



To: All Councillors

Our Ref CS/KK
Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk
Date 10 November 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

COUNCIL MEETING

Date: Wednesday 18 November 2015
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

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

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 18 November 2015 at 4.30 pm

Council Chamber, Williton

AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Council held on 21 October 2015 to be approved and signed as a correct record – **SEE ATTACHED.**

3. **Declarations of Interest**

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

4. **Public Participation**

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

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

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

5. **Chairman's Announcements**

6. **Review of the Council's Constitution**

To consider Report No. WSC 165/15, to be presented by Councillor S Pugsley, Lead Member for Executive Support and Democracy – **SEE ATTACHED.**

The purpose of the report is to update the Council on progress regarding reviewing the Constitution through the making of minor detailed changes and to request specific approval of one more significant proposed change to the Scheme of Delegation.

7. **Budget Savings 2015/16 and Earmarked Reserves Review**

To consider Report No. WSC 163/15, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to seek Council approval of a recommendation from Cabinet to transfer identified current year budget savings and uncommitted earmarked reserve balances to general reserves, as part of the Council's agreed Budget Strategy.

8. WSC Asset Property Portfolio Compliance Status Report

To consider Report No. WSC 166/15, to be presented by Terry May, Interim Assistant Director Property and Development – **SEE ATTACHED.**

The purpose of the report is to provide Council with a position statement of its statutory and regulatory compliance responsibilities related to its land and property asset portfolio and to secure authorisation and additional funding for undertaking condition surveys, inspections and testing to mitigate high risk non-compliance and attainment of missing key information to; a) be compliant, b) enable informed decisions on the future use and investment of its land and property asset portfolio.

9. HPC Planning Obligations Board – Allocations of CIM Funding

To consider Report No. WSC 167/15, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

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

10. Minutes and Notes for Information

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

- Notes of the Dunster Area Panel held on 6 October 2015
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---6-October-2015>

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

WEST SOMERSET COUNCIL**Minutes of the Meeting held on 21 October 2015 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding Chairman
Councillor B Heywood Vice-Chairman

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

Officers in Attendance:

Chief Executive (P James)
Assistant Chief Executive/Monitoring Officer (B Lang)
Assistant Director Resources (P Fitzgerald)
Senior Accountant and Deputy Section 151 (J Nacey)
Principle Revenues and Debt Recovery Officer (D Emery)
Strategic Manager – Governance and Risk for Somerset County Council (J Gale)
Chairman of the Joint Remuneration Panel on Members Allowances (I Partington)
Meeting Administrator (A Randell)

C63 Apologies for Absence

Apologies for absence were received from Councillors A Behan and I Jones.

C64 Minutes

(Minutes of the meeting of Council held on 16 September 2015, circulated with the Agenda.)

RESOLVED that the Minutes of the meeting of Council held on 16 September 2015 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 I Aldridge	All	Williton	Spoke and voted
Cllr D Archer	All	Minehead	Spoke and voted
Cllr H J W Davies	All	SCC	Spoke and voted
Cllr S Goss	All	Stogursey	Spoke and voted
Cllr B Maitland-Walker	All	Carhampton	Spoke and voted
Cllr P Murphy	All	Watchet	Spoke and voted
Cllr J Parbrook	All	Minehead	Spoke and voted
Cllr R Thomas	All	Minehead	Spoke and voted
Cllr N Thwaites	All	Dulverton	Spoke and voted
Cllr A Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K Turner	All	Brompton Ralph	Spoke and voted
Cllr T Venner	All	Minehead & SCC	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 P H Murphy	C69	Treasurer of affected organisation	Personal	Spoke and voted
Cllr A Trollope-Bellew	C69	Interest with affected organisation	Personal	Spoke and voted
Cllr H J W Davies	C69	Business interest	Disclosable Pecuniary	Left the room during discussion
Cllr B Leaker	C69	Business interest	Disclosable Pecuniary	Left the room during discussion
Cllr T Venner	C69	Business interest	Disclosable Pecuniary	Left the room during discussion

C66 Public Participation

Relating to Item 7 Terry Brownbill spoke on behalf of the Exmoor Holiday Group and also as a Business Exmoor representative. He expressed concerns that the revised Discretionary Rate Relief Policy had not been taken through the correct processes and that local businesses had not been sufficiently consulted.

C67 Chairman's Announcements

The Chairman had attended the following events:

21 September, 2015 – Opening of the McMillan Theatre, Bridgwater College

24 September, 2015 – Presentation Evening at West Somerset College

27 September, 2015 – 10th National LWPT Service at St Michael's Church, Minehead (with Mayor of Minehead)

4 October, 2015 – Somerset Young Farmers Harvest Thanksgiving, Wells Cathedral

15 October, 2015 – Opening of Agricultural Innovation Centre at Bridgwater College

18 October, 2015 – Seafarers Service, Watchet Methodist Church

C68 Report of the Joint Independent Remuneration Panel and Review of Members Allowances.

(Report No. WSC 146/15, circulated with the Agenda.)

The purpose of the report was to enable the Council to consider the detailed report of the Joint Independent Members Remuneration Panel and to consider whether to accept, reject or amend any of the Panel's recommendations.

Ian Partington, Julian Gale and Bruce Lang presented the item, stating that the findings of the report were that of the panel. The processes and comparisons explored to reach the findings were detailed to members to consider.

During the discussion, the following main points were raised:

- Members were concerned over any increase in costs considering the council was struggling to provide a balanced budget, and that this would be sending out the wrong message to the community.
- There was an apprehension that if the allowance was not increased then there could be difficulty in attracting individuals to stand as Councillors in the future.
- Discussion took place relating to additional allowances for committee Chairman. There was a concern that an increase of additional allowances would be a retrograde step against the background of budget savings needing to be made.

The Leader went on to propose recommendation 3.1, as set out in the report which was duly seconded. An amendment was then duly proposed and seconded as follows:

'Notwithstanding the contents of the report of the Independent Remuneration Panel, no changes be made to the existing scheme of Members Allowances except that, with effect from 1 January, 2016, all Special Responsibility Allowances be reduced by 5% with the resultant savings being made as a contribution to the General Revenue Fund and that there be no further changes made to the Members Allowance Scheme until after the 2019 local elections.'

On being put to the vote the amendment was declared CARRIED.

A further amendment was duly proposed and seconded with the effect that the following words be added:

‘That an additional special responsibility allowance be awarded to the post of Chairman of the Audit Committee at a level of £1,366 per annum, with effect from 1 January, 2016, with such allowance being subject to a 5% reduction with effect from the same date.’

On being put to the vote the amendment was declared CARRIED.

There was then a further amendment to the effect that the additional wording be added:-

‘That, with effect from 1 January, 2016, the Special Responsibility Allowance for the post of Chairman of Licensing Committee be increased to a sum of £3,366 per annum, which would also be subject to a 5% reduction with effect from the same date.’

On being put to the vote the amendment was declared LOST.

There was no further debate and on being put to the vote the substantive motion was declared CARRIED.

