

The Council's Vision:

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

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 20 November 2013 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Council held on 23 October 2013 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. Home-Start

To receive a presentation

6. Chairman's Announcements

7. Request for Allocation of Section 106 Funding – Fit to Work - Hinkley

To consider Report No. WSC 142/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to outline proposals by Sedgemoor District Council to use their proportion of the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works section 106 agreement and in line with the requirements of the section 106 agreement to seek the approval of West Somerset Council for this allocation.

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8. Localism Act 2011 – Review of Members' Code of Conduct and Arrangements for Dealing with Complaints

To consider Report No. WSC 134/13, to be presented by Councillor S J Pugsley, Lead Member for Executive Support and Democracy - **SEE ATTACHED.**

The purpose of the report is to the Council to review the Members' Code of Conduct and the arrangements for handling complaints that have been operating since 1 July 2012.

9. 2014/15 Council Tax Rebate Scheme

To consider Report No. WSC 133/13, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **SEE ATTACHED.**

The relevant policy document can be accessed by using this link

<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Full-Council/Full-Council---20-November-2013.aspx>

The purpose of the report is to advise Council of the proposed 2014/15 Council Tax Rebate Scheme for West Somerset.

10. Non Domestic Rates – Discretionary Relief Scheme

To consider Report No. WSC 139/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to seek approval of a Discretionary Rate Relief Scheme to operate for a 12 month period from 1 April 2014. Also, to approve the associated Rural Settlement List in respect of the same period.

11. East Wharf Watchet – Future Development

To consider Report No. WSC 140/13, to be presented by Councillor T Taylor, Leader of Council – **SEE ATTACHED.**

The purpose of the report is to update Members on the results of negotiations with the Marina Operator (MO) and Urban Splash (US) as the developer concerning the future use/development of the East Wharf Watchet.

12. Corporate Plan 2014-16 – Refreshing the Priorities

To consider Report No. WSC 150/13, to be presented by Councillor T Taylor, Leader of Council – **TO FOLLOW.**

The purpose of the report is to enable the Council to review the corporate priorities in the Corporate Plan for 2014-16.

13. MTEP – Council Tax Support Grant to Parishes

To consider Report No. WSC 145/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

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The purpose of the report is to report back from Scrutiny Committee who considered the level of Council Tax Support Grant to be allocated to parishes.

14. The Collection Fund – Estimate of Surpluses and Deficiencies 2013-14

To consider Report No. WSC 144/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is for Council to determine an estimate of the surplus or deficiency on the Collection Fund as at 31 March 2014.

15. Review of the Siting Process for a Geological Disposal Facility (GDF)

To consider Report No. WSC 153/13, to be presented by Councillor C Morgan, Lead Member for Environment – Hinkley – **SEE ATTACHED.**

The Department of Energy and Climate Change (DECC), Welsh Government and the Northern Ireland Department of the Environment are reviewing the “Managing Radioactive Waste Safely (MRWS) siting process for a Geological Disposal Facility”. Geological disposal involves isolating radioactive waste deep inside an underground facility constructed in a suitable rock formation at a depth of between 200 metres and 1000 metres underground.

16. Review of Decision Making Process – Market Street Toilets, Watchet

To consider Report No. WSC 148/13, to be presented by Bruce Lang, Monitoring Officer – **SEE ATTACHED.**

The purpose of the report is to enable Council, at the request of the Scrutiny Committee, to review the decision making process in regard to the operation of the Market Street toilets in Watchet for the 2013/14 financial year.

17. Standards Advisory Committee

To adopt the minutes of the Standards Advisory Committee held on 24 September 2013 – **SEE ATTACHED**

18. Timetable of Meeting 2014/15

To consider the proposed timetable of meetings for the 2014/15 Municipal Year – **SEE ATTACHED.**

19. Minutes and Notes for Information

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

- Draft notes of the Dunster Panel held on 14 October 2013
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---14-October-2013.aspx>

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COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**The Council's Corporate Priorities:**

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

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

WEST SOMERSET COUNCIL**Minutes of the Meeting held on 23 October 2013 at 4.30 pm****in the Council Chamber, Williton****Present:**

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

Councillor M J Chilcott
Councillor J Freeman
Councillor A P Hadley
Councillor K V Kravis
Councillor E May
Councillor K M Mills
Councillor P H Murphy
Councillor D D Ross
Councillor D J Sanders
Councillor M A Smith
Councillor A H Trollope-Bellew
Councillor D J Westcott

Councillor M O A Dewdney
Councillor S Y Goss
Councillor B Heywood
Councillor R P Lillis
Councillor I R Melhuish
Councillor C Morgan
Councillor S J Pugsley
Councillor K J Ross
Councillor L W Smith
Councillor T Taylor
Councillor K H Turner

Officers in Attendance:

Corporate Director (B Lang)
Section 151 Officer (S Campbell)
Corporate Manager, Housing, Welfare & Economy (I Timms) – Items 9 and 10
Planning Manager (A Goodchild)
Climate Change & Community Liaison Manager (A Lamplough) – Item 6
Meeting Administrator (K Kowalewska)

Also in Attendance:

Nick Millard, Bruton Knowles

C63 Apologies for Absence

Apologies for absence were received from Councillors H J W Davies and P N Grierson.

C64 Minutes

RESOLVED that the Minutes of the Meeting of Council held on 18 September 2013 be approved.

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 S Y Goss	All	Stogursey	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr K J Ross	All	Dulverton	Spoke and voted
Cllr L W Smith	All	Minehead	Spoke and voted
Cllr K H Turner	All	Brendon Hills	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 K Ross	C68	Treasurer for Artlife	Personal	Spoke and voted
Cllr M Chilcott	C68	Audits accounts for Artlife	Personal	Spoke and voted
Cllr A Hadley	C74	Retailer in Minehead	Personal	Spoke and voted
Cllr A Knight	C74	Interest in a business establishment in Minehead	Personal	Spoke and voted

Members also indicated that they had been lobbied by the Minehead Chamber of Trade in relation to Agenda Item 12 – Disposal of Council Owned Assets – former Aquasplash site and a site (known as leisure land) along Seaward Way, Minehead.

C66 Public Participation

Peter Wellstood, chairman of Pro-Active Lifestyle and Swimming Water Activities Club, spoke in relation to Agenda Item 12 – Disposal of Council Owned Assets – former Aquasplash site and a site (known as leisure land) along Seaward Way, Minehead. He was supportive of the provision of a much needed swimming pool in Minehead which he hoped would be run for and by the community, attracting and encouraging people into the area.

C67 Chairman's Announcements

18 September 2013	Attended an event at Hestercombe Gardens in aid of Star and the National Autistic Society
21 September 2013	Attended the Beating of Retreat by The Rifles and Ghurkhas at Taunton Castle
22 September 2013	Mid Devon Civic Service
6 October 2013	Harvest Festival at Wells Cathedral with the Somerset Young Farmers
13 October 2013	Bath and North East Somerset Civic Service

The Leader provided a brief update on meetings he had recently attended surrounding the announcement that the government had reached an agreement with EDF Energy on the strike price for the Hinkley Point C nuclear power station. He also informed Members of a meeting held that morning in London with MPs Brandon Lewis and Eric Pickles on issues affecting the future of West Somerset Council and the joint management and services project with Taunton Deane Borough Council as central government wanted this progressed as a matter of urgency. The Leader confirmed and reassured MPs that the Council was 'bedding down' the project with Taunton Deane whilst looking at wider sharing options in Somerset.

C68 Request for Allocation of Planning Obligations Funding

(Report No. WSC 130/13, circulated with the Agenda.)

The purpose of the report was to make a proposal for the allocation of monies secured through planning obligations to individual schemes.

The Lead Member for Resources and Central Support presented the report and drew Members' attention to Appendix A of the report which provided a vast amount of detail on the project, linking West Somerset with the romantic poets and making the most of the Coleridge Way. The project would target the area affected by the Hinkley Point C project and the Lead Member was satisfied that this was a good use of spending Section 106 monies.

The Lead Member proposed the recommendation in the report which was seconded by Councillor M O A Dewdney.

Councillor S Y Goss expressed great concern and disappointment on behalf of Stogursey Parish Council that no proper consultation had been undertaken with the parish council about the project and therefore had no opportunity for any input. As host community for Hinkley Point C the parish council felt it should have had some say in what was proposed in the area around Hinkley. Stogursey Parish Council really wanted to participate in the project and would have liked their ideas taken on board and acted upon, and Councillor Goss hoped that the door was still open for this to happen even at this late stage.

The Lead Member reassured Members that consultation was extremely important to West Somerset Council and as part of the arrangements to allocate monies secured through Section 106 monies she wanted to ensure that all affected parties were consulted; she was dismayed that the situation with Stogursey Parish Council was still an issue. In light of this, and not to delay the project, the Lead Member confirmed that consultation would be held with Stogursey Parish Council and suggested the matter be discussed at the next Planning Obligations Group meeting with the results fed back into the next quarterly report to be presented to a future meeting of Cabinet and Council.

RESOLVED that the use of £53,000 of the Hinkley Point C Site Preparation Works landscape art funding to deliver phase two of the project attached as Appendix A to the report be agreed.

C69 **West Somerset Council's Response to National Grid Stage 4 Consultation**

(Report No. WSC 137/13, circulated with the Agenda.)

The purpose of the report was to outline proposals to use the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works Section 106 agreement; and in line with the requirements of the Section 106 agreement to seek the approval of West Somerset Council for its allocation.

The Lead Member for Environment – Hinkley Point presented the report and went on to propose the recommendation in the report which was duly seconded by Councillor A H Trollope-Bellew.

RESOLVED that the key points set out at paragraph 4.6 of the report be endorsed and delegated powers be granted to the Planning Manager to finalise and submit the response on behalf of the Council by 29 October 2013 in response to the current consultation.

C70 **Classification of Earmarked Reserves**

(Report No. WSC 135/13, circulated with the Agenda.)

The purpose of the report was to seek Council approval for a supplementary estimate.

The Lead Member for Resources and Central Support presented the report advising that due to an oversight when setting the budget the contractual payment to the Homes Improvement Agency was not included. She proposed the recommendation in the report which was duly seconded by Councillor E May.

RESOLVED that a supplementary estimate of £62,030 in respect of the Council's 2013/14 contractual payment to the Homes Improvement Agency be approved, and that this is funded by a transfer from the New Homes Bonus Reserve to the General Fund.

C71 **Somerset Homeless Strategy**

(Report No. WSC 119/13, circulated with the Agenda.)

The purpose of the report was to outline the Somerset Homeless Strategy and the associated action plan and to request that Council agree to the request from Cabinet to adopt the Strategy.

The Lead Member for Housing, Health and Welfare presented the item and proposed the recommendation in the report which was duly seconded by Councillor M J Chilcott.

RESOLVED that the Somerset Homeless Strategy 2013-2016 be adopted.

C72 **Homefinder Somerset Common Allocations Policy**

(Report No. WSC 120/13, circulated with the Agenda.)

The purpose of the report was to advise Members of the proposed changes to the Allocations Policy resulting from the changes in legislation and government policy.

The report was presented by the Lead Member for Housing, Health and Welfare who proposed the recommendations in the report which were seconded by Councillor D J Westcott.

RESOLVED (1) that the changes to the Policy, attached as Appendix A to the report, be agreed.

RESOLVED (2) that the findings of the equality impact assessment, attached as Appendix C to the report, be noted.

C73 **Minutes and Notes for Information**

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

RESOLVED (1) that the draft notes of the Exmoor Area Panel held on 3 September 2013 be noted.

RESOLVED (2) that the draft notes of the Minehead Area Panel held on 11 September 2013 be noted.

RESOLVED (3) that the draft notes of the Watchet, Williton and Quantocks Area Panel held on 17 September 2013 be noted.

C74 **Disposal of Council Owned Assets – Former Aquasplash site and a site (known as leisure land) along Seaward Way, Minehead**

(Report No. WSC 117/13, circulated with the Agenda.)

The purpose of the report was to request that Council approve the preferred developers, as recommended by Cabinet, for the sale of two parcels of Council owned land. This would enable further autonomous negotiations to continue with a single developer in respect of each site.

The Chairman welcomed Nick Millard from Bruton Knowles to the meeting.

The Lead Member for Resources and Central Support presented the report in detail, providing Members with the background information and reporting on the timetable of events since Bruton Knowles had been appointed as property consultants. She reassured Members that independent advice on the value of the two sites would be sought from the District Valuer.

The Lead Member thanked and commended Mr Wellstood for keeping the desire for a swimming pool alive in West Somerset by submitting a community bid.

She then drew Members' attention to the implications of not selling the two sites and stressed upon the financial pressures that the Council was under. She advised that it was imperative to sell these assets in order to pay off any outstanding debt and to stop further cuts to services which would ultimately impact on tourism and the residents of West Somerset.

The Lead Member proposed the recommendations in the report, with an alteration to be made to recommendation 3.2 to read "The nominated preferred bidder for the sale of the land referred to as the leisure site is Jones Lang LaSalle, acting for Whitbread.". These were duly seconded by Councillor I R Melhuish.

Councillor D J Westcott, as Community and Customer Portfolio Holder, explained that West Somerset currently had nine swimming pools which the general public had access to, albeit some with limited use, and he drew attention to the results and conclusions of a feasibility study undertaken by the Council regarding the possible future provision of a swimming pool in Minehead. He stated that more information should be provided on what was available to the public regarding the accessibility and opening times of the swimming pools in the district.

The Leader of Council spoke on the wider implications of providing a swimming pool as the Council could not afford to build or run a pool, and if assets were not sold it would be the people of West Somerset that would suffer due to the loss of service provision. He pointed out that Councillors represented the people of West Somerset and therefore had a duty to act responsibly on their behalf.

In order for Members to discuss commercially sensitive material contained in Appendix B to the report, it was

RESOLVED that the press and public be excluded from the meeting during consideration of the confidential Appendix B to the report of Item C74 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.

The document contained information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding the information). It was 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.

Members of the press and public left the Council Chamber.

Once Members confirmed that no more questions were to be raised on matters relating to the confidential appendix, the Chairman proposed that the press and the public return to the Council Chamber.

RESOLVED that the press and public be readmitted to the meeting.

The Lead Member for Resources and Central Support summarised that the reason for amending recommendation 3.2 of the report was for tourism economic benefits and advised that the Whitbread bid had a greater emphasis on hotel development than the Marston's bid.

Members commented that it was fantastic news for West Somerset that national companies were looking to locate in Minehead showing a confidence in the economy and providing much need employment

It was noted that the West Somerset Free Press online poll indicated that currently 63.2% of West Somerset residents were in favour of a Lidl store.

The recommendations contained in the report, as amended, were put to the vote and were CARRIED.

RESOLVED (1) that the nominated preferred bidder for the sale of the former Aquasplash site is Lidl.

RESOLVED (2) that the nominated preferred bidder for the sale of the land referred to as the leisure site is Jones Lang LaSalle, acting for Whitbread.

RESOLVED (3) that a report detailing the negotiated terms and conditions of each disposal is presented to Council as soon as such negotiations are completed.

The meeting closed at 6.36 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 142/13

Presented by: Cllr Kate Kravis, Lead Member for Resources and Central Support

Author of the Report: Ian Timms, Corporate Manager Housing, Welfare and Economy

Contact Details:

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Report to a Meeting of: Council

To be Held on: 20th November 2013

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

REQUEST FOR ALLOCATION OF SECTION 106 FUNDING- FIT TO WORK – HINKLEY

1. PURPOSE OF REPORT

- 1.1 To outline proposals by Sedgemoor District Council to use their proportion of the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works section 106 agreement.
- 1.2 In line with the requirements of the section 106 agreement to seek the approval of West Somerset Council for this allocation.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 This proposal comes from Sedgemoor District Council and will be delivered within that District, therefore has no direct relevance to West Somerset Corporate priorities.

3. RECOMMENDATIONS

- 3.1 Council agree the proposed use of the £30,000 Fit to Work funding by Sedgemoor District Council as described in appendix A of this report.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	4	4	16
<i>The Proposals within the report are matched to the legal agreement and monies available for Fit to Work – the financial risk will sit with Sedgemoor District Council and will not impact on the budget of West Somerset Council</i>	2	4	8

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

5. BACKGROUND INFORMATION

- 5.1 The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authority's priorities. This well established mechanism, the Planning Obligations Group, is also responsible for making recommendations on a number of specified funds within the Hinkley Point C Section 106 agreements.
- 5.2 The Fit to Work funding, which amounts in total to £60,000 is to be spent by West Somerset Council and Sedgemoor District Council. The split of the £60,000 has been subject to extensive negotiation with consideration of a range of factors to ensure that from both Councils perspective the money can have the biggest impact within the effected communities and maximise opportunities for local people. After detailed discussion, where both Councils demonstrated the need to spend the contribution it has been decided to split the contribution 50/50 as, in reality, both Councils have a wide range of laudable measures that they would like to fund.
- 5.3 The proposal was considered by the internal planning obligations group against the planning agreements and appropriate strategies in both councils. As the proposals meet the legal requirements and are above the limit of £25,000 they require approval by both Cabinet and full Council. This proposal was considered at the meeting of the Cabinet held on 6th November, 2013 when it was agreed that Council be recommended to agree the proposed use of the £30,000 Fit for Work funding by Sedgemoor District Council as described in Appendix A to this report.
- 5.4 The proposal for use of the funds has been derived from positive working between officers at WSC and SDC. When council or cabinet considers such joint proposals the legal agreements make provision for councillors from Sedgemoor District Council to attend and advise on the Sedgemoor specific elements. This enables positive democratic engagement for both sets of members. The West Somerset allocation of £30,000 was agreed by Council on 18th September. Whilst, ideally the proposal would have been a joint proposal for the entire £60,000 timescales and opportunities to access match funding have resulted in the Sedgemoor element coming slightly later.
- 5.5 The detailed proposal for Sedgemoor is provided in Appendix A, and focuses on four key themes with 4 project areas. Much of the activity mirrors the programme already established by West Somerset, which demonstrates similar levels of need across the two areas as well as recognising the initial robustness of the pre-employment mapping undertaken by West Somerset Council, which has helped inform the Sedgemoor projects.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The funding is provided through the site preparation works Section 106 planning agreements so there are no impacts on West Somerset Council funds.

7. SECTION 151 OFFICER COMMENTS

- 7.1 In line with the section 106 legal agreements this report should be considered by the West Somerset Democratic bodies. This enables a clear process for auditing of all the monies relating to the Hinkley Point C section 106 agreements.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

8.1 There is no detailed analysis attached to this report. However in producing these proposals individuals that are unable to access skills and employment have been taken into account. The proposals aim to address some access issues around specified courses.

9. CRIME AND DISORDER IMPLICATIONS

9.1 The projects provide access to a range of positive activities that will build skills and enable individuals to make more positive contributions to their community.

