



To: All Councillors

Our Ref DS/KK
Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk
Date 13 September 2016

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Dear Councillor

I hereby give you notice to attend the following meeting:

COUNCIL MEETING

Date: Wednesday 21 September 2016
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

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

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

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Yours sincerely

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

BRUCE LANG
Proper Officer

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 21 September 2016 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meetings of Council held on 20 July and 31 August 2016 to be approved and signed as correct records – **SEE ATTACHED.**

3. Declarations of Interest

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

4. Public Participation

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

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

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

5. Chairman's Announcements

6. HPC Planning Obligations Board – Allocations of CIM Funding

To consider Report No. WSC 105/16, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

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

7. Minutes and Notes for Information

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

- Notes of the Watchet, Williton and Quantock Vale Area Panel held on 7 June 2016
[http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Watchet,-Williton-and-Quantock-Area-Panel/Watchet,-Williton---Quantocks-Area-Panel---7-J-\(1\).aspx](http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Watchet,-Williton-and-Quantock-Area-Panel/Watchet,-Williton---Quantocks-Area-Panel---7-J-(1).aspx)
- Notes of the Minehead Area Panel held on 8 June 2016
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Minehead-Area-Panel/Minehead-Area-Panel---8-June-2016.aspx>
- Notes of the Dunster Area Panel held on 25 July 2016
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---25-July-2016.aspx>
- Notes of the Exmoor Area Panel meetings held on 6 September 2016
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Exmoor-Area-Panel/Exmoor-Area-Panel---6-September-2016.aspx>

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

WEST SOMERSET COUNCIL**Minutes of Council held on 20 July 2016 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor B Heywood Chairman
Councillor R Woods Vice-Chairman

Councillor I Aldridge	Councillor A Behan
Councillor M J Chilcott	Councillor M O A Dewdney
Councillor G S Dowding	Councillor S Y Goss
Councillor A P Hadley	Councillor T Hall
Councillor I Jones	Councillor B Leaker
Councillor K M Mills	Councillor R Thomas
Councillor N Thwaites	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Chief Executive (P James)
Assistant Chief Executive (B Lang)
Assistant Director Energy Infrastructure (A Goodchild)
Assistant Director Resources (P Fitzgerald)
Revenues and Benefits Manager (H Tiso)
Tourism Officer (R Downes)
Meeting Administrator (K Kowalewska)

C21 Apologies for Absence

Apologies for absence were received from Councillors D Archer, R Clifford, H Davies, R Lillis, B Maitland-Walker, C Morgan, P Murphy, J Parbrook, S Pugsley and T Venner.

C22 Minutes

(Minutes of the meeting of Annual Council held on 11 May 2016, circulated with the Agenda.)

RESOLVED that the Minutes of the meeting of Annual Council held on 11 May 2016 be confirmed as a correct record.

Administrator's Note: Somerset Rural Youth Project no longer required representation of a West Somerset councillor.

C23 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Cllr I Aldridge	All	Williton	Spoke and voted
Cllr S Goss	All	Stogursey	Spoke and voted
Cllr R Thomas	All	Minehead	Spoke and voted
Cllr N Thwaites	All	Dulverton	Spoke and voted
Cllr A H Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K H Turner	All	Brompton Ralph	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, Councillor R Woods declared a personal interest as an Employment Hubs volunteer in respect of Agenda Item 10 HPC Planning Obligations Board – Allocations of CIM Funding.

C24 Public Participation

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

C25 Chairman's Announcements

12 May 2016	Attended the Taunton Deane Borough Council Mayor Making Ceremony at Wellington School. Cllr Vivienne Stock-Williams was elected Mayor for the ensuing year.
10 June 2016	Attended the West Somerset Volunteer of the Year Awards at the Beach Hotel, Minehead organised by Engage West Somerset
19 June 2016	Accepted an invitation from the Mayor of Taunton Deane to attend her Civic Service at St John the Baptist Church, Wellington
20 June 2016	Raised the flag as part of the Armed Forces Day event at West Somerset House, Williton
25 June 2016	Attended Men's Breakfast Club in Dulverton
1 July 2016	Attended the unveiling of the Kinetic sculpture by Dulverton Weir and Leat Conservation Group

C26 Anti-Fraud and Corruption Policy and Strategy

(Report No. WSC 72/16, circulated with the Agenda.)

Responsibility for benefit fraud passed to the Department for Work and Pensions through the formation of the Single Fraud Investigation Service, in June 2015. From August 2015 the South West Counter Fraud Partnership (SWCFP) has delivered a Corporate Anti-Fraud service, providing a full counter fraud function for West Somerset Council. The Anti-Fraud and Corruption Policy and Strategy has been refreshed to recognise SWCFP's anti-fraud activities, as well as updating for

procedural changes. In addition, the policy now provides guidance on the options available to deal with those committing Council Tax or Council Tax Rebate fraud or those who negligently make incorrect statements, or fail to notify a change affecting their entitlement to a Council Tax discount, exemption or reduction.

The Lead Member for Resources and Central Support presented the report and provided background information. She drew Members' attention to the equality and diversity implications and stated it was important to be aware of the various policies the Council had in place.