RESOLVED that, notwithstanding the contents of the report of the Independent Remuneration Panel, no changes be made to the existing scheme of Members Allowances except that, with effect from 1 January 2016, all Special Responsibility Allowances be reduced by 5% with the resultant savings being made as a contribution to the General Revenue Fund and that there be no further changes made to the Members’ Allowance Scheme until after the 2019 local elections; that an additional special responsibility allowance be awarded to the post of Chairman of the Audit Committee at a level of £1,366 per annum with effect from 1 January 2016, with such allowance being subject to a 5% reduction with effect from the same date.

C69 Discretionary Business Rate Relief Policy

(Report No. WSC 152/15, circulated with the Agenda.)

The purpose of the report was to introduce a revised Discretionary Rate Relief Policy to come into effect from 1 April 2016. The policy outlines the principle for the award of any discretionary Rate Relief.

The item was presented by the Lead Member for Resources and Central Support who reported on the application process, advising that the policy is underpinned by key considerations when making an award to take account of the best interests of the residents and taxpayers of West Somerset and producing a local benefit.

During the discussion, the following main points were raised:

- It was confirmed to members that businesses had been written to and informed that the policy is under review.
- Members were in agreement that the policy should still enable businesses to be supported up to 100% in certain instances.

- Concern was expressed that the revised policy had not been discussed at a Policy Advisory Group and not been considered by the Scrutiny Committee. There were additional concerns that the new policy was being introduced to save money and reduce support for small and local business.
- It was expressed that the existing scheme was too generous and the new policy would ensure that those businesses in need of rate relief would receive it.
- The business rate appeal process was discussed. It was clarified to members that appeals were considered on a case by case basis and had a target time of 28 days within which to be determined.
- Members were made aware that if the item was deferred then the policy could not be implemented for the 1st April, 2016 and there would be additional costs incurred if the policy was not implemented for the next financial year.
- The general consensus amongst members were that those businesses who could afford to make some contribution towards business rates should do so in the current climate of cuts in local government funding.
- Officers in the Revenues and benefits department were commended for the work that had been undertaken on this report.

The Lead Member went on to propose the recommendations set out in the report in paragraphs 3.1(a) and (b) which were duly seconded. During the ensuing debate concerns were raised regarding the transparency and consultative process associated with the development of the proposed discretionary relief policy and the following amendment was duly proposed and seconded:

‘Consideration of the revised discretionary rate relief policy be deferred to enable proper public consultation and for the proposed policy to be formally considered by the Scrutiny Committee’.

On being put to the vote the amendment was declared LOST.

There was no further debate and on being put to the vote the substantive motion was carried.

RESOLVED (1) that the revised discretionary rate relief policy detailed in Appendix 1 to the report, be adopted.

RESOLVED (2) to approve the inclusion of the anticipated savings within 2016/2017 budget in the ongoing medium term financial plan net of additional administration costs.

C70 **Minutes and Notes for Information**

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

RESOLVED that the notes of the Dunster Area Panel held on 27 July 2015, Exmoor Area Panel held on 1 September 2015, Minehead Area Panel on 9 September 2015 and the Watchet, Williton and Quantock Vale Area Panel held on 15 September 2015, be noted.

C71 **Exclusion of the Press and Public**

RESOLVED that the press and the public be excluded during consideration of item 10 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended as follows:

Item 10 contains information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding that information). It is therefore proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

C72 **Sale of Seaward Way Land for Development**

The purpose of this report is to request that the Council approve the recommendations of the Asset Project Group of the preferred bidder, who assessed the bids with advisors following marketing of Council owned land at Seaward Way, Minehead for either Employment or Residential use. These recommendations had been subsequently supported by Cabinet at its meeting held on 14th October, 2015.

The Lead Member for Housing, Health and Wellbeing presented the report and proposed the recommendations that were duly seconded.

RESOLVED (1) that Council agrees to:

- a) Approve the sale of land at Seaward Way (marketed for residential/employment use) to the preferred bidder, for the delivery of employment and commercial use development, subject to contract and planning;
- b) Note that the sale of land is subject to exchange of conditional contracts and the receipt of a non-refundable deposit being paid to the Council of £50,000, which will be allocated to capital receipts reserves;
- c) Delegate final approval and sign-off of the sale by agreement of the Leader, Lead Member for Finance, Chair of Asset Project Group, Chief

Executive Officer and the S151 Officer, and, who are granted authority to conclude a sale if a minimum sum or a higher figure is achieved.

- d) Note that Council members will be informed of progress through information reports from the Asset Project Group, such as Asset Sales standing agenda item at Corporate PAG.

RESOLVED (2) that Council agrees to a continuation of established authority, that the Council approved minimum sum should be expected. This is a figure at least equal to the capital receipt previously approved by the Council (2012), with an appropriate adjustment to reflect any market uplift in land value.

RESOLVED (3) that Council approves that the final payment be made to the Crown and Passmore Trust (£88,700) for the release of restricted covenants on Seaward Way employment land, and is added to the 2015/16 Capital Programme for Seaward Way Disposal Costs, to be funded from unallocated capital receipts reserves. Members to note, that the payment concludes a contractual requirement, by settling a fixed overage amount as referenced in paragraph 5.2 of the report.

NOTE(1): Councillor R Woods, H J W Davies and T Venner left at 5.30 pm

NOTE(2): Councillors C Morgan and B Leaker left at 5.45 pm

The meeting closed at 7.15 pm.

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.

Report Number: WSC 157/15

Presented by: Councillor S Pugsley, Lead Member for Executive Support and Democracy

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: 18 November 2015

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

REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update the Council on progress regarding reviewing the Constitution through the making of minor detailed changes and to request specific approval of one more significant proposed change to the Scheme of Delegation.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 One of the functions of the Monitoring Officer is to maintain an up-to-date version of the Constitution so that it is fit for purpose.

