was acknowledged that it would make sense ultimately for one Standards Advisory Committee to serve both Councils, it was felt that it was far too soon to move this idea forward. There was a need to learn more about each Council first;
- It was widely felt by the public in West Somerset that its Standards Advisory Committee had retained its independence since the introduction of the Localism Act;
- It was important that anyone who submitted a complaint against a Councillor was left with the impression they had been treated fairly;
- In view of the situation at TDBC, should the payment of allowances to the WSC independent members be reviewed?
- Pleased to see TDBC moving towards a similar Standards Regime as the one at WSC. If agreed, there would be scope for both Councils to work together on things such as training;
- With regard to allowances, did the Committee wish to provide any advice to WSC’s Remuneration Panel?
- The independent members deserved an allowance in recognition of their time commitment to the work of the Standards Committee;
- Leave the Remuneration Panel to consider the subject of allowances. If they stayed in being, individual members could then decide whether they wished to continue to receive payment or not.

RESOLVED that:-

- (1) The report be noted; and
- (2) The two Standards Committees be encouraged to continue discussions to explore ways of working together going forward that might be of mutual benefit to both authorities.

SA8 **Monitoring Officer's Update**

The Monitoring Officer reported that there had been several approaches from Parish Councils seeking advice on planning matters which potentially could lead to Code of Conduct issues arising.

It was felt that wherever possible guidance should be provided to help the Parish Councillors find their own solutions to potential problems.

With regard to an issue raised earlier about procedure that would follow the non-declaration of a Disclosable Pecuniary Interest, the Monitoring Officer stated that an allegation of non-disclosure would firstly be considered by the Council.

If it appeared that the requirements of the Code of Conduct had not been adhered to, the details would be forwarded to the Police for them to decide whether formal action should be taken.

RESOLVED that the Monitoring Officer's update be noted.

SA9 **Date of next meeting**

The next meeting of the Standards Advisory Committee was scheduled for Tuesday, 9 December 2014 at 4.30 p.m.

The meeting closed at 5.35 p.m.

Report Number: WSC184/14
 Presented by: Cllr Anthony Trollope-Bellew
 Author of the Report: Chris Hall – Assistant Director Operational Delivery
 Contact Details:

Tel. No. Direct Line 01823 356361
 Email: c.hall@tauntondeane.gov.uk

Report to a Meeting of: Full Council
 To be Held on: 17th December 2014

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

BLUE ANCHOR COASTAL PROTECTION SCHEME UPDATE REPORT

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to raise awareness of the new risks that have been identified in the potential delivery of the Blue Anchor coastal protection scheme, and seek agreement of Members to cease further works.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 If no other scheme can be delivered through the hoteliers or SCC then this may eventually impact on the road and the other businesses in Blue Anchor. It may also impact on tourism through the loss of the road.

3. RECOMMENDATIONS

- 3.1 It is recommended that, in the light of the new risks identified, Members instruct all work associated with the bid to the Environment Agency to cease.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Project underwriting <i>Full risk identified below</i>	5	4	20
Procurement <i>Full risk identified below</i>	4	4	16
Timeline <i>Full risk identified below</i>	4	4	16
Design <i>Full risk identified below</i>	4	4	16
Unresolved technical issues <i>Full risk identified below</i>	4	4	16

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 On 17th September of this year a report was brought to Full Council requesting council support with a bid to the Environment Agency for a coastal protection scheme in Blue Anchor. A number of issues were raised at this time, and it was clear that this would not be a risk free project. Members were asked to consider providing support funding for the work needed to deliver a bid with the best chances of success. Members were unable to provide the financial support but did request that the work on the bid continued.

5.2 The approval to continue was not binding, and it was clear that should any of our assumptions be disproven, or any additional risks be identified then work could be stopped.

5.3 Since this approval was granted the following additional risks have been identified leading to the view that this Council should stop work on this bid.

5.4 Project underwriting

There has always been an expectation that as this is a WSC project we would have to underwrite the scheme. In a discussion with the EA it has been made clear that the EA panel would need evidence of the Council financially underwriting the project. This is a new risk and would take Full Council approval but it is not clear just how much financial risk this would expose us to. This means that the council would need to pick up the costs of any design changes (initial design would be accounted for within the bid), and changes required once ground conditions have been explored, any project overruns and finally any failure of the scheme, either failure of design or the final engineering product. In the September report it was established that the contractors would not underwrite the engineering solution. This proposition is unaffordable for West Somerset Council.