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

During the discussion, the following comments were made:

- A question was raised in respect of what had authorities who had introduced the penalty system experienced and whether the efficiency of collecting council tax had increased by doing so.
- The Revenues and Benefits Manager responded by stating that no negative effect had been experienced by authorities and by publicising to the public that penalties may be applied if the council was not informed of a change in circumstances in a timely manner had proven beneficial.
- It was confirmed that by imposing a penalty did not increase the amount of council tax that was payable as a penalty was considered to be a separate accounting issue.
- At WSC no prosecution action had been taken in respect of failing to inform of a change in circumstances in this new regime.
- It was vital that the council tax register was kept up to date and accurate as it dictated what New Homes Bonus was awarded to the council.
- The Revenues and Benefits Manager and team were thanked for their work in preparing the report.

RESOLVED (1) that the introduction of penalty charges to assist in the prompt and accurate assessment of Council Tax liability be approved.

RESOLVED (2) that the revised Ant-Fraud and Corruption Policy and Strategy (attached at Appendix B to the report) be approved.

C27

Heart of the South West Formal Devolution Bid

(Report No. WSC 85/16, circulated with the Agenda.)

The purpose of the report was to seek approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. An 'in principle' agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process will open up negotiations with HM Treasury to work towards a Deal.

The Leader of Council presented the report and advised that due to the recent changes in parliament, all personnel in charge of the devolution process had changed, and it was unclear as to when arrangements to open up negotiations towards a devolution deal would commence. He emphasised the fact that by agreeing to the recommendations WSC was not committed to a formal devolution deal, only to the principle of a combined authority, and any final deal with government would be subject to further approval/ratification by all partners individually.

The Leader drew attention to key points of the report – it was considered that the Devon and Somerset area was the right size in terms of a devolution deal; the Mayoral issue was not a precondition of any deal and a decision on this could be made at a later stage; there was no intention for a new Combined Authority to take existing powers or funding from local authorities; and the devolution deal may still proceed even if one or more local authorities chose to opt out.

The Leader proposed the recommendations of the report which were duly seconded by Councillor K Mills.

Various questions and issues were raised by Members and the main points of discussion focussed on

- the implications of managing the devolution deal;
- whether a referendum would be held on the mayoral issue and who would be responsible for paying for it;
- concern that there was no democratically elected representatives on the informal partnership who were involved in the Heart of the South West devolution process;
- concern relating to the economic boundaries;
- was seen as a positive move for the region especially for the sites identified along the M5 corridor, however, West Somerset would not be hugely impacted initially; and
- how the management for the delivery of major projects and distribution of funding would be coordinated.

RESOLVED (1) that the Leader's current approach to devolution be endorsed and the signing up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area, be agreed.

RESOLVED (2) that giving this endorsement did not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

C28 Hinkley Tourism Action Plan – Phase 2 Delivery 2016/17

(Report No. WSC 87/16, circulated with the Agenda.)

The purpose of the report was to consult on the contents of Phase 2 of the Hinkley Tourism Action Plan, developed by the Hinkley Tourism Action Partnership (HTAP) for delivery during 2016-17, and which continues work from Phase 1 of the plan in 2015-16; and to outline proposals for the drawdown of the second contribution for tourism from the Hinkley Point C Site Preparation Section 106 agreement, which totals £171,926k (including £11,926 indexation uplift).

The Lead Member for Regeneration and Economic Growth introduced the report and reiterated the Plan had been in the making for several years, involving several partners, and a tremendous amount of work had been achieved. The Strategy had been devised following significant consultation within the tourist industry.

The Tourism Officer went on to summarise the main details of the report.

The Lead Member for Regeneration and Economic Growth proposed the recommendations of the report which were duly seconded by Councillor A Hadley.

During the discussion, the following main points were raised:

- It was essential that there was a baseline with local businesses and tourism so the actual impact of the Hinkley Point development could be properly measured.
- The Tourism Officer explained how funding was allocated and how it would be managed over the Hinkley construction period once it started, and advised that the work currently being undertaken would influence beyond the expiry of the allocations. The Strategy was planned until 2020 which would be reviewed periodically, and the impacts of Hinkley would have an effect on how the money was spent.
- Marketing and advertising campaigns would be progressing over the next 6-12 months and business monitoring surveys would continue.
- The Assistant Director for Energy Infrastructure confirmed that a lot of the funding would be used to the peak of construction and a fantastic legacy would be left beyond this phase.
- The Tourism Officer explained how the success of the current PR agency's performance was measured.
- The public were not aware of how much was going on with regards to the promotion of tourism in West Somerset and Members commended the team.
- Further to a question on how accommodation would be monitored, the setting up of the business monitoring survey would highlight problem areas particularly within the rural areas of West Somerset and Sedgemoor pertaining to 'good value' accommodation. Work was also being undertaken separately by EDF on a revision to the Accommodation Strategy and HTAP would work closely with them.
- It was confirmed that the Visit Somerset and Visit Exmoor websites used Google Translate as a translating facility. International visitors were very important. Targeting overseas markets was planned for in the future, at the moment work was being concentrated on key domestic markets by HTAP.

- Highways England had been undertaking a review of signage along the M5 which was still continuing with a proposal in place to improve the signs. This work would be kept under review. Signage developments would be considered in travel planning going forward.

RESOLVED (1) that Phase 2 of the Hinkley Strategic Tourism Action Plan for delivery in 2016-17 be approved.