3. RECOMMENDATIONS

- 3.1 That Council notes that various detailed housekeeping changes have been made to the Scheme of Delegation section of the Constitution, the majority of which relate to referring to up-to-date officer designations.
- 3.2 That the Council approves the proposed change to the delegated powers relating to the determination of applications for planning permission as set out in Appendix A to this report.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure to keep the Council's Constitution up-to-date may render it not fit for purpose and hinder the decision making process	Possible 3	Major 4	Medium 12
<i>That Council agrees to regular updates</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 The purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and accountable to local people. Some of these processes are required by law while others are a matter for the Council to choose.
- 5.2 There is a duty to monitor and review the operation of the Constitution and ensure that the document is kept up-to-date and fit for purpose.
- 5.3 Given that legislation and other events can happen at any time the Constitution is a living document and therefore it is likely that updates will be needed to be initiated at least annually.
- 5.4 At the meeting of the Council held on 15 April 2015 it was agreed that minor detailed changes of a limited significance as agreed by the Monitoring Officer with the appropriate Portfolio Holder/Lead Member may be agreed in consultation, such minor changes being subsequently notified to all Councillors.
- 5.5 In this regard minor changes have been agreed in regard to the Scheme of Delegation section of the Constitution to ensure that the up-to-date Oneteam officer designations are appropriately referred to. A track change version of this section of the document is available on request so that Members can see precisely what these changes look like should they wish to. The changes will be updated on the website version of the document.
- 5.6 Under the arrangements whereby changes to the Constitution can be made, where it is considered that any proposed changes could be "significant" it is necessary for a proposal to be approved by full Council. In this regard there is a particular proposed change to the Scheme of Delegation that would be of interest to Members in relation to delegated powers relating to the determination of planning applications.
- 5.7 The proposed change is set out in Appendix A to this report with the current arrangements set out in Appendix B for ease of comparison.
- 5.8 It is considered that the proposal set out in Appendix A will enhance the transparency of the process to ensure that any valid planning related issues relating to an application were properly raised by the local community will be seen to be heard.
- 5.9 The proposal includes a criterion on whereby where there are conflicting views (giving clear planning reasons) from a town/parish council, parish meeting or ward member as well as from four or more individuals, then an application will be referred to Committee for determination.
- 5.10 If the proposed changes are agreed then this will bring the matter broadly into line with arrangements that exist for Taunton Deane Borough Council and thereby bring some consistency for the planning officers working within the Oneteam.
- 5.11 The Council is therefore duly recommended to note the minor amendments that have been made and give specific approval to the proposed change as set out in Appendix A to this report.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 None in respect of this report.

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

7.1 Maintaining of an up-to-date and fit for purpose Constitution is an important part of providing good governance for the Council.

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.

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 in respect of this report.

14. LEGAL IMPLICATIONS

14.1 None in respect of this report.

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>All applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent and all other matters of determination, formal approval or comment of the Council as local planning authority under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning Act 2008 and associated legislation should be determined under delegated powers other than where one of the criteria set out below are met.</p> <p>(a) In the opinion of the Assistant Director for Planning and Environment or the relevant Area Planning Manager (or Chairman of the Planning Committee), the application is considered to be of a significant, controversial or sensitive nature.</p> <p>(b) The application is from an elected Member or a member of staff (or partner thereof) and is recommended for approval.</p> <p>(c) The application is accompanied by an environmental statement (EIA Development).</p> <p>(d) The application is a significant departure and is recommended for approval.</p> <p>(e) There are views (giving clear planning reasons) which conflict with the proposed determination of the application from a town/parish council, parish meeting or ward member.</p> <p>Where any application is not automatically referred to committee under the above criteria but where conflicting representations have been received, it will be referred to the Chair and Vice Chair of the Planning Committee before a decision is made as to whether the matter should be referred to Committee.</p> <p>Applications will be delegated to the Assistant Director for Planning and Environment or the relevant Area Planning Manager to refuse if section 106 agreements are not signed within 8, 13 or 16 week timescales.</p>	<p>Assistant Director for Planning and Environment or the relevant Area Planning Manager</p>

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>To determine all applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent and all other matters of determination, formal approval or comment of the Council as Local Planning Authority under the <i>Town and Country Planning Act 1990 and The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning Act 2008 and associated legislation</i>.</p> <p>The exceptions to this delegated authority are:</p> <ul style="list-style-type: none"> (a) Applications which are contrary to the provisions of the Development Plan (Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan) and which are recommended for approval. (b) Applications which are contrary to the Council's corporate policies and are recommended for approval (c) Applications which are the subject of a written request for consideration by the Planning Committee made by any Councillor to the Planning Manager; such requests, which should include the reasons why the Member considers the application should go to Committee, to be received by the Planning Manager within 14 days of the application appearing on the weekly list of applications received. All such requests will need approval by the Chairman and Vice Chairman of the Planning Committee before inclusion on the Planning Committee Agenda. 	<p>Planning Manager and Deputy Planning Manager</p>

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>(d) Applications which in the opinion of the Planning Team Leader are potentially controversial taking particular note of the views of the town or parish council and any member(s) of the public, and likely to be of significant public concern</p> <p>(e) Applications which in the opinion of the Planning Manager would have a significant impact on the environment</p> <p>(f) Applications which in the opinion of the Planning Manager have potential for being the subject of a Section 106 Agreement will be delegated subject to agreement with the Chairman (or Vice-Chairman in his/her absence) of the Planning Committee.</p> <p>(g) Applications from serving West Somerset District Councillors or members of staff will be delegated subject to the agreement of the Chairman (or Vice-Chairman in his/her absence) of the Planning Committee.</p> <p>(h) Applications which the Planning Manager considers should be presented to Committee for determination</p> <p>(i) Applications for Major Requirements which in the opinion of the Planning Manager, in consultation with the Chairman and Vice Chair of Planning Committee are deemed to be potentially controversial and likely to be of significant public interest.</p>	<p>Planning Manager and Deputy Planning Manager</p>
	<p>To serve building preservation notices in case of emergencies <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> Section 3</p>	<p>Planning Manager and Deputy Planning Manager</p>

15

Report Number: WSC 163/15
Presented by: Cllr M Chilcott, Lead Member for Resources & Central Services
Author of the Report: Paul Fitzgerald, Assistant Director – Resources
Contact Details:
Tel. No. Direct Line 01823 358680
Email: p.fitzgerald@tauntondeane.gov.uk
Report to a Meeting of: Council
To be Held on: 18 November 2015
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:

BUDGET SAVINGS 2015/16 AND EARMARKED RESERVES REVIEW

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Council approval of a recommendation from Cabinet to transfer identified current year budget savings and uncommitted earmarked reserve balances to general reserves, as part of the Council's agreed Budget Strategy.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The identification of savings is directly linked to improving the financial resilience of the council in the short term through increasing general reserves.

3. RECOMMENDATIONS

- 3.1 Full Council approves the transfer of in year revenue budget savings of £212,092 to general reserves.
- 3.2 Full Council approves the transfer of £156,119 from earmarked reserves to general reserves.
- 3.3 Full Council approves the reclassification of the £105,000 Hinkley S106-funded 'Low cost starter homes' scheme from capital to revenue budget in lieu of redistribution of existing loans pool.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The Authority fails to develop a sustainable financial plan for 2016/17 and beyond.	4	4	16

<i>Mitigation: Members agree the transfer of savings to reserves to support and deliver the recommended approach to 2016/17 budget setting</i>	2	4	8
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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 This report was presented to Cabinet on 4 November 2015, where recommendations to Full Council were approved.

5.2 The Council's financial position has been drastically affected by the impact of the reduction in business rates funding for Hinkley B power station. Details of this were included in the Financial Outturn Report presented to Cabinet and Scrutiny in August 2015.

