



To: All Councillors

Our Ref CS/KK  
Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk  
Date 12 April 2016

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Dear Councillor

I hereby give you notice to attend the following meeting:

**COUNCIL MEETING**

**Date: Wednesday 20 April 2016**  
**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.

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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 20 April 2016 at 4.30 pm

Council Chamber, Williton

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Council held on 16 March 2016 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. Minehead and Watchet Coastal Town Economic Plans

To consider Report No. WSC 58/16, to be presented by Councillor K Mills, Lead Member for Regeneration and Economic Growth – **SEE ATTACHED.**

The purpose of the report is to inform members about the Coastal Community Teams for the towns of Minehead and Watchet and their economic plans, which includes their local economic priorities.

7. Freehold Transfer of Land at Mill Street, Watchet to Watchet Town Council

To consider Report No. WSC 57/16, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to consider the transfer of an area of land at Mill Street Watchet to the Watchet Town Council.

**8. Community Asset Transfer Policy**

To consider Report No. WSC 59/16, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to provide Members with details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer Policy.

The report makes reference to a confidential appendix and should Council wish to discuss this part of the report it will be necessary to consider excluding the press and public in accordance with Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

**WEST SOMERSET COUNCIL****Minutes of the Meeting held on 16 March 2016 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding ..... Chairman  
Councillor B Heywood ..... Vice-Chairman

|                              |                        |
|------------------------------|------------------------|
| Councillor I Aldridge        | Councillor A Behan     |
| Councillor M J Chilcott      | Councillor R Clifford  |
| Councillor M O A Dewdney     | Councillor S Y Goss    |
| Councillor A P Hadley        | Councillor I Jones     |
| 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 Trollope-Bellew | Councillor K Turner    |
| Councillor D J Westcott      | Councillor R Woods     |

**Officers in Attendance:**

Chief Executive (P James)  
Director of Operations/S151 Officer (S Adams)  
Assistant Chief Executive/Monitoring Officer (B Lang)  
Deputy Monitoring Officer (R Pinney)  
Assistant Director Resources (P Fitzgerald)  
Assistant Director Business Development (I Timms)  
Parking and Community Safety Manager (T Biss)  
CIM Fund Manager (L Redston)  
Director of Housing and Communities (J Barra)h  
Director of Growth and Development (B Cleere)  
Meeting Administrator (K Kowalewska)

**C122     Apologies for Absence**

Apologies for absence were received from Councillors D Archer, T Hall and T Venner.

**C123     Minutes**

(Minutes of the meeting of Council held on 24 February 2016, circulated with the Agenda.)

**RESOLVED** that subject to correcting the spelling of Councillor Thwaites' surname and the third sentence of paragraph 7 of Minute No. C119 being rewritten to state "...should not be used exclusively to increase reserves, but be partly used to deliver services to the rural areas...", the Minutes of the meeting of Council held on 24 February 2016 be confirmed as a correct record.

#### **C124 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:

| <b>Name</b>            | <b>Minute No.</b> | <b>Member of</b> | <b>Action Taken</b> |
|------------------------|-------------------|------------------|---------------------|
| Cllr I Aldridge        | All               | Williton         | Spoke and voted     |
| Cllr S Goss            | All               | Stogursey        | Spoke and voted     |
| Cllr B Maitland-Walker | All               | Carhampton       | Spoke and voted     |
| Cllr C Morgan          | All               | Stogursey        | Spoke and voted     |
| Cllr P 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 D J Westcott      | All               | Watchet          | Spoke and voted     |

#### **C125 Public Participation**

Item 9 HPC Planning Obligations Board – Allocation of CIM Funding

Peter Branson, Chair of Otterhampton Parish Project Team spoke of the various benefits the project would offer to the local community and thanked the Council for its tremendous support so far and commended the bid for Council's consideration.

#### **C126 Chairman's Announcements**

|               |  |
|---------------|--|
| 11 March 2016 | Accepted an invitation from the Chairman of South Somerset District Council to attend a production of Evita at the Octagon Theatre, Yeovil |
| 13 March 2016 | Attended the Legal Service for the installation of the new High Sheriff of Somerset  |

In addition, the Lead Member for Regeneration and Economic Development provided an update on the recent West Somerset College Post 16 tour for Councillors which took place on 14 March 2016. Members had the opportunity to ask questions and obtained an insight of the College's situation and outcomes. The College was in the process of carrying out an internal consultation and it was clear that their challenges were significant, and she advised that West Somerset Council would continue to support the College as they moved forward.

**C127**     **Transfer of Predicted Underspend to the Business Rates Smoothing Reserve and Sustainability Reserve**

(Report No. WSC 40/16, circulated with the Agenda.)

The purpose of the report was to approve the transfer of funds to the Business Rates Smoothing Reserve and Sustainability Reserve as per the recommendation from Cabinet as part of the Financial Monitoring Report 2015/16 (April – December 2015).

The Lead Member for Resources and Central Support outlined the details of the report, providing information on the overspends and underspends contained within the revenue budget outturn. She advised that whilst quarter 3 reported an underspend, the position could change at the end of quarter 4. The report also provided a full explanation of the figures pertaining to the underspend (paragraph 4.3 refers).

The Lead Member went on to state that the risk of funding volatility in future remained high and the recommended transfers acknowledged this. Subsequent to the last Cabinet meeting, a briefing note detailing the business rate risk had been circulated to Members.

The Lead Member proposed the recommendations of the report which were seconded by Councillor B Maitland-Walker.

Councillor P Murphy was concerned that the wording of paragraph 4.3 created a misleading impression and as a consequence proposed an amendment to include an additional recommendation to be inserted before those detailed in the report, to state "That Council notes the predicted underspend of £145,267 at the end of quarter 3.". The amendment was seconded by Councillor I Aldridge.

On being put to the vote the amendment was LOST.

**RESOLVED (1)** that the transfer of £50,000 of the projected underspend to the Business Rates Smoothing Reserve be approved.

**RESOLVED (2)** that the transfer of £50,000 of the projected underspend to the Sustainability Reserve be approved.

**C128 Dulverton Off-Street Parking Fees and Charges**

(Report No. WSC 38/16, circulated with the Agenda.)

The purpose of the report was to set out proposals to be considered for the increase in off-street parking fees and permits for WSC car parks located within Dulverton as requested by Dulverton Town Council in the support of traffic management of tourist industry by seeking to influence driver behaviour with the following outcomes:

- Provision of addition short stay parking bays for tourists
- Continue investment in parking assets.

The report also identified the ongoing investment needs to improve the assets, the customer's experience and convenience.

The Lead Member for Regeneration and Economic Growth presented the report and proposed the recommendations set out in the report which were duly seconded by Councillor N Thwaites.

**RESOLVED (1)** that an increase in off-street parking fees be approved.

**RESOLVED (2)** that an increase to six months and yearly permits be approved.

**C129 Tarr Steps Off-Street Parking Fees and Charges**

(Report No. WSC 39/16, circulated with the Agenda.)

The purpose of the report was to set out a proposal to be considered for the increase in off-street parking fees and charges for Tarr Steps car park as requested by Exmoor National Park Authority to support continued investment in the parking asset.

The Lead Member for Regeneration and Economic Growth presented the report and proposed the recommendation which was seconded by Councillor A Hadley.

**RESOLVED** that the increase to the Tarr Steps car park tariff as requested by the Exmoor National Park Authority be approved.

**C130 HPC Planning Obligations Board – Allocation of CIM Funding**

(Report No. WSC 41/16, circulated with the Agenda.)

The purpose of the report was to present the recommendations of the Hinkley Point C Planning Obligations Board and West Somerset 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.

The Lead Member for Resources and Central Support presented the report, advising that the Otterhampton Parish Council project was the first project to be funded from the CIM Fund 1<sup>st</sup> Annual Payment which was a Somerset-wide funding pot.

She stated the Planning Obligations Board (POB) acknowledged that the Watchet Arts Group had submitted a well presented application aiming to regenerate the town, and scored well in relation to partner and community support, however there were concerns around the long-term sustainability and value for money of the project. The Lead Member reiterated the CIM Fund Manager would be able to offer advice to unsuccessful applicants and they had a second opportunity to resubmit a revised application.