9.2 It is generally accepted that this kind of activity helps minimise any community safety impacts or potential for them to occur.

10. CONSULTATION IMPLICATIONS

10.1 There has been consultation with partner agencies and between both councils at officer level on how best to use the money.

10.2 The proposals have also been developed in conjunction with EDFE to ensure that wherever possible the projects have clear mitigating effects for the development

11. ASSET MANAGEMENT IMPLICATIONS

11.1 There are no known implications for council assets.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 There are no apparent impacts from this report.

13. LEGAL IMPLICATIONS

13.1 The proposed allocations are in line with the requirements of the legal agreement.

Report to the Hinkley Point C – Section 106 Planning Obligations Group

November 2013

Fit to Work – Budget Proposal

1) Summary

1.1 This paper outlines Sedgemoor District Council's proposed usage of its allocation of the Fit to Work Section 106 Funding, following on from a similar West Somerset paper submitted in September 2013. It outlines a programme of activity to be taken forward into late 2014, as well as relevant opportunities to secure match funding and undertake joint working.

2) Hinkley Point C ('HPC') S106 – Fit for Work Allocation

2.1 The Fit to Work programme is a programme of activity identified within the HPC Site Preparation Section 106, and is aligned to the work of the Community Outreach Workers employed by West Somerset Council and Sedgemoor District Council. The S106 provides a sum of £30,000 that has been paid to West Somerset Council on the Implementation of Phase 1, with a further sum of £30,000 being paid to West Somerset Council on the first anniversary of the Implementation of Phase 1 (a breakdown is outlined in the table below).

2.2 Negotiations have taken place at officer level on the allocation of this funding, and it has been agreed in principle that each will receive an equal share of £30,000 per Council. A number of factors have been taken into account when making this decision, including respective levels of deprivation, worklessness figures, existing employment and skills provision, rurality issues and the variations in costs associated with delivering services in each of the areas. It has been recognised that whilst Sedgemoor has greater numbers to cater for, the cost of providing services in a rural area is higher, thus an equal split is considered fair.

HPC S106 Phasing	Total amount (To be split between SDC and WSC)	WSC Allocation	SDC Allocation	Year
Phase One	£30,000	£15,000	£15,000	2012
Anniversary of Phase One	£30,000	£15,000	£15,000	2013
Total	£60,000	£30,000	£30,000	

2) Outline Proposal

3.1 Having considered both the content of its Economic Strategy; the broad ambitions set out with respective background papers for the Preliminary works Section 106 Agreement; and the Council's wider priorities on growth and employment as set out within its corporate plan, Sedgemoor District Council intends to take forward a multi-

strand programme of activity utilising the Fit to Work resources available. Echoing the type of approach already being pursued in West Somerset, but seeking to differentiate on the basis of the specific socio-economic challenges present in Sedgemoor, the project will seek to focus resources on skills and training for those furthest from the labour market, as well as reconnecting those outside the labour market for substantive periods of time to work.

3.2 Specifically, it will seek to:

- ***Support entry level training for those currently outside of work, providing funding for Hinkley related access level qualifications, including CSCS, Food Hygiene Certification and other similar 'pathways to work';***
- ***Address specific gaps within local provision on barriers to work, including digital skills, literacy and numeracy and basic employability skills;***
- ***Provide specific resources for those long term, but higher skilled customers of JCP in the Sedgemoor area who wish to now retrain, including part funding for those wishing to take a relevant NVQ level 3 or other vocational qualification;***
- ***Provide support for community provision and infrastructure, allowing training to be undertaken within relevant community and children's centres within the hardest to reach communities.***

3.3 A more detailed outline of each activity to be taken forward can be found in Annex A of this report.

3.4 The programme outlined follows a period of consultation with EDF's Job Brokerage; Job Centre Plus; Homes in Sedgemoor; West Somerset Council, relevant colleges and training providers, and internal teams at SDC leading on community and cohesion issues within the council itself. It also builds on intelligence gathered from employers and potential customers already being engaged through the District's outreach programme and other activity, as well as a pilot skills and training programme undertaken with Bridgwater College during early 2013. Given this, projects identified will seek to build and upon existing engagement, as well as lever further resources and joint working as far as practicable.

3.5 It should be noted that the programme outlined within this paper sits alongside and complements Sedgemoor's existing outreach project, which is made up of 3 core activity strands, aimed at attracting and supporting those currently outside of work back into employment or pathways to work. For reference, the project includes:

- *Employment Events Programme* – A quarterly Jobs Fair and/or Employment Event, providing both a forum for employers to meet with job seekers and wider support services to connect with those outside of traditional referral routes.
- *Intensive Support Workshops* – A regular series of workshops to provide tailored support to a small number of local residents identified as being in need of very basic employment skills.
- *Enabling Activity* – A discretionary programme of support through which our Outreach Officer can support individuals to overcome specific barriers to work, including on issues like childcare costs and transport. The budget also includes

ring-fenced funds to support facilitation of the outreach project, including room hire and catering.

4) Rationale for Activity / Prioritisation

- 4.1 In common with West Somerset, Sedgemoor faces a range of long standing challenges around employment and worklessness which will need to be addressed if the economic impact of Hinkley Point C is to be best maximised. In many cases, these have direct synergies with those affecting the entire county, with specific concerns over the relatively high proportion of those locally with limited or no qualifications, transport access and rurality, and challenges over the district's demographic structure.
- 4.2 There are however a range of specific issues within the Sedgemoor area (and Bridgwater and Highbridge in particular) which require unique solutions. These include dealing with residual impacts from substantial shifts within the area's economic structure over the past 10 years; long standing issues over urban deprivation within Sedgemoor's core towns; and challenges on aspiration which have led to a concentration of families in some of our urban wards with inter-generational issues on worklessness, health and educational achievement. As such, the district has a specific pool of individuals who are not currently work ready, nor are there easy routes into employment for them through existing training and support offers.
- 4.2 Given this context, and the wider issues and opportunities facing the district, Sedgemoor has therefore prioritised the four areas outlined for the following reasons:

Support for Entry Level Certification

- 4.3 Though Sedgemoor benefits from a relatively high level of those economically active overall when compared to the national average (roughly 80% of the working age population in 2013), and relatively high levels of attainment on basic skills as a district overall, it faces very specific challenges within the Bridgwater and Highbridge areas over entry level certification and achievement. In 2011, for example, the census found that roughly 50% of those living in the Hamp area of Bridgwater had no or a very basic level of qualification. Amongst the unemployed, this actually increased to nearer 60% (compared to 35% across the entire district), meaning the majority of those claiming JSA in the area held no substantive certification. Given the entry requirements to the vast majority of Hinkley based occupations, this poses a specific and highly localised challenge for local partners.
- 4.4 In addition, initial work undertaken with both EDF and through the Hinkley planning process suggests that the current skillset of those undertaking entry level qualifications is currently not fit for purpose. Whilst capacity has been increased at the college and amongst wider learning providers to supplement overall educational attainment, the types of course being chosen (or indeed funded by JCP) do not necessarily meet Hinkley's overall demand, with a prevalence of service sectors and lifestyle type occupations. Whilst this is positive with regards facilities management and supply chain activity, further support will be needed to encourage individuals to train in Hinkley relevant areas. Early work also suggests that part of the issue with such qualifications is the upfront cost involved for the individual, in many cases not covered by JCP flexibilities and providing a further disincentive to training in Hinkley related careers.

Basic Skills Provision / Taster Sessions

- 4.5 As already highlighted, Sedgemoor faces some highly concentrated and acute issues over skills and educational attainment. In particular, within Bridgwater's four most deprived wards, attainments rates are in the bottom 20% nationally, with one ward in the bottom 1%. However, employers and service providers have reported that achievement of formal qualifications is often a lesser issue than wider employability skills amongst those outside work within Bridgwater. Issues regularly highlighted amongst long term claimants include a lack of interview and interpersonal skills, problems with timekeeping, basic literacy and numeracy skills and challenges over aspiration, merging into issues on health and mental health. In these instances, structured pre-employment activity also often proves too demanding for the individuals involved, with outreach officers finding a need for bespoke solutions. Provision for such needs however remains relatively small within the locality.
- 4.6 In the specific case of ICT skills, recent discussions with both Job Centre Plus and local employers suggest that there is a rising and very specific challenge locally with regards work readiness and the ability to use IT. National evidence suggested that 90% of occupations within the UK economy now require a basic level of IT literacy at worst. However, recent experience of large scale employment campaigns within Sedgemoor (notably for Morrisons and Mulberry) suggests that between 10-20% of all candidates coming forward from the area failed to secure interviews due to a basic lack of IT knowledge. Businesses and trainers reported back several instances where candidates were able to undertake manual and even skilled roles, but could not use even basic programmes. Given the centrality of such systems to many of the key roles involved with Hinkley, and a recent drop in existing provision due to national cut backs, Sedgemoor believe this is a key gap within the locality which now requires intervention.

Higher Value Retraining and Skills

- 4.7 Recent economic progress within Sedgemoor has focused on a rapid shift from traditional manufacturing and a reliance on a number of large employers, towards a more diverse economic base with a mixture of employment areas. Whilst this has helped to reduce the district's exposure to one off economic shocks, it has meant that Bridgwater and Highbridge now have a stock of skilled workers whose industries have lapsed, but who have never retrained or reskilled. As such, there are challenges both with long term unemployment within specific areas of the town and underemployment.
- 4.8 The onset of Hinkley Point offers opportunities to now address some of these economic structural issues, targeting those unemployed or underemployed with a potential translatable skills profile, who may have previously worked in large scale local employers like Innovia or other higher value employers. However, with income levels in Bridgwater amongst the lowest in the county, evidence suggests that requiring payment for such retraining from candidates (even in part) has often proved a key barrier to progress, leading to cycles of unemployment and wider deprivation challenges. Sedgemoor feels that the current funding offers an opportunity to break this cycle, working with Jobcentre Plus and its colleges to identify those candidates who can be moved back into employment, and thereby address long standing challenges within effected wards.

Community Engagement and Capacity Provision

- 4.9 Initial work within the community outreach project has found that a key barrier amongst the hardest to reach is often their willingness to actually engage with JCP and other formal provision at all. Local challenges on aspiration, educational attainment and intergenerational deprivation, mixed with mixed experiences with formal support provision, often lead to individuals dropping out of the system entirely. Where they are engaged, it often proves difficult to encourage them to travel outside their immediate area in many instances and then sustain attendance and engagement outside of their community support network.
- 4.10 National policy is currently focused on encouraging behaviour change on these issues, but experience in Bridgwater suggests that these are having a limited impact to date, particularly on those outside the main benefits system (which local evidence suggest work in the grey economy). There is a need therefore for alternative solutions, providing training and support in environments which are perceived as neutral and within communities themselves, thus reducing burdens like travel and childcare. Recent experience in areas like Hamp (through projects like the Bridgwater Way) also suggests that relevant individuals are willing to engage with such schemes if they are suitably embedded with the local area and are not overtly linked to other service providers (JCP, local authorities). Sedgemoor therefore intends to provide a measure of local support with these areas, building up relevant capacity and supporting in situ training.

5) Next Steps

- 5.1 Following approval of this paper, Sedgemoor intends to formalise ongoing discussions with partners in November 2013. Its current intention would be to then roll out its programme from January 2014, working through to the start of the 2014/15 academic year.

Phill Adams
Service Manager, Economic Development and Affordable Housing
Sedgemoor District Council

Annex A – Activity Outline

Sedgemoor Project 1:		Total Cost of Project:
Supported Training Project		£12,000
Project Outline:		
<p>The workstream will support individuals to secure a suitable skill or qualification related to the development at Hinkley Point C, with a focus upon those areas of work which are easiest to enter and providing suitable 'Pathways into Employment' for those currently unemployed or furthest from the labour market.</p> <p>In line with West Somerset, areas of specific interest will likely include Cleaning and Support services, Hospitality and Catering and Landscaping and Construction. Given specialism within Bridgwater College, basic engineering and civil construction skills will also be considered for suitability. Relevant qualifications will therefore include Food Hygiene Certification, CSCS certification, Level 1 and 2 Health and Safety Certification and Level 1 and 2 Construction Skills certification, including plant operation if appropriate.</p> <p>It is anticipated, based on previous experience, that match funding will be secured for half of relevant costs, either in kind or direct funding through partner training providers or other mechanisms. Where possible, synergies with neighbouring authorities and partners will also be sought to reduce costs and increase impact.</p>		
Fit to Work Funding:	Anticipated Outcomes:	Anticipated progression route:
£6,000	<ul style="list-style-type: none"> - 60 individuals to have secured an accredited qualification; - 100% of participant supported to access further training/employment related activity - 	<ul style="list-style-type: none"> - Employment / Self Employment - Further Skills and Training - Project 3 - Upskilling/Retraining Project - EDF Job Brokerage / Jobcentre Plus Services. - Voluntary Placement / Traineeship / Apprenticeship

Sedgemoor Project 2:		Total Cost of Project:
Digital Inclusion / Training Provision		£6,000
Project Outline:		
<p>In conjunction with Homes in Sedgemoor, the Council will secure additional IT training provision to be based within our top four most deprived communities, seeking to reinforce local IT literacy and build up basic skills (specifically around Microsoft's suite of applications). It is envisaged that this project will work in conjunction with project 4 of this paper, with IT infrastructure to be additionally secured for relevant centre.</p> <p>As part of the project, it is envisaged that engagement will be taken forward with Jobcentre Plus to ensure that training provision encourages enhanced usage of the Universal Job Match system and wider online services.</p> <p>Early discussions with partners, including Somerset Skills and Learning, suggest that there is strong potential for additional leverage related to this project, which the project lead will explore through roll out.</p>		
Fit to Work Funding:	Anticipated Outputs:	Anticipated progression route:
£2,000	- 35 individuals trained across 2-3 locations	- Employment / Self Employment
Match Funding:	- 200 hours training time secured for local residents.	- Further Skills and Training
£4,000		- Project 1 - Supported Training programme
		- EDF Job Brokerage / Jobcentre Plus Services

Sedgemoor Project 3:		Total Cost of Project:
Upskilling/Retraining Project		£32,000
Project Outline:		
<p>A flexible pot of resource will be made available, working in conjunction with EDF's Job Brokerage, Bridgwater College and Jobcentre Plus, to allow relevant customers of Jobcentre and other local service providers to retrain and certify in relevant skill areas related to Hinkley. An emphasis will be placed on certifying to level 2 and above as far as practicable, within key areas like construction, engineering and facilities management. Work will also be undertaken with the EDF Brokerage to ensure those undertaking training will be assisted in relevant traineeships or employment at the end of relevant training.</p> <p>As part of the programme (and building on the experience of the initial pilot carried out with Bridgwater College), relevant like for like match will be sought, with the project lead seeking flexibilities in existing provision within other organisations.</p> <p>It is envisaged that this project will complement and build upon project 1 of this paper, providing a progression route from initial certification to job readiness and full employment.</p>		
Fit to Work Funding:	Anticipated Outcomes:	Anticipated progression route:
£16,000	- 50 individuals assisted to achieve accredited level 2/3.	- Employment / Self Employment
Match Funding:		
£16,000	- 100% assisted of participants supported to access further training / employment related activity.	- Further Skills and Training
	- 20% minimum assisted to find employment post certification via Job Brokerage / other approaches.	- EDF Job Brokerage / Jobcentre Plus Services.
		- Voluntary Placement / Traineeship / Apprenticeship

Sedgemoor Project 4:		Total Cost of Project:
Community Learning Provision / Capacity Building		£12,000
Project Outline:		
<p>The workstream will provide a limited support fund for training and learning within communities, seeking to both buy in provision in situ and infrastructure where practicable. Specific training options likely to run through community centres include ICT training, employability skills and CV writing support, literacy and numerous support and interview training.</p> <p>Given the focus upon the community, it is also envisaged that this support programme will seek to engage with those furthest from the market, looking to tailor support for those with the most acute needs and provide referral and other services on to specialist provision.</p> <p>It is envisaged that this project will be run in coordination with project 2 of this paper. Match funding may also be sought from other S106 project areas, as well as providers already working (or seeking to work) within the community.</p>		
Fit to Work Funding:	Anticipated Outcomes:	Anticipated progression route:
£6,000	- 150 individuals engaged with and provided structured support.	- Employment / Self Employment
Match Funding:		
£6,000	- 30 individuals assisted to achieve accredited training outcomes.	- Further Skills and Training
	- 100% of active participants offered access further training and employment related activity.	- Project 1 - Supported Training Programme
		- EDF Job Brokerage / Jobcentre Plus Services

Report Number: WSC 134/13

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

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Report to a Meeting of: Council

To be Held on: 20 November 2013

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

LOCALISM ACT 2011 – REVIEW OF MEMBERS’ CODE OF CONDUCT AND ARRANGEMENTS FOR DEALING WITH COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to enable the Council to review the Members’ Code of Conduct and the arrangements for handling complaints that have been operating since 1 July 2012.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Whilst the subject of this report does not specifically relate to either of the Council’s corporate priorities, the Council has a duty to comply with the requirements of the Localism Act 2011 and by promoting good ethics the Council is demonstrating its core values of integrity, fairness, respect and trust.

3. RECOMMENDATIONS

- 3.1 That the Council be recommended to amend the existing West Somerset Council Member Code of Conduct, as follows:
- a) To replace the existing definitions of the seven principles of public life in Appendix 1 by the wording set out in Appendix A to this report; and
 - b) By the inclusion of being a member of a national park authority as being an additional exception under Clause 2.9 (1) (a) relating to prejudicial interests.
- 3.2 That the Council be recommended to continue with the existing arrangements for dealing with complaints in relation to allegations of breaches of Code of Conduct for district, town and parish councils in West Somerset, with the one amendment that the target for completing the initial assessment part of the process be amended to ‘as soon as is practicable and normally within two calendar months of receipt of a complaint,’ subject to the process as a whole being kept under regular review.
- 3.3 That in order to support the process referred to in recommendation 3.2 above, the appointments of Louise Somerville Williams as the Council’s Independent Person and Mike Hillman as the reserve Independent Person be extended for a further period to run from 1 October 2013 to 31 May 2015.

4. **RISK ASSESSMENT**

Risk Matrix

Description	Likelihood	Impact	Overall
The arrangements that the Council put in place to meet the requirements of the Localism Act 2011 in respect of the new standards regime are not effective and fit for purpose.	Possible (3)	Major (4)	Medium (12)
<i>To keep the arrangements under review and make any modifications as and when considered appropriate</i>	Rare (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 the mitigation measures have been actioned and after they have.