5.3 The concerns of management have been emphasised also by the findings of our external auditor, which led to a qualified 'value for money conclusion' citing concerns about the council's financial resilience due to:

- General reserves being reduced to the acceptable minimum
- The budget gap being significantly increased, making it very challenging to set a balanced budget in 2016/17

5.4 The Council's general reserves are currently £0.508m, which is only £0.008m above the acceptable minimum.

5.5 The Council's budget gap is currently estimated at £0.566m for 2016/17 (as at August 2015), rising to £1.538m by 2020/21 if no action is taken to match spending with resources available. Members are advised that a further update on the MTFP forecasts is due to be reported to Scrutiny this month.

5.6 The Medium Term Financial Plan was reported to Members in August 2015, which provided more detailed information behind the financial forecasts and assumptions. Further to this, and reflecting the immediate and serious financial challenge, the Budget Strategy reported to Scrutiny in October included an action to identify savings in the current financial year, through:

- Reviewing 2015/16 service budgets to identifying opportunities to reduce costs or fund spending from different sources
- Review earmarked reserves to identify spending plans that can be de-prioritised and therefore release funding to general balances.

5.7 This report presents the findings of this work with recommendations to transfer identified savings to general reserves.

6. 2015/16 BUDGET SAVINGS

- 6.1 Assistant Directors, working with Lead Members, have identified a range of savings within service budgets. Wherever possible the aim has been to deliver savings that have limited impact on front line services. These are shown in the table below.

Table 1: In Year Savings Proposed

Budget Heading	£	Explanation
Corporate Costs	50,400	Hinkley S106 initial 2015/16 corporate overheads contribution, to be transferred from S106 holding account.
Housing	105,000	Hinkley-funded First Time Buyers scheme can be funded through recycling previous allocations to WRCIC (Wessex Resolution CIC), therefore propose to make revenue contribution from Hinkley S106 to General Fund in lieu of this spend. Will result in reclassifying Hinkley First Time Buyers contribution from capital to revenue budget.
Housing Benefits	21,940	Discretionary Housing Payments subsidy for 2014/15 not accrued therefore one-off surplus income in 2015/16.
Revenues	3,500	Debt enforcement agent fees budget requirement reduced as costs charged direct to debtors (this is also an ongoing savings option).
Finance	12,000	Past Service pension costs budget requirement reduced due to reduction in pension payments (this is also an ongoing savings option).
Finance	28,800	Interest costs on borrowing lower than budget as loans total and interest rates both lower than prudent budget provision.
Finance	1,600	Income from insurance recharged to tenants not reflected in current budget (this is also an ongoing savings option).
Corporate Resources	4,052	Legal services contract payment reduced through new partnership arrangements.
Corporate Resources	2,800	Minehead contact centre rental renegotiation (part-year only in 2015/16, full year ongoing saving £6,000).
Sub-total: Savings	230,092	
Environment	-13,000	Assistant Harbour Master part year cost in 2015/16, full year is £26k from 2016/17 onwards (Approved by Council)
Environment	-5,000	West Somerset Council Port Marine Safety Code update, one-off cost in 2015/16 (Approved by Council)
Sub-total: Costs	-18,000	
Total Net Savings	212,092	

- 6.2 As the table shows, net savings to the value of £212,092 have been identified by Assistant Directors as available in the current financial year. It is proposed to fund the recently approved additional provisions in respect of harbour management from the identified savings (as previously approved) leaving a net surplus as shown. The savings are not expected to have a direct impact on service delivery, but of course if budgets are not adjusted this would provide flexibility to address unforeseen cost

pressures within the year without impacting on reserves. Taking these savings to reserves is considered to be the priority in view of the Council's financial position.

7. EARMARKED RESERVES REVIEW

- 7.1 Alongside the review of in year budgets, the Assistant Director Resources has also led a review of the current earmarked reserve balances. This was scheduled to be completed next month as part of the annual budget process but has been brought forward in view of the pressing financial situation. The review has identified a number of reserves where it is proposed that some or all of the funds can be released in order to increase general reserves. These are shown in the table below.

Table 2: Proposed Transfers from Earmarked Reserves

Reserve	£	Explanation and Impact Assessment
Hinkley Corporate Cost Reserve	50,000	Hinkley corporate costs reserve released as no longer required (vacancies held pending FID – Final Investment Decision)
Discretionary Housing Payments Reserve	44,861	Discretionary Housing Payments reserve no longer required as the subsidy repayment this is due to fund was paid in 2014/15 and met from in-year budget.
Car Parking Reserve	5,767	Car parking reserve - release part, leaving £10k to fund one-off costs of maintenance such as signage, surfacing, white lining, minor repairs.
Revenues and Benefits Reserve	7,903	Release part of service resilience reserve to provide cash savings – service to manage within reduced budget limit.
Area Based Grant (ABG) Reserve	45,000	Release Area Based Grant reserve as Economic Development Officer post covered via secondment funding thus reducing need for reserve funding.
Transparency Code Reserve	2,588	Release reserve as expenditure covered within existing resources.
Total	156,119	

- 7.2 The outcome of the review is that Members are requested to agree the transfer of £156,119 from earmarked to general reserves. Earmarked reserve balances remain in excess of £3.5m, however the significant proportion of this – £2,980,202 – relates to the Business Rates Smoothing Reserve which is needed to fund a Collection Fund deficit within the 2016/17 budget estimates and provide a contingency for future volatility. Earmarked reserves balances along with all the transfers to/from are set out in more detail in the appendix to this report.

8. GENERAL RESERVES

- 8.1 The recommended transfers of in year budget savings and earmarked reserve balances will increase the general reserves balance to £877,110. However, following approval by Cabinet on 4 November, there is a separate report included on the agenda for this Council meeting seeking approval to increase the Asset Compliance budget by £80,000. If approved, the reserves balance would be £797,110 as shown below.

Table 3: Projected General Reserves Balance

	£
Balance 1 April 2015	529,899
Supplementary estimates previously approved	(21,000)
Current Balance	508,899
Proposed transfer of 2015/16 budget savings	212,092
Proposed transfer of earmarked reserves	156,119
Proposed supplementary Asset Compliance budget (separate report on this agenda)	-80,000
Projected Balance	797,110
Recommended Minimum Balance	500,000
Projected balance above recommended minimum	297,110

8.2 The outcome of the in year savings and earmarked reserves reviews has had a positive impact on the Council's reserves position and therefore its short term financial resilience.

9. COMMENTS ON BEHALF OF SECTION 151 OFFICER

9.1 The recommended transfers to increase the general reserves balance is strongly recommended in view of the current financial position of the Council. The projected balance will increase the Council's short-term financial resilience, and provide Members with some potential flexibility to consider supporting the 2016/17 budget and/or provide funds to invest in transformation or other measures that improve the Council's medium term financial resilience.

9.2 In terms of financial strategy the Council should aim to be above the recommended minimum level, therefore it is pleasing to see an improvement in the reserves balance.

10. EQUALITIES & DIVERSITY, CRIME AND DISORDER, CONSULTATION, ASSET MANAGEMENT, ENVIRONMENTAL, HEALTH & WELLBEING, LEGAL IMPLICATIONS

10.1 The impact of proposed savings and reserve transfers are summarised in sections 6 and 7 above. There are no significant implications to report.