The Lead Member proposed the recommendations of the report which were seconded by Councillor B Leaker.

During the discussion, the following points were raised:

- Concerns about the Watchet Arts Group project not being a long-term legacy; and it was felt that future funding requests for repairs and repainting may be forthcoming due to the ongoing expense for regular maintenance because of the effects of sea water and weathering.
- The Watchet Arts Project would enhance the town and its tourist industry. The murals were to be painted by a local artist and it was noted that the Watchet Arts Group would update and repaint the wall. The Group were greatly enthusiastic and determined to make the project work.
- The CIM Fund Manager was thanked for providing advice to the representatives of Watchet Arts Group immediately following the March Cabinet meeting.
- The Otterhampton Parish project was a very worthy project and Members were urged to support it, and to bear in mind the disruption and upheaval that the community was experiencing as a result of the Hinkley project.
- The fact that grant funding would only be released following receipt of the final payment of match funding was considered to be an important and useful safeguard.
- Otterhampton parish had their own ring-fenced fund but as this did not start until next year, the POB agreed to allocate funding from the Somerset-wide fund as they regarded the project to be very worthwhile.

**RESOLVED (1)** that the decision of West Somerset Cabinet to refuse the application for £19,850 from Watchet Arts Group on the basis that it did not sufficiently meet the value for money criteria be noted.

**RESOLVED (2)** that the recommendation of the Hinkley C Planning Obligations Board and West Somerset Cabinet to release £37,820 from the CIM Fund 1<sup>st</sup> Annual Payment to Otterhampton Parish Council for the Recreation Ground Enhancement Project be endorsed.

**C131 Superfast Broadband – Delivery of Phase 2 Rollout**

(Report No. WSC 32/16, circulated with the Agenda.)

The purpose of the report was to update Members on the procurement process for the delivery of Superfast Broadband phase two (this programme was being delivered through the Connecting Devon and Somerset Partnership (CDS)); to seek necessary authorisations to enable to Council to finalise its commitment to phase two of this project; and to give an outline of the key issues, risks and considerations associated with this decision as they related to the collaboration agreement.

The Lead Member for Regeneration and Economic Growth presented the report in detail and asked Council to reaffirm its support for the continuation of phase 2 of the programme. She stated that having access to superfast broadband was vital, being able to transform business and home life. The availability and quality of broadband had a significant impact on economic growth at a local level – tourists were now making holiday choices based on connectivity, and the lack of availability would be detrimental to the whole district.

The Lead Member proposed the recommendations of the report which were seconded by Councillor M Dewdney.

Various questions and issues were then raised by Members and the Assistant Director Business Development noted them down for consideration/action.

Points raised during the discussion included:

- Concerns as to the uncertainty about which areas would be covered and who would benefit in phase 2.
- What return would the Council receive on its investment.
- The proposed completion date of phase 2 was confirmed as the end of 2017. The Assistant Director Business Development confirmed it was on target and would be delivered promptly following the completion of the procurement process.
- Superfast broadband would benefit West Somerset in many ways and would help attract more people into the area.

The Lead Member concluded by confirming that the money invested by West Somerset Council would be spent in the locality, would provide significant commercial influence and the programme was value for money.

**RESOLVED (1)** that the update on the procurement process to deliver phase 2 superfast broadband be noted.

**RESOLVED (2)** that the proposal to grant delegated powers to the Assistant Director for Business Development to sign the collaboration agreement in consultation with the portfolio holder for Economic Development be supported.

**C132 Mandate for Development of Transformation Business Case**

(Report No. WSC 42/16, circulated with the Agenda.)

The purpose of the report was to formally update Members on the current position on Joint Management and Shared Services (JMASS). Both West Somerset Council (WSC) and Taunton Deane Borough Council (TDBC) were asked to confirm their continuing commitment to a joint future before work would start on any business case development, and to move forward and develop a high level business case (with variants) that tested the ability to transform for both Councils together or separately.

The Leader presented the report, emphasising that the One Team and JMASS project was an outstanding success which had given the Council a great level of expertise and a balanced budget for this year. As the future of the Council was in the balance there was a need to go forward and prepare the various business cases as set out in the report. The progression of the Hinkley C project was one of the main influencing factors on whether WSC would survive as a sovereign council, and the testing of the three variants would provide evidence to ascertain whether WSC could remain as a separate council or not.

The Leader proposed the recommendations of the report, with an adjustment to the printed wording by deleting the word 'exclusive' from the first line in recommendation 2.1 a/. The reason being it could be misinterpreted that WSC would not cooperate in joint working with other local authorities. The Leader confirmed the Council would continue to do so as was currently happening in respect of the sharing of building control and legal services with Sedgemoor District Council and Mendip District Council respectively. The recommendations, as amended, were seconded by Councillor B Maitland-Walker.

The Chief Executive drew Members' attention to the closedown reports attached as appendices to the report and advised that the transformation stage would build on the successes already achieved, namely additional resilience and access to skills, the delivery of phase 1 ahead of time and on budget, and improvements in asset management performance and financial reporting. There was now a need to pick up the pace of the transformation work as it was important to both councils in terms of their long-term sustainability.

On consideration of the report, the following main points were raised:

- Members praised the very successful partnership working, and strongly expressed their support.
- Very impressed with the improvements made in so many areas and the expertise available across the whole of the organisation.
- In testing the business case the Council would have a much clearer picture as to the the most viable future.
- Pleased to note that the three variants would be developed simultaneously and the results would be reported on in June/July 2016.

- Attention was drawn to the 'Withdrawal, Termination and Exit Strategy' section of the Inter Authority Agreement and the costs associated with this were recognised.
- Members and officers of TDBC were thanked for remaining committed to the process – the partnership had produced huge benefits and WSC Members looked forward to it continuing.
- It was important to look at solutions for improved alignment of services, e.g. IT, to prevent any barriers for future joint working arrangements.

**RESOLVED (1)** that West Somerset Council confirmed a continued commitment to a core and on-going long-term JMASS partnership between Taunton Deane Borough Council and West Somerset Council in accordance with the terms and conditions set out in the Inter Authority Agreements dated 15 November 2013.

**RESOLVED (2)** that the development of high level Transformation Business Case that tests the following sequential options be authorised and prioritised:

- ONE Team supporting two Councils (TDBC and WSC);
- ONE Team supporting a merged Council (TDBC and WSC);
- Two Councils progressing their own transformation agendas.

The meeting closed at 6.05 pm

Report Number: WSC 58/16

## **West Somerset Council**

### **Council– 20<sup>th</sup> April 2016**

#### **Minehead and Watchet Coastal Team Economic Plans**

**This matter is the responsibility of Cabinet Member Cllr Karen Mills**

**Report Author: Corinne Matthews - Economic Development Manager**

#### **1 Executive Summary / Purpose of the Report**

The purpose of this report is to inform members about the Coastal Community Teams for the towns of Minehead and Watchet and their economic plans, which includes their local economic priorities.

#### **2 Recommendations**

- 2.1 To endorse the activity of the Coastal Community Teams
- 2.2 To have due regard to the economic priorities of the Coastal Community Team's Economic Plans when undertaking socio economic related activity or making policy decisions within the towns of Minehead and Watchet.