5. **BACKGROUND INFORMATION**

- 5.1 At the meeting of the Council held on 27 June 2012 when the Council adopted the new Code of Conduct in accordance with the requirements of the Localism Act 2011 together with adopting arrangements for dealing with complaints in relation to the Code of Conduct in respect of Councillors in West Somerset, it was agreed that the Code and the complaints process should be the subject of an annual review by the Standards Advisory Committee.
- 5.2 The Standards Advisory Committee duly undertook this review at its meeting held on 24 September 2013 and made the recommendations as set out in section 3 above.

6. **CODE OF CONDUCT**

- 6.1 In relation to the proposed amendments to the definition of the seven Nolan principles of public life the Committee took into account the work undertaken by the Committee on Standards in Public Life which reviewed the key lessons that had been learnt since the Nolan Committee's first report was published in 1995 about how to improve ethical standards in public life. In January 2013 the Committee published its fourteenth report entitled 'A review of best practice in promoting good behaviour in public life'.
- 6.2 The report found that whilst standards of behaviour had improved in many areas of public life as a consequence, there was evidence to show that there were still areas for concern. These were that inappropriate behaviour continued to be revealed, leaders were yet to internalise the principles of public life fully, there were deliberate attempts to get around Codes of Conduct, new situations continued to arise which raised new standards issues, responses to standards issues often came too late and there was a significant decline in levels of public trust.
- 6.3 The Committee considered the seven principles of public life and concluded that, whilst there were views expressed that the principles should be reformulated, it was felt that this would be pointless and unnecessary.
- 6.4 The Committee felt that the seven principles should be retained as they had been an influential example of the values with which organisations seek to underpin their ethical framework and there had been a substantial increase in awareness of the importance of standards issues.
- 6.5 However the Committee also felt that since the principles were first formulated its understanding of the meaning of certain words had developed and therefore the

descriptions of the seven principles could usefully be brought up to date to reflect current understanding.

- 6.6 **Objectivity.** The Committee considered the importance of public office holders making decisions on merit and felt these tended more frequently to refer to impartiality rather than to objectivity. Accordingly it was considered helpful to include impartiality in the description of the meaning of objectivity.
- 6.7 As equality of opportunity has become even more of a central tenet of thinking about ethics and values in the period since the principles were first established the Committee felt it would be helpful to make it clearer that objectivity requires giving full regard to the importance of equality of opportunity and fair treatment, irrespective of individual characteristics such as disability, race, gender or sexual orientation.
- 6.8 **Honesty.** In relation to the description of honesty, the Committee took the view that the current description refers to holders of public office having a duty to declare any conflicts of interest whereas the avoidance of conflict of interest fitted more obviously into the current understanding of integrity.
- 6.9 The Committee felt that most people today would expect honesty to have a much broader meaning focusing on truthfulness. This was particularly so given the number of issues of current concern that have involved allegations of inappropriate behaviour being covered up.
- 6.10 **Leadership.** The Committee felt that public office holders sometimes needed to show courage in speaking up about difficult issues, speaking ‘truth to power’ and making or sticking to difficult decisions. This was seen as a key element of ethical leadership and the description of leadership should be amended accordingly.
- 6.11 The Committee accordingly provided new definitions of the seven principles and these are as set out in Appendix A of this report.
- 6.12 The Standards Advisory Committee considered that the changes were an improvement on the current wording providing greater clarity and would recommend that the Council adopts these new definitions as set out in Appendix A of this report. If adopted, the Committee also recommend that the principles be circulated widely to town and parish councils, both directly to parish/town clerks and in Community Matters.
- 6.13 The second point relates to the definition of prejudicial interest as set out in Clause 2.9 of the existing Code of Conduct. At present, specific provision is made for where a Councillor is a member of another town, parish, district or county council to provide an exemption from such an interest becoming prejudicial. There were occasions during the period of operation of the new Code when those members of West Somerset Council who are also members of the Exmoor National Park Authority were prevented from taking part in discussions by virtue of such membership. Given that the national park authority is a public body exercising functions in a similar way to local authorities, it is recommended that the membership of a national park authority should be treated in the same way as being a member of another town, parish, district or county council. It is therefore recommended that clause 2.9 (1) (a) be amended to read: “affects your financial position or the financial position of a significant person or a body described in paragraphs 2.8 (1)(a)(i) and (ii) (other than another town, parish, district or county council or national park authority of which you are also a member)”.

7. ARRANGEMENTS FOR DEALING WITH COMPLAINTS

- 7.1 In regard to reviewing the assessment of complaints process, since the inception of the new regime, nine formal complaints have been submitted and processed to the initial assessment stage whereby the Monitoring Officer has consulted with the Standards

Advisory Committee on what action to take. To date, all nine complaints have been processed without the need to resort to a formal investigation with the outcomes being reported to the Committee so that issues can be kept under review.

- 7.2 In West Somerset the arrangements in place for dealing with complaints do vary quite significantly from the norm in one particular aspect. In most councils, when complaints are received, the initial assessment is delegated to the Monitoring Officer in consultation with the Independent Person (which all councils are required appoint under the Localism Act). In West Somerset it was specifically decided to require that the Monitoring Officer consult with the Standards Advisory Committee at the initial assessment stage. As part of the current review, the Committee therefore particularly considered this aspect of the arrangements and whether it had proved to work well or should be recommended for change. The Monitoring Officer indicated that he had found consulting the Committee to be particularly useful and supportive in that the varied composition of the Committee ensured that overall a balanced view was more likely to be reached. Members of the Committee also felt that this aspect of the process had been positive and would recommend that it continue.
- 7.3 The only point that the Committee felt could be amended to ensure that interested parties were given accurate expectations of timescales was that, given the initial assessment process involved the Monitoring Officer needing to get the Committee together and ensuring that sufficient information was available, the current target timescale of thirty working days was rarely deliverable. It was, therefore, recommended that the target should be more realistic and state that the initial assessment part of the process would be undertaken as soon as is practicable and normally within two calendar months of receipt of a complaint. Obviously the intention would be to undertake this part of the process well within that timescale. In addition should, in exceptional circumstances, the timescale go beyond this, all relevant parties should be kept informed of what is happening via the Monitoring Officer.
- 7.4 As has already been mentioned, one of the requirements of the new process is for the Council to have an appointed Independent Person to help deal with complaints if they reach the investigation stage and in this respect Louise Somerville Williams was appointed as the Council's Independent Person for an initial period until 30 September 2013 and Mike Hillman was appointed as the reserve Independent Person until 30 September 2013. It was agreed that these arrangements should be reviewed as part of this overall review of the process.
- 7.5 Whilst to date there has been limited opportunity for these persons to take an active role, the Independent Person has contributed to help provide clarity on the nature of the role and protocol for operation and has been supportive of the Monitoring Officer and Committee as a whole. It is a legal requirement for the Council to retain an appointed Independent Person.
- 7.6 The Committee therefore recommended to Council to extend these two appointments for a further period from 1 October 2013 until 31 March, 2015. This particular period was suggested as by then the picture should be clearer as to the nature of West Somerset Council's partnership working with Taunton Deane Borough Council The report suggests the slightly longer period extending until 31st May, 2013 to make it also coincide with the next district council elections.
- 7.7 Subject to any other comments/proposals that may be made at the meeting, the Council is recommended to adopt the recommendations set out in section 3 to this report.

8. FINANCIAL/RESOURCE IMPLICATIONS

- 8.1 If the proposed recommendations are adopted there would be no anticipated additional financial/resource implications over and above those already required/incurred as part of the current process.

9. SECTION 151 OFFICER COMMENTS

- 9.1 The Council is required to undertake an annual review of its governance arrangements and therefore by undertaking this review in respect of the new standards regime reflects good practice and should underpin sound governance in relation to matters of probity.

10. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

- 10.1 The retention of the principle of requiring a Code of Conduct and retaining a statutory duty to promote and maintain high standards of conduct for its elected councillors and co-opted members should be welcomed in terms of fair and equitable governance. The taking into account of equality principles in updating the definitions of the seven principles of public life is to be welcomed.

11. CRIME AND DISORDER IMPLICATIONS

- 11.1 None in respect of this report.

12. CONSULTATION IMPLICATIONS

- 12.1 When undertaking the initial review the Standards Advisory Committee took into account certain comments that had been made to the Monitoring Officer in relation to the operation of the new Code of Conduct and complaints regime.

13. ASSET MANAGEMENT IMPLICATIONS

- 13.1 None in respect of this report.

14. ENVIRONMENTAL IMPACT IMPLICATIONS

- 14.1 None in respect of this report.

15. LEGAL IMPLICATIONS

- 15.1 This report reflects the need to maintain processes to ensure that the Council complies with the requirements prescribed by the Localism Act 2011 in relation to the Ethical Standards Regime.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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Report Number: WSC 133/13

Presented by: Cllr D J Westcott – Lead Member for Community and Customer

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Report to a Meeting of: Full Council

To be Held on: 20th November 2013

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2014/15 COUNCIL TAX REBATE SCHEME

1. PURPOSE OF REPORT

- 1.1 To advise Council of the proposed 2014/15 Council Tax Rebate Scheme for West Somerset.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 There are no direct links with regards to this report.

3. RECOMMENDATIONS

- 3.1 Council agree the recommendation from Cabinet that no change be made to the 2013/14 Council Tax Rebate Scheme and it is adopted for use in 2014/15.
- 3.2 Council note that in adopting this scheme they have taken into account the detailed Equality Impact Assessment as set out in Appendix A to the report.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure/difficulties in Council Tax collection from financially disadvantaged if scheme is less generous	4	4	16
<i>Retain 13/14 scheme for 14/15</i>	2	4	8
Caseload increases (e.g. major employer loss) and/or total value of awards exceeds estimates	3	4	12
<i>Monthly review. Details provided to Scrutiny on a monthly basis</i>	2	4	8
Changes to future Government grant	3	3	9
<i>None</i>			

Council fails to agree Scheme by 31 st January 2014 which leads to default scheme and adverse effect on MTFP	4	5	20
<i>Ensure Council schedules allow prompt decision making</i>	2	4	8
<i>Scheme is adopted to enable MTFP provision to be made</i>			

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

5. **BACKGROUND INFORMATION**

- 5.1 The Council Tax Benefit (CTB) scheme was abolished on 31st March 2013 and replaced by the Council Tax Rebate Scheme (CTR). The Government provide all billing authorities (and major precepting authorities) with a grant and expect Councils to design a Council Tax Rebate scheme to help those on low incomes to meet their Council Tax liability. The scheme is referred to in the Local Government Finance Act as the "Council Tax Reduction Scheme", although the Authority branded the scheme as "Council Tax Rebate". It is important to understand the Government grant will not rise each year to match demand and it is not ring-fenced.
- 5.2 Each of the major precepting authorities in Somerset receive a grant based on their current share of Council Tax receipts and therefore the County Council get the biggest share. If more residents than expected claim Council Tax Rebate, the major precepting authorities share the risk based on their share of council tax receipts.
- 5.3 We must agree any local scheme with the major precepting authorities i.e. Somerset County Council, Avon and Somerset Police, and Devon and Somerset Fire and Rescue Authority, and adopt it by 31 January 2014. If we cannot agree, the Government will impose a default scheme that will be much more expensive than our localised CTR scheme for 2013/14.
- 5.4 Schemes can be changed and what we have in place for 2014/15 does not have to remain in place for subsequent years, but we cannot change schemes mid-year.
- 5.5 Councils are not allowed complete freedom on the design of their CTR schemes. The Government have stipulated that pensioners should be fully protected under the same criteria that previously applied to Council Tax Benefit. This principle means there is no local discretion in CTR awards for people over pension age, as there are nationally set entitlement rules for this group. Pensioners, make up 56% of our CTR caseload, but account for 62% of spending on CTR. This means any cut in the support paid under CTR is borne by the remaining 44% of working age claimants.
- 5.6 The Government say we must also protect, as far as possible, CTR for vulnerable groups. There is no definition of which groups are counted as "vulnerable" as each authority has to make its own assessment. However, the Government have highlighted Local Authority statutory duties regarding:
- Children and duties under the 2010 Child Poverty Act to reduce and mitigate the effects of child poverty
 - Disabled people and duties under the Equality Act 2010
 - Homelessness Prevention and duties under the 1996 Housing Act to prevent homelessness with special regard to vulnerable groups.

It is up to Billing Authorities to decide how they apply any such protection. Our scheme considers disabled people's needs and those responsible for children. It fully ignores income from a War Disablement or War Widows Pension. Also following the

Government's direction, our CTR scheme strengthens work incentives and encourages people to move off benefits and into work or to stay in work.

- 5.7 3,531 people moved from the Council Tax Benefit scheme to the localised Council Tax Rebate scheme. The average weekly CTR award for a Pension Age claim is £17.40, whilst for people of Working Age, it is £12.06.

Other key facts on CTR caseload, spending and budgets are shown below:

Claimant Type	% of total claims	Caseload as at 31st August	% of total spend	CTR expenditure
Pension age	56.39%	1934	61.99%	£1,753,368.43
Working age employed	11.01%	378	7.93%	£224,378.51
Working Age not employed	32.67%	1122	30.08%	£850,809.47
Total	100.00%	3434	100.00%	£2,828,556.41

The key point from this table is that nearly 62% of Council Tax Rebate expenditure is on the pensioner scheme. The Authority has no control over this scheme, so any potential shortfall will need to be recovered from the remaining 38% expenditure in respect of working age claims.

	Number of claims	Cases with debt	Average Debt	Total Debt
Pension Age	1,934	71	£139.19	£9,882.27
Working Age Employed	378	129	£218.16	£28,142.60
Working Age Other	1,122	451	£164.18	£74,047.18
Total	3434	651	£172.15	£112,072.05

The key point from this table is that claims that are working have significantly higher average debt than the Authority's original concerns of high debt levels for out of work claims.

CTR as at 31st August 2013	
CTR Spend to date	£2,828,556.41
CTR Budget	£2,941,702.00
CTR spend against budget	-£113,145.59
Underspend as a percentage of budget	3.85%

The key point from this table is that the scheme is currently 3.85% under budget.

Budget capacity remaining	
CTR remaining budget	£113,145.59
Average award	£825.13
Claims from overspend	137

The key point from this table is that the 3.85% underspend is the equivalent of 137 claims based on average entitlement.

- 5.8 Members will see from the totals shown in the tables above, we are currently paying out £113,145.59 less in CTR than the budget. This “underspend” equates to 3.85%. While we award most CTR at annual billing, fluctuations in take up and claimant need have an impact on the overall expenditure. To put this into context, if 137 more people claim CTR and receive the scheme average entitlement, then our budget would be overspent.
- 5.9 There have been relatively few complaints about the scheme and most people affected have accepted they need to pay something. Revenues Officers have set up special arrangements to help people struggling to pay. We routinely offered 12 monthly instalment arrangements (usually Council Tax is paid over 10 months) for customers affected by the reduced help through CTR and have been quite successful in agreeing new Direct Debit arrangements. However, it is too early to predict confidently the impact of our localised CTR scheme.
- 5.10 The scheme is currently within budget and operating within the collection parameters used at tax setting. National funding and demand is expected to be similar in 2014/15 as now. Other Somerset billing authorities (Mendip, Sedgemoor and Taunton Deane) have given early indications they will leave their CTR schemes unchanged in 2014/15.
- 5.11 Members should be aware that our scheme automatically increases premiums and personal allowances as it links them to the Housing Benefit increases.
- 5.12 In September 2013 the Department for Communities and Local Government announced that it intends to amend the Prescribed Requirements Regulations to up-rate the allowances, premiums and non-dependant deductions for pensioners for 2014-15. They will be amended again to up-rate for 2015-16.

The Government intends to up-rate:

- personal allowances in line with Pension Credit rates
- most premiums in line with CPI; and
- non-dependant deductions in line with growth in eligible council tax.

2014/15 Pension Credit rates have yet to be published. The current CPI (Consumer Prices Index) rate is 2.7%. It is felt prudent to budget a 1.8% increase in overall CTR expenditure.

This is to allow for 0.9% estimated increase in council tax liability for all cases, and an additional 2.7 % increase in premiums (current CPI rate) for all non passported claims. Passported claims will not be affected by the increase in premiums as they are already receiving full benefit. The estimated increase in expenditure is broken down as follows:

Claimant Type	% of claims	Caseload as at 31st August 2013	% of total spend	CTR expenditure	% Increase applied	14/15 Estimate
Pension age - Passported	35.7%	1226	42.9%	£1,213,605	0.9%	£1,224,528
Pension age - Non Passported	20.6%	708	19.1%	£539,764	3.6%	£559,195
Working age - Passported	24.1%	827	22.6%	£638,382	0.9%	£644,127
Working Age - Non Passported	19.6%	673	15.4%	£436,806	3.6%	£452,531
Total	100%	3434	100%	£2,828,556	1.8%	£2,880,381

This will allow a spare £61,320 in the scheme, which will allow for an increase of 73 claims if based on the average scheme award. This is calculated as follows:

2014/15 Budget (unchanged from 2013/14)	£2,941,702.00
Estimated 2014/15 expenditure for current claims	£2,880,381.20
CTR budget capacity	-£61,320.80
Estimated underspend as % of budget	2.08%
2014/15 Estimate average award	£839.54
Claims from overspend	73

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The financing risk of the scheme is shared with other precepting Authorities through the tax base calculation. West Somerset's share of the collection fund is 9 %.
- 6.2 As detailed in 5.10, the Department for Communities and Local Government Local Government Finance Settlement 2014-15 and 2015-16 Technical Consultation (published in July 2013) advised that the Government proposes to keep the total level of the localised Council Tax Rebate (branded by WSC as Council Tax Rebate) funding unchanged in cash terms for 2014/15 and 2015/16.

7. SECTION 151 OFFICER COMMENTS

- 7.1 From 2014/15 funding for Council Tax Rebate will be incorporated into the Local Government Finance Settlement and not separately identified.
- 7.2 Even though Government funding for CTR will remain unchanged for 2014/15 and 2015/16, the overall total for the Local Government Finance Settlement is being reduced. It is vital that any financial risk in the 2014/15 Council Tax Rebate scheme is kept to a minimum.
- 7.3 The budget for the proposal allows for the increased premiums, and council tax liability. It also allows for a small increase in caseload. Members should be aware that it is impossible to guarantee a cost neutral scheme as a result of factors beyond the Authority's control that increase demand, such as further economic downturn, loss of large local employer etc.
- 7.4 There is no legislative need to consult the preceptors if there is no change, but Somerset County Council have been advised of our proposal.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

8.1 A thorough consultation was undertaken in August and September 2012. Full details were provided in report WSC 171/12.

8.2 Appendix A of this report updates the assessment and provides actual data against the issues originally identified.

8.3 Debt levels are broken down by claim profile in Appendix B.

9. CRIME AND DISORDER IMPLICATIONS

9.1 Regular liaison between the police and this authority is maintained through our Community Safety Officer. At this time, no attributable impacts upon local rates of crime and disorder have been identified.