RESOLVED (2) that the drawdown of the £171,926 second allocation for Tourism from the Hinkley Point C Site Preparation Section 106 agreement for delivery of Phase 2 of the Hinkley Tourism Action Plan in 2016-17 be approved.

C29 Revenue and Capital Outturn 2015/16

(Report No. WSC 88/16, circulated with the Agenda.)

The purpose of the report was to provide Members with details of the Council's financial outturn position for both revenue and capital budgets, together with information regarding end of year reserve balances, for the financial year 2015/16.

The Lead Member for Resources and Central Support outlined the details of the report, and stated it was important to note that the outturn figures were provisional and had not yet been audited. Any changes to the accounts discovered by the External Auditor would be reported to the Audit Committee in September 2016.

She reported on the main differences between the variances of Quarter 3 and Quarter 4 of which the largest funding variance was in connection with business rates and the report provided a brief explanation. Attention was drawn to the two transfer of MRP savings in 2015/16 and the decision taken to use capital reserves to balance the budget. It was important to keep an eye on the Hinkley funded projects and to note the Council's responsibility – further reporting on this matter would be available in the future. The volatility of business rates had affected WSC the most financially and the matter concerning the levy payment to Government was raised.

The Lead Member thanked the Scrutiny Committee for their comments which were contained within the report, and officer responses to questions raised by the Committee were included. She concluded by pointing out that if Members wished to obtain further information and a breakdown in respect of the 'Other' revenue variances, referred to in Appendix A of the report, to contact her.

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

During the debate, discussion focussed on the following:

- The figures within the report indicated WSC was not bankrupt.
- Capital expenditure relating to Watchet Harbour.

- In response to the question “What income is generated at Watchet Harbour?”, the Assistant Director Resources advised that he would provide a written response subsequent to the next meeting.
- Officers were complimented on achieving an underspend.
- The external grant funding in relation to the Steam Coast Trail was detailed within the capital budget of which WSC was only the accountable body.
- Earmarked reserves in relation to the Our Place Project.

RESOLVED (1) that the Council’s reported General Fund Revenue Budget underspend of £199,132 for the financial year 2015/16, which takes into account proposed earmarked reserve transfers including budget carry forwards be noted.

RESOLVED (2) that the net Earmarked Reserve transfers, as set out in Table 4 and Appendix B of the report, including recommended Budget Carry Forward of 2015/16 underspends for specific service costs in 2016/17 totalling £212,775, as set out in Appendix B of the report, be approved.

RESOLVED (3) that the proposed Capital Programme Budget Carry Forwards totalling £1,535,237 for general schemes to be funded using capital receipts, capital grant and S106 contributions (as set out in Appendix D of the report) be approved.

RESOLVED (4) that the proposed Capital Programme Budget Carry Forwards totalling £1,282,629 for Hinkley S106-funded schemes (as set out in Appendix D of the report) be approved.

RESOLVED (5) that the residual net underspend of £33,999 in relation to the Capital Programme for general schemes in 2015/16 be noted.

C30 HPC Planning Obligations Board – Allocations of CIM Funding

(Report No. WSC 89/16, circulated prior to the Meeting.)

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

The Lead Member for Resources and Central Support outlined the details of the report, providing detailed information on the three applications contained within the report, highlighting the recommendations made by the Planning Obligations Board (POB). She went on to propose the recommendation of the report which was seconded by Councillor A Trollope-Bellew.

Members expressed support for the Brean Down Way project and the Employment Hubs project.

RESOLVED that the recommendation of the Hinkley C Planning Obligations Board and West Somerset Cabinet be endorsed as follows:

- (a) To release £65,000 from the 1st Annual CIM Fund Payment to Greenways and Cycloroutes Ltd to support the Brean Down Way project with the conditions that funding will not be released until:
 - The applicant has provided copies of its policies, insurance documents and current financial position.
 - The budget has been reviewed following the tender process to ensure the project is viable.
- (b) To release £57,036 from the CIM Fund ring-fenced for West Somerset to West Somerset Council on behalf of the West Somerset Employment Hub Network for the West Somerset Community Employment Hubs Future Development and Sustainability project.
- (c) That the application for £96,048 from Sustrans should be refused on the basis that it did not sufficiently meet the value for money criteria and the application has the potential to duplicate other section 106 transport schemes being developed by Somerset County Council.

C31 Annual Treasury Management Review 2015/16

(Report No. WSC 90/16, circulated prior to the Meeting.)

The purpose of the report was to review the treasury management activity and the performance against the Prudential Indicators for the 2015/16 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy and Annual Investment Policy.

The Lead Member for Resources and Central Support outlined the details of the report and proposed the recommendation of the report which was seconded by Councillor I Aldridge.

RESOLVED that the Treasury Management activity for the 2015/16 financial year (attached at Appendix A to the report) be noted.

C32 Composition of Policy Advisory Groups (PAGs) for 2016/17

The Council's Constitution states that the core membership of the PAGs will be agreed annually by full Council. Given that there are currently two PAGs – the Corporate PAG and the Priorities PAG – it would be appropriate for there to be no specified core membership. Corporate PAG will be chaired by the Leader, or deputy Leader in his/her absence, and the Priorities PAG to be chaired by a Lead Member to be appointed on a meeting by meeting basis.