#### **3 Risk Assessment (if appropriate)**

#### **4 Background and Full details of the Report**

- 4.1 During Spring 2015 the Government invited coastal towns to submit a bid to become a designated Coastal Community Team. In July 2015 the Government announced that 116 coastal teams had been created with £10,000 awarded to each Team to provide resource for the compilation of an economic plan. These included the towns of Minehead and Watchet.
- 4.2 Each CCT was then tasked with undertaking community consultation to inform the economic plan that needed to be submitted to Government by 31 January 2016
- 4.3 The Government also announced a further programme of grants called the Coastal Revival Fund where CCT's could bid for up to £50,000 of funding for projects that would deliver tangible economic outputs. The deadline for bids to the fund was September 2015 – therefore bids needed to be submitted in advance of the completed Economic Plans.
- 4.4 It is also useful to state the Governments rationale for establishing CCT's (taken from the DCLG website) *Coastal Community Teams will help decide where local investment goes because local people know best what is needed to grow their local economy. We*

*(the Government) are backing them with £1 million of direct support and the Summer Budget also confirmed that at least £90 million more will be spent in the coming years through the Coastal Community Fund, which these teams will have access to.*

*By bringing together local businesses, local leaders and volunteers, Coastal Community Teams can help tap into their local heritage and make the most of our stunning seaside assets to make a success of the tourist trade. The teams can also help ensure local people have the skills and opportunities so that they benefit from the new jobs and investment too.*

This rationale leaves us to believe that West Somerset Council should ensure that proposed policy decisions and future activity affecting the towns of Minehead and Watchet have due regard to the priorities and aspirations contained within the Economic Plans for each town.

4.5 **Minehead** - <http://www.westsomersetonline.gov.uk/getattachment/Business/Economic-Strategies/Minehead-CCT-Economic-Plan-Jan-2016.pdf.aspx>

In establishing the CCT for Minehead, the Town Council took the leadership role and chose to create a new constitution for the former Minehead Vision Group, and thus that group became the Minehead CCT. The Group is Chaired by a Minehead Town Councillor, and the secretariat is also provided by them. The Community Consultation aspects of the economic plan was coordinated by Engage Voluntary Sector Development. The group agreed to employ an external consultant to write the economic plan and following a procurement process the contract was awarded to Per Consulting.

4.6 The priorities that have emerged from the Economic Plan are to build on the strengths of Minehead, enhance the town's key assets and future proof it to be a vital and vibrant community where the local population have access to the appropriate skills and training they need to realise potential, gain employment and grow business. Additionally the ambition is for there to be exciting cultural and leisure provision and, most importantly, that residents and visitors can access a wide range of services and facilities.

Tourism will remain at the heart of the economy but the ambition is to raise the quality of service and widen the range of activity available in Minehead. CCT aims to reposition Minehead as a strong, multi-faceted destination in its own right taking advantage of its location, facilities and local distinctiveness and extending its reach across different target markets – from families to active older (higher spending) visitors.

4.7 CCT are now overseeing the delivery of the economic action plan for Minehead. Of the priorities identified, CCT has established Task & Finish Groups to take forward specific projects where no Organisation or *Project Champion* previously existed. Where projects already have a champion / lead organisation the intention is that CCT adopts a supportive / advocative role.

4.8 One of the early successes delivered via Minehead CCT, was a successful bid to the Coastal Revival Fund for £20,000 which has been used for refurbishing the popular 'Zig Zag' walk and has commissioned an Esplanade Feasibility study that will eventually lead to the delivery of projects to enhance the seafront.

4.9 **Watchet** – <http://www.westsomersetonline.gov.uk/getattachment/Business/Economic-Strategies/Watchet-CCT-Economic-Plan-Jan-2016.pdf.aspx>

A new CCT for Watchet was established and is currently Chaired by a Watchet Town Councillor. Its membership is comprised of community / business / tourism and voluntary

sector stakeholders. Extensive economic community consultation had previously been undertaken in 2014 by the Watchet based community regeneration company, Onion Collective. Therefore, the new Economic plan for Watchet was produced by the CCT, building upon and updating the previous information already collated.

- 4.10 Watchet CCT aims to secure a stronger future for Watchet through a series of regeneration projects, small and large, short and long term. The key aims and objectives are to build a strong tourism economy with infrastructure support, develop a vibrant & compelling brand, create jobs and enterprise, support retail development & opportunities and enhance cultural opportunities for visitors and locals.
- 4.11 Delivery of the economic plan is overseen by the CCT with activity devolved to task & finish groups or specific Organisations.
- 4.12 In common with Minehead, Watchet CCT also submitted a successful bid to the CRF fund winning £50K to develop a new footpath to run alongside the West Somerset Railway and includes the re-instatement of a rope machine and rope walk in the path which starts at the boat museum and links visitors and locals to their amenities and to key developments and locations within the town. The renovation of the Boat Museum which will include shared civic services is also underway.
- 4.13 **Conclusion** – Both Community Teams have got off to a flying start, and are already delivering activity that will make a difference to the local communities. However, it also need to be noted that although Government has promised fresh rounds of Coastal Community Funds these will be competitive, and therefore production of the plans does not bring with it the promise of monies. However, having in place a blue print that establishes the priorities and brings together key stakeholders to drive economic development within these two localities is a significant leap forward to acquiring funding in the future.

## 5 Links to Corporate Aims / Priorities

- 5.1 The CCT activity and successful delivery of their economic plans supports a number of corporate priorities including:

Key Theme One - Helping our communities remain sustainable and vibrant is vital in keeping West Somerset a great place in which to live and work.

Key Theme Two - Access to well-paid employment is key to retaining young people and raising living standards across West Somerset.

Key Theme Three - West Somerset is a beautiful place to visit and in which to live and work. We want to keep West Somerset a place to be proud of and one which is well maintained and welcoming to residents, visitors and businesses alike.

## 6 Finance / Resource Implications

- 6.1 West Somerset Council is the accountable body for the funds received for supporting the Coastal Teams and the Coastal Revival Fund. This was a stipulation of Government. The reasons for this are twofold. (1) to remove the burden of excessive financial accountability from small and evolving coastal teams and (2) to ensure that the Local Authority is considered a key stakeholder and supporter of the CCT activity.
- 6.2 The funds were time limited to the 2015/16, and it can be confirmed that this funding has

been drawn down and accounted for in-line with Council's financial procedures.

## **7 Legal Implications**

7.1 There are no direct legal implications

## **8 Environmental Impact Implications**

8.1 There are no direct environmental impact implications

## **9 Safeguarding and/or Community Safety Implications**

9.1 Any activity that is instigated by the CCT's will be subject to normal safe guarding procedures.

## **10 Equality and Diversity Implications**

10.1 The CCT's will have developed, or will be in the progress of developing their own equality and diversity polices in line with that expected from all public sector grant funding bodies.

## **11 Social Value Implications**

11.1 The very nature of the CCT economic plans has social values embedded in the core principles.

## **12 Partnership Implications**

12.1 The CCT's rely on effective partnership working for maximising socio-economic outputs. This is written into their respective constitutions / terms of reference.

## **13 Health and Wellbeing Implications**

13.1 The same principles as outlined in paragraph 11.1 apply.

## **14 Asset Management Implications**

14.1 This report contains no specific asset management implications – but it is likely that in the delivery of both plans, discussions and negotiations will be held in respect of West Somerset Council assets.

## **15 Consultation Implications**

15.1 Both Economic Plans have been subject to robust and extensive community consultation.

## **16 Scrutiny Comments / Recommendation(s)**

16.1 Not applicable

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**

- **Policy Advisory Group – Yes, the Plans were considered by the Economic Regeneration PAG held on 13<sup>th</sup> April 2016**
- **Full Council – Yes**

**Reporting Frequency :      Once only**

### **Contact Officers**

|             |  |             |  |
|-------------|--|-------------|--|
| Name        | Corinne Matthews   | Name        |  |
| Direct Dial | 07825 154 735  | Direct Dial |  |
| Email       | <a href="mailto:cmatthews@westsomerset.gov.uk">cmatthews@westsomerset.gov.uk</a> | Email       |  |

|             |  |             |  |
|-------------|--|-------------|--|
| Name        |  | Name        |  |
| Direct Dial |  | Direct Dial |  |
| Email       |  | Email       |  |



Report Number: WSC 57/16

## West Somerset Council

### Council – 20<sup>th</sup> April 2016

#### Freehold Transfer of Land at Mill Street, Watchet to Watchet Town Council

This matter is the responsibility of Cllr Mandy Chilcott, Lead Member for Resources & Central Services

Report Author: Rachel Mulcaire, Assistant Estates Officer

#### 1. Executive Summary/Purpose of the Report

- 1.1 To consider the transfer of an area of land at Mill Street Watchet to the Watchet Town Council, the extent of which is shown hatched and marked with an 'X' on the attached plan (Appendix A).