WSC Earmarked Reserves Balances 2015/16

Earmarked Reserve	Balance April 2015 £	Proposed Transfers To General Balances £	Allocated in 2015/16 £	Remaining Balance £	Notes
Area Based Grant (ABG) Reserve	84,384	-45,000		39,384	Funding used for Economic Development. Surplus identified as ED Officer secondment costs in 2015/16 funded externally.
Community Safety Reserve	3,533			3,533	Committed towards CCTV in 2015/16
Land Charge Reserve	25,511			25,511	Personal searches mitigation yet to be settled. New burdens grant may provide some surplus but maintain reserve until position is confirmed.
Tourism Reserve	12,107			12,107	Linked to agreed projects
Sustainability Reserve	57,698		-40,000	17,698	£40,000 allocated to fund asset maintenance supplementary estimate in 15/16.
Minehead Events Reserve	396			396	Plan in place to transfer to Minehead Events Group
Discretionary Housing Payments Reserve	44,861	-44,681		0	Discretionary Housing Payments reserve no longer required as the subsidy repayment this is due to fund was paid in 2014/15 and met from in-year budget.
Election Reserve	30,000			30,000	Required for 2015 elections costs
Water Bathing Signs Reserve	1,266			1,266	Environmental grant specifically ring-fenced
Non-District Election Reserve	11,999			11,999	Covers potential VAT invoice on claimed elections costs
Individual Electoral Registration (IER) Reserve	11,664			11,664	Work outstanding on IER implementation
Inspire New Burdens Reserve	7,131			7,131	New burdens grant for additional data publishing requirements - to be spent 2015/16
Transparency Code Reserve	2,588	-2,588		0	Managing within existing resources therefore fund can be released
Exmoor at your Fingertips Reserve	1,780		-1,780	0	Food project, allocated to be spent in 2015/16

Earmarked Reserve	Balance April 2015 £	Proposed Transfers To General Balances £	Allocated in 2015/16 £	Remaining Balance £	Notes
Minehead Town Centre Signage Reserve	500			500	Funds to be used in 2015/16
Our Place Reserve	10,934			10,934	Our Place Project funds
CCTV Reserve	1,565			1,565	Committed to be used in 2015/16
Homelessness Prevention Reserve	43,620			43,620	Needed to fund temporary accommodation budget pressures in 2015/16
Watchet Harbour Dredging Reserve	13,200		-13,200	0	Has been spent in 2015/16
Morrison Town Centre Footpath Reserve	6,000			6,000	Discussions ongoing with County Council regarding costs of footpath and ongoing maintenance.
JMASS Transformation Reserve	275,714			275,714	Funds allocated from revenue resources to support JMASS implementation and transformation costs.
Community Rights to Challenge Reserve	5,000			5,000	Contingency to fund one-off costs associated with bids regarding alternative service delivery models.
Assets of Community Value Reserve	10,000			10,000	Contingency to fund one-off costs associated with bids to transfer public assets to community groups or other relevant bodies.
Planning Policy Reserve	61,725		-61,725	0	Local Plan inspection costs - should be fully drawn down in 15/16.
Online Discretionary Housing Payments Reserve	5,375		-5,375	0	
Business Support Reserve	3,195		0	3,195	Initiatives to support for small businesses
Public Health Burial Reserve	3,717		0	3,717	Small contingency fund where local authority required to pay for funerals of the destitute
Minehead Harbour Dredging Reserve	5,500		-5,500	0	Spent in 15/16 - transfer to asset management / harbours budget
Customer Service Equipment Reserve	666		-666	0	Office Equipment purchased
Assets Compliance Reserve	26,736		-26,736	0	Transfer to asset management compliance budget for compliance survey works (balance of £40k approved in 2014/15).

Earmarked Reserve	Balance April 2015 £	Proposed Transfers To General Balances £	Allocated in 2015/16 £	Remaining Balance £	Notes
Strategic Housing Market Area Assessment Reserve	1,000		-1,000	0	Contribution towards Strategic Housing Market area assessment in 2015/16.
Car Parking Reserve	15,767	-5,767		10,000	Maintenance and signs required but no firm commitments, reduce affordable envelope.
Planning Reserve	20,000		-20,000	0	Commitments in 2015/16 to fund planning service costs.
Hinkley Corporate Cost Reserve	50,000	-50,000		0	Reserve no longer required in 2015/16, as vacancies held pending FID.
Growth Board Core Cost Reserve	957		-957	0	2015/16 costs funded from the reserve.
Dulverton Mill Leat Reserve	12,194		0	12,194	Committed in 2015/16
Revenue & Benefits Reserve	67,904	-7,904		60,000	To be used to mitigate reduction in New Burdens Grant and additional government policies.
Training Reserve	10,000		-10,000	0	To be used in 2015/16
Licensing Staff Reserve	10,000		-10,000	0	To fund temporary additional resource within Licensing service to address backlog and address increased service demand.
Finance Reserve	15,000			15,000	To be used in 2015/16 to provide resilience / maternity cover cost share.
Business Rates Smoothing Reserve	2,930,156		50,072	2,980,228	£150k needed to fund 2015/16 Collection Fund Deficit budget, with £2,780k needed to fund 2016/17 Collection Fund Deficit budget. £200k transferred in as approved in Q1 financial monitoring 2015/16 to provide contingency for funding volatility.
TOTALS	3,901,346	-156,119	-136,868	3,598,359	

Report Number: WSC 166/15
Presented by: Terry May – Interim AD Property & Development
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Report to a Meeting of: Council
To be Held on: 18 November 2015
Date Entered on Executive Forward Plan n/a
Or Agreement for Urgency Granted:

WSC ASSET PROPERTY PORTFOLIO COMPLIANCE STATUS REPORT

1. PURPOSE OF REPORT

- 1.1 Provide Council with a position statement of its statutory and regulatory compliance responsibilities related to its land and property asset portfolio.
- 1.2 To secure authorisation and additional funding for undertaking condition surveys, inspections and testing to mitigate high risk non-compliance and attainment of missing key information to; a) be compliant, b) enable informed decisions on the future use and investment of its land and property asset portfolio.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 To meet regulatory and statutory obligations.
- 2.2 To mitigate reputational risk.
- 2.3 To ensure that land and property assets are sustainable, fit for purpose and safe.

3. RECOMMENDATIONS

- 3.1 That Council notes this compliance status report as a baseline in understanding the level of compliance of the Councils land and property asset portfolio.
- 3.2 That Council approves a Supplementary Estimate for the 2015/16 Revenue Budget of £80,000, funded from reserves, to undertake the necessary condition surveys, inspections and testing.
- 3.3 That Council supports the creation of an ongoing annual compliance budget of £50,000 to be incorporated into the 2016/17 budget estimates and Medium Term Financial Plan, requiring savings needed to fund this increase to be identified through the budget setting process.