10. CONSULTATION IMPLICATIONS

10.1 A full consultation was undertaken before the implementation of the 2013/14 scheme.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 This proposal will help keep costs low as there will be no software changes, consultation costs etc.

11.2 The cost of scheme financial modelling will be funded from Government grants provided

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None associated with this report

13. LEGAL IMPLICATIONS

13.1 Council must approve a scheme by 31 January 2014 or it will be forced to adopt the Government's default scheme. The default scheme is essentially old Council Tax Benefit scheme allowing a maximum 100% of liability as oppose to the 85% West Somerset scheme. The clear implication being the creation of a significant additional budget deficit

West Somerset Council

Equality Impact Analysis Record Form 2013

Council Tax Rebate 2013/14 mid year review

When reviewing, planning or providing services West Somerset Council needs to assess the impacts on people.

We must show we have given due regard to the General Equality Duties in relation to our policies, strategies, services and functions as set out in Section 149 of the Equality Act 2010:

The three aims we **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

This Equality Impact Assessment (EIA) considers the impact of the proposed Council Tax Scheme (CTS) options on the statutory protected characteristics (Age, Disability, Gender, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion & Belief Sexual orientation) and other groups (Rural Isolation, Carers, Armed Forces) in line with the Public Sector Equality Duty (PSED). Where any adverse impact is identified, mitigating actions will be considered.

Service Area: Benefits	
Name of policy/ practice/ service or function	Council Tax Rebate Scheme 14/15 Revised Policy

Section 1 Why are you completing the Impact Assessment (please as appropriate)

Proposed new policy or service	Change to policy or service	Budget/Financial Decision	Mid year review
			<input checked="" type="checkbox"/>

1.1. Information about the new policy or change to the policy (explain the proposal and reason for the change)

With effect from 2013/14 district councils have been required to operate a localised Council Tax Support (CTS) scheme to provide assistance to people on low income. CTS replaced the previous Council Tax benefit scheme that was administered by the council on behalf of the Department for Work and Pensions (DWP). Councils are responsible for the design and implementation of these schemes and need to consider whether they are to be revised or replaced on an annual basis. The amount of subsidy reimbursement for CTS has reduced nationally by 10% with councils having the option of funding the shortfall or designing a support scheme that is cost neutral. Any CTS scheme must protect pensioners at the existing level of support and incentivise return to work.

West Somerset Scheme 2013/14

On 23rd January 2013 Full Council approved a scheme with the following key principles:

Maximum Liability – Maximum award for working age claimants to be 85% of the council tax liability.

Child Maintenance – Maintenance received for a child or children, paid by a former partner to be treated as income in the means test assessment.

Non dependant reductions – Increased non-dependant reductions

Single Adult Rebate – Abolish single adult rebate for working age claimants.

Increased Earnings Disregard – Part of earned income would not included in the means test to calculate CTR, so incentivising work.

Discretionary Housing Payment – Creation of a discretionary hardship fund, to protect the most vulnerable. Value of the scheme was £22,500.

Sub-Tenant/Boarder Income – Disregards abolished for sub tenant and boarder income.

A public consultation was undertaken during the period 9th August 2012 to the 5th October 2012. Detailed results of the consultation are available on request.

The proposal for 2014/15 is to adopt the same scheme with the same principles as detailed above.

Section 2: What evidence has been used in the assessment? Attach documents where appropriate

Overall Council Tax Rebate Caseload and Debt Profiling (September 2013)

We have undertaken debt profiling against the Council Tax Rebate customer base and also against those customer groups which are impacted most by the key elements of our localised scheme. As this is 6 months of data it is still too early to make assumptions on the full impacts of the scheme, however, there are some key indicators that are starting to become apparent.

Table 2.3

Scheme	Number of claims	Cases with debt	Percentage of cases with debt	Average Debt	Total Debt
Pension Age	1,934	71	3.67%	£139.19	£9,882.27
Working Age Employed	378	127	33.60%	£216.84	£27,538.71
Working Age Other	1,122	453	40.37%	£164.79	£74,651.07
Total	3434	651	18.96%	£172.15	£112,072.05

Table 2.4

Scheme Claims	Total claims	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	1,934	1226	25	594	1337	3	0
Working Age Employed	378	5	287	145	67	166	33
Working Age Other	1,122	822	478	336	529	257	398
Total	3,434	2,053	790	1,075	1,933	426	431

Table 2.5

Scheme Average Debts	Scheme Average	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	£139.19	£234.58	£153.39	£155.79	£124.77	£0.00	£0.00
Working Age Employed	£216.84	£0.00	£225.64	£247.21	£207.35	£188.73	£142.90
Working Age Other	£164.79	£147.20	£161.77	£219.29	£144.61	£130.08	£115.46

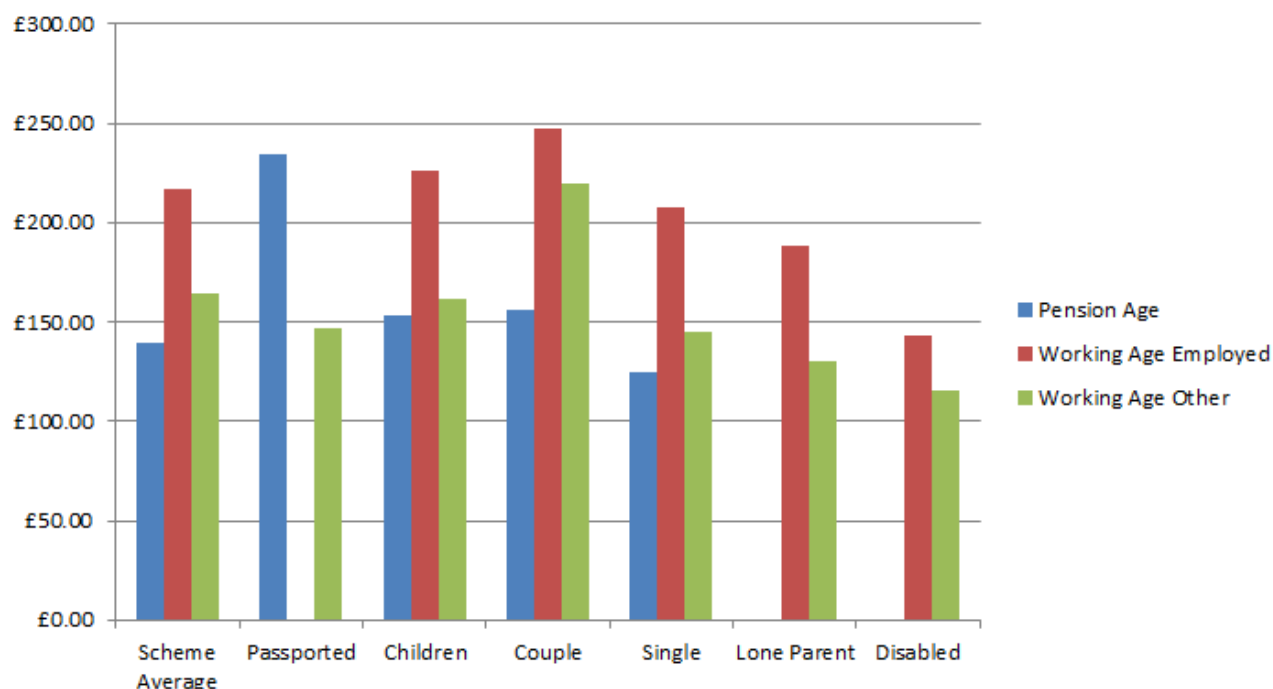
Table 2.6

By Council Tax Band Average Debt	A	B	C	D	E	F	G
Pension Age	£98.41	£53.93	£138.03	£157.90	£1,431.30	£96.00	£154.94
Working Age Employed	£228.54	£223.70	£205.35	£206.21	£125.64	£0.00	£0.00
Working Age Other	£163.31	£157.69	£151.64	£155.90	£305.53	£1,176.89	£0.00

Impacts of Scheme Options

Impacts of Options

Table 3.1 – Average Debt by Profile



Maximum Benefit reduced to 85% – This resulted in a substantial increase in council tax liability for working age people who claim Council Tax Rebate. This includes those who previously paid nothing. Some respondents to the consultation said that the increased liabilities would be impossible to pay given their financial circumstances. Together with the other Welfare Reform changes from April 2013 there will be a cumulative affect on low paid and vulnerable households.

Table 2.3 shows that the percentage of claims is not significantly higher for those out of work when compared to those in work. Table 3.1 shows that the average debt is higher for those in work when compared to those not working

Table 3.2 compares passported cases (who historically paid nothing) and non passported cases (that are used to making a contribution)

Table 3.2

Working Age	Number of claims	Cases with debt	Average Debt	Total Debt
Passported	827	338	£165.24	£55,852.53
Non Passported	673	242	£232.31	£56,219.52

The surprising conclusion from this table is that passported cases who have not previously paid anything towards the council tax have an average lower debt than non passported people who are used to making council tax payments

Taking Child Maintenance into account – Some respondents to the Council Tax Scheme consultation have said that some absent parents are infrequent and unreliable in paying maintenance for their children. The Child Support Agency (CSA) are not always successful in enforcing non payers. There could be instances where income is being used in the Council Tax Benefit assessment that is not always received. Legal Aid is also no longer available for people to pursue the non-payment of maintenance through the courts.

Debt profile table 3.3 shows that the overall impact of the scheme is only causing a slight increase in average debt for working cases with children. The average debt for those not working is in actual fact slightly lower than the scheme average

Table 3.3

Children	Number of claims	Cases with debt	Average Debt	Total Debt
Pension Age	25	4	£153.39	£613.55
Working Age Employed	287	100	£225.64	£22,564.44
Working Age Other	478	224	£161.77	£36,237.50
Total	790	328	£181.14	£59,415.49
Overall Scheme				
Pension Age	1934	71	£139.19	£9,882.27
Working Age Employed	378	127	£216.84	£27,538.71
Working Age Other	1122	453	£164.79	£74,651.07

Increased Non-Dependant Deduction – This proposal will increase the levels of non-dependant deductions from the current rates. Out of work non-dependants will be particular affected by this proposal, as there is currently a nil deduction for this group. The proposal will be to increase the deduction for this income group from nil £4.80 per week. Many non-dependants are in fact young adults living with their parents. Current level of Jobseekers Allowance for the under 25's is £56.25.

There could be adverse impact on family relationships, if the claimant is unable to get the required contribution from the non-dependant and subsequently potential for increased pressure on availability of housing if the non-dependant is forced to leave the family home.

Table 3.4

Claims with non dependants	Number of claims	Cases with debt	Average Debt	Total Debt
Pension Age	63	8	£116.39	£931.15
Working Age Employed	21	8	£487.38	£3,899.02
Working Age Other	61	27	£476.32	£12,860.55
Total	145	43	£411.41	£17,690.72

Table 3.4 shows that the number of claims with non dependant deduction that have council tax debt is low. It is a concern though that these few cases do have high levels of debt, considerably above the scheme average.

Further monitoring of these cases will be undertaken over a longer period of time to ensure that non dependant deduction levels are not causing hardship

Abolish Second Adult Rebate – There is no evidence that abolishing Second Adult Rebate has caused any issues. The main reason is that this was not part of the main Council Tax Benefit scheme, so recipients would have income levels above Council Tax Benefit entitlement parameters.

Increase Earnings Disregard – This was designed to have a positive impact and will help those on low wages. The increased disregards aim to incentivise work and encourage people to remain in employment

Table 3.5

Scheme Average Debts	Scheme						
	Average	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	£139.19	£234.58	£153.39	£155.79	£124.77	£0.00	£0.00
Working Age Employed	£218.16	£301.95	£227.14	£249.13	£207.35	£188.73	£142.90
Working Age Other	£164.18	£146.28	£160.51	£218.13	£144.61	£130.08	£115.46

This is a cause for concern as the levels of average debt for employed claims is significantly higher for all profiles than either non-working or pension age cases

Set up a Discretionary Hardship Fund – A fund of £22,500 was created to help those most in need and the vulnerable. By the end of August there have been 38 awards totalling just £3,441.25. The average award is £91. This negates concerns that the fund may be exhausted during the year

Sub Tenant/Boarder Income – All of the sub tenant and boarder income, which was previously disregarded is now taken into account in the means test. The actual number of claimants affected by this change is very low and no significant impact has been identified.

Debt Profiling by Protected Characteristic

Disabled	Number of claims	Cases with debt	Average Debt	Total Debt
Working Age Employed	33	13	£142.90	£1,857.64
Working Age Other	398	134	£115.46	£15,471.14
Total	431	147	£117.88	£17,328.78

The average level of debt for claims receiving the disabled premium is significantly lower than the scheme average of £216.84 for employed claims and £164.79 for claims that are not in employment

These concerns appear unfounded, with average level of debt lower than the scheme average of £216.84 for employed claims and £164.79 for claims that are not in employment

Gender

Lone Parents	Number of claims	Cases with debt	Average Debt	Total Debt
Working Age Employed	166	53	£188.73	£10,002.74
Working Age Other	257	116	£130.08	£15,089.82
Total	423	169	£148.48	£25,092.56

The average level of debt is lower than the scheme average of £216.84 for employed claims and £164.79 for claims that are not in employment

3.1. Equality Impact Assessment (by protected characteristic)

With reference to the analysis above, for each of the 'protected characteristics' in the table below please record your conclusions with evidence around equality impact in relation to the savings proposal/service change. Record negative and positive impacts.

Protected Group	Findings
Age (includes all age groups)	<p>Older people (those of pension age) are protected from any reductions under the new scheme by the legislation and therefore the reduction in benefit will be borne by those of working age in receipt of Council Tax Benefit.</p> <p>West Somerset has a high pensioner population therefore, there will be a disproportionate affect on working age people with this policy.</p>
Disability (includes mental health)	<p>Disabled people of working age will not be protected and therefore will see increases in the amount of council tax they pay. Disabled people have a limited ability to work and are likely to have higher-level disability related living expenses.</p> <p>This group in particular find it difficult to access and sustain employment and therefore improve on their current financial situation. This group of people is less resilient to the impact of recession and unemployment and are often living in poverty. These further impacts on the individual's mental health.</p>
Gender	<p>Our consultation suggested that lone parents may be disproportionately affected with this policy.</p> <p>This group of people find difficulty in gaining employment because of childcare issues.</p> <p>Lone parents in employment are quite often low earners on part time hours. Many in this group have said they would like to be working more hours but are restricted because of difficulty with childcare.</p> <p>The majority of lone parents in receipt of council tax benefit are female.</p>

Gender reassignment	We have not identified any disproportionate impact with this policy in relation to Gender assignment.
Marriage and civil partnership	We have not identified any disproportionate impact with this policy in relation to Marriage and civil partnership.
Pregnancy and maternity	We have not identified any disproportionate impact with this policy in relation to pregnancy and maternity.
Race (includes Gypsy and Travellers, ethnic origins, colour and nationality)	<p>Ethnicity of the claimant is not taken into consideration as part of the benefit calculation.</p> <p>West Somerset historically has a low BME (Black & Minority Ethnic) population compared to the rest of Somerset.</p> <p>We have not identified any disproportionate impact with this policy in relation to race.</p>
Religion and belief including non-belief	<p>The religion or belief of the claimant is not taken into consideration as part of the benefit calculation.</p> <p>We have not identified any disproportionate impact with this policy in relation to a claimant's religion or belief.</p> <p>Many of the places of worship within West Somerset provide social outreach projects such as the Hope Centre at the Baptist Church, Minehead and the Food Cupboard at St Michael the Archangel, Alcombe. The impact of welfare reforms could see greater reliance on projects such as these, which are run by volunteers.</p>
Sexual orientation (includes heterosexual, gay, bisexual)	<p>Sexual orientation of the claimant is not taken into consideration as part of the benefit calculation.</p> <p>We have not identified any disproportionate impact with this policy in relation to sexual orientation.</p>

Other Groups (non statutory)

Socio-economic (low income individuals & families)	West Somerset has the second lowest wage levels amongst neighbouring authorities and is significantly below county, regional and national averages. People's incomes in general are declining, yet the cost of living continues to rise. This may be a factor in the high levels of debt for working claims
Rural Isolation (West Somerset is a rural district with poor transport networks which can affect the way we deliver services)	Because of the rural location of West Somerset access to suitable employment, training and public services is an issue for many. The rural nature of West Somerset sees many residents trapped in low paid work with little opportunity to improve on their situation. Increasing transport costs and limited public transport makes it difficult for residents to commute to better paid jobs in other parts of

	<p>the County</p> <p>Many of our residents living in the deeply rural areas, live in poorly insulated properties with limited gas connection. They will have above average exposure to rising fuel costs and will be more likely to be living in fuel poverty.</p>
Carers	Larger families or people with disabilities may be in larger properties to cater for disability needs and so that carers are able to stay overnight.
Armed Forces	<p>Veteran Benefits will continue to be fully disregarded in the means test for Council Tax Benefit.</p> <p>Our scheme does not appear to have a differential impact but we are aware that some ex veterans experience mental health issues and have physical disabilities</p>
Other	<p>Many of our customers have low numeracy and literacy skills and will have been unable to engage with the consultation on this policy. Skills and qualification levels are particularly poor in the district and therefore limit people's opportunities.</p>

3.2: What is the cumulative equality impact of your proposal?

You may have identified an impact on the lives of a group as a result of your individual proposal. However, taken together with other changes the cumulative impact of these decisions may be considerable and the combined impact may not be apparent where decisions are taken in isolation.

Against a background of economic stagnation, unemployment, the rising cost of living, falling income and public spending cuts the Council faces a serious challenge in designing a fair scheme with minimal impact on our customers.

The scheme encountered the anticipated high levels of enquiry in April, but these dropped significantly after a few weeks

The vast majority of customers accept that they are now required to pay towards their council tax liability, and the scheme appears fair and transparent, with no official complaints being received in this respect.

There is concern about the impact of this scheme in addition to other areas of welfare reform, especially the removal of spare room subsidy.

154 cases have seen their Housing Benefit reduced, 122 by 14% and 32 by 25%. In addition, 3 cases have been subject to the benefit cap.