#### 2. Recommendations

- 1.2 That Council approve:
- The freehold transfer of an area of land at Mill Street Watchet for a nominal £1 consideration.
  - All other terms and conditions of the transfer to be agreed by the Assistant Director for Property and Development in association with the Lead Member.

#### 3. Risk Assessment (if appropriate)

##### Risk Matrix

| Description  | Likelihood      | Impact          | Overall    |
|--|-----------------|-----------------|------------|
| The Parish Council propose to use the area for other uses  | Unlikely<br>(2) | Moderate<br>(3) | Low<br>(6) |
| The land is to be sold at £1 consideration with a covenant limiting its use to that of a shrub area only in perpetuity, and in the event of planning consent being obtained for a more valuable use, the Council to be entitled to receive an overage payment as a share of the net increase in value. | Unlikely<br>(2) | Minor<br>(2)    | Low<br>(4) |

### Risk Scoring Matrix

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

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

#### 4. Background and Full details of the Report

- 4.1 This piece of land is predominantly full of shrubs and is maintained by the Council's grounds maintenance team on an annual basis. The area is of triangular shape circa 19m x 24m x 12m (See Appendix A) and is located directly in front of three properties 7 – 9 Mill Street, Watchet.
- 4.2 The Town Council have advised the District that they receive regular complaints from the property owners in Mill Street about the condition of this shrub bed and have requested on several occasions since 2012 to take over the ownership of this land.
- 4.3 In 2011 an adjacent owner also requested to purchase this piece of land.

- 4.4 Due to the fact that the location of the shrub bed is directly in front of all three houses, it is not considered appropriate to offer all of the land to any one property in isolation.
- 4.5 The Town Council's request to take ownership of the land was considered and supported by the Asset Management Group on the 19<sup>th</sup> August 2015. It was recommended that the freehold of the land was transferred at a nominal consideration but for Watchet Town Council to pay fifty percent of the WSDC officer/legal time costs which were estimated at £1,500.
- 4.6 This offer was put to the Town Council who considered this at its Environment and Planning Committee meeting. Following this meeting the Town Council requested that each party pay for their own legal costs otherwise the Town Council would be faced with excessive charges.
- 4.7 This was put before the Asset Management Group on the 19<sup>th</sup> October 2015 where it was recommended that the District Council proceeded on the basis of each party paying their own legal costs on the provision that the Town Council's solicitor draws up all the relevant legal documentation. This was agreed by the Town Council at their meeting held on the 19<sup>th</sup> November 2015.
- 4.8 Under S123(2) of the Local Government Act 1972 a disposal must be for the best consideration reasonably obtainable unless the Secretary of State consents to the disposal. Circular 06/03: Local Government Act 1972 General Disposal Consent (England) 2003 gives authorities consent to dispose of land in circumstances where it considers: -
- a) that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
    - i) the promotion or improvement of economic well-being;
    - ii) the promotion or improvement of social well-being;
    - iii) the promotion or improvement of environmental well-being; and
  - b) the difference between the unrestricted value (i.e. the best price reasonably obtainable for the property on terms that are intended to maximise the consideration) of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
- 4.9 It is considered that this disposal of land to the Town Council complies with these requirements.
- 4.10 This report was presented to Cabinet on the 6<sup>th</sup> April 2016 where they supported the recommendations.

**5. Links to Corporate Aims/Priorities**

- 5.1 The transfer of this area of land will reduce ongoing maintenance liabilities for the Council which will assist in establishing a resilient operating model.

**6. Finance/Resource Implications**

- 6.1 The land is to be sold at £1 consideration with a covenant limiting its use to that of a shrub area only in perpetuity. In the event of planning consent being obtained for a more valuable use, the Council to be entitled to receive a share of the net increase in value through an overage payment.

**7. Legal Implications**

- 7.1 Each party is to pay their own legal costs but it has been agreed that Watchet Town Council's solicitors will draw up all the relevant legal paperwork to reduce the hours spent on this transfer by District Council's solicitors.

**8. Environmental Impact Implications**

- 8.1 None

**9. Safeguarding and/or Community Safety Implications**

- 9.1 None

**10. Equality and Diversity Implications**

- 10.1 None

**11. Social Value Implications**

- 11.1 None

**12. Partnership Implications**

- 12.1 None

**13. Health and Wellbeing Implications**

- 13.1 None

**14. Asset Management Implications**

- 14.1 The Council's ongoing property maintenance liabilities will be reduced.

**15. Consultation Implications**

- 15.1 Due to the fact that the location of the shrub bed is directly in front of all three houses, it is not considered appropriate to offer all of the land to any one property in isolation.

15.2 The Town Council is acting on behalf of complaints from local residents and the Town Council have expressed a wish to maintain the area themselves to bring it to a higher standard for residents, property owners in Mill Street and visitors to the town.

**16. Scrutiny Comments/Recommendation(s) (if any)**

16.1 This report went to the Scrutiny Committee on 10th March 2016 where they agreed with the recommendations.

**Democratic Path:**

- **Scrutiny/Corporate Governance or Audit Committees – Yes**
- **Cabinet/Executive – Yes**
- **Full Council – Yes**

Reporting Frequency:  **Once only**       **Ad-hoc**       **Quarterly**  
 **Twice-yearly**       **Annually**

**List of Appendices**

|            |                                      |
|------------|--------------------------------------|
| Appendix A | Plan of land at Mill Street, Watchet |
|------------|--------------------------------------|

**Contact Officers**

|             |  |
|-------------|--|
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Report Number: WSC 59/16

## West Somerset Council

**Council – 20<sup>th</sup> April 2016**

### Community Asset Transfer Policy

**This matter is the responsibility of Cllr Mandy Chilcott, Lead Member for Resources & Central Services**

**Report Author : Tim Child, Asset Manager**

#### **1 Executive Summary / Purpose of the Report**

- 1.1 This report provides Members with details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer policy.
- 1.2 On 10<sup>th</sup> March 2016 Scrutiny Committee supported the recommendation. At the request of the Committee a minor tweak was made both to the Policy and the Expression Of Interest form. On 6<sup>th</sup> April 2016 Cabinet supported the recommendation.

#### **2 Recommendations**

- 2.1 That Council approve the attached:-
- a) Community Asset Transfer Policy
  - b) Initial Expression Of Interest Form

#### **3 Risk Assessment**

##### **Risk Matrix**

| <b>Description</b>  | <b>Likelihood</b> | <b>Impact</b> | <b>Overall</b> |
|---|-------------------|---------------|----------------|
| The key risk is that the Council fails to adopt a Community Asset Transfer policy that encourages and facilitates Community Groups where appropriate to take on leasehold or freehold ownership and management of buildings | 5                 | 3             | 15             |
| The mitigation for this will be adopting a policy which is supportive and encourages engagement with Community Groups   | 2                 | 3             | 6              |

### Risk Scoring Matrix

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

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

## 4 Background and Full details of the Report

- 4.1 Implementation of the Community Asset Transfer (CAT) policy started in July 2014.
- 4.2 The draft policy was sent out for consultation in August / September 2014 to local Community Groups, Parish Councils, Town Councils and made available in various libraries for comment. The result of the consultation came back with various concerns as follows:
- a) The policy was long and complicated
  - b) It focused on transfers only by way of leasing out property
  - c) There was no indicative timetable for progress of a CAT application
  - d) It seemed to focus on the transfer of non-profitable assets and merely for community bodies to take on the cost of maintaining and running them
  - e) The policy also appeared to have too much Council control with the Council being able to take back the asset if a use was found which could make it viable.
  - f) It was not in the spirit of the Localism Act.
- 4.3 Following on from receipt of the summary of replies to the consultation process, the decision was taken to comprehensively reassess the draft policy to take into account

the issues raised in the replies along with other work already undertaken. It was also decided to look further at the CAT Policies already adopted by other Councils and also discuss with their representatives their CAT policy and factors they took into consideration when implementing their CAT policy. The Council looked at the existing CAT policies of half a dozen other Councils and spoke to a couple of Councils directly regarding their approach to how they went about finalising and implementing their policies. The result of this was that the original draft policy has been redrafted reflecting the responses to the consultation and the comments and basis of other Councils CAT policies and wider research and consideration of requirements.