4. **BACKGROUND INFORMATION**

- 4.1 When I start a new assignment I first like to gain a status position of areas of my responsibilities by undertaking an information gathering exercise similar to an audit and compare findings to best practice, experience and compliance of regulatory and statutory requirements. On my arrival to TDBC and WSC in July 2015 I identified that WSC did not have a comprehensive asset database, but an asset list within an Excel Workbook. In addition, there was no understanding of what was required for each asset in terms of maintenance, compliance and financial liabilities.
- 4.2 I directed the asset team to develop an interim master Excel Workbook (titled WSC Compliance Risk Register) to capture key asset data to enable an understanding of what information WSC had or did not have for the Councils land and property asset portfolio.
- 4.3 The outcome is a spreadsheet has been developed and populated within the Excel Workbook that provides a baseline of status of compliance and level of data known and not known, with the summary results being presented within this report. This being an improvement on information available in July 2015.
- 4.4 A Risk Matrix has been developed within the Excel Workbook that identifies the top five risk areas and categorises them Red, Amber, Green to enable prioritisation.

5. **SUMMARY OUTCOMES**

- 5.1 173 Council assets have been reviewed to date. This review has not included all open space land, and the current asset database and finance asset list need to be checked thoroughly to ensure that all areas have been picked up that may have compliance issues. Every building for which the Council has maintenance responsibilities has been reviewed.

(Note: the number of assets that have been reviewed does not denote numbers of properties or parcels of land, i.e. Roughmoor Enterprise Centre has been broken down into separate 'assets', i.e. pumping station, foyer, external lighting etc.)

- 5.2 Priority has been given to asbestos management surveys, electrical testing, water testing, fire risk assessments and gas appliance checks.
- 5.3 Out of these 173 assets 150 of these require at least one or more of the following; asbestos surveys, electrical testing, water testing, fire risk assessments and gas appliance checks still to be undertaken. Without these surveys being carried out these properties **will not be compliant**. To date of these 150, 29 have had surveys and are now compliant, although not necessarily too current standards.
- 5.4 These assets have been prioritised by a traffic light status:

Red - properties that need multiple surveys or are of a significant risk
 Amber - surveys required
 Green - surveys completed

- 5.5 Summary of assets by traffic light status:

Status	No of assets
Red	41
Amber	80
Green	29
Total	150

- 5.6 This highlights that there are currently 121 assets that are not compliant which have surveys and certificates that need to be completed.
- 5.7 Although 29 of these assets have been coded green to denote they have the relevant certificates/assessments, some of these assessments have highlighted areas that need rectification which means they will require additional expenditure. These works are not yet being actioned and have not been budgeted to-date.

- 5.8 The following number of surveys are required:

Asbestos Management Surveys	58
Electrical Certificates	15
Water Hygiene risk assessments	8
Fire Risk Assessments	39
Gas Appliance Checks	6
* A further 62 M&E and stock condition surveys of sites such as car parks and play areas and shelters to identify what assessments/certificates these may require	62

- 5.9 **Main Concerns / Priorities:** A risk register has been developed to highlight the properties most at risk and need multiple surveys. The properties that are the main concern are:

- West Somerset House – No electrical testing has taken place since the building opened and an up-to-date fire risk assessment is required. This building is used by both public and staff.
- Customer Centre - No electrical testing has taken place since the building opened. The property has not had an asbestos survey nor has it an up-to-date fire risk assessment. This building is used by both public and staff.
- Alcombe Children's Centre – the fire escape route needs to be re-routed and other issues raised in a fire risk assessment need to be rectified. This is used as both a nursery and children's centre.
- Temporary Housing Accommodation – these properties had not been held on the Asset Management Database and are managed by the Housing team. Investigation required as to whether these properties are compliant before tenants are let into these properties. These assets should be managed alongside other WSC assets.
- Brunel Way Depot – it has been brought to our attention that this building has not been signed off by Building Control when works were completed four years ago
- Watchet Lighthouse – the electrics have not been tested.

- 5.10 **Unknown / More Works Required:**

- Roughmoor Enterprise Centre – works required to ascertain responsibilities of emergency lighting for all individual units and resolve issues around the centralised fire alarm system.
- Solar Panels at West Somerset House – need to be tested and ascertain what they deliver.
- A further 62 M&E and stock condition surveys are required of sites such as car parks, play areas and shelters to identify what assessments/certificates these may require.

- Bridges – need to ascertain number and be inspected.
- Cliffs behind Quay West, Minehead – works required to stabilise.

5.11 REVENUE MAINTENANCE BUDGETS 2015/16

As of 15th October 2015 taken from Task Financial System

Asset	Budget 2015/16	Spend To Date	Funds Remaining	Budget Forecast 31/03/2016	Notes
Public Conveniences	£3,000*	£2,285	£715	£3,000	*In 14/15 this budget was increased to £8,900 through internal virement
Estates	£18,000	£1,207.40	£16,793	£18,000	
Barnsclose	£2,000	£1,046.85	£953	£2,000	
Roughmoor Enterprise Centre	£8,000	£834.89	£7,165	£8,000	
Brunel Way Depot	£3,686	£5,112.79	-£1,427	£3,686	
Minehead Harbour	£13,950*	£13,025.14**	£925	£13,950	*Initial Budget of £3,950 but a further £10k was approved at Council in Aug 15. **Works paid to date of £8,575 but remaining final payment due for works to fenders and steps of £4,450 gives total of £13,025.
Watchet Harbour	£3,950	£1,625	£2,325	£3,950	
Roughmoor Depot	£5,000	£423.69	£4,576	£5,000	
Visitor Centre	£500	£732.55	-£233	£500	
West Somerset House	£10,000	£2,981.66	£7,018	£10,000	
North Hill	£5,000*	£0.00	£5,000	£5,000	*These funds were approved at Council in Aug 15
COMPLIANCE	£51,451*	£27,849.20**	£23,602	£51,451	*This budget is made up of the 2014/15 underspend of £26,451 and the £25k approved at Council in Aug 15 **£15,170.20 spent to date and £12,679 worth of orders raised.
TOTAL	£124,537	£57,124	£67,413	£124,537	

Please note this table does not include capital project spend.

5.12 **COMPLIANCE WORKS COMPLETED TO DATE (15/16)**

5.12.1 Electrical tests and works at:

- Alcombe Children's Centre
- Brunel Way Depot
- 7 Esplanade (Community Bookshop)
- Watchet Esplanade Lighting
- Blenheim Bandstand
- Former Quay West Radio office
- Former Visitor information Centre
- West Pier Lighting

5.12.2 Gas Appliance Checks of:

- Alcombe Children's Centre
- Former Visitor information Centre

5.12.3 Water Hygiene risk assessments of all public conveniences

5.12.4 Water testing and remedial works at:

- 7 Esplanade (Community Bookshop)
- Former Visitor information Centre

5.12.5 Minehead Harbour works which include:

- Replacement of railings
- Replacement safety signage
- New handrails for the stairway

5.13 **WORKS COMMITTED/ORDERS RAISED TO DATE (15/16)**

5.13.1 Alcombe Children's Centre

- Works to fire alarm system and other works identified in fire risk assessment.
- Re-routing of fire escape

5.13.2 Harbours: Surveys of both Minehead and Watchet to include reports on the damaged areas, project management, and the way forward over the next few months.