RESOLVED that the position be noted.

C33 **Minutes and Notes for Information**

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

RESOLVED (1) that the notes of the Exmoor Area Panel meetings held on 3 March and 9 June 2016 be noted.

RESOLVED (2) that the notes of the Minehead Area Panel held on 9 March 2016 be noted.

RESOLVED (3) that the notes of the Dunster Area Panel held on 18 April 2016 be noted.

The meeting closed at 6.27 pm.

WEST SOMERSET COUNCIL**Minutes of Special Council held on 31 August 2016 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor B Heywood Chairman
Councillor R Woods Vice-Chairman

Councillor I Aldridge	Councillor M Dewdney
Councillor G S Dowding	Councillor S Goss
Councillor A Hadley	Councillor T Hall
Councillor I Jones	Councillor B Leaker
Councillor R P Lillis	Councillor B Maitland-Walker
Councillor K M Mills	Councillor C Morgan
Councillor P H Murphy	Councillor J Parbrook
Councillor S J Pugsley	Councillor R Thomas
Councillor A H Trollope-Bellew	Councillor D J Westcott

Officers in Attendance:

Assistant Chief Executive (B Lang)
Assistant Director – Operational Delivery (C Hall)
Finance Manager – (J Nacey)
Meeting Administrator (M Prouse)

C34 Apologies for Absence

Apologies for absence were received from Councillors Archer, Behan, Chilcott, Clifford, Davies, Thwaites, Turner and Venner.

C35 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Cllr I Aldridge	All	Williton	Spoke and voted
Cllr S Goss	All	Stogursey	Spoke and voted
Cllr R Thomas	All	Minehead	Spoke and voted
Cllr B Maitland-Walker	All	Carhampton & Withycombe	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P Murphy	All	Watchet	Spoke and voted
Cllr J Parbrook	All	Minehead	Spoke and voted
Cllr A H Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

C36 Public Participation

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

C37 Street and Public Toilet Cleaning Retendering

(Report No. WSC 96/16, circulated with the Agenda.)

The report identified the process used to bring a compliant procurement activity to a position where a new contract to deliver street and toilet cleaning for West Somerset Council can be awarded. When setting the Budget for 2016/17 in February 2016, Members approved a target budget saving of £39,000 in full year, with half of this saving - £19,500 – included in 2016/17 reflecting the expectation that the new contract would be in place midway through the financial year. Approval of the recommendation by Members would mean the new contract price would deliver a saving against the current cost of the service, but this would not fully meet the approved budget savings and therefore result in a budget shortfall of £3,900 in 2016/17 and £22,860 in a full year from 2017/18 onwards.

The Lead Member for Environment presented the report and provided background information. He drew Members' attention to the delay in the tender process, and the contract start date of December 1st. Members were also informed of the decision of Taunton Deane Borough Council to also sign up to a separate contract with the preferred bidder at their meeting on the 22nd August. The Portfolio Holder also drew attention to the small increase in cost pressure on the Budget, and that the new contractors will be providing their own equipment. WSC already have equipment on the books which can be rented, purchased or leased by the preferred bidder and so a Capital Receipt could be received. The Portfolio Holder also took this opportunity to inform Members that the Council was in the process of supporting the delivery of new refuse collection vehicles onto the road and that this is hopefully the first stage of an updated Recycle More Project.

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

During the discussion, the following comments were made:

- Concerns were raised about the delays in getting the contract through the process, and it was hoped that there would be enough time left between now and the proposed contract date for everything to be done?
- Members were reassured that the preferred bidders were extremely comfortable with the handover date, with TUPE being a relatively straightforward process that they have extensive experience of dealing with.

- There was an explanation of the scoring percentages mix with the split between the finance and the quality in the tender process
- It was explained that the split was 60% on price and 40% on quality and the preferred bidder scored first place on both elements.
- Cllrs affirmed they were pleased to see that the retention of the quality of the service delivered by the preferred bidder was still there despite cost pressures.
- Cllr Murphy drew attention to the Scrutiny comments included within the report, and stated that as Chair of Scrutiny he had felt very pleased with the work that had been done.
- Cllr raised a slight issue with the figures in the second part of the recommendation, which had seemed to have changed from the ones that were attached to the Scrutiny Report to the one before Members on this report, and asked why have the figures changed?
- It was clarified that this was simply because of the removal of all reference to the Public Toilets elements of the contract acting upon further advice given by the s151 officer.
- It was also explained that there were some decisions in budget setting last year where there was an assumption that the price from the existing contractor would continue, but this lower price did not materialise during the tender process. This lower price has had to be removed.
- Cllrs sought reassurance that within the contract there was scope for an assessment process that would check what should be done is done, for example level of road sweeping, and that if the contractor is not doing what is specified can the Council remove itself from it?
- It was confirmed that the contract was based on an output specification which is itself based on DEFRA guidance on the COP on Litter and Detritus which is a published statutory guideline.
- Some detail was provided on zoning, and that each local authority must identify a zone for each area of its borough, that zoning is dependent upon the land use type, whether it is residential or high impact for example, and the level of cleansing requirement is based on that zoning. Importantly, the contractor cannot change the zoning need.
- It was also stated that the preferred bidder zoned the district in further detail as part of their bid, which they were under no obligation to do.
- It was confirmed that there was a formal assessment process, key performance indicators and strategic ones also are in place and there is a financial penalty if there was serious breaches of the contract and as a last resort termination procedures are there as with any contract.
- Another Cllr following on from this exchange wanted to know if there were specific break clauses within the 8 year contract which allowed for either party to walk away, and it was confirmed that there were none.