The Benefits service has worked hard to keep hardship to a minimum through this difficult period for our customers. This has mainly been achieved by prompt assessment of both the Authority's discretionary schemes "Discretionary Housing Payments", and "Additional Council Tax Rebate" payments. Officers automatically check for entitlement against both schemes to ensure maximisation of household income

Section 4: ACTION PLAN MONITOR

This table below provides an update on the agreed action of the original Council Tax Rebate Equality Impact Assessment

Identified Issue/Negative Impact	Action needed to mitigate impact	Who is responsible	By When	Expected outcomes from carrying out action	Result
Monitoring impacts	Develop a clear monitoring criteria to identify impacts post April 2013 which includes on-going consultation with advice agencies, voluntary sector groups, Magna West Somerset and internal services who will see the effects of the scheme	P Lamb	April 2013 onwards	<ul style="list-style-type: none"> • Better understanding of actual impacts following introduction of the scheme • Better understanding of the changing nature of the caseload • Identification of future modification of the scheme 	<p>Achieved</p> <ul style="list-style-type: none"> • Regular meetings with Registered Social Landlords (Knightstone, Magna and Falcon) along with West Somerset Advice Bureau • Monthly monitoring of CTR and all aspects of welfare reform. This is reported to Scrutiny Committee as part of the quarterly performance report.
Discretionary Hardship Fund	Design and implement Discretionary Hardship Fund in conjunction with other Somerset authorities	P Lamb	April 2013	<ul style="list-style-type: none"> • Most vulnerable supported • In line with the rest of Councils within Somerset 	<p>Achieved</p> <p>A discretionary fund, named "Additional Council Tax Rebate" was created. The policy for administering this fund was agreed by Full Council in March 2013</p>
Collection Problems	Develop a clear collection policy	S Perkins	April 2013	<ul style="list-style-type: none"> • Most vulnerable supported • In line with the rest of Councils within Somerset • Understood by local advice agencies 	<p>Achieved</p> <ul style="list-style-type: none"> • Lowering of recovery action threshold has enabled debt issues to be identified and assisted at an earlier stage • 12 monthly instalment plans introduced to make payment

					<p>affordable</p> <ul style="list-style-type: none"> • Discussion at regular meetings with stakeholders
Raising awareness of benefit changes and supporting customers through the changes	Recruitment of welfare reform assistant.	P Lamb	December 2012	<ul style="list-style-type: none"> • Customers supported through the transition to the new scheme 	<p>Achieved</p> <p>Welfare reform assistant has been involved with engagement meetings with stakeholders, mail shots to those affected, design of discretionary payment schemes, refresh of web site, landlord liaison, customer enquiries</p>

Section 5. Monitoring and review/ mainstreaming into service plans

Please indicate whether any of your actions have been added to service or work plans and your arrangements for monitoring and reviewing progress/ future impact?

Actions from the EIA action plan will be included within Team Service Plans and Workplans

Section 6: Publishing the completed assessment

How will the assessment, consultation & outcomes be published and communicated.

Published as part of report to Cabinet 6th November 2013 and Full Council on 20th November 2013.

Section 7: Sign Off

Completed by:	P Lamb
Date:	20 th September 2013
Reviewed by:	S Rawle
Date:	29 th October 2013

Decision-making processes

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report (title): 2014/15 Council Tax Rebate Scheme

Date of report: 20th November, 2013

Author of report: Ian Timms/ Steve Farmer/ Paul Lamb

Audience for report: Full Council

Outcome from report being considered

APPENDIX B - CTR CASELOAD AND DEBT INFORMATION

Scheme	Number of claims	Cases with debt	Percentage of cases with debt	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	1,934	71	3.67%	£139.19	£5.11	£9,882.27
Working Age Employed	378	129	34.13%	£218.16	£74.45	£28,142.60
Working Age Other	1,122	451	40.20%	£164.18	£66.00	£74,047.18
Total	3434	651	18.96%	£172.15	£32.64	£112,072.05

Scheme Claims	Total claims	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	1,934	1226	25	594	1337	3	0
Working Age Employed	378	5	287	145	67	166	33
Working Age Other	1,122	822	478	336	529	257	398
Total	3,434	2,053	790	1,075	1,933	426	431

Scheme Average Debts	Scheme Average	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	£139.19	£234.58	£153.39	£155.79	£124.77	£0.00	£0.00
Working Age Employed	£218.16	£301.95	£227.14	£249.13	£207.35	£188.73	£142.90
Working Age Other	£164.18	£146.28	£160.51	£218.13	£144.61	£130.08	£115.46

Table 4 - Profile of claims - Arrears across total caseload							
Scheme Average Debts	Scheme						
	Average	Passported	Children	Couple	Single	Lone Parent	Disabled
Pension Age	£5.11	£4.97	£24.54	£8.65	£3.55	£0.00	£0.00
Working Age Employed	£74.45	£120.78	£80.73	£97.93	£58.80	£60.26	£56.29
Working Age Other	£66.00	£59.79	£74.55	£92.83	£52.49	£58.72	£38.87

Table 5 - Claims with arrears by council tax band							
Average Debt	A	B	C	D	E	F	G
Pension Age	£98.41	£53.93	£138.03	£157.90	£1,431.30	£96.00	£154.94
Working Age Employed	£221.66	£229.50	£205.35	£206.21	£125.64	£0.00	£0.00
Working Age Other	£163.93	£155.42	£151.64	£155.90	£305.53	£1,176.89	£0.00

Table 6 - Arrears across total caseload by council tax band							
Average Debt	A	B	C	D	E	F	G
Pension Age	£4.46	£1.74	£3.87	£5.75	£44.04	£5.19	£38.73
Working Age Employed	£84.75	£88.99	£65.63	£62.34	£20.94	£0.00	£0.00
Working Age Other	£71.14	£62.67	£61.00	£33.71	£111.10	£784.59	£0.00

Table 7 - Average non CTR Arrears

Total Debt	£802,160.84		
Number Debt Cases	1851		
Average Debt	£433.37	% accounts with Debt	10.50%

Table 8 - Claims with Children - arrears Analysis

	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	25	4	£153.39	£24.54	£613.55
Working Age Employed	287	102	£227.14	£80.73	£23,168.33
Working Age Other	478	222	£160.51	£74.55	£35,633.61
Total	790	328	£181.14	£75.21	£59,415.49

Table 9 - Lone Parent Claims - arrears Analysis

	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	3	0	#DIV/0!	£0.00	£0.00
Working Age Employed	166	53	£188.73	£60.26	£10,002.74
Working Age Other	257	116	£130.08	£58.72	£15,089.82
Total	426	169	£148.48	£58.90	£25,092.56

Table 10 - Claims with Disability Premium - arrears Analysis					
	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	0	0	#DIV/0!	#DIV/0!	£0.00
Working Age Employed	33	13	£142.90	£56.29	£1,857.64
Working Age Other	398	134	£115.46	£38.87	£15,471.14
Total	431	147	£117.88	£40.21	£17,328.78

Table 11 - Passport Claims - arrears Analysis					
	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	1226	26	£234.58	£4.97	£6,099.10
Working Age Employed	5	2	£301.95	£120.78	£603.89
Working Age Other	822	336	£146.28	£59.79	£49,149.54
Total	2053	364	£153.44	£27.21	£55,852.53

Table 12 - Couples claiming CTR - arrears Analysis					
	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	594	33	£155.79	£8.65	£5,141.03
Working Age Employed	145	57	£249.13	£97.93	£14,200.27
Working Age Other	336	143	£218.13	£92.83	£31,192.53
Total	1075	233	£216.88	£47.01	£50,533.83

Table 13 - Single claims CTR - arrears Analysis					
Single People	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	1337	38	£124.77	£3.55	£4,741.24
Working Age Employed	67	19	£207.35	£58.80	£3,939.59
Working Age Other	529	192	£144.61	£52.49	£27,764.83
Total	1933	249	£146.37	£18.85	£36,445.66

Table 14 - Comparison of working age cases					
	Number of claims	Cases with arrears	Average arrears case	Average arrears across scheme	Total arrears
Passported	827	338	£165.24	£67.54	£55,852.53
Non Passported	673	242	£232.31	£83.54	£56,219.52

Table 15 - CTR claims with non dependants					
	Number of claims	Cases with debt	Average arrears case	Average arrears across scheme	Total arrears
Pension Age	63	8	£116.39	£14.78	£931.15
Working Age Employed	21	8	£487.38	£185.67	£3,899.02
Working Age Other	61	27	£476.32	£210.83	£12,860.55
Total	145	43	£411.41	£122.00	£17,690.72

Report Number: WSC 139/13
Presented by: Cllr. K Kravis, Lead Member for Finance & Resources
Author of the Report: Adrian Dyer, Executive Director
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Report to a Meeting of: Council
To be Held on: 20th November 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

NON-DOMESTIC RATES - DISCRETIONARY RELIEF SCHEME

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval of a Discretionary Rate Relief Scheme to operate for a 12 month period from 1 April 2014 plus an associated Rural Settlement List in respect of the same period.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 There are no contributions to the corporate priorities

3. RECOMMENDATIONS

Council are recommended to approve that:

- 3.1 The current 'Discretionary Rate Relief Scheme', as amended, with immediate effect, to include an additional type of relief as detailed in **Appendix 'A', Addendum '1'**.
- 3.2 The current scheme, as amended, is extended for a further twelve months, commencing 1st April 2014 and terminating on 31st March 2015.
- 3.3 A report on the future of the Council's Discretionary Rate Relief scheme in 2015/16 is drafted for presentation to Council during the autumn of 2014.
- 3.4 The rural settlements list for 2014/15 is agreed as listed in **Appendix 'B'** to this paper.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk (Reputational) – The lack of a formal decision by Members on the future of the current scheme will result in all discretionary relief automatically ceasing on 1 st April 2014	Likely (4)	Major (4)	High (4)
Mitigation – Members formally consider the issue and provide current recipients with sufficient notice of their decision prior to the life of the current scheme ending on 31 st March 2014	Rare (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 the mitigation measures have been actioned and after they have.

5. BACKGROUND INFORMATION

5.1 The current scheme as shown in **Appendix 'A'** was approved by Council on 23 January 2013 (Min. C96 refers) for the period 1 April 2013 to 31 March 2014. It was also resolved that a report on the future of the scheme is presented to members before 31st October 2013.

5.2 The reason behind the scheme being only valid for twelve months and subsequent necessary review is the risk that the entitlement and associated cost of any future scheme has to be reduced in order to produce a balanced budget. It is though not thought that this will be necessary in respect of 2014/15 hence the recommendation for a twelve month extension to the current scheme.

5.3 Proposed Addition to the Current Scheme

5.3.1 There is however a new scheme has been recently introduced titled the *"Business Rates New Builds Empty Property Relief"*. The scheme will exempt all newly built commercial property completed between 1 October 2013 and 30 September 2016 from empty property rates for the first 18 months after construction, up to state aid limits. The scheme is intended to encourage development by reducing the business rates liability of owners of unoccupied new buildings.

5.3.2 As the government only intends this to be a temporary measure they are not changing the rules on when a property becomes liable for empty property rates. Instead they are providing the exemption by reimbursing local authorities that use their discretionary relief powers (under section 47 of the Local Government Finance Act 1988) to grant relief in prescribed circumstances. Government have stated that it is for each local authority to decide whether to grant relief under these powers but they will fully reimburse local authorities for the local share of the relief using a grant under s31 of the Local Government Act 2003. A quote from the guidance notes states *"Through this mechanism, central government will guarantee to reimburse local government (both billing authorities and those major precepting authorities within the rates retention system) for the cost to them of relief falling under these circumstances. The precise calculation of that compensation will depend upon the type of authority."*

5.3.3 Details that will require incorporating into the current 'Discretionary Rate Relief Scheme' are included as **Addendum '1'** to **Appendix 'A'**.

5.4 Rural Settlements List

5.4.1 There are a number of rate relief schemes in operation under which certain types of businesses can be eligible to claim rate relief. As a prerequisite to entitlement, businesses must be located within a defined rural settlement and for a number of the schemes they must also be the only business of a class within the rural settlement.

5.4.2 In defining a rural settlement there are two rules. Firstly, the settlement must not be within the boundaries designated 'urban areas' and, secondly, they must have a population of less than 3,000. There are no designated 'urban areas' within the borders of West Somerset and, according to Somerset County Council's estimates of population for 2010, (**Appendix 'B'**) as highlighted the only parishes within West Somerset that have a population of more than 3,000 are Minehead and Watchet.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 There are no additional financial implications on the current base budget as the government will reimburse 100% of the relief granted under the 'New Build Empty Property Relief Scheme'.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The Section 151 officer has read the report and has no further comments to make.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

- 8.1 There are no direct implications associated with the recommendations in the report

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no direct implications associated with the recommendations in the report

10. CONSULTATION IMPLICATIONS

- 10.1 From a financial planning perspective current recipients of discretionary relief will require notifying of Councils decision in a timely manner.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 There are no direct implications associated with the recommendations in the report

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no direct implications associated with the recommendations in the report

13. LEGAL IMPLICATIONS

- 13.1 There are no direct implications associated with the recommendations in the report

Discretionary Non-Domestic Rate Relief Scheme

Current Scheme

Registered Charities.

Local charities and similar bodies that qualify for mandatory relief of 80% automatically qualify for full 20% top-up discretionary relief. The only exception being charity shops whom; under the terms of the current scheme do not qualify for any discretionary relief.

The cost to the Council is 75% of the relief granted

(Note – if a charitable organisation / body is entitled to rural relief this is automatically applied as the level of relief is identical yet the cost to the Council is reduced to 25%)

Non-Profit Making Organisations

Applications from non-profit organisations are assessed and scored against locally pre-defined criteria and the level of relief awarded can vary between 0% and 100%.

The cost to the Council is 25% of the relief granted

Community Amateur Sports Clubs

CASC's that qualify for 80% mandatory relief automatically qualify for full 20% top-up discretionary relief.

The cost to the Council is 75% of the relief granted

Village Post Offices, General Stores, Specialist Food Shops, Public Houses and Petrol Filling Stations

Village Post Offices, General Stores, Specialist Food Shops, Public Houses and Petrol Filling Stations that qualify for 50% mandatory relief automatically qualify for full 50% top-up discretionary relief.

Post Offices and General Stores that do not qualify for mandatory relief on the sole basis that their rateable value is in excess of £8,500, currently qualify for 100% discretionary relief on the rates payable as calculated on the first £8,500 of the total rateable value.

Food shops that are entitled to 50% mandatory relief can apply for a discretionary top-up. Applications are assessed and scored against locally pre-defined criteria and the level of relief awarded can vary between 0% and 50%.

The cost to the Council is 25% of the relief granted

Other Rural Businesses

Any other business within a rural settlement with a rateable value of below £16,500 may apply for discretionary rural relief. Applications are assessed and scored against locally pre-defined criteria and the level of relief awarded can vary between 0% and 50%.

The cost to the Council is 25% of the relief granted

Hardship Relief

Applications for hardship relief under Section 49 of the Local Government Finance Act 1988 are determined in respect of retrospective years only. All applications must be supported by audited accounts covering the period of the application in order to demonstrate hardship. Assessing and scoring the application against locally predefined criteria determines the percentage of relief granted.

The cost to the Council is 25% of the relief granted

Proposed Addition to the Current Scheme**New Builds Empty Property Relief**

The detailed terms and conditions applicable to this relief are contained within a Department of Communities & Local Government Document titled "Business Rates, New Build Empty Property – Guidance", dated September 2013. The relief is temporary and only applies to unoccupied non-domestic hereditaments that are wholly or mainly comprised of qualifying new structures completed after 1 October 2013 and before 30 September 2016. During the qualifying period the relief entitlement is 100%.

The guidance referred to above defines: -

- Which properties will benefit from relief (including a definition of 'structure' and 'new')
- How much relief is available and that this is subject to not exceeding the State Aid de minimis limits
- The definition of state aid
- How long relief is granted

The cost to the Council is nil as 100% of relief granted within the scheme is reimbursed by government.

Parish Population Estimates 2010

These Parish population estimates come from NHS Somerset. They are based on GP registrations which are modeled to fit closely to the Office for National Statistics mid-year estimates Information obtained from Somerset Intelligence Network website (content managed by Somerset County Council)

Parish	2010
Bicknoller CP	377
Brompton Ralph CP	208
Brompton Regis CP	490
Brushford CP	539
Carhampton CP	902
Clatworthy CP	101
Crowcombe CP	504
Cutcombe	392
Dulverton CP	1,485
Dunster CP	854
East Quantoxhead CP	101
Elworthy CP	74
Exford CP	398
Exmoor CP	143
Exton CP	214
Holford CP	319
Huish Champflower CP	246
Kilve CP	364
Luccombe CP	165
Luxborough CP	203
Minehead CP	12,144
Monksilver CP	109
Nettlecombe CP	202
Oare CP	74
Old Cleeve CP	1,703
Porlock CP	1,421
Sampford Brett	263
Selworthy & Minehead Without CP	515
Skilgate CP	91
Stogumber CP	753
Stogursey CP	1,362
Stringston CP	111
Timberscombe CP	449
Treborough CP	60
Upton CP	158
Watchet CP	3,925
West Quantoxhead CP	361
Williton CP	2,764
Winsford CP	318
Withycombe CP	302
Withypool and Hawkridge CP	227
Wootton Courtenay CP	309

Report Number: WSC 140/13
Presented by: Councillor Tim Taylor, Leader of Council
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Report to a Meeting of: Council
To be Held on: 20th November 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

EAST WHARF WATCHET – FUTURE DEVELOPMENT

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update members on the results of negotiations with the marina operator (MO) and Urban Splash (US) as the developer concerning the future use/development of the East Wharf Watchet.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Although not directly contributing to the delivery of a corporate priority any successful development will improve the Council's financial position with the delivery of a capital receipt as well as new homes bonus and / or business rate retention.

3. RECOMMENDATIONS

Council are recommended to approve that: -

- 3.1 The outline development of the East Wharf as shown in Appendix A is approved in principle, including permission for the marina operator, at no cost to the Council, to demolish the existing cargo shed.
- 3.2 The principle of granting the MO the exclusive use of 20 car parking spaces in Harbour Road car park plus 15 permits to park a car free of charge in any of the car parks in Watchet is approved.
- 3.3 Following further negotiations a report is presented to Council that includes details of any new / supplementary leases (including conditions and financial considerations) plus any proposed amendments to the existing marina lease. If a joint agreement on necessary details cannot be reached the report to Council should include proposals for the implementation of option two referred to in paragraph 5.6.2 of this report.
- 3.4 The break clause in the Conditional Development Agreement with US is not invoked at the current time.

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

- 4.1 The risks associated with the recommendations in this report are minimal as they only refer to approving the principle of the outline development proposals and car parking arrangements. It will be at the future meeting of Council referred to in recommendation 3.3 that members will be asked to approve the detail of any proposed development and associated terms and conditions.