- 4.4 A revised draft policy and the newly formulated Expression of Interest Form (EOI) was presented to Corporate PAG on 24<sup>th</sup> June 2015 seeking support from Corporate PAG to go out to public consultation based on that revised draft. A further report with draft policy (amended as necessary) and summary of responses would then come back to Members with a recommendation that it be adopted. Corporate PAG attendees requested a small number of amendments to the draft to be consulted on, these amendments were made and the documents re-issued to Corporate PAG attendees asking for responses within a week and by 5<sup>th</sup> November.
- 4.5 Asset Management liaised with the Council's Housing and Community Project Lead to prepare a comprehensive consultee list.
- 4.6 The final list of consultees comprised:
- a) Councillors: County, Town and Parish as well as Member of Parliament (approx. 53)
  - b) Education Organisations (approx. 1)
  - c) Faith Groups/Churches (approx. 27)
  - d) Internal Officers (approx. 7)
  - e) Partner Organisations (approx. 10)
  - f) Voluntary & Community Organisations (approx. 45)

For West Somerset Council, a total of 143 consultees were consulted by email directing them to the Council's web site.

- 4.7 The consultation questions were redrafted reflecting the responses received previously, trying to achieve a more specific and user-friendly consultation. A copy of the consultation questionnaire is attached (appendix A).
- 4.8 The consultation for the CAT policies for Taunton Deane Borough Council and West Somerset Councils ran in conjunction from 9<sup>th</sup> November 2015 to 15<sup>th</sup> January 2016, a period of just over two months. The consultations were accessed on-line on the webpages of the respective Councils, as well as in weekly/monthly/community newsletters, advertised on the council's social media and hard copies of the policies and the consultation were left in both Council offices, as well as libraries across Taunton Deane and West Somerset geographical areas. The consultation had a wide exposure, seeking to obtain representative views of the public.
- 4.9 West Somerset Council received a total of 12 responses to the Community Asset Transfer Consultation giving a response rate of 8.4%. Attached as a confidential appendix is a spreadsheet detailing all responses (CONFIDENTIAL appendix B) with a row dedicated to each response. Please note that whilst this was a joint consultation

exercise with Taunton Deane Borough Council, all statistics quoted relate only to West Somerset Council.

4.10 The consultation was answered by a variety of respondents as detailed below:

- a) (50%) Individual
- b) (8%) Voluntary Sector Organisation
- c) (17%) Social Enterprise/Not-for-profit Organisation
- d) (8%) Town/Parish Council
- e) (16%) Other

These percentages are rounded to nearest decimal point hence totalling only 99%.

4.11 The first key theme of the consultation concerned whether the consultee believed that the policy would deliver wider public benefits as part of a CAT process. 75% answered 'Yes' and 25% answered 'No'. Of those answering no, there were concerns that:

- It's not in the public interest to transfer public assets from elected and accountable bodies to unelected and unaccountable bodies such as community groups. However, management of assets at local level can be beneficial to the public and therefore in its interests. Management of an asset should not be confused with ownership of an asset. Transfer, certainly in legal terms, implies a change of ownership. There is no point in answering further questions as the policy is fundamentally wrong.
- All of the cost must not fall on local people.

4.12 The second key theme of the consultation concerned whether the consultee believed the policy achieves the Council's Corporate Aims and Values. 75% agreed, 17% disagreed and the remainder didn't answer. Of those disagreeing, reasons given were as follows:

- All areas must be treated equally.

4.13 The third key theme of the consultation concerned the Council's principles underlying the policy and as set out in section 4 of the policy, being to involve local communities, providing a pro-active asset management programme as well as giving clear transparency in decision making. Consultees were asked whether these principles would help us achieve a successful CAT policy. 83% agreed with the Council's principles, 8% disagreed and the remainder didn't answer. Of those disagreeing there were concerns that:

- The Council is "trying to have its cake and eat it".

4.14 The final key theme of the consultation concerned the application criteria detailed in Section 5 of the CAT policy. 83% agreed with the applicant criteria, 0% disagreed and the remainder didn't answer.

4.15 Other comments provided were as follows;

- This is transferring assets the Council cannot afford to other groups that cannot afford them.
- Well funded local assets managed in cooperation with local groups is a true devolvement of assets.
- Working in partnership with community groups can help the Council to achieve its outcomes set out in its corporate plan.

- An excellent idea to enable constructive and positive use of community assets.
- Discrepancy between costs to rate payers varying from parishes and towns.
- The Council must take care that full consultation has taken place by the organisation that is to take over the asset and that they have capacity to manage the asset. Those taking over an asset should demonstrate their ability to manage the asset and show that they have the financial ability to take their project to fruition.
- Whilst the principle is supported, there is a need for a clearer and more helpful approach to the practical stage of transferring assets. Recent experience has shown that decisions to transfer assets have floundered because insufficient thought had been given to the physical transfer and the manner in which they would be administered in the future.

- 4.16 It is apparent that some consultees are very supportive of the Council transferring assets, albeit perhaps concerned about ongoing liabilities and lack of ongoing support from the Council. Others believe that assets should be retained by the Council.
- 4.17 Following the consultation, a review by the Council's Professional Head of Service for Law & Governance made a number of minor suggestions which have subsequently been made to the policy. For ease of reference these are shown on the attached proposed policy in red - as tracked changes (appendix C).
- 4.18 The Initial Expression Of Interest Form attached (appendix D) is unchanged following this consultation.
- 4.19 Depending on the nature of the transfer, it is quite possible that side documents will need to sit alongside the transfer relating to any continued involvement by the Council.
- 4.20 The transfer of assets to community groups does have the potential to create opportunities for these groups to commission the One Team to support them post transfer.

## **5 Links to Corporate Aims / Priorities**

- 5.1 See Section 3 of proposed CAT policy (attached).

## **6 Finance / Resource Implications**

- 6.1 There are no new financial implications to be considered. Financial implications will relate to individual decisions and not the wider policy itself.

## **7 Legal Implications**

- 7.1 Shape Law & Governance have reviewed and commented on proposed CAT policy

## **8 Environmental Impact Implications**

- 8.1 None

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 None

**10 Equality and Diversity Implications**

10.1 There are no decisions in this report that require an impact assessment.

**11 Social Value Implications**

11.1 This proposal does not involve procurement of services.

**12 Partnership Implications**

12.1 None

**13 Health and Wellbeing Implications**

13.1 None

**14 Asset Management Implications**

14.1 This report originates from Asset Management

**15 Consultation Implications**

15.1 A thorough consultation exercise has taken place as detailed within the report which has led to the proposed CAT policy, attached

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – Yes**
- **Cabinet – Yes**
- **Full Council – Yes**

**List of Appendices**

|            |   |
|------------|---|
| Appendix A | Consultation Questionnaire                    |
| Appendix B | CONFIDENTIAL – Consultation Responses         |
| Appendix C | Proposed CAT policy (with its own Appendix A) |
| Appendix D | Initial Expression Of Interest Form           |

**Contact Officers**

|             |                             |
|-------------|-----------------------------|
| Name        | Tim Child                   |
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## APPENDIX A

### *Community Asset Transfer Policy Consultation*

Taunton Deane Borough Council and West Somerset Council believe that Community Asset Transfer can have a significant impact on community enterprise and wider regeneration. We are committed to working with parish/town councils, the voluntary sector and community groups on community asset transfer, to encourage community ownership of and involvement in local service delivery.

Locality provides support and advice for communities about Community Asset Transfer. For more information, please visit:

<http://locality.org.uk/our-work/assets/>

We are keen to gather the views of individuals, parish/town councils, the voluntary sector and community groups in Taunton Deane and West Somerset, regarding the Councils Community Asset Transfer Policy.