5.13.3 Asbestos Management Surveys

- Former Quay West Radio Building
- Market Street Garages
- Brunel Way Depot
- Barnsclose Industrial Estate

5.13.4 Electrical tests and works at Barnsclose Industrial Estate

5.14 **OUTSTANDING SURVEYS AND COSTS**

	*Estimated cost per survey	No of surveys	Total cost
Asbestos Management Surveys	£500	58	£29,000
Electrical Certificates	£300	15	£4,500
Water Hygiene risk assessments	£150	8	£1,200
Fire Risk Assessments	£300	39	£11,700
Gas Appliance Checks	£200	6	£1,200
* A further 62 M&E and stock condition surveys of sites such as car parks and play areas and shelters to identify what assessments/certificates these may require	£150	62	£9,300
Sub Total			£56,900
20% contingency			£11,380
TOTAL			£68,280

**The estimated cost of the surveys for these commercial properties is difficult to assess and this is the best estimate from the information available.*

Cost of works still outstanding	£68,280
Remaining balance of 15/16 funds	£23,602
Balance required in 15/16 to complete surveys (Therefore say £45,000).	£44,678

It must be noted that these costs are solely for initial surveys, inspections and testing so as to understand our financial liabilities, in at least maintaining compliance.

5.15 In addition to the above **it is highly recommended that an additional sum of £35,000** is made available to enable urgent works identified from the condition surveys, inspections and testing can be undertaken as required, in line with informed decisions on the future of each asset.

5.16 Proposed plan of action:

Phase One

The first phase of this work are the surveys to establish exactly the condition of the properties and is an overview of risks in these properties. These surveys will inevitably advise of issues that need to be rectified before safety certificates can be released and the buildings made compliant.

Phase Two

The second phase is to carry out these highlighted works to bring them up to a certificated standard, i.e. emergency or urgent works, the cost of which is yet unknown.

Phase Three

The third phase is to bring the properties to the current regulations standard which is a further cost.

5.17 Considerations:

The water hygiene risk assessments of the public conveniences have already flagged up further works that are required. It is recognised that it will be the electrical inspections and fire risk assessments that will generate the most follow-on work.

Unless these properties are brought up to current standard, there is still a risk attached to the use of these properties and in addition any sale / transfer of these will be impacted as we would be selling a property that is not compliant or to current standard.

Once the additional budget has been approved and surveys completed, the Council will then need to move to Phase 2 to identify what needs to be done and prioritising those premises, based on risk.

It must be recognised that these works above only relate to the premises that the Council is responsible for and has not included Council properties where tenants have responsibility. It is unlikely that tenants will have carried out the compliance testing and the Council has never previously checked these. Whilst these may be the responsibilities of tenants, if the property is not compliant then the Council may still be deemed to be liable and in any case building insurance may well be invalidated. This is another further piece of work that is required to obtain this information from tenants

5.18 **SUMMARY OF IMPLICATIONS**

An additional £45,000 is requested for this financial year to complete the necessary surveys and a recommended £35,000 is made available for undertaking urgent works identified from the surveys, making a total of **£80,000**

A piece of work needs to be started to assess the cost of bringing premises up to current standards as surveys are returned with this data.

Additional **significant** sums will be required to put right issues in 2015/16 and 2016/17.

An annual compliance budget will need to be made available for next year and future years to carry out the renewal surveys as and when necessary. A provisional estimate of £50,000 will be required (for high risk elements only) and may need to be reviewed before the end of the 2015/16 financial year.

- 5.19 The outcome of the condition surveys, inspections and testing will provide codified data within a master Excel Workbook, thus being ready to input to a dedicated asset database IT software solution to enable closer management. It will also provide a 5yr and 30yr plan outlining financial liabilities, which will facilitate informed decisions of the future use and life expectancy of each asset.
- 5.20 Following the completion of the surveys/inspections, fully costed options will be developed to maintain future compliance, with prioritised recommendations for Cabinet to ratify.
- 5.21 This project will need to be sensitively managed, with all processes, decisions (including how and why they was made) and actions robustly recorded in line with a developed and costed action plan, to ensure clear auditability in the event of the Council being challenged as a result of an unexpected serious health and safety incident

6. **EQUALITY & DIVERSITY IMPLICATIONS**

- 6.1 **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

6.2 None for the purpose of this report.

7. **CRIME AND DISORDER IMPLICATIONS**

7.1 None for the purpose of this report.

8. **CONSULTATION IMPLICATIONS**

8.1 None for the purpose of this report.

9. **ASSET MANAGEMENT IMPLICATIONS**

9.1 To ensure the safe, efficient and sustainable use of Council assets.

10. **ENVIRONMENTAL IMPACT IMPLICATIONS**

10.1 None for the purpose of this report.

11. **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.

11.1 Actions within this report will significantly assist the health and wellbeing of the general public, users and staff of the WSC Asset Portfolio, by working towards being compliant of the Council's duties under the relevant statutory and regulatory requirements.

12. **LEGAL IMPLICATIONS**

12.1 Compliance of Statutory obligations, with some breeches potentially resulting in criminal proceedings with outcomes of fines and imprisonment if a serious health and safety incident occurred.

<i>Report Number:</i>	<i>WSC 167/15</i>
<i>Presented by:</i>	<i>Cllr M Chilcott, Lead Member for Resources and Central</i>
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<i>Report to a Meeting of:</i>	<i>Full Council</i>
<i>To be Held on:</i>	<i>18th November 2015</i>
<i>Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:</i>	<i>29/04/2014</i>

HPC PLANNING OBLIGATIONS BOARD – ALLOCATIONS OF CIM FUNDING

1. PURPOSE OF REPORT

1.1 The purpose of this report is to:

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

2. CONTRIBUTION TO CORPORATE PRIORITIES

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

3. RECOMMENDATIONS

3.1 That West Somerset Council notes the decision of West Somerset Cabinet as follows:

- 3.1.1 The release of £14,524 from the CIM Fund ring-fenced for Sedgemoor (and in particular Bridgwater) to the Victoria Park Community Centre for the delivery of the Digital Inclusion and Job Club project.

3.2 That Full Council endorses the recommendations of the Hinkley C Planning Obligations Board and West Somerset Council Cabinet, including the additional recommendation of West Somerset Council Cabinet (3.2.1 (b)) as follows:

- 3.2.1: (a) The release of £186,186 from the CIM Fund ring-fenced for Sedgemoor (and in particular Cannington) to Cannington Village Hall Committee for the Cannington Village Hall improvement project.

- 3.2.1: (b) That a letter is written to both Cannington Village Hall Committee and Cannington Parish Council setting out West Somerset Councils expectation that any further application proposing to utilise the CIM Fund ring-fenced for Sedgemoor (and in particular Cannington) do make every effort to draw in match funding from other sources, to ensure that the CIM Fund is used to maximum effect.