- The Officer did state that all bidders were made aware of the authority's strained finances in future years as is the case for many organisations in the public sector, and it was emphasised that this would continue into the future so any contract had to deliver efficiency and overall cost savings.
- It was stated that the preferred bidder had gone above and beyond again on this point and had committed to an Annual Innovation Meeting with interested parties which would acknowledge the pressure on public services and look for further ways to look for efficiencies.
- Cllrs wished to know whether the contract included extras for bin empties and sweeping around special events, as West Somerset was known especially for holding many special extra events throughout the year.
- It was confirmed that events were noted as part of the contract with several specifically identified, and that the preferred bidder was keen on supporting major events as well as other smaller events for the community such as providing litter picking equipment, but within reason.
- Cllr wished to know whether savings had been established with this work, and whether any of that fed into the High Level Business Case.
- The Portfolio Holder assured Members that this contract does not change whether for one authority or two, is the best for value and quality and is the most future-proofed as well.

RESOLVED (1) that the Council supported the contract award to The Landscape Group with effect from 1st December 2016.

RESOLVED (2) that the Council approved a supplementary budget allocation from General Reserves of £3,900 in 2016/17, and supported an increase within the Medium Term Financial Plan estimates for 2017/18 of £22,860.

The meeting closed at 5.05 pm.

Report Number: WSC 105/16

West Somerset Council

Full Council – 21st September 2016

HPC Planning Obligations Board – Allocation of CIM Funding

This matter is the responsibility of Cllr M Chilcott, Lead Member for Resources and Central Support.

Report Author: Lisa Redston, Community and Housing Lead – Energy Infrastructure

1 Purpose of the Report

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

2 Recommendations

- 2.1 That Full Council endorses the recommendation of the Hinkley C Planning Obligations Board and West Somerset Cabinet as follows:
 - 2.1.1 **To release £116,070 from the CIM Fund ring-fenced for Sedgemoor (and in particular Bridgwater) with the following conditions:**
 - **CIM Fund Manager and Sedgemoor District Council to review the budget and the allocation of funds towards each element of the project with the applicant after all tender processes have been completed to ensure the project remains affordable.**
 - **Applicant to provide regular monitoring reports that provide details of spending against each element of the project.**
 - 2.1.2 **To release £344,850 of CIM funding for the Southern Bridgwater and North Petherton Community Mitigation Scheme. £242,776 from the Sedgemoor (in particular Bridgwater) ring-fence and £102,074 from the 1st Annual Payment with the following conditions:**
 - **That funds are not released until full tender processes are completed and delivery plans have been agreed with SCC and a decision has been made on match funding bids.**

3 Risk Assessment

Risk Description	Current Score	Existing and planned control measures	Target Score after control
Lack of quality approvable bids to the CIM Fund due to communities not having the means (skills/resources) to make quality bids and deliver projects resulting in a lack of effective impact mitigation projects	Medium (12)	Community development officers in post in WSC/TDBC and Sedgemoor District councils and Engage WS contracted to support communities in WS in making bids and project delivery. Risk remains feasible as capacity of community development officers is limited.	Medium (9)
Risk of future community impacts not being mitigated due to early demand for funding exceeding available budget resulting in inability to respond to future or unknown impacts.	Medium (12)	Annual contribution payments (2015 and 2016) will ensure a budget is available to respond to future demand. Planning Obligations Board to continue to develop funding strategy that includes mechanisms for review and reprioritisation and trigger points for release of funding to reflect changes in circumstances and impacts.	Low (8)
Failure of the Planning Obligations Board to allocate CIM fund by August 2017 resulting in continued requirement for staff resource to manage application/decision making process, finances and to support community.	Medium (9)	Planning Obligations Board to continue to develop funding strategy to provide direction for release of funding.	Low (4)
Failure of the Planning Obligations Board to monitor the actual and potential impacts of the development due to the lack of a defined impact monitoring procedure resulting in the inability of the Planning Obligations Board to apply funding to achieve maximum mitigation of impacts.	Medium (16)	Planning Obligations Board to develop process and procedures for monitoring the impact and potential impact of the development and reflect this in the funding strategy.	Low (8)

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

4 Background

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

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

5 CIM Applications considered by the HPC Planning Obligations Board

- 5.1 The HPC Planning Obligations Board considered two applications to the CIM Fund on 9th June 2016. The Board considered the applications against each of the nine funding criteria.

5.2 All applications have been subject to financial viability checks, any concerns in relation to the viability of an organisation or project are highlighted within the summary.