5.5 Procurement

This Council must conform to its financial regulations in spending public money, the value of this project is in excess of £500k and would need a OJEU compliant tender in order to assign this contract. Estimates are that this would take in the region of 3 months for a complaint tender if we had the design in place. WSC have been investigating the use of a framework agreement, this would allow us to buy in the services of a contractor that has already been through a procurement process. The Environment Agency have identified a framework that could be used by WSC but the contractor is already overcommitted with work and could not be diverted from the many multi million pound projects they are required to deliver. We would need to evidence how we could spend the money in order to start work on site by 1st April '15 when we bid for the funding.

5.6 Timeline

The grant funding process requires us to start work on site by 1st April 2015, this was always going to be tight but as a result of not being able to use a framework agreement, not being able to conduct an OJEU tender in the time frame required, and only recently become aware of a 28 day consultation period required we would not be able to deliver a scheme even if we could satisfy all of the other requirements in the bid.

5.7 Design

There is no design for a scheme as WSC did not have the funding required to complete this work up front, this is the same for the ground condition surveys. This prevents the tender of a designed scheme and adds in risk as we are reliant upon contractors to conduct this work as part of the bidding process. The normal process would be to bid for funding with a level of certainly over the final costs of a project, again this increases risk for the Council and ultimately the tax payer. Questions that were asked of WSC at the initial bidding

presentation were, amongst others, how long will the protective wall be and how long will it last, these are almost impossible to answer without a designed scheme.

5.7 **Unresolved technical issues**

In the rejection of the initial bid the EA identified 32 issues that we would need to satisfy in returning for further funding. We have been unable to answer a significant number of these as we do not have the technical knowledge or the design detail to support the answers, additionally we do not have the funding to buy in the technical expertise that would be needed to resolve these. We would therefore expect that a subsequent bid would also fail.

6. **FINANCIAL/RESOURCE IMPLICATIONS**

6.1 The work has continued with no additional costs paid out by the Council, there has however been considerable time spent on the matter and this is a sunk cost to the Council.

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

7.1 To follow.

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 There are not thought to be any protected groups impacted more greatly as a result of this decision.

9. **CRIME AND DISORDER IMPLICATIONS**

9.1 There are not thought to be any crime and disorder implications as a result of this decision.

10. **CONSULTATION IMPLICATIONS**

10.1 The report recommends that work is ceased, we have been in discussion with the hoteliers and have invited them to meet with us to fully understand the reasons but as yet they have not accepted our offer.

11. **ASSET MANAGEMENT IMPLICATIONS**

11.1 If members accept the recommendations of this report there will be no bid under this scheme and there will be no asset project that needs to be supported by WSC.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 This has a considerable implication on the environment, if Members support the cessation of this work then the hoteliers will need to look for alternative methods of protecting their property.
- 12.2 Somerset County Council (SCC) will also be impacted by this decision as their road will become at risk over time. It is difficult to say how long the erosion will take but it is thought that the road would be impacted over the next 10-20 years.
- 12.3 If no alternative scheme can be delivered by the property owners or SCC then the hotel is at risk. There is an expectation that the owners will take preventative action to minimise the risks of the building falling onto the beach. We will be urging the owners to start their considerations of this now.

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 expectation is that the hoteliers will take responsibility for their own safety and wellbeing in making decision on their accommodation.
- 13.2 There is also an expectation that the hoteliers will protect their patrons from risk in determining the safety of the grounds and buildings.

14. LEGAL IMPLICATIONS

- 14.1 Advice received from our legal service is that WSC have no responsibility to protect the building or prevent it falling into the sea.
- 14.2 Any damage caused by the collapse would be the responsibilities of the hoteliers including the clear up costs.
- 14.3 If Members decided to implement a coastal protection scheme and if was ultimately unsuccessful, it could be argued that the Council had accepted a duty and then failed to discharge that duty properly and reasonably. Once that position had been established, it would be easier to make the claim that the Council should be paying for the costs of clear up. The safest course is for the Council to cease work.

Report end.