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

Risk Matrix

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

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

5. **BACKGROUND INFORMATION**

5.1 Community Impact Mitigation (CIM) Fund

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

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

6. CIM APPLICATIONS CONSIDERED BY THE HPC PLANNING OBLIGATIONS BOARD

- 6.1 Three new applications were presented to the HPC Planning Obligations Board for consideration on 6th October 2015. The Board considered the applications against each of the nine criteria.
- 6.2 The Board agreed to defer one application to enable the applicant to provide additional information to support their application.
- 6.3 West Somerset Council Cabinet approved funding for one application of under £25,000 on 4th November.
- 6.4 Full Council are asked to consider the following application for CIM Funding.
- 6.5 All applications have been subject to financial viability checks, any concerns in relation to the viability of an organisation are highlighted within the summary.

6.6 Cannington Village Hall

Project Name:	Cannington Village Hall
Expression of Interest Ref No:	143
Organisation Applying:	Cannington Village Hall Committee
Summary of Project:	To refurbish the village hall offering the community an enhanced facility for both existing users and to encourage greater use within the community of Cannington. The hall consists of two halls, kitchens, toilets and a community room. The project will upgrade the ground and first floor kitchens; replace the existing and outdated heating system; install solar panels; replace existing and ineffective double glazed windows to enhance the efficiencies provided by the improved heating system and solar panels; upgrade the outdated audio, sound and lighting equipment; refurbish and upgrade the ground and first floor toilet facilities to both halls, replace the existing and worn floor coverings to the ground floor and to the first floor kitchen and toilets; the complete redecoration of all areas.
Impacts mitigated as stated in application:	Cannington Village Hall is situated on the main road in Cannington, which is a main route to HPC. The hall provides a range of activities for people from different backgrounds and age groups, and is used as the polling station and as a venue for EDF update meetings. The hall is being subject to a significant increase in traffic caused by activities relating to HPC. These include the development of the bypass, main site, construction skills centre and Cannington Court. This impacts on the community with an increase in noise, dust and dirt, isolation of residents and delays. It is likely due to its proximity to the site and park and ride scheme that workers and their families will settle in Cannington and facilities and activities will be required to cater for the additional population.
Start Date: 1/2/16	Total project costs: £188,204
Completion Date: 11/5/16	Amount applied for: £186,186
CIM Fund Manager Comments:	Very good, well thought out business plan and application with a good level of community consultation in relation the allocation of ring-fenced funds. Well supported by the community and user

	<p>groups.</p> <p>Trustees of Cannington VH feel that as the s106 is ring-fenced for Cannington and the project is well within that limit it would be inappropriate to seek other public funding. Residents have planned projects to the value of £500k and therefore support total amount of hall project being allocated from CIM Fund.</p> <p>Improved facilities should attract new users, including those working at HPC living in the area, provide a wide range of social activities for that will benefit a significant number of users and mitigate any potential loss of income resulting from the continuing impacts of the development which could risk the sustainability of the village hall.</p>
POB Comments:	<p>A well-presented application, with a robust business plan, strong community engagement and support.</p> <p>Cannington is being and is likely to continue to be significantly impacted by the HPC development.</p> <p>Match funding for the project has not been achieved and the opportunity to use the CIM funding to maximise benefits for the wider community of Cannington have been missed which is disappointing. If approved Cannington Parish Council should be advised of the opportunity to maximise the Cannington ring-fenced fund to draw additional money into the Parish which will enable a greater number of projects to be delivered to the community.</p>
POB Recommendation:	To approve the release of £186,186 from the CIM Fund ring-fenced for Sedgemoor (and in particular Cannington) to Cannington Village Hall Committee for the Cannington Village Hall improvement project.

8. **FINANCIAL/RESOURCE IMPLICATIONS**

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

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

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

10. **EQUALITY & DIVERSITY IMPLICATIONS**

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

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

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

- 10.2 Organisations applying to the CIM and Stogursey Contributions Funds are required to describe how their project will promote equal opportunities and will be accessible to all people in the community regardless of background, ability or personal circumstances.
- 10.3 Projects that restrict membership or access to services without being able to 'objectively justify' their reasons for doing so will not be eligible to be considered for funding. Projects that wish to limit access must be able to show that the less favorable treatment contributes to a 'legitimate' aim and that it is 'proportionate.'
- 10.4 Organisations are required to provide a copy of their Equal Opportunity Policy with their application to demonstrate awareness of their responsibility to deliver accessible services that advance equality.
- 10.5 Wider community benefit and the ability of the project to promote cohesive communities are both taken into account when scoring applications and making recommendations.

11. CRIME AND DISORDER IMPLICATIONS

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

12. CONSULTATION IMPLICATIONS

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

13. ASSET MANAGEMENT IMPLICATIONS

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

14. ENVIRONMENTAL IMPACT IMPLICATIONS

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

15. HEALTH & WELLBEING

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

16. LEGAL IMPLICATIONS

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

APPENDIX A:

Hinkley Fund Community Impact Mitigation Fund Approval Balances

	TOTAL	West Somerset	Sedgemoor	Cannington	1st Annual payment	Stogursey
	£	£	£	£	£	£
CIM Fund Received (including Inflation Uplift)	5,100,000	2,000,000	1,000,000	500,000	1,600,000	500,000
Inflation Uplift	387,175	134,529	67,265	33,632	151,749	33,632
TOTAL Received	5,487,175	2,134,529	1,067,265	533,632	1,751,749	533,632
<u>Less previously approved allocation</u>						
Stogursey Parish Council - Burgage Road Play Area	(90,373)	(90,373)				(2,087)
Wembdon Village Hall - New VH & Play Area	(250,000)		(250,000)			
Somerset Youth & Community Sailing Association	(9,600)		(9,600)			
Tropiquaria - Relocation of primates	(40,000)	(40,000)				
Tropiquaria - Relocation of play area	(37,350)	(37,350)				
Porlock Shellfish Project	(800)	(800)				
Westfield Street Café	(110,000)		(110,000)			
Williton Bowling Club	(13,000)	(13,000)				
Kilve Cricket Club	(22,000)	(22,000)				
Onion Collective	(243,119)	(243,119)				
Williton Parish Council	(250,000)	(250,000)				
Stogursey Football Club	(750)	(750)				
North Petherton Playing Fields	(46,000)		(46,000)			
SDC - Sydenham Together	(60,000)		(60,000)			
Tropiquaria - Marketing	(1,000)	(1,000)				
Bridgwater Education Trust	(18,295)		(18,295)			
Sydenham and Bower FHWG	(200,000)		(200,000)			
Current Uncommitted Balance	4,094,888	1,436,137	373,370	533,632	1,751,749	531,545

<u>Less Requested approvals</u>				
Cannington Village Hall	(186,186)		(186,186)	
Victoria Park Digital and Job Club	(14,524)		(14,524)	
Uncommitted Balance if all requests were approved	3,894,178	1,436,137	347,446	1,751,749
				531,545