

# **WEST SOMERSET DISTRICT COUNCIL**

**Meeting to be held on Wednesday 21 November 2012 at 4.30 pm**

**Council Chamber, Williton**

## **AGENDA**

**1. Apologies for Absence**

**2. Minutes**

Minutes of the Meeting of Council held on 24 October 2012 to be approved and signed as a correct record – **SEE ATTACHED.**

**3. Declarations of Interest**

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

**4. Public Participation**

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

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

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

**5. Chairman's Announcements**

**6. Notice on Motion**

**6.1.** In accordance with Procedure Rule 11 the following motion was received from Councillor D D Ross:

"I wish for the Council to debate the following motion:

That this Council supports representations being made to the Secretary of State for the Armed Forces expressing extreme disappointment at the position taken by government that is preventing British Sailors from being honoured by the Russian Government for their service in the Arctic convoys during the second world war and to request that this ridiculous situation is resolved forthwith to allow these brave people to be able to receive the recognition they deserve."

**7. Localism Act 2011 – Repeal of Legislation – Dealing with Petitions**

To consider Report No. WSC 108/12, to be presented by Councillor S Pugsley, Lead Member for Executive Support and Democracy – **SEE ATTACHED.**

The purpose of the report is to provide Council with the opportunity to reconsider its position on dealing with petitions in the light of changes consequent upon the repeal of legislation relating to this issue.

**8. Gambling Act 2005 – Review of Policy**

To consider Report No. WSC 142/12, to be presented by Councillor K Turner, Lead Member for Housing, Environmental Health and Licensing – **SEE ATTACHED.**

The purpose of the report is to present the amended West Somerset Council's Statement of Gambling Policy following completion of the statutory 3 yearly review.

**9. The Collection Fund – Estimate of Surpluses and Deficiencies 2012/13**

To consider Report No. WSC 147/12, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to for Council to determine an estimate of the surplus or deficiency on the Collection Fund as at 31 March 2013.

**10. Request for Allocation of Planning Obligations Monies**

To consider Report No. WSC 153/12, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to make a proposal for the allocation of capital monies secured through planning obligations to a scheme proposed by Minehead Barbarians Rugby Football Club.

**11. Arrangements for Independent Remuneration Panel and Review of West Somerset Council Members' Allowance Scheme**

To consider Report No. WSC 146/12, to be presented by Councillor T Taylor, Leader of the Council – **SEE ATTACHED.**

The purpose of the report is to enable the council to agree an approach in regard to the review of the current Members' Allowances Scheme and to consider a proposal to create a Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council.

NOTE: In accordance with the code of conduct, subject to disclosing the interest at the meeting, members may attend and vote in relation to an item on members allowances in which all members have a prejudicial interest. This note has the effect of taking this fact as having been declared and members do not need therefore to make a verbal declaration at the Council meeting.

## 12. **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 15 October 2012  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---22-October-2012.aspx>
- Draft notes of the Exmoor Panel held on 6 November 2012  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Exmoor-Area-Panel/Exmoor-Area-Panel---6-November-2012.aspx>

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

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

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

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

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

**WEST SOMERSET COUNCIL**

**Minutes of the Meeting held on 24 October 2012 at 4.30 pm**

**in the Council Chamber, Williton**

**Present:**

Councillor D D Ross ..... Chairman  
Councillor G S Dowding ..... Vice-Chairman

Councillor H J W Davies  
Councillor S Y Goss  
Councillor B Heywood  
Councillor K V Kravis  
Councillor E May  
Councillor K M Mills  
Councillor P H Murphy  
Councillor K J Ross  
Councillor L W Smith  
Councillor T Taylor  
Councillor K H Turner

Councillor J Freeman  
Councillor A P Hadley  
Councillor A F Knight  
Councillor R P Lillis  
Councillor I R Melhuish  
Councillor C Morgan  
Councillor S J Pugsley  
Councillor D J Sanders  
Councillor M A Smith  
Councillor A H Trollope-Bellew  
Councillor D J Westcott

**Officers in Attendance:**

Chief Executive (A Dyer)  
Corporate Director (B Lang)  
Section 151 Officer (S Campbell)  
Climate Change and Community Liaison Manager (A Lamplough) – Item 6 only  
Principal Accountant (S Plenty)  
Efficiencies and Performance Manager (K Batchelor)  
Community Safety Officer (P Hughes)  
Meeting Administrator (K Kowalewska)

At the start of the meeting a minute's silence was held in respect of ex-councillor Mike Padgett who had recently passed away.

The Chairman of Council introduced and welcomed to the meeting Dr Mark Robbins, Senior Policy Officer Royal Society for the Protection of Birds (RSPB) and William Barnard, a local farmer, would be speaking on Agenda Item 6 on behalf of the Somerset Nature Partnership.

**C53      Apologies for Absence**

Apologies for absence were received from Councillors M J Chilcott, M O A Dewdney and P N Grierson.

**C54      Minutes**

(Minutes of the Meeting of Council held on 19 September 2012, circulated with the Agenda.)

**RESOLVED** that, subject to the addition of Councillor L W Smith to Minute No. C40 Apologies for Absence and including the word 'local' before communities in the first line of paragraph 9 to Minute No. C45, the Minutes of the Meeting of Council held on 19 September 2012 be confirmed as a correct record.

Statement by the Leader of the Council

Following this item, the Leader of Council gave Members a brief update on further developments concerning the issues arising from the parliamentary speech on community funding concerning infrastructure projects. He welcomed the response from the Energy and Climate Change Minister, John Hayes and he encouraged Members to read his response as it contained a summary of his understanding on the issues which almost mirrored West Somerset Council's views, which included:

- Section 106 agreements were not enough to compensate local communities for the building and housing of nuclear power stations.
- The part funding of local authorities through business rate retention and growth due to start next April was distinct from community benefit and should not be confused.
- Community benefit should be used to reward host communities that would be impacted.

**C55** **Declarations of Interest**

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

<b>Name</b>	<b>Minute No.</b>	<b>Member of</b>	<b>Action Taken</b>
Cllr 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 A H Trollope-Bellew	All	Somerset County	Spoke and voted
Cllr K H Turner	All	Brendon Hills	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, Councillor A H Trollope-Bellew declared a disclosable pecuniary interest by owning land/property that could be the subject of a nomination for inclusion on the list of assets of Community Value relating to Agenda Item 9 Localism Act 2011 – Community Right to Challenge and Assets of Community Value and left the Chamber during discussion of this item.

**C56** **Public Participation**

No members of the public had requested to speak.

**C57**      **Chairman's Announcements**

20 September 2012	Was presented to HRH the Princess Royal at the marking of the 150 <sup>th</sup> Anniversary of the Watchet Lighthouse
24 September 2012	Attended the AGM of Artlife in the Council Chamber with Councillor D J Westcott
29 September 2012	Opened the Energy Savings Centre at the Co-op Car Park in Minehead
15 October 2012	Welcomed the pupil parliament in the Council Chamber with Councillor E May, and attended the rearranged Focus Group on the out of hours medical service at Minehead Hospital
18 October 2012	Attended the County