5.3 Full Council are asked to consider the following applications for CIM Funding.

5.4

Project Name:	Bridgwater Town Centre Support Scheme
Expression of Interest Ref No:	160
Organisation Applying:	Bridgwater Town Council
Summary of Project:	The project aims to deliver a support scheme over the next four years with four key objectives: 1) Retail focused business support initiatives – Providing support to individual businesses, improve business practices, better meet market demand, improve web presence & wider marketing approach and co-ordinate town centre activity. 2) Connecting England Coast Path to Celebration Mile & Town Centre – this will include signage, promotion and marketing of the town centre to connect with opportunities the England Coast Path will bring. 3) Physical Enhancements – environmental improvements to Fore Street and High Street and lighting the Town Bridge. 4) Event Programme - Promote existing events programme to encourage town centre usage through improved offer and creation of an annual spring / summer event.
Impacts mitigated as stated in application:	Bridgwater Town Centre is located within the main HGV routes to HPC, is on the Transport Incident Management Plan, is located on many of the bus routes taking staff to and from the site and will be the service hub for the majority of HPC staff accommodated in the area in the coming decade. During 2015 impacts on the Bridgwater Town Centre emerged, with traffic disruption and congestion from highway scheme implementation (TR / Broadway) having a tangible impact on store turnover and takings (up to 20% reductions in some instances). During 2016 / 17 further highway works by EDF and SCC are due to commence which will cause further disruption and cause uncertainty to shoppers. For the 45,000, residents, 5,600+ HPC staff and 1000+ businesses, the town centre must continue to function successfully. There is a need to provide additional and timely support to businesses in the town centre and enhance the area to make it more attractive to shoppers and service users.
Start Date: 1/11/2016	Total Project Costs: £309,870
Completion Date: 30/9/2020	Amount applied for: £116,070
CIM Fund Manager Comments:	
<p>A very well presented bid clearly evidencing the need in terms of impacts on the community as a result of the HPC development with clear and deliverable benefits for the community and local economy. The project fully meets all of the funding criteria.</p> <p>The Board may wish to note and/or consider the following points:</p> <p>The application states that the project will complement the work of the district and town council, however no further explanation was provided.</p>	

Many of the resources required to manage and deliver the projects are provided in kind by the various partners involved.

Business Support Initiatives - SDC Ec Dev, Town Centre team (in kind), third party consultant (costed).

Coastal path - SDC Tourism officer (in kind) - SDC clean surrounds, natural England and SCC Rights of Way (in kind).

Physical Enhancements - SDC Ec Dev Team (in kind) and third party consultants (costed).

Events programme - Town Team, SDCs Ec Dev and Chamber of Commerce (in kind).

The budget for the Business Support Initiatives is £6000 per year, however no further detail was provided on the costs involved in this element and how this budget will be allocated. The application only included outline budgets for other elements of the project, such as the Events programme.

It is unclear where the work of the previous Economic Development funded schemes to support businesses leave off and this project begins. Economic Development Contribution Paper - Jan 2015: "Local Business Support and Information (Bridgwater) – The Council will ring-fence £25,000 from the Section 106 over the next few years to support local business advice and information session within the immediate Bridgwater area. Discussions will be opened with Bridgwater Chamber and Bridgwater Town Team, seeking to utilise their maturing partnerships to provide linkages to the immediate business community affected by the project. An MOU of activity and responsibilities will be agreed with both partners, which the Council will then seek to utilise to both raise awareness of opportunities and issues likely to affect the local business community".

Economic Costs of Congestion match funding will wholly fund the improvements to Fore Street (£104800). Therefore if this element was removed from the project the total project costs would be £205070, with £89000 match funding (reducing match to 43%).

If minded to recommend the application for approval the Board may wish to make the following recommendations:

CIM Fund Manager and SDC to review the budget and the allocation of funds towards each element of the project with the applicant after all tender processes have been completed to ensure the project remains affordable.

Applicant to provide regular monitoring reports that provide details of spending against each element of the project.

Breakdown of costs:

Connecting to the Coastal Path (signage and promotion, cleaning and improving docs, painting railings etc.) £11, 340.

£6,100 to design and produce signs (SDC officers, cost of signs) /£4240 to weed the area (SDC Clean surrounds)/ Painting and graffiti removal FOC (partners)/ £1000 for 7500 leaflets (SDC)/ Other promotion FOC (SDC).

Physical Enhancement to Fore Street £104800.

Design work £6500 (consultants, retrospective already funded by SDC included in match)/ £93000 Physical enhancement works (clearance/street furniture/bike parking/planters)/ £500 License fees/ £4800 2 wash-downs per year of street furniture (SDC clean surrounds).

Lighting of town bridge £69130

Selected contractor £68530/ £600 (SDC staff time).

<p>High Street Trees £20,000. £2500 investigation works (SDC, retrospective already carried out by SDC included in match)/ £17500 remove and replace trees/ Install planter (SDC Clean surrounds).</p> <p>Events programme - £80,000. £20,000 per year entertainment, promotion, materials, licenses, refreshments etc. - No staff costs.</p> <p>Business Support Initiatives - £24000 - £6000 per year (SDC and third party consultant)</p>	
POB Comments:	<p>The Board agreed that the scheme will be regarded as the package of mitigation for the proposed roadworks in Bridgwater Town Centre. The Board also agreed to take this into account when considering any future application to the CIM fund that aims to mitigate congestion or the impacts of congestion on the local economy in Bridgwater.</p>
POB recommendation:	<p>To release £116,070 from the CIM Fund ring-fenced for Sedgemoor (and in particular Bridgwater) with the following conditions:</p> <ul style="list-style-type: none"> ○ CIM Fund Manager and Sedgemoor District Council to review the budget and the allocation of funds towards each element of the project with the applicant after all tender processes have been completed to ensure the project remains affordable. ○ Applicant to provide regular monitoring reports that provide details of spending against each element of the project.