Risk Matrix

Description	Likelihood	Impact	Overall
Risk (Reputational) – That despite the time involved the area of land remains undeveloped indefinitely	Possible (3)	Moderate (3)	Medium (9)
<i>Mitigation – Acceptance that if following further negotiations the is no joint agreement on the way forward a report is presented to Council providing details of how option two in this report would be implemented.</i>	Rare (1)	Moderate (3)	Low (3)

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 At a meeting of Council held on 14th August 2014 members received a report on the latest position regarding the development of the East Wharf and subsequently resolved: -
- Not to invoke the break clause in the Conditional Development Agreement at the current time.
 - That Urban Splash are given until 30th October 2013 to complete negotiations with the marina operator to satisfy the marina condition contained within the Development Agreement
 - That a report on the conclusions from the negotiations referred to above is presented to Council for consideration on 20th November 2013.
- 5.2 Initial negotiations concentrated on reaching an agreement between US and the MO concerning what amount of the available land was required by each party. This was done against the background of meeting the associated requirements contained in the marina lease¹ whilst ensuring that a viable development could be delivered on the remaining land. A copy of the mutually agreed allocation is included at **Appendix A**. It would be fair to say that reaching a mutually agreeable solution involved a level of compromise on behalf of US.
- 5.3 The next major obstacle was the lack of an agreement between the Council and the MO on the number of car parking spaces in Watchet that would be allocated for the exclusive and / or general use by the MO. Again these negotiations were held against the provisions contained within the marina lease² which indicated that the MO would be entitled to the

¹ “The free and exclusive right to store up to 18 boats (of a size typically moored in the marina) in such positions within the East Wharf as the Landlord may from time to time designate.....” (Marina Lease, Schedule 1, Part 1, Paragraph 8)

² “The landlord shall make available for the exclusive use of the users of the marina 35 car parking spaces in the car park east of Harbour Road..... If and when the number of berths (excluding 40 concessionary berths provided for the use of local boat owners until March 2006) exceeds 70, the landlord will use reasonable endeavours to provide additional car parking spaces at the rate of 1 space for every 2 berths in excess of 70. These spaces shall be for the

exclusive use of a total of 53 car parking spaces. This figure has been calculated on the basis that in addition to the basic entitlement of 35 spaces the number of available spaces in Council car parks in Watchet has increased by a total of 18, as shown in Table 1.

Table 1. – Details of additional car parking spaces created

Car Park	Spaces Gained	Spaces Lost	Total	Comment
Anchor Street	0	2	-2	Due to Sea Scouts gate access
Market Street	0	0	0	
Mineral Yard	15	0	15	New car park
Swain Street	9	2	7	9 gained with demolition of garages, 2 lost with introduction of bus turning circle.
Harbour Road	0	2	-2	Due to new meter installation
Total	24	6	18	

On the subject of car parking there is, in addition, a provision in the lease³ for the MO to be permitted to park vehicles in the Mineral Yard.

- 5.4 If the MO were to insist on an allocation of car parking spaces that was strictly in accordance with the lease the impact on parking capacity in Watchet would be seriously impaired. However, following negotiations a compromise has been reached that would see the MO granted the exclusive use of 20 spaces in Harbour Road car park plus the use of 15 car parking permits that could be used in any Council car park in Watchet. In addition the MO would continue to have the use of 3 spaces immediately outside the marina shower block.
- 5.5 It became clear in discussions with the MO that a key element of any future plan to improve the commercial vitality of the marina relies heavily on the ability to construct a new warehouse type building that would contain a number of commercial units providing marina related services. Other related matters that will be the subject of future discussions include the lease / purchase of both the old harbour masters building and adjacent building previously occupied by Quay West Radio.
- 5.6 Conclusions**
- 5.6.1 It was felt imperative that before entering into meaningful discussions with both parties on, for example, commercial aspects of proposed agreements a compromised position had to be reached concerning on one hand the provision of car parking for the MO and on the other hand there being a financially viable development opportunity for US. Unfortunately the time taken to reach this position has meant that other required negotiations have yet to be concluded.
- 5.6.2 The current project to develop the East Wharf was initiated as long ago as late 2004 with the drafting of a development brief. Although the reasons for its non-delivery have been well documented it is felt that the time has now come to either moved forward with a scheme, that for the first time is acceptable to both the MO and US, or simply implement negotiate with the MO to implement the relevant clauses in the marina lease. This effectively means that there are two possible scenarios for members to consider: -

exclusive of the users of the marina and if possible in the car parks adjacent to Harbour Road. The provision of such additional spaces will be dependent upon the total number of spaces within the Council's car parks within the town of Watchet increasing over the same period by at least the number of additional spaces to be provided for users of the marina." (Marina Lease, Paragraphs 5.4.1 & 5.4.2)

³ "Mineral Yard – Right to use an agreed area for boat storage and parking of vehicles associated with the marina as reasonably specified by Landlord from time to time subject to keeping the same in a reasonable condition and subject to the rights of Wessex Water Authority to retain equipment within the Mineral Yard and all necessary rights of access to it." (Marina Lease - Schedule 1, Part 1, Paragraph 6)

Option 1

- To approve the principle of a mixed development in line with that proposed by US and shown in Appendix A
- To approve the allocation of land on the East Wharf to the MO as shown in Appendix A. The marina lease does provide for this eventuality by stipulating the possibility of entering into a new supplementary lease with the MO for this area of land that would effectively over ride existing clauses regarding boat storage.
- To agree the allocation of car parking spaces to the MO in accordance with those outlined in paragraph 5.4
- Following further negotiations with both the MO and US a report is presented to a future meeting of Council seeking member approval of: -
 - Financial details attached to the lease of an area of land on the East Wharf to US
 - Financial details attached to the lease of an area of land on the East Wharf to the MO, including any conditions concerning the demolition of the existing cargo shed, the permitted uses of any new building and the timing of any new construction. (Any proposal would obviously be subject to the necessary planning permission being granted)
 - Details of necessary amendments to the marina lease.
 - Details of proposals (including financial) for the future ownership and use of the harbour masters office building and what was the Quay West Radio building.

Option 2

This option would be to implement the necessary terms and conditions in the marina lease by: -

- Granting the MO the use of an area of land on the East Wharf sufficient in size to store 18 boats of a typical size moored in the marina and physically fencing this land off from what remains.
- Demolish the existing cargo shed
- Fencing off 53 car parking spaces for the exclusive use of the MO
- Agreeing an area of land in the Mineral Yard for use by the MO
- Following the necessary consultation present a report to Council that provides options for the future use of the remaining land on the East Wharf.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 Although there has been compromise demonstrated by both US and the MO the Council will have to compromise on the land values compared to those attached to the original development proposal. The follow up report to Council will contain details of proposed financial considerations.
- 6.2 It is virtually impossible to estimate with any degree of accuracy the amount of income that will be lost due to the loss of 20 out of 38 car parking spaces in Harbour Road. This is because it is impossible to predict how many people who would have parked in Harbour Road car park will actually park in an alternative pay and display car park in Watchet. Nevertheless it is estimated that the loss could be somewhere between £5,000 and £10,000.

7. SECTION 151 OFFICER COMMENTS

- 7.1 It is difficult to assess the possible loss of income from the loss of 20 as it may just move drivers to other car parks in Watchet.
- 7.2 The loss of 20 (plus the issue of 15 passes) is better than the 53 allowed under the lease.
- 7.3 The eventual disposal of this asset would reduce the Authority's maintenance liability.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

- 8.1 Depending on the recommendations approved by members it would seem that at best two of the four disabled parking bays in Harbour Road car park will be lost and at worst all four. The level of any possible mitigating action will obviously depend on the number lost and will be included in the future report to Council referred to in the recommendations above.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no direct implications associated with the recommendations in this report.

10. CONSULTATION IMPLICATIONS

- 10.1 A number of consultation meetings took place on 4th November 2013 and as well as the local ward members included representation from Watchet Town Council, Watchet Boat Owners, Watchet Harbour Advisory Committee, Watchet Conservation Society and Onion Collective.
- 10.2 The feedback from these meetings on the proposal for the development of the East Wharf is summarised below.
- All consultees broadly welcomed that considerable progress had been made in respect of this development during the past 9 months.
 - The consensus in relation to the future operations of the Marina and the use of the former cargo shed was that it must be subject to contractual clauses that ensures that work on this is undertaken in a timely manner and that the Marina is developed, maintained and operated within acceptable standards.
 - Some concerns were raised about the ground conditions, but it was accepted that the Developer would need to fully investigate this as part of their planning application.
 - The Boat Owners expressed concern that the former planning permission relating to the residential element had been too restrictive to enable effective working of the marine operation i.e. it would be unreasonable to preclude any workings on marine craft over the week-end period.
 - Concern was expressed about the future of the Contains Art project, and it was emphasised that efforts would be made to find a new site should this prove necessary.

- An acceptable plan must be formulated for consistent and effective dredging of both the marina and the outer harbour area.
- All parties expressed the desire to be kept informed of developments, and Watchet Town Council specifically asked that they are specifically consulted about the future uses of the Harbour Master Office and Quay West buildings.
- Concern was expressed about the potential loss of car-parking spaces to the town, and it was suggested that other options such as park & ride should be looked at.

11. ASSET MANAGEMENT IMPLICATIONS

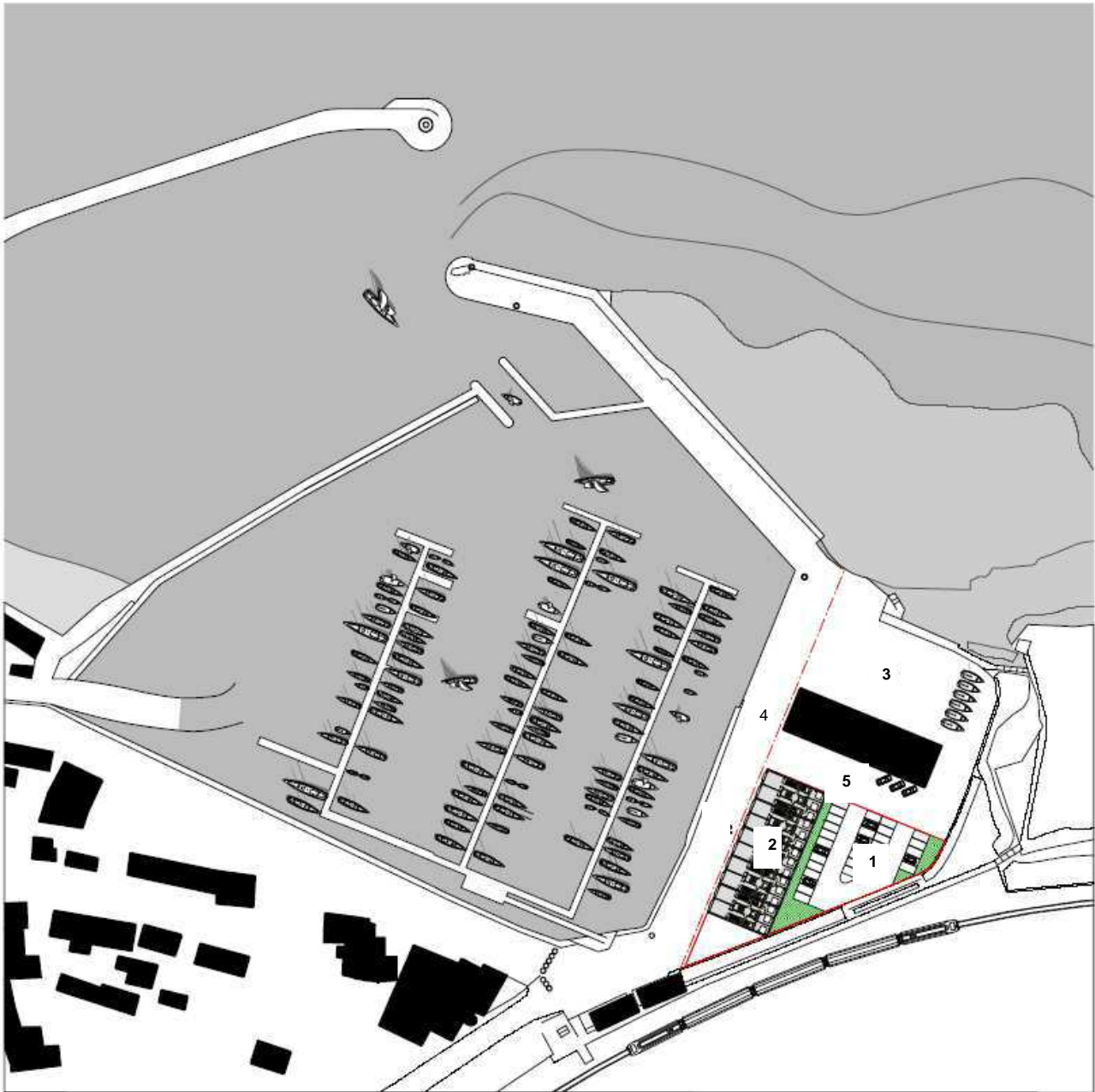
- 11.1 Approval of either options referred to in paragraph 5.6.2 will have implications for the Councils assets. Under option one virtually the whole site will be leased to two tenants and developed, albeit with two distinctly separate objectives. Under option two part of the site would be leased leaving the end use of the remainder to be decided.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no direct implications associated with the recommendations in this report.

13. LEGAL IMPLICATIONS

- 13.1 If the development of the East Wharf proceeds in line with that outlined in Option 1 above then legal support will be required to draft new leases, including a new supplementary marina lease as well as amending the existing lease.



- 01** - 32 car spaces
- 02** - 15 one bed apartments plus 15 two bed apartments plus retail outlets
- 03** - boat yard
- 04** - 13m easement
- 05** - 40ft easement

Floors 1 – 3 # 1:1250

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Report Number: WSC 145/13

Presented by: Cllr. Kate Kravis, Lead Member for Resources and Central Support

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Report to a Meeting of: Council

To be Held on: 20th November 2013

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

MTFP – COUNCIL TAX SUPPORT GRANT TO PARISHES

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to report back from Scrutiny who considered the level of Council Tax Support Grant to be allocated to parishes

2. RECOMMENDATIONS

It is recommended that Council reduces the amount of Council Tax Support Grant passed on to parishes by the percentage reduction in our Start Up Funding as assessed by DCLG, and as recommended by Scrutiny.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The level of support grant allocated to parish and town councils exceeds the amount available	3	3	9
<i>The amount allocated is kept within a strict cost envelope</i>	1	1	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.

4. **BACKGROUND INFORMATION**

4.1 **SUMMARY OF PROPOSED FINANCIAL SETTLEMENT**

In July 2013 the Government published a consultation on the 2014/15 and 2015/16 financial settlement.

This gave details of the following:

- a) how the DCLG proposed to cut the 14/15 budget in light on the 1% reduction announced in the 2014/15 Comprehensive Spending Review.
- b) how they proposed to keep back further money to top up the safety net fund for 14/15
- c) the methodology for meeting the 10% cut in overall LA funding for 15/16 and
- d) how they proposed to keep back further money to fund the 2015/16 New Homes Bonus and Safety Net.

The effect of each of these proposals is shown in the table below:

Table 1

	£ Reduction	Revenue Support Grant	% Reduction
14/15 RSG as at December 2012		1,211,000	
Reduction for additional 1% in LA DEL	-21,000	1,190,000	-1.73%
Reduction re updated RPI and holdback for safety net	-6,000	1,184,000	-0.50%
15/16 reduction re 10% reduction in LA DEL	-173,173	1,010,827	-14.30%
Reduction re holdback for New Homes Bonus and Safety Net	-209,827	801,000	-20.76%
Total Reduction in 14/15 and 15/16 from original 14/15 RSG	-410,000		-33.86%
Note Total Reduction from 13/14 RSG level	-805,297		-50.99%

4.2 **Update On NNDR Retention**

NNDR is monitored on a regular basis and the assumption previously made for 14/15 was that there would be no further major refunds and thus retention increased from a net position of £1.14m to £1.47m. It is now likely that any refund to EDF in relation to Hinkley Point B will not be made in this financial year. As such the NNDR retention for 14/15 will reduce accordingly. There will be a surplus on the NNDR in 13/14 which will be transferred to the earmarked reserve to pay towards the later refund.

4.3 **Council Tax Support Grant to Parishes**

Within the 2013/14 financial settlement an amount of £110,262 was identified as being support for parishes to help mitigate the impacts of the Council Tax Support Reforms.

There is no longer an amount identified separately within the start-up funding, it is subsumed within the Revenue Support Grant and NNDR retention.

The Start Up funding for West Somerset Council, as assessed by the DCLG, has reduced by 13.7% from 13/14 to 14/15 and then by a further 15.55% to 15/16.

Members are asked to consider how much, if any, they wish to pass on to parishes to allow them to continue to mitigate the impacts of the Council Tax Support Reforms.

Options Considered and debated by Scrutiny are below:

- 1) Reduce the amount passed to parishes by the percentage reduction in our start up funding as assessed by DCLG. This has the advantage that it is a clear figure that is assessed by Government and is not calculated by the Council. The reduction would be 13.7% from 13/14 to 14/15.
- 2) Reduce the amount to be passed on by the same amount of the net forecast reductions to West Somerset's Revenue Support Grant and forecast increases/decreases in retained NNDR ie what we are forecasting our base funding to change by. This means that parishes will be susceptible to the risks concerning large refunds and also the forecasting methods used within West Somerset Council (but could also benefit from new developments). In September it was assumed our net reduction would be 2.35% from 13/14 to 14/15 but due to new information coming in concerning the possible EDF refund this is now a reduction of 13.4%, which is subject to change as more information is received.
- 3) The third option is to use the reduction in Revenue Support Grant (-25% and -32%)
- 4) Finally Members could continue to support parishes at the same rate as currently (as other Somerset Districts are doing).

The amounts are shown below:

	13/14	14/15	15/16
Using Start-up Funding Reduction	110,262	95,156	80,359
Using net of RSG reduction and assumed NNDR growth	110,262	95,487	93,386
Using RSG Reduction	110,262	82,697	56,233

All options were considered by Scrutiny and (2) was rejected due to the variability of the sum likely to be passed over and as the figures were based on core assumptions made by West Somerset Council staff it was subject to change right up until the last minute.

(3) was rejected as it is too much of a reduction and, as it is assumed that RSG will cease by 2019/20, it would follow that the grant passed on to parishes would also cease.

(4) was rejected as unaffordable; as our income decreases it was felt that reductions had to be passed on to parishes.

As such Option (1) is the preferred option as it is transparent; linking to figures produced by DCLG, it shares the reduction with parishes but without being such a drastic cut as option (4).

5. **FINANCIAL/RESOURCE IMPLICATIONS**

- 5.1 Any reduction in grant to towns and parishes would require them either to identify savings of their own or to increase the precept they charge to parishioners.

6. SECTION 151 OFFICER COMMENTS

6.1 Contained within the body of the report.

7. EQUALITY & DIVERSITY IMPLICATIONS

7.1 There are no direct implications connected to the recommendations in this report

8. CRIME AND DISORDER IMPLICATIONS

8.1 There are no direct implications connected to the recommendations in this report

9. CONSULTATION IMPLICATIONS

9.2 Parishes will need to be informed of the amount of grant being passed to them by the end of November to enable them to have time to set their budgets and their precept amounts.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. There are no direct implications connected to the recommendations in this report

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1 There are no direct implications connected to the recommendations in this report

12. LEGAL IMPLICATIONS

12.1 There are no direct implications connected to the recommendations in this report

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Report Number: WSC 144/13

Presented by: Cllr K V Kravis, Lead Member for Resources and Central Support

Author of the Report: Sharon Campbell, Section 151 Officer

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Report to a Meeting of: Council

To be Held on: 20 November 2013

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

THE COLLECTION FUND - ESTIMATE OF SURPLUSES AND DEFICIENCIES 2013-14

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is for Council to determine an estimate of the surplus or deficiency on the Collection Fund as at 31 March 2014.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 None.