**Consultation timescale: Starts on Monday 9<sup>th</sup> November 2015 and closes on Friday 15<sup>th</sup> January 2016.**

*When picking up a copy of the Community Asset Transfer Policy Consultation, please also pick up a copy of the policy relevant to your council to assist you with the consultation.*

This information will help inform the final policy which we intend to adopt early next year. The aim of the Community Asset Transfer Policy is to set out a consistent approach for consideration of the transfer of assets (land and buildings) to parish / town councils, the voluntary sector and community groups. The Councils will consider each request by reference to the policy but at the same time also taking into account the specifics of the proposed use and the asset itself.

**Q1. To ensure we understand the views of individuals/groups in different areas of Taunton Deane and West Somerset, please provide your postcode.**

- TA1
  - TA2
  - TA3
  - TA4
  - TA7
  - TA20
  - TA21
  - TA22
  - TA23
  - TA24
  - Other (please state below)
-

**Q2. Are you responding to the survey as an individual or on behalf of an organisation/group?**

- Individual
  - Community Group
  - Voluntary Sector Organisation
  - Social Enterprise/Not-for-profit Organisation
  - Town/Parish Council
  - Other (please specify below)
- 

**Q3. Who does your organisation/group represent?**

---

**Q4. The Community Asset Transfer Policy is aimed to help parish/town councils, the voluntary sector and community groups considering taking on the management and running of council assets. Do you believe that this policy will help deliver wider public benefits as part of a community asset transfer process?**

- Yes
- No

If No, please can you explain why

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**Q5. Section 3 sets out our Corporate Aims and Values. Do you agree/disagree that the Community Asset Transfer Policy achieves our Corporate Aims and Values?**

- Agree
- Disagree

If you disagree, please explain how this policy does not meet our Corporate Aims and Values.

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**Q6. Our principles underlining the Asset Transfer Policy outlined in Section 4, are aimed at involving local communities, providing a pro-active asset management programme as well as giving clear transparency in decision making. Do you believe these principles will help us achieve a successful Community Asset Transfer Policy?**

- Yes
- No

If No, please can you explain how/why these principles will not help achieve a successful policy and what other principles the Council should consider?

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**Q7. Within the Community Asset Transfer policy, there is a list detailing the applicant criteria shown in Section 5. Do you agree/disagree with this criteria for applicants wishing to manage a Community Asset?**

- Agree
- Disagree

If you disagree, please can you explain why.

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**Q8. Please use the space below if you have any other comments about the draft Taunton Deane Borough Council and West Somerset Council Community Asset Transfer Policy.**

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If you are a Parish/Town Council, a Voluntary Sector or Community Group or Not-for-profit Organisation, please DO NOT complete Questions 9 to 12.

## About You:

(Optional)

### Q9. Are you:

- Male
- Female
- Transgender
- Prefer not to say

### Q10. Age Category:

- Under 18 years
- 18 to 25 years
- 26 to 35 years
- 36 to 45 years
- 46 to 55 years
- Over 55 years
- Prefer not to say

### Q11. Do you consider yourself to have a disability?

- Yes
- No
- Prefer not to say

### Q12. Please state which ethnic group you feel you belong to:

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## End of Survey

Thank you for taking part in the Community Asset Transfer Consultation.

If you need further information about the Councils and the services we provide, please visit: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) and [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)

**If you have completed a paper copy of this survey, please return to:**

Corporate Business Support  
Taunton Deane Borough Council  
The Deane House  
Belvedere Road  
TAUNTON  
TA1 1HE





## APPENDIX C

### WEST SOMERSET COUNCIL COMMUNITY ASSET TRANSFER POLICY

#### 1.0 INTRODUCTION

- 1.1 West Somerset Council (WSC) believes community asset transfer is about giving local people and community groups control in the future of their area. In England the idea was introduced through the Quirk Review (DCLG 2007) and now has legislative force via~~aligns neatly with~~ the provisions of the 2011 Localism Act. If local groups own or manage community buildings and land it will help foster a sense of belonging and bring together people from different backgrounds. Community ownership and management of buildings can also play a part in raising local people's aspirations, in enhancing the local economy, environment and have the capacity to strengthen the community, voluntary and social enterprise sector.

#### 2.0 PURPOSE OF THE POLICY

- 2.1 This policy outlines the Council's approach to Community Asset Transfer (CAT). The term 'community asset transfer' relates primarily to granting long leases or passing on the freehold of property assets at potentially less than best financial consideration to voluntary, community organisations, Parish Councils, Town Councils and social enterprises (Community Groups).
- 2.2 **Benefits to the local community, Community Groups and the Council:**
- Devolving power to neighbourhoods or locally based Community Groups with an interest in the neighbourhood, in an effort to enable citizen involvement and community action.
  - Act as a catalyst for social, environmental and economic regeneration (including the development of community enterprise).
  - Stimulate the involvement of local people in shaping and regenerating their communities.
  - Catalyst for local volunteering and increasing community cohesion and integration.
  - Support the creation of community leaders, social capital and inspire others to improve their community.

- Enhance and promote local economic activity at a local level.
- Potential to create stronger, more sustainable Community Groups, providing financial security, recognition and management capacity.
- Ability to lever in additional resources, which would be unavailable to the Council acting independently.
- Enabling the 'up-scaling' of activities that promote social – economic wellbeing within community.
- Working in partnership with Community Groups can help the Council to achieve its outcomes set out in its Corporate Plan.
- Contribute towards efficiency savings and drive the diversification of public services in an era of austerity.
- Help to rationalise the Council portfolio and facilitate more effective and efficient use of its asset base.
- A stimulus for partnership working between Community Groups and the Council and improving the provision and accountability of services within communities.

2.3 The Council recognises the many benefits of CAT and will be proactive in using asset transfer as one of the tools at its disposal. The Council, therefore, aims to create a transparent, positive and proactive framework to enable asset transfer from the Council to Community Groups to happen and be successful in the long term.

2.4 Where the Council is to work in partnership with Community Groups post transfer, in some instances the Council might consider formalising this aspect contractually as part of any transfer.

### **3.0 LOCAL POLICY CONTEXT AND LINKS TO OTHER COUNCIL STRATEGIES**

3.1 The operation of this Policy will need to have regard to the desired outcomes of other relevant Council policies and strategies.

The Council's Corporate Plan for 2015-16 has been developed for our staff, Councillors, residents and partners and was approved at Council on 25 February 2015.

The Plan outlines the Council's vision, priorities and the key tasks that will be undertaken over the next year providing clarity about what we aim to achieve.

3.2 **To enable people to live, work and prosper in West Somerset**  
By:

- Championing and enabling the people, local organisations and communities of West Somerset
- Working with partners, both inside and outside West Somerset

West Somerset Council recognizes the importance of fair treatment and we are committed to ensuring everyone has access to our services and is treated equally and fairly.

### 3.3 **Our core values are that of:**

Integrity – be honest, do what is right and stick to it

Fairness – treat everyone equally, respecting his or her individual needs and abilities

Respect – always show respect for everyone

Trust – show trust in our staff and Members

## 4.0 **PRINCIPLES UNDERPINNING THE ASSET TRANSFER POLICY**

### 4.1 The CAT Policy will be underpinned by the following principles:

#### **Commitment to a thriving Community & Voluntary Sector**

- The Council recognises that community led solutions can sometimes achieve better outcomes than central initiatives.
- Use asset transfer as a means of supporting enabling Community Groups to become sustainable on a long term basis.
- CAT will require a long term partnership commitment on the part of the Council and the Community Group. This is the best way of minimising the risk of failure.
- Flexible lease terms to enable Community Groups to adapt and achieve long term sustainability or the transfer of the freehold interest.
- Measurable and accountable benefits to local people.
- The Council expects that the benefit from this Policy will encourage openness, conversation and understanding between groups and wider community.

#### **Pro-active and strategic asset management intent**

- CAT will become integrated in Council practice as an option for dealing with surplus property assets.

#### **Clarity and transparency in decision-making**

- A single gateway approach is taken, providing a clear point of contact for Community Groups with CAT enquiries.
- The Council will encourage Community Groups to consider taking on an asset.
- Community Groups will not be required to undertake a detailed feasibility work until an 'in principle' decision has been taken by the Council.