5.5

Project Name:	Southern Bridgwater and North Petherton Community Mitigation Scheme
Expression of Interest Ref No:	161
Organisation Applying:	Bridgwater and North Petherton Town Councils
Summary of Project:	<p>The project will deliver new and improved walking, cycling and environmental enhancements as well as traffic calming features in southern Bridgwater and North Petherton to enhance pedestrian / cyclists amenity, improve quality of life and reduce community severance. Specific elements of the project would include:</p> <ul style="list-style-type: none"> • Improved cycle facilities & traffic calming measures on Wills Rd including two crossings of Wills Road. Footway / cycleway (to link in with The Meads & LSTF routes in Bridgwater / North Petherton) & signing & lining. • 320m Footway / Cycleway including a bridge across Stockmoor Rhyne between Stockmoor & Wills Rd. • Footway / Cycleway through Cranleigh Gardens to connect the station with the town centre.
Impacts mitigated as stated in application:	<p>The southern corridor into Bridgwater along Taunton Road is currently the key route for HPC traffic, one of the two designated routes for HGV's and buses travelling from the J24 P&R and is currently used for AILs. This route will be the principal route for all HPC traffic until the J23 P&R is opened in 2017/18. The increase in</p>

	activity and number of HGVs in the area will lead to a reduction in the quality of life and quality of the environment along and around the corridor, will increase severance, reduce environmental amenity, increase rat running and significantly impact upon the safety of walkers, cyclists and occupants of non-HGV's, which includes a high number of school children travelling to school in these areas. There are specific concerns regarding traffic speeds on Wills Rd following a number of collisions and incidents and the potential for this to increase with rat running as Taunton Road becomes more congested with large vehicles and HGVs.
Start Date: 1/11/16	Total Project Costs: £751,850
Completion Date: 31/12/17	Amount applied for: £344,850
Documents received:	Business plan, suite of plans showing routes and infrastructure, travel tracking study, consultation responses, letters of support (12), evidence an map of accident locations, governing documents, accounts, insurance certificate, Planning permission (Cranleigh Gardens link and Wills Road/Stockmoor).
CIM Fund Manager Comments:	
<p>A very well presented bid clearly evidencing the need for the project in terms of impacts of HPC related traffic movement on the community, community support and deliverable benefits for the community.</p> <p>The Board may wish to note and/or consider the following points:</p> <p>Majority of land in either SCC or SDC ownership. Where third party land required SCC are in negotiation with land owners as delivery agent.</p> <p>Actual proportion of the community that will use elements of the project (Stockmoor/Wills Road link) are no clear and difficult to estimate. Strong promotion of the link and initiatives to change travel behaviours would be required to ensure good use of this element.</p> <p>Total estimated costs of the schemes are £709850, with £42000 for design and supervision costs and contingency.</p> <p>Some match funding not yet secured.</p> <p>Actual plans for delivery have yet to be agreed and actual costs are not yet known to give full reassurance of affordability and value for money.</p> <p>There is £358,846 of funding remaining in the Sedgemoor (and in particular Bridgwater) ring-fence. Therefore if minded to approve an element of this funding will need to be taken from the 1st Annual payment.</p> <p>If minded to recommend the application for approval the Board may wish to make the following recommendations:</p> <p>That funds are not released until full tender processes are completed and delivery plans have been agreed with SCC and a decision has been made on match funding bids.</p>	

POB recommendation:	<p>To release £344,850 of CIM funding for the Southern Bridgwater and North Petherton Community Mitigation Scheme. £242,776 from the Sedgemoor (in particular Bridgwater) ring-fence and £102,074 from the 1st Annual Payment with the following conditions:</p> <ul style="list-style-type: none"> That funds are not released until full tender processes are completed and delivery plans have been agreed with SCC and a decision has been made on match funding bids.
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6 Links to Corporate Aims / Priorities

- 6.1 The allocation of these funds will enable the Council to deliver against the Corporate Priorities of '*Our Communities* - Helping our communities remain sustainable and vibrant is vital in keeping West Somerset a great place in which to live and work' and '*Our Place and Infrastructure* - West Somerset is a beautiful place to visit and in which to live and work. We want to keep West Somerset a place to be proud of and one which is well maintained and welcoming to residents, visitors and businesses alike.

7 Finance / Resource Implications

- 7.1 On 6th May 2016, EDF made the payment for the second anniversary of phase two under the Site Preparation Work agreement. Under this, the CIM fund has received £1,937,220 inclusive of inflation uplift. Bringing the total CIM Fund received to £7,424,395.
- 7.2 Financial information regarding allocated funding from the Community Impact Mitigation Fund can be found in Appendix A.
- 7.3 Any impact on the councils resources are highlighted within the summary of each application.
- 7.4 All organisations applying for funding are subject to financial viability checks to reduce risk associated with the award of grant funding.

8 Legal Implications

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

9 Environmental Impact Implications

- 9.1 Applicants are encouraged to consider the environmental implications of their project and to demonstrate how their projects will promote environmental sustainability, for example through the use of recycled materials, alternative energy sources, reduction in travel by motor vehicles, improvements to the local environment and regeneration.
- 9.2 There are environmental impacts associated with the wider proposed development of Hinkley Point C. These have been assessed within the Environmental Statement submitted by NNB Genco with the application to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037) and additional mitigation measures have been secured.