3. RECOMMENDATIONS

- 3.1 That the Council declare an estimated surplus of £340,000 on the Collection Fund at 31 March 2014.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Estimated surplus has been incorrectly calculated	2	2	4
<i>Calculation has been checked by another officer and reviewed by S151 Officer</i>			
Unforeseen negative factors result in the actual surplus being below estimate.	2	2	2
<i>Some contingency has been built into calculations and a relatively high provision has been made for bad debts.</i>			

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

5. **BACKGROUND INFORMATION**

- 5.1 As a billing authority West Somerset District Council is required to estimate the position on its collection fund at the end of the current financial year. The purpose of this exercise is to establish whether there will be a surplus or deficiency on the fund for 2013-2014 in respect of Council Tax. Should there be an estimated balance at 31 March 2014 this will either increase or reduce the Council Tax levy for 2014-2015.
- 5.2 Last year the estimated surplus was £115,000 on the Collection Fund at 31 March 2013.
- 5.3 Any surplus or deficit is shared with the major precepting authorities in 2014-2015 (Somerset County Council, Police & Crime Commissioner for Avon and Somerset, Devon and Somerset Fire and Rescue Authority and West Somerset District Council) in proportion to the demands upon the Collection Fund for 2013-2014.
- 5.4 The Council Tax Revenue Account for 2013-2014 is now estimated as follows:

<u>Council Tax Revenue Account Summary</u>	
<u>Income</u>	£
Balance b/f	96,638
Council Tax Debit	19,450,000
	19,546,638
<u>Expenditure</u>	
Precepts/Demands:	
Somerset County Council	13,213,000
Police & Crime Commissioner for Avon and Somerset	2,161,000
Devon and Somerset Fire & Rescue Authority	970,000
West Somerset District Council	2,544,000
Distribution of 12/13 Estimated Surplus	115,000
Provision for Bad Debt/Write Offs	203,638
	19,206,638
<i>Estimated Surplus 31 March 2014</i>	340,000

- 5.5 It is recommended that the Council declare an estimated surplus on the Collection Fund for 2013-14 of £340,000. This surplus to be distributed as follows:

Somerset County Council	£238,000
Police & Crime Commissioner for Avon and Somerset	£ 38,760
West Somerset District Council	£ 45,900
Devon and Somerset Fire & Rescue Authority	£ 17,340

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 Included in the report.

7. SECTION 151 OFFICER COMMENTS

7.1 Although the Council levies a relatively small proportion of the council tax, it is responsible for collecting the tax on behalf of the other precepting organisations. The surplus identified is due to be repaid to those organisations. The council receives an administration grant for carrying out collection duties.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

8.1 None in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

10.1 None in respect of this report.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None in respect of this report.

13. LEGAL IMPLICATIONS

13.1 None in respect of this report.

Report Number: WSC 153/13
Presented by: Cllr C Morgan, Lead Member for Environment - Hinkley
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Report to a Meeting of: Council
To be Held on: 20th November 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 4th November 2013

REVIEW OF THE SITING PROCESS FOR A GEOLOGICAL DISPOSAL FACILITY (GDF)

1. PURPOSE OF REPORT

- 1.1 The Department of Energy and Climate Change (DECC), Welsh Government and the Northern Ireland Department of the Environment are reviewing the “Managing Radioactive Waste Safely (MRWS) siting process for a Geological Disposal Facility”

Geological disposal involves isolating radioactive waste deep inside an underground facility constructed in a suitable rock formation at a depth of between 200 metres and 1000 metres underground.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 This subject aligns to the corporate objectives of new nuclear development at Hinkley Point. This objective states that West Somerset Council (WSC) should be protecting local communities and the environment.

3. RECOMMENDATIONS

- 3.1 That Council agree to provide a response to the consultation focussing specifically on the following issues:
- Public consultation
 - Decision making process
 - The siting process being incorporated into the Nationally Significant Infrastructure Project (NSIP) process; and
 - Community Benefits

The Nuclear Legacy Advisory Forum (NuLeAF) (of which WSC is a member) will also be providing a response to these consultations and has requested comments from members by Friday 22nd November 2013. If Council agree to provide a response to the consultation, a copy will be sent to NuLeAF and this will be used to inform NuLeAF’s own consultation response.

The DECC consultation closes on the 5th December 2013 and responses will be submitted online. It should be noted that the Council are entitled to comment on all or only some of the questions raised in the consultation document.

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

Risk Matrix

Description	Likelihood	Impact	Overall
The Government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.	4	2	8
<i>Where applicable, the drafted response to questions has made specific reference to other legislation and evidence from the NSIP process</i>	4	2	8

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

5. **BACKGROUND INFORMATION**

- 5.1 To assist its review, DECC issued a public consultation paper on 12th September 2013. The consultation document outlines a number of ways in which Central Government considers the MRWS siting process could be improved. The DECC consultation closes on 5th December 2013.
- 5.2 It should be noted that this consultation does not provide details or outline potential sites for the siting of a GDF. This consultation is concerned with the 'process' for the siting of a GDF.
- 5.3 NuLeAF (of which WSC is a member) will also be providing a response to these consultations and has requested comments from members by Friday 22nd November 2013. Whilst NuLeAF will be providing a consultation response on behalf of members, it is considered appropriate for this Council to also provide a separate response due to nuclear facilities already being located in the District at Hinkley Point.
- 5.4 The consultation document invites views and comments on a number of suggested changes to the process. These include:
- Providing communities with more information – on issues like geology and socio-economic impacts – at a much earlier stage.
 - Clarifying the scale and timing of community benefits and the likely investment in an area.
 - Designating the GDF as a nationally significant infrastructure development project and brought within the Nationally Significant Infrastructure Project planning regime.
 - Clarifying that communities would be represented throughout the siting process by their representative District Council.

- Introducing a more continuous process with two main phases. The “Learning” phase includes the production of independently reviewed reports on local geology and the potential socio-economic impact of a facility. The “Focusing” phase would start if both the local authority and the Government wish to proceed. This is when potentially suitable local sites would be identified and investigated in more detail.
- Providing communities with an on-going right to withdraw from the siting process, exercised by the representative authority and introducing the requirement for a demonstration of community support as a final step in the siting process.
- Prior to the learning phase there will be a public information programme to raise awareness about radioactive waste and geological disposal.

5.5 DECC are seeking responses to the following nine questions (8 x specific and 1 x general). The Major Projects Team has reviewed the consultation document and drafted a response to questions 1-3, 5 and 7.

Q1. Do you agree that a test of public support should be taken before the representative authority loses the Right of Withdrawal? If so, what do you think would be the most appropriate means of testing public support, and when should it take place? If you do not agree with the need for such a test, please explain why?

It is proposed by DECC that the representative authority (the relevant District Council) would hold the Right of Withdrawal (on behalf of the community that it represents). The Right of Withdrawal would be maintained throughout the siting process, up until the point at which a demonstration of community support would be required.

It is considered that a suitable mechanism to provide a clear measure of public support could be through a pre-legislative referendum within the District managed by the Electoral Commission.

West Somerset Council would only wish for this to take place once all the relevant and necessary information has been provided to allow the community to make an informed decision on the potential local impacts of any development.

Q.2 Do you agree with the proposed amendments to decision making within the Managing Radioactive Waste Safely (MRWS) siting process? If not, how would you modify the proposed phased approach, or, alternatively, what different approach would you propose? Please explain your reasoning.

West Somerset Council notes that the proposals allow for any local body to approach UK Government to find out more about the siting process, and whether it would be relevant to their local area. This is an integral part of the democratic process and should be encouraged. However, West Somerset Council are concerned about the resource and expertise implications when the UK Government contact the representative authority to seek views on how to progress and the considerations of two reports on geology and socio-economics.

West Somerset Council wishes to raise concerns in relation to Para. 2.48 of the consultation document, which currently states that “at this early stage” the UK Government does not think it appropriate to set out any requirement for formal community support.

The Council considers that seeking community support is just as important as assessing the socio-economic and geological impacts of any proposed development and consultation and engagement should commence at an early stage of the process.

In addition, if the development of a GDF should be sought through the Nationally Significant Infrastructure Planning regime, as set out in the Planning Act 2009 (as set out in Para. 3.32-3.37 of the consultation document), then this regime places significant emphasis on the developer formally consulting with the local community at a very early stage (Section 42 of the Planning Act 2008).

Q.3 Do you agree with this approach to revising roles in the siting process set out in the White Paper? If not, what alternative approach would you propose and why?

West Somerset Council is satisfied that the approach currently set out in the White Paper enables Local Government to adequately represent the host community. West Somerset Council has considerable experience working alongside Somerset County Council (and other neighbouring authorities) when the Development Consent Order (DCO) for Hinkley Point C was considered by the Planning Inspectorate. Responses from the Councils (notably the Local Impact Report (LIR)) were submitted jointly and enabled the two tiers of Local Government to adequately represent local communities throughout the process.

Q.4 Do you agree with this proposed approach to assessing geological suitability as part of the MRWS siting process? If not, what alternative approach would you propose and why?

West Somerset Council has no specific comments to make in relation to this question.

Q.5 Do you agree with this proposed approach to planning for a GDF? If not, what alternative approach would you propose and why?

West Somerset Council agrees that the development of a GDF (in England) should be sought through the Nationally Significant Infrastructure Planning (NSIP) regime as set out in the Planning Act 2008. Having been an integral part of the process when the Planning Inspectorate considered the DCO for Hinkley Point C, it would appear appropriate for the Planning Inspectorate, with their expertise and resources to lead on this planning approach. The Planning Inspectorate would consider the DCO application for a GDF in England and in turn make a recommendation to the DECC Secretary of State.

West Somerset Council is aware that the NSIP regime places significant emphasis on the developer formally consulting with the local community prior to the submission of an application for a DCO. Section 42 of the Planning Act 2008

essentially frontloads the consultation process and West Somerset Council would therefore also refer back to their response to Q.2.

Q.6 Do you agree with this clarification of the inventory for geological disposal – and how this will be communicated with the volunteer host community? If not, what alternative approach would you propose and why?

West Somerset Council has no specific comments to make in relation to this question.

Q.7 Do you endorse the proposed approach on community benefits associated with a GDF? If not, what alternative approach would you propose and why?

West Somerset Council welcomes the approach outlined in Para. 4.10-4.16 of the consultation document. It is noted that the Community Benefit offer would be in addition to “Engagement Funding” (the funding that the UK Government provides to meet the costs of any community engaging in the siting process) and additional to any payments required of the developer, as identified by the planning process.

West Somerset Council also supports the principle of creating a community fund, into which money would be paid in during the ‘Focusing’ phase. However, West Somerset Council would wish to see further details of the mechanisms that would be used to release money into the community during the Focusing phase and how the UK Government would seek to retrieve these monies if the construction of a GDF did not progress.

Q.8 Do you agree with the proposed approach to addressing potential socio-economic and environmental effects that might come from hosting a GDF? If not, what alternative approach would you propose and why?

West Somerset Council has no specific comments to make in relation to this question

Q.9 Do you have any other comments?

At this stage, West Somerset Council has no further comments to make.

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 There are no financial or resource implications associated with this proposal.

7. SECTION 151 OFFICER COMMENTS

7.1 Any comments to be reported verbally.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

8.1 No issues associated with this report have been identified.

9. CRIME AND DISORDER IMPLICATIONS

9.1 There are no direct implications associated with this report.

10. CONSULTATION IMPLICATIONS

10.1 This consultation is being led jointly by the Department of the UK Government, the Welsh Government and the Northern Ireland Executive.

10.2 The consultation document has been published following a period in which the UK Government considered the lessons that that could be learned from the operation of the siting process to date, and a wider 'Call for Evidence' which ran in May and June of this year.

10.3 The consultation document sets out the UK Government's proposal on how aspects of the siting process for a GDF could be improved, in order to help local communities engage in it and with more confidence. The document includes specific questions for respondents to consider and includes details of how to respond to the consultation and information on the next steps.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 There are no asset management implications associated with this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 It should be reiterated that this consultation does not provide details or outline potential sites for the siting of a GDF. This consultation is concerned with the 'process' for the siting of a GDF.

13. LEGAL IMPLICATIONS

13.1 There are no direct legal implications associated with this report.

Report Number: WSC 148/13
Presented by: Monitoring Officer
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Report to a Meeting of: Council
To be Held on: 20th November, 2013
Date Entered on Executive Forward Plan n/a
Or Agreement for Urgency Granted:

REVIEW OF DECISION MAKING PROCESS – MARKET STREET TOILETS, WATCHET

1. PURPOSE OF REPORT

- 1.1 To enable Council, at the request of the Scrutiny Committee, to review the decision making process in regard to the operation of the Market Street toilets in Watchet for the 2013/14 financial year.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 None directly in respect of this report.

3. RECOMMENDATIONS

- 3.1 To note the contents of the report.
- 3.2 To consider any lessons to be learnt from the process that was followed to improve the Council's decision making processes in the future.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
That an action may have been undertaken without the proper decision making process having been followed	3 Possible	4 Major	12 Medium
<i>To undertake a review of the process to put any necessary mitigating actions in place</i>	2 Unlikely	4 Major	8 Medium
The Council may overspend on this item outside of the approved budget for 2013/14	3 Possible	4 Major	12 Medium
<i>To identify/quantify any additional costs and arrange for an appropriate virement to be made if necessary</i>	2 Low	1 Low	2 Low

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 At the meeting of the Scrutiny Committee held on 15 July 2013 an update on devolution relating to grounds maintenance and public conveniences was submitted for consideration.
- 5.2 During the discussion and questioning it became clear that there was some potential uncertainty in regard to the decision making process that was followed in relation to the Market Street toilets in Watchet insofar as initially this facility had been identified for potential permanent closure with an associated saving, and, ultimately, the toilets in question were not closed and have remained open for the 2013/14 financial year through a partnership initiative with Watchet Town Council.
- 5.3 Whilst at the Committee there was general agreement that this was a positive outcome, both in terms of partnership working and retaining a facility for the local community, there were some concerns raised in regard to the clarity of the decision making process.
- 5.4 The Committee, therefore, formally asked that Council review this matter.
- 5.5 It was considered appropriate that I should coordinate this piece of work as part of my role as Monitoring Officer to ensure that the review can be viewed as independently and objectively as possible.
- 5.6 The chronology of events are as follows:

- (1) At the meeting of Council held on 19 September 2012, as part of reviewing the Veolia contract, it was:

RESOLVED (4) that, following the winter closure on 1 November 2012 of public conveniences, those located in Blenheim Gardens, Minehead (gents and ladies); Carousel, Minehead (excluding disabled); Church Street, Dunster; Porlock Central and one yet to be identified in Watchet, the principle of them remaining closed permanently be approved.

RESOLVED (5) that consultation be undertaken with the relevant Parish and Town Councils and other potentially interested bodies to determine whether they wished to take over ownership and maintenance of the public conveniences scheduled for permanent closure. That more widespread public consultation be undertaken in order to fully understand the impact of the proposed permanent closures on our communities. Finally, that a report be presented to Cabinet and Council regarding a final decision concerning the permanent closure or transfer of the public toilet facilities referred to in resolution 4 above.

It was also noted as follows: "Subsequently, at the meeting of Cabinet held on 3 October 2012 it was agreed that potential winter closures shall also be the subject of consultation and further member consideration before these matters were acted upon".

- (2) At the meeting of Cabinet held on 7 November 2012, it was:

RESOLVED (2) that the public conveniences located at Carousel, Minehead (not disabled); Blenheim Gardens, Minehead (ladies and gents); Church Street, Dunster; Central Car Park, Porlock and Market Street, Watchet (excluding the disabled facility) are closed during the period 19 November 2012 to 15 March 2013.

RESOLVED (3) that the winter closure of the public conveniences in Market Street, Watchet is delayed pending the outcome of current negotiations with Watchet Town

Council. Further, the Chief Executive in consultation with the Lead Member for Environment, is granted delegated authority to decide whether the outcome of the negotiations referred to above merit the permanent postponement of the winter closure of the public conveniences in Market Street, Watchet.

- (3) At the meeting of the Asset Management Group held on 4 January 2013, it was reported that discussions were on-going with Watchet Town Council regarding Market Street and Harbour Road public conveniences and that it was proposed to close the disabled public convenience in Harbour Road and retain the one in Market Street. Watchet Town Council had agreed in principle to contribute £3,000 revenue per annum towards the operational costs providing toilets in Watchet with the possibility of this contribution being continued for future years. The Portfolio Holder and Chief Executive agreed not to close the Market Street car parks for the winter in accordance with the powers delegated to them in the light of the positive negotiations that were on-going with Watchet Town Council.
- (4) At the meeting of Council held on 20 February 2013 when the budget for 2013/14 was considered, it was:

RESOLVED (2) that in response to the Equalities Impact Assessment referred to in resolution (1) above, public toilets for both males and females remain available in Blenheim Gardens during the period April to October each year. The reduction in efficiency savings being £1,550.

In the supporting documentation for this item a list of savings proposals was set out which included a figure of £34,450 in respect of the closure of public toilets under the Veolia contract – this figure had been adjusted from an original estimate of £36,000 to take into account the decision not to close the Blenheim Gardens toilets during the summer period.

- 5.7 It can be seen that at the time of finalising the draft budget for 2013/14, discussions with Watchet Town Council were still on-going regarding the toilets in Harbour Road and Market Street car park and it could, therefore, at that time have still been possible for one or the other of those toilets to have been closed with effect from 1 April 2013. Taking this into account, it is perhaps understandable why the savings estimate for the closure of public toilets was not further reduced from £34,450.
- 5.8 It would appear that there are two issues to address; firstly the clarity on whether a decision was formally taken to keep the Market Street car park at Watchet open, and, secondly, given that the facility has remained open, is there a possibility that the Council may overspend on this item during the 2013/14 financial year.
- 5.9 In terms of the first issue, throughout the devolution discussions with parish and town councils, one of the desired outcomes had always been to encourage, where possible, the local communities to take on and run those public conveniences that the District Council considered it could no longer afford to do so. In this respect, specific discussions emerged with Porlock and Williton parish councils, together with Watchet Town Council.
- 5.10 One of the complications in regard to the Market Street toilets specifically, was that such discussions were running in parallel with the budget setting process, hence there was still uncertainty on this issue when the budget papers were being prepared. The Council, understandably, delayed any closure of Market Street toilets during the winter to give every opportunity for the discussions with the Town Council to deliver a positive outcome. This was referred to in the action plan attached to the Equalities Impact Assessment on this matter that was considered by the Council at its meeting on 20 February 2013 which stated that the Council would continue to discuss with parish and town councils and other

stakeholders the transfer of facilities where available to keep the closure of facilities to a minimum.