## 5.0 WHO CAN APPLY

- 5.1 Interest will be welcome from Community Groups which may be area based around communities of geography, identity or shared interest. Ideally, all applicants should meet the following criteria:
- Be community led and demonstrate support for the CAT and have clearly defined objectives which would be enhanced through the addition of the asset in question.
  - The primary purpose must be non-commercial or with profits invested back into local communities.
  - Must have a clear vision of the activities they wish to deliver, demonstrating positive measurable impacts.
  - Demonstrate good governance operating open and accountable processes, a constituted governing board who follow clear Terms of Reference.
  - Meet statutory requirements and demonstrate an inclusive approach in its policies and practices including a commitment to promoting community cohesion and integration.
  - Have the skills to deliver services and manage the asset to be transferred.
  - Demonstrate the asset will be run without Council subsidies or support. • A sustainable operating model for revenue requirements, use and maintenance will be needed.
  - Demonstrate how asset transfer will support the aims and priorities of the Council.

## 6.0 BASIS OF TRANSFER

- 6.1 Community Groups may need to provide contractual assurances to ensure that the asset is retained for community benefit. If this is not possible a detailed explanation of Memorandum and Articles of Associations should be provided. It is standard practice for the Council to place a restriction on use although there might be exceptions.
- 6.2 The Council will offer legal agreements to enable Community Groups to manage and develop the property as an asset ensuring the use of the asset as a community asset is retained by the applicant. Consideration to payment of professional fees and whether the Council seeks reimbursement for its own costs will be on a case-by-case basis.
- 6.3 The Council will pursue Freehold or Leasehold arrangements with the term being set after carefully considering the needs of the Community Group, the position of the Council, the condition of the asset and the requirements of potential funders or lenders. As a guide:
- 6.4 Freehold Transfer – will be considered if preferred. Any transfer proposal will need to make a strong case that freehold is a necessity for success and provide reassurance that community benefit will be maintained in the long term and is beneficial to the Council.

Transfer by Lease - A lease for a term of up to 35 years (a lease longer than 35 years may be granted if appropriate and if a business case demonstrates special circumstances or requirements from funders/lenders).

- 6.5 Community Groups will be expected to produce a statement of community benefit on an annual basis – annual report accompanied by accounts as appropriate will usually suffice. The benefits to be realised shall be agreed in advance and incorporated into a Service Level Agreement with the Council.
- 6.6 When there are a number of interested parties in an asset the Council will aim to encourage collaboration. When this is not possible and as a last resort a competitive process will be used to decide the organisation which will become the Council's preferred partner in the transfer process.
- 6.7 The Council will ensure that information relating to the condition of the property and running costs is passed to the applicant to support decision making.

## 7.0 HOW TO APPLY & HOW WE WILL ASSESS

- 7.1 Community Groups should in the first instant submit an Expression of Interest Form to the Council for an in principle decision on the proposed Transfer. The Expression of Interest Form is found here:- [Link to CAT EOI Form](#).
- 7.2 If after submitting an initial Expression of Interest, the Council deems the application to be unsuccessful the applicants will be advised directly. If successful at this initial stage the Council will then request a further detailed and more robust business case to enable the Council to make an informed decision whether to agree to the proposed Transfer. The expected content of the detailed business case is detailed below. This is only a guide and will be dependent on each particular case.
- About your organisation - Track record, current plans, partnerships and people, governance, legal structure.
  - Summary of the project - Project objectives and expected outcomes, proposed programme for delivery, proposed impact/benefits of the project to the local community, together with proposals for management and operation of the asset (staff, volunteers).
  - Market Need – what local needs will the project be responding to (who will be the beneficiaries)?
  - Pricing – what is the rationale for pricing (for services, renting space etc.)?
  - Sustainability – how the performance of the asset will contribute to sustainability through its life cycle.

- Equality, Diversity & Community Cohesion – evidence the project will meet all the relevant requirements of the Equality Act 2010 and assist the Council in promoting community cohesion.
- Resources/Financial projections - Cash flow for first year, should include budget (3-5 years), should include examination of profit and loss and capital expenditure (if capital is required to redevelop the building). The long term financial sustainability of the proposal should be clearly demonstrated along with recognition of implication of any reduction in income stream.
- Risk assessment/management/mitigation - Identification of the different risks and a description of the implications of those risks occurring. Risks should be evaluated in two ways – the likelihood that the risk item will occur and the level of impact if the risk item does occur. A description of what the organisations strategy will be to prevent the risk items from occurring, or coping with them if they do, should also be provided.
- The organisation will also be expected to submit copies of governing documents, any evidence of external advice provided, expressions of support from partners/customers, copies of accounts (where available).

## 8.0 KEY STAGES AND INDICATIVE TIMESCALES

- 8.1 In considering the potential for asset transfer the Council will follow the process already detailed with the following indicative timescales.
- 8.2 The Lead Member will retain an overall responsibility for Cabinet guidance to ensure a strategic decision is taken supporting community needs and Council objectives.
- 8.3 The timeline set out below is purely indicative and will vary depending upon the complexity of each application. It is also envisaged some of the points below will run concurrently with the process becoming more proficient as each application is considered. This process and timeline is further explained in Appendix A. The process of Asset Transfer takes time and therefore must be fully understood by the Council and reflected in decision making in respect of budget settlement.

### 8.4 1. Request – from Community Group

Submit a request for a transfer by completing an initial Expression of Interest Form. If an application is deemed unsuccessful after this stage the Council will inform the applicant of its decision and reasons. A response will be provided within three months. This decision will be made by the relevant Lead Member in consultation with others as deemed appropriate and following an Officers recommendation.

## 8.5 2. Preparation and consideration of Full Business Case

If the application is considered for progression then the body making the application will be asked for a Detailed Business Case. The Council will verify the credentials of the Community Group and ensure that if appropriate other parties in the area are aware, consulted and have been able to make representation. An officer recommendation will be made to the relevant Lead Member and the matter taken to Members for a decision. This step is expected to take no longer than six months. If unsuccessful the applicant will be informed. If successful then the process will move to the next step. If the market value of the asset is at or less than £25,000 (determined by Council) then a decision will be made by Cabinet then ratified by Full Council. If over £25,000 and / or contentious then a decision will be required by Full Council. In all cases the Ward Member(s) will be informed and views sought. An appeals process against a refusal to transfer a community asset will be to Full Council. If it relates to a Full Council decision (i.e. over £25,000 market value and / or contentious there will be no right of appeal.

## 8.6 3. Processing detailed Heads of Terms

The decision above will be 'in principle' and will be a decision to proceed and consider (if not already done so) the basis and terms of the asset transfer and determine potential level of market discount, length and condition of lease or if appropriate the transfer of the freehold interest. Concluding this step will result in completion of documentary and legal formalities.