10 Safeguarding and/or Community Safety Implications

- 10.1 Applicants are encouraged to consider the promotion of community safety and community cohesion as part of their project.
- 10.2 Applications for projects that provide facilities or services to children, young people or vulnerable adults are required to include copies of the applicants safeguarding policy and procedures.
- 10.3 The requirement for organisations to adhere to Safeguarding legislation are included in the CIM Fund grant terms and conditions.

11 Equality and Diversity Implications

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

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

- Eliminate discrimination, harassment, victimisation
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 Organisations applying to the CIM Fund are required to describe how their project will promote equal opportunities and will be accessible to all people in the community regardless of background, ability or personal circumstances.
- 11.3 Projects that restrict membership or access to services without being able to 'objectively justify' their reasons for doing so will not be eligible to be considered for funding. Projects that wish to limit access must be able to show that the less favourable treatment contributes to a 'legitimate' aim and that it is 'proportionate.'
- 11.4 Organisations are required to provide a copy of their Equal Opportunity Policy with their application to demonstrate awareness of their responsibility to deliver accessible services that advance equality.
- 11.5 Wider community benefit and the ability of the project to promote cohesive communities are both taken into account when scoring applications and making recommendations.

12 Social Value Implications

- 12.1 Applications to the CIM Fund must demonstrate that they provide economic, social and or environmental benefits for the local area. Applicants are also encouraged to provide opportunities for volunteering and community involvement wherever possible.

13 Partnership Implications

- 13.1 The Planning Obligations Board has representative members from Sedgemoor District Council, Somerset County Council, EDF Energy and West Somerset Council.
- 13.2 Applicants are required to demonstrate arrangement to work in partnership with other local organisations and to seek cost effective solutions by sharing resources and expertise wherever possible.

14 Health and Wellbeing Implications

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

15 Asset Management Implications

- 15.1 There are no asset management implications as a result of these recommendations.

16 Consultation Implications

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

17 Cabinet Comments / Recommendation(s)

- 17.1 Cabinet endorsed the recommendations of the Hinkley Point C Planning Obligations Board at their meeting on 8th September 2016.

Democratic Path:

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

Reporting Frequency: Every 2 months.

List of Appendices

Appendix A	Hinkley Community Impact Mitigation Fund Approval Balances
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Contact Officers

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Appendix A

HPC Community Impact Mitigation Fund Approval Balances

	TOTAL £	West Somerset £	Sedgemoor £	Cannington £	1st Annual payment £	2nd Annual Payment £	Stogursey £
CIM Fund Received(including Inflation Uplift)	6,700,000	2,000,000	1,000,000	500,000	1,600,000	1,600,000	500,000
Inflation Uplift	724,395	134,529	67,265	33,632	151,749	337,220	33,632
TOTAL Received	7,424,395	2,134,529	1,067,265	533,632	1,751,749	1,937,220	533,632
<u>Less previously approved allocation</u>							
Stogursey Parish Council - Burgage Road Play Area	(90,373)	(90,373)					Stogursey Earplug Scheme (2,087)
Wembdon Village Hall - New VH & Play Area	(250,000)		(250,000)				Victory Hall (200,000)
Somerset Youth & Community Sailing Association	(9,600)		(9,600)				
Tropiquaria - Relocation of primates	(40,000)	(40,000)					
Tropiquaria - Relocation of play area	(37,350)	(37,350)					
Porlock Shellfish Project	(800)	(800)					
Westfield Street Café	(110,000)		(110,000)				
Williton Bowling Club	(13,000)	(13,000)					
Kilve Cricket Club	(22,000)	(22,000)					
Onion Collective	(243,119)	(243,119)					
Williton Parish Council	(250,000)	(250,000)					
Stogursey Football Club	(750)	(750)					
North Petherton Playing Fields	(46,000)		(46,000)				
SDC - Sydenham Together	(60,000)		(60,000)				

Tropiquaria - Marketing	(1,000)	(1,000)					
Bridgwater Education Trust	(18,295)		(18,295)				
Sydenham and Bower FHWG	(200,000)		(200,000)				
Cannington Village Hall	(186,186)			(186,186)			
Victoria Park Community Centre	(14,524)		(14,524)				
Watchet War Memorial Pavilion	(7,500)	(7,500)					
Otterhampton Parish Play Area	(37,820)				(37,820)		
Bridgwater Doctors Cricket Club	(1,000)			(1,000)			
Stogursey and District Victory Hall	(400,000)	(400,000)					
Greenways and Cycle Routes Ltd	(65,000)				(65,000)		
West Somerset Council - Employments Hub	(57,036)	(57,036)					
Current Uncommitted Balance	5,263,042	971,601	358,846	346,446	1,648,929	1,937,220	331,545
<u>Less Requested approvals</u>							
Bridgwater Town Centre Support Scheme	(116,070)		(116,070)				
Southern Bridgwater and North Petherton Mitigation Scheme	(344,850)		(242,776)		(102,074)		
Uncommitted Balance if all requests were approved	5,263,042	971,601		- 346,446	1,546,855	1,937,220	331,545