- 5.11 At the meeting of Council held on 19 September 2012, it was stated that a report would be presented to Cabinet and Council regarding a final decision concerning the permanent closure or transfer of the toilet facilities considered for closure, including one to be identified in Watchet. Whilst this was clearly done in respect of the Blenheim Gardens toilets as part of the budget paper considered on 20 February 2013, the report was silent in terms of the other four public conveniences which could have given the impression that all were to be closed.
- 5.12 To provide complete clarity, in hindsight, the report should have clearly stated what the position was in regard to the other four toilets that had been identified for possible closure, including explaining that the toilets at Watchet were still the subject of on-going discussions with Watchet Town Council.
- 5.13 In terms of the financial implications, the estimated cost of continuing to operate the Market Street car park in respect of 2013/14 are as follows:

Cleaning	£5,221
Electricity	£900
Water Charges	£850
Business rates*	£1,617
Maintenance	£150
TOTAL	£8,738

so

Given that Veolia did not increase its cleaning charges after the toilet remained open and the fact that savings on electricity, water and maintenance would be minimal (as standing charges still have to be paid), the main saving from closing the toilets would have been the £1,617 business rates as the rateable value is low enough to be exempt from the payment of business rates if the toilets were closed. This saving would, however, have been more than offset from not receiving the £3,000 grant from Watchet Town Council which was dependant on the Council keeping both sets of toilets open so there would therefore have been a small net cost overall to the authority for 2013/14 if the toilets have been closed. There was, therefore no adverse financial implications of not closing the Market Street toilets for the 2013/14 financial year. This situation would need to be monitored in respect of any future arrangements.

- 5.14 In conclusion, it is acknowledged that the decision making process could have been clearer by providing a specific detailed update on the position in relation to all the five toilets identified for potential permanent closure during the budget setting process early in 2013. This is a useful lesson to learn to provide clarity for members and the public and to avoid any confusion and potential knock on implications for budget setting. In these particular circumstances there were no adverse financial implications of the action taken.
- 5.15 Overall a positive outcome was achieved with dialogue and partnership working to sustain a local facility in the local community.
- 5.16 Overall I am satisfied that whilst there are administrative and communication lessons to be learnt, no fundamental breaches in the Council's decision making processes occurred and I do not consider that any further investigations are required.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 These are set out in the report and, as indicated, careful management of the 2013/14 budget is required to ensure that costs are kept within the approved budget figures.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The review of this process has revealed lessons to be learnt in terms of the reporting back to Members and detailed budget setting which should help strengthen governance processes going forward.

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:

- 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 An Equalities Impact Assessment was undertaken on the issue of potentially closing public conveniences and considered by the Council at its meeting held on 20th February, 2013.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

- 10.1 The Watchet Town Council Clerk has been provided with a copy of this report to ensure that references to the Town Council's involvement are accurate.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 None in addition to those already referred to in the report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 None in respect of this report.

13. LEGAL IMPLICATIONS

- 13.1 None in respect of this report.

**Minutes of the Meeting of the Standards Advisory Committee
held on 24 September 2013 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Councillor S O de Renzy-Martin
Mr J Gamlin
Councillor D J Westcott

Councillor J Fulwell
Councillor P Grierson

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

SA13 Apologies for Absence

Apologies for absence were received from Councillor J Davis, Mr I Gunn, Councillor P Murphy and Mrs L Somerville-Williams.

The Committee wished Councillor Davis a speedy recovery.

SA14 Minutes

Minutes of the last meeting of the Standards Advisory Committee held 18 June 2013 – circulated with the agenda.

RECOMMENDED that the Minutes of the meeting held on 18 June 2013 be confirmed as a correct record.

SA15 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	Description of Interest	Personal or Prejudicial	Action Taken
Cllr P Grierson	All items	Minehead	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

SA16 Public Participation

The Chairman confirmed that no member of the public had requested to speak on any agenda items.

SA17 Update on Dealing with Complaints

The Monitoring Officer advised that, in accordance with the Council's Complaint Procedure, a summary of the outcome of completed cases must be reported to a normal meeting of the Standards Advisory Committee and this had been sent out with the agenda.

The Monitoring Officer advised the Committee that the report had been written with regard to the recommendations of the Committee. He explained that four cases had been through the process since the last meeting and, of the four cases, two cases had resulted in the subject member writing an apology, one case resulted in the subject member attending training and one case had no further action.

A query was raised regarding what authority the Committee had if a subject member refused to write a letter of apology. The Monitoring Officer explained that he was always careful when wording the letter to the subject member advising of the decision to ensure it was made clear that the case would not be closed until the letter had been written. Therefore, if the requested action was not undertaken, the matter would not be closed and could be re-considered.

It was suggested that consideration could be given to referring concerns to the relevant local Town or Parish Council for consideration if they related to procedural matters outside the jurisdiction of the standards regime.

RECOMMENDED that the report be noted.

SA18 The Localism Act, 2011 – Review of Members’ Code of Conduct and Arrangements for Dealing with Complaints

(Report No. WSC 123/13, circulated with the Agenda).

The purpose of the report was to provide the Committee with the opportunity of reviewing the Members’ Code of Conduct and the arrangements for handling complaints that had been operating since 1 July 2012 with a view to making any recommendations to West Somerset Council.

In considering proposed amendments to the definition of the seven Nolan principles of public life, the Committee took into account the work undertaken by the Committee on Standards in Public Life which reviewed the key lessons that had been learnt since the Nolan Committee’s first report was published in 1995 about how to improve ethical standards in public life. In January 2013 the Committee published its fourteenth report entitled ‘A review of best practice in promoting good behaviour in public life’.

The report found that whilst standards of behaviour had improved in many areas of public life as a consequence, there was evidence to show that there were still areas for concern. These were that inappropriate behaviour continued to be revealed, leaders were yet to internalise the principles of public life fully, there were deliberate attempts to get around Codes of Conduct, new situations continued to arise which raised new standards issues, responses to standards issues often came too late and there was a significant decline in levels of public trust.

The Committee considered the seven principles of public life and concluded that, whilst there were views expressed that the principles should be reformulated, it was felt that this would be pointless and unnecessary.

The Committee felt that the seven principles should be retained as they had been an influential example of the values with which organisations seek to underpin their ethical framework and there had been a substantial increase in awareness of the importance of standards issues.

However the Committee also felt that since the principles were first formulated its understanding of the meaning of certain words had developed and therefore the descriptions of the seven principles could usefully be brought up to date to reflect current understanding.

The Committee considered that the proposed changes set out in the appendix to the report were an improvement on the current wording providing greater clarity and would recommend that the Council adopts these new definitions. If adopted, the Committee also recommended that the principles be circulated widely to town and parish councils, both directly to parish/town clerks and in Community Matters.

The second point in respect of the code of conduct related to the definition of prejudicial interest as set out in Clause 2.9 of the existing Code. At present, specific provision was made for where a Councillor is a member of another town, parish, district or county council to provide an exemption from such an interest becoming prejudicial. There were occasions during the period of operation of the new Code when those members of West Somerset Council who are also members of the Exmoor National Park Authority were prevented from taking part in discussions by virtue of such membership. Given that the national park authority is a public body exercising functions in a similar way to local authorities, it was recommended that the membership of a national park authority should be treated in the same way as being a member of another town, parish, district or county council. It was therefore recommended that clause 2.9 (1) (a) be amended to read: "affects your financial position or the financial position of a significant person or a body described in paragraphs 2.8 (1)(a)(i) and (ii) (other than another town, parish, district or county council or national park authority of which you are also a member)".

In regard to reviewing the assessment of complaints process, since the inception of the new regime, nine formal complaints had been submitted and processed to the initial assessment stage whereby the Monitoring Officer had consulted with the Standards Advisory Committee on what action to take. To date, all nine complaints had been processed without the need to resort to a formal investigation with the outcomes being reported to the Committee so that issues can be kept under review.

In West Somerset the arrangements in place for dealing with complaints do vary quite significantly from the norm in one particular aspect. In most councils, when complaints are received, the initial assessment is delegated to the Monitoring Officer in consultation with the Independent Person (which all councils are required appoint under the Localism Act). In West Somerset it was specifically decided to require that the Monitoring Officer consult with the Standards Advisory Committee at the initial assessment stage. As part of the current review, the Committee therefore particularly considered this aspect of the arrangements and whether it had proved to work well or should be

recommended for change. The Monitoring Officer indicated that he had found consulting the Committee to be particularly useful and supportive in that the varied composition of the Committee ensured that overall a balanced view was more likely to be reached. Members of the Committee also felt that this aspect of the process had been positive and would recommend that it continue.

The only point that the Committee felt could be amended to ensure that interested parties were given accurate expectations of timescales was that, given the initial assessment process involved the Monitoring Officer needing to get the Committee together and ensuring that sufficient information was available, the current target timescale of thirty working days was rarely deliverable. It was, therefore, recommended that the target should be more realistic and state that the initial assessment part of the process would be undertaken as soon as is practicable and normally within two calendar months of receipt of a complaint. Obviously the intention would be to undertake this part of the process well within that timescale. In addition should, in exceptional circumstances, the timescale go beyond this, all relevant parties should be kept informed of what is happening via the Monitoring Officer.

As has already been mentioned, one of the requirements of the new process is for the Council to have an appointed Independent Person to help deal with complaints if they reach the investigation stage and in this respect Louise Somerville Williams was appointed as the Council's Independent Person for an initial period until 30 September 2013 and Mike Hillman was appointed as the reserve Independent Person until 30 September 2013. It was agreed that these arrangements should be reviewed as part of this overall review of the process.

Whilst to date there has been limited opportunity for these persons to take an active role, the Independent Person has contributed to help provide clarity on the nature of the role and protocol for operation and has been supportive of the Monitoring Officer and Committee as a whole. It is a legal requirement for the Council to retain an appointed Independent Person.

The Committee therefore recommended to Council to extend these two appointments for a further period from 1 October 2013 until 31 March 2015. This particular period is suggested as by March 2015 the picture should be clearer as to the nature of West Somerset Council's partnership working with Taunton Deane Borough Council.

RECOMMENDED (1) that the Council be recommended to amend the existing West Somerset Council Member Code of Conduct, as follows:

- a) To replace the existing definitions of the seven principles of public life; and
- b) By the inclusion of being a member of a national park authority as being an additional exception under Clause 2.9 (1) (a) relating to prejudicial interests.

RECOMMENDED (2) that the Council be recommended to continue with the existing arrangements for dealing with complaints in relation to allegations of breaches of Code of Conduct for district, town and parish councils in West Somerset, with the one amendment that the target for completing the initial

assessment part of the process be amended to 'as soon as is practicable and normally within two calendar months of receipt of a complaint,' subject to the process as a whole being kept under regular review.

RECOMMENDED (3) that in order to support the process referred to in recommendation 2 above, the appointments of Louise Somerville Williams as the Council's Independent Person and Mike Hillman as the reserve Independent Person be extended for a further period to run from 1 October 2013 to 31 March 2015.

SA19 Monitoring Officer's Update

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting. He confirmed that he was still receiving requests for advice on a regular basis and that dealing with formal complaints did generate more work.

RECOMMENDED that the report be noted.

SA20 Dates of Future Meetings

It was confirmed that future meetings of the Committee had been scheduled for Tuesday 10 December 2013 and Tuesday 4 March 2014 commencing at 4.30pm.

The meeting closed at 5.40pm

WEST SOMERSET DISTRICT COUNCIL MEETING TIMETABLE 2014 - 2015

	MAY (2014)	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY (2014)	FEBRUARY	MARCH	APRIL	MAY (2015)
MON					1			1					
TUES			1 ENPA Audit Committee 4.30 pm		2 ENPA Exmoor Area Panel 7.30 pm	ENPA		2 ENPA Audit Committee 4.30 pm					
WED			2 Cabinet 4.30 pm		3 Cabinet 4.30 pm	1 Cabinet 4.30 pm		3 Cabinet 4.30 pm				1 Cabinet 4.30 pm	
THUR	1		3		4 Environment PAG 2.30 pm	2 Housing PAG 2.30 pm		4	1 Bank Holiday			2	
FRI	2		4	1	5	3		5	2			3 Bank Holiday	1
SAT	3		5	2	6	4	1	6	3			4	2
SUN	4	1	6	3	7	5	2	7	4	1	1	5	3
MON	5 Bank Holiday	2	7	4	8	6	3	8	5	2	2 WWQ Area Panel 7.00 pm	6 Bank Holiday	4 Bank Holiday
TUES	6 ENPA	3 ENPA Community PAG 2.30 pm	8 Environment PAG 2.30 pm	5 ENPA	9 Local Development Panel 2.30 pm	7	4 ENPA Community PAG 2.30 pm	9 Standards Advisory Committee 4.30 pm WWQ Area Panel 7.00 pm	6 ENPA	3 ENPA	3 ENPA Standards Advisory Committee 4.30 pm	7 ENPA	5 ENPA
WED	7 Cabinet 4.30 pm	4 Cabinet 4.30 pm	9	6 Cabinet 4.30 pm	10 Corporate PAG 2.30 pm Minehead Area Panel 6.30 pm	8	5 Cabinet 4.30 pm	10 Corporate PAG 2.30 pm Minehead Area Panel 6.30 pm	7 Cabinet 4.30 pm	4 Cabinet 4.30 pm	4 Cabinet 4.30 pm	8 Econ Dev & Tourism PAG 2.30 pm	6
THUR	8	5	10	7	11	9	6	11 Planning Committee 4.30 pm	8 Housing PAG 2.30 pm	5	5 Exmoor Area Panel 7.00 pm	9	7 Parliamentary, District & Parish Council Elections
FRI	9	6	11	8	12	10	7	12	9	6	6	10	8
SAT	10	7	12	9	13	11	8	13	10	7	7	11	9
SUN	11	8	13	10	14	12	9	14	11	8	8	13	10
MON	12 Informal Council 2.30 pm	9	14	11	15 Scrutiny Committee 3.30 pm	13 Dunster Area Panel 7.00 pm	10	15 Scrutiny Committee 3.30 pm	12	9	9	13 Dunster Area Panel 7.00 pm	11
TUES	13	10 WWQ Area Panel 7.00 pm	15	12 Corporate PAG 2.30 pm	16 WWQ Area Panel 7.00 pm	14 Corporate PAG 2.30 pm	11 Corporate PAG 2.30 pm	16	13 Corporate PAG 2.30 pm	10	10 Licensing Committee 4.30 pm	14 Corporate PAG 2.30 pm	12
WED	14 Annual Council 2.30 pm	11 Local Development Panel 2.30 pm Minehead Area Panel 6.30 pm	16 Corporate PAG 2.30 pm	13	17 Council 4.30 pm	15 Econ Dev & Tourism PAG 2.30 pm	12 Environment PAG 2.30 pm	17 Council (P) 4.30 pm	14 Environment PAG 2.30 pm	11 Local Development Panel 2.30 pm	11 Environment PAG 2.30 pm Minehead Area Panel 6.30 pm	15	13
THUR	15	12	17	14	18	16	13	18	15	12	12	16	14
FRI	16	13	18	15	19	17	14	19	16	13	13	17	15
SAT	17	14	19	16	20	18	15	20	17	14	14	18	16
SUN	18	15	20	17	21	19	16	21	18	15	15	19	17
MON	19 Scrutiny Committee 3.30 pm	16 Scrutiny Committee 3.30 pm	21 Scrutiny Committee 3.30 pm	18 Scrutiny Committee 3.30 pm	22 Audit Committee 4.30 pm	20 Scrutiny Committee 3.30 pm	17 Scrutiny Committee 3.30 pm	22	19 Scrutiny Committee 3.30 pm	16 Scrutiny Committee 3.30 pm	16 Scrutiny Committee 3.30 pm	20 Scrutiny Committee 3.30 pm	18 Informal Council 2.30 pm
TUES	20	17 Standards Advisory Committee 4.30 pm	22 Licensing Committee 4.30 pm	19 Community PAG 2.30 pm	23 Standards Advisory Committee 4.30 pm	21	18 ENPA	23	20 Exmoor Area Panel 7.00 pm	17 Corporate PAG 2.30 pm	17 Corporate PAG 2.30 pm	21	19
WED	21 Corporate PAG 2.30 pm	18 Corporate PAG 2.30 pm	23 Econ Dev & Tourism PAG 2.30 pm	20	24	22 Council (P) 4.30 pm	19 Council 4.30 pm	24	21 Council 4.30 pm	18 Council (Budget) 4.30 pm	18 Housing PAG 2.30 pm	22	20 Annual Council 2.30 pm
THUR	22 Housing PAG 2.30 pm	19 Exmoor Area Panel 7.00 pm	24	21	25 Planning Committee 4.30 pm	23	20	25 Bank Holiday	22	19	19	23	21
FRI	23	20	25	22	26	24	21	26 Bank Holiday	23	20	20	24	22
SAT	24	21	26	23	27	25	22	27	24	21	21	25	23
SUN	25	22	27	24	28	26	23	28	25	22	22	26	24
MON	26 Bank Holiday	23 Armed Forces Day	28 Dunster Area Panel 7.00 pm	25 Bank Holiday	29	27	24	29	26 Dunster Area Panel 7.00 pm	23	23 Audit Committee 4.30 pm	27	25 Bank Holiday
TUES	27	24	29 Housing PAG 2.30 pm	26	30	28	25 Licensing Committee 4.30 pm	30	27	24 Community PAG 2.30 pm	24	28	26
WED	28 Environment PAG 2.30 pm	25 Council 4.30 pm	30 Council 4.30 pm	27	29	26 Local Development Panel 2.30 pm	23	31	28 Econ Dev & Tourism PAG 2.30 pm	25 Council (P) 4.30 pm	25 Council 4.30 pm	29 Council (P) 4.30 pm	27
THUR	29 Planning Committee 4.30 pm	26 Planning Committee 4.30 pm	31 Planning Committee 4.30 pm	28 Planning Committee 4.30 pm	30 Planning Committee 4.30 pm	27 Planning Committee 4.30 pm	24	31	29 Planning Committee 4.30 pm	26 Planning Committee 4.30 pm	26 Planning Committee 4.30 pm	30 Planning Committee 4.30 pm	28
FRI	30	27		29		31	28		30	27	27		29
SAT	31	28		30			29		31	28	28		30
SUN		29		31			30			29	29		31
MON		30								30	30		
TUES										31	31		

School Holidays are highlighted in yellow.

References to ENPA are Exmoor National Park Authority Planning Committees.

(P) = Provisional

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

Timetable ?????????