## 8.7 4. Ongoing Partnership and Support

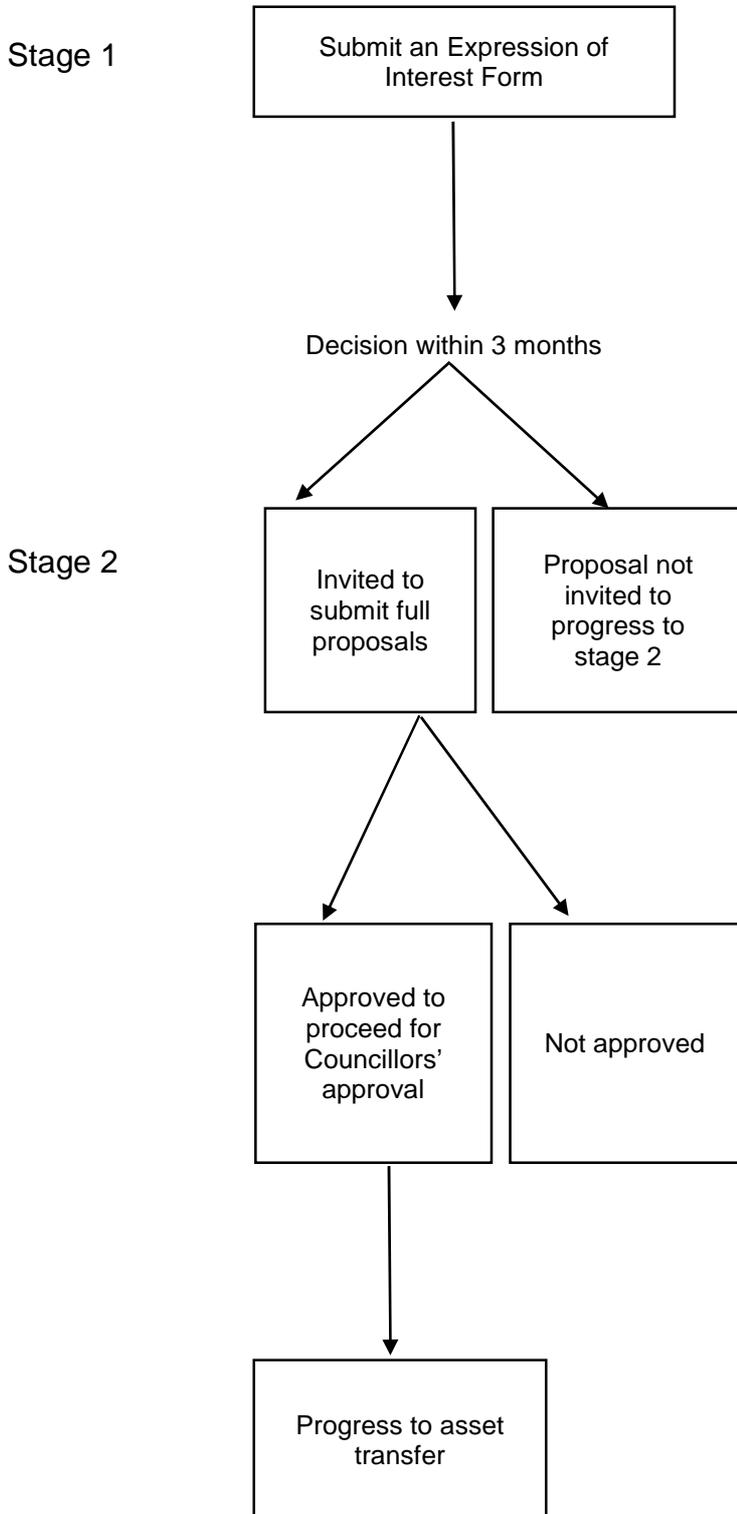
It is recognised that a pre-requisite of transfer success is an ongoing partnership between the Council and the Community Group. This may take the form of technical support and advice. It may also be a commitment to ongoing dialogue, which will last far beyond the transfer event itself.

## 9.0 COMMUNITY RIGHT TO CHALLENGE & COMMUNITY ASSET LIST

9.1 The Localism Act 2011 created the Community Right to Challenge, which gives community and voluntary sector organisations the right to challenge the Council by putting forward an 'expression of interest' in running their services. The Localism Act 2011 also requires local authorities to maintain a list of assets of community value within the locality Register of Community Assets which have been nominated by the local community. There is clearly a 'crossover' between both these initiatives and the Community Asset Transfer Policy. Whether delivering a service or managing/owning an asset of community value the Act does not give an automatic right to the organisation expressing an interest, nor is it guaranteed the organisation will be successful in any procurement exercise.

9.2 The Community Right to Challenge processes are separate from the Community Asset Transfer Policy process.

### Appendix A- Process for progression of an application for a Community Asset Transfer



## Appendix D



West Somerset House, Killick Way,  
Williton, TA4 4QA

Tel : 01823-356534

### West Somerset Council

## Transfer of an Asset owned by the Council to a Community Group by way of Community Asset Transfer Initial Expression of Interest Form

Please fill in this Initial Expression of Interest (EOI) if you want to be considered by West Somerset Council (WSC) to take over a building or area of land owned by WSC to run a service of benefit to your community.

Before you start.....

#### Helpful tips:

In completing your EOI it is important for you to consider:

- the real purpose behind your activity – any benefit to the community – and not just describe the activity you want to do;
- how you will demonstrate there is real local need for what you intend to offer;
- if there are other assets within your community which already offer the same activities;
- what skills and experience you need to have to reach your goals;
- how you will raise the funds to meet your expenses.

**N.B. if you do not want to run a community service from the building or land it does not mean that you will not be considered – it only changes the type of transfer which applies.** (see Type of Asset Transfer below)

#### Please indicate the type of transfer you are considering:

The Council can transfer a building or land it owns to an individual or group in a number of ways. You can consider what would suit you best for consideration by the Council. *(it is possible to select more than one box)*

- Sale – at full market price (the “going rate”)
- Sale – at a discounted price (subject to approval and conditions)
- Lease – taking all responsibility for the building for a set period of time. A rent – on top of the running costs – may be charged.
- Hire – casual use paying only for the time occupied.
- Free Transfer, subject to conditions (also known as a Community Asset Transfer) – can be below the “going rate” or free. **Only available for community use.**

Please email this Initial Expression of Interest form to: [XXXXXXXXXXXXXXXXXX](#) or alternatively, post it to: Assistant Director – Property and Development, c/o The Deane House, Belvedere Road, Taunton, Somerset, TA1 1HE.

If you have any further questions, please call: 01823 356534

### Asset Transfer - Initial Expression of Interest

**1. You or Your Organisation’s name and address:**

|                                |  |
|--------------------------------|--|
| Name of group:                 |  |
| Address:<br>(include Postcode) |  |

**2. Who is the main point of contact for this application?**

|                                |  |
|--------------------------------|--|
| Name:                          |  |
| Position in group:             |  |
| Phone number:                  |  |
| Email address:                 |  |
| Address:<br>(include Postcode) |  |

**3. Your status**

- Parish or Town Council
- Registered Charity
- Company Limited by Guarantee
- Community Interest Company
- Development Trust Association
- Private individual
- If other please state: \_\_\_\_\_.

**4. Please provide further information to confirm that your organisation is a relevant body** (e.g. company registration number or charity registered number). If your organisation is not formally constituted, please give details of the type of organisation/legal structure you intend to use and timescales involved in setting this up (N/A if proposal is from a Town or Parish Council).

**5. Please outline name and location of Council asset identified?**

|   |  |
|---|--|
| Name and Address:<br>(include Postcode) |  |
|---|--|

**6. Who is your local West Somerset District Councillor(s)? Have they been informed of this proposal?**

**7. Which Council services does your organisation support/work with:**  
(please provide manager name if known)

**8. Why do you want this asset?**

**9. Please describe your vision for the future use of this asset:**

**10. Please explain why this asset is suitable for the intended purpose:**

**11. How will this benefit the local community?**

**12. Please describe any evidence of community need undertaken to-date:**

**13. How do you propose to ensure the financial sustainability of the asset:**

The information you provide in this form and any referenced supporting material will be the basis upon which the Council decides whether to progress to asking you to provide a full business case. If any information provided is beyond the scope of the information requested here, it will not be used as grounds to accept or reject your EOI and may not be considered.

- All information provided should be clear and concise.
- Responses to the questions and supporting materials can either be:
  - Inserted in the boxes below each question;
  - Attached as a Schedule to the form; or
  - A link to an embedded Word document can be inserted in each box

- All responses and supporting materials must be fully cross-referenced.
- Information and supporting materials will not be accepted on CD roms, flash drives or any other portable device.
- The Council will not accept an EOI submission by fax.
- If a possible transfer is identified as a result of completing this form, a more detailed business case will then need to be completed.

**Please note:** We will process all information received in accordance with the Data Protection Legislation for the purposes of administering this procedure. The Council is subject to the Freedom of Information Act 2000 and therefore any information provided by you may have to be disclosed in response to a request unless we decide that one of the statutory exemptions applies.

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that:

- The responses to the questions set out in this form and the supporting materials are accurate.
- The information provided will be used to assess your organisation's proposal to provide or assist in providing the relevant service.
- You are authorised to sign on behalf of your organisation.

|                   |  |              |  |
|-------------------|--|--------------|--|
| <b>Signature:</b> |  | <b>Date:</b> |  |
|-------------------|--|--------------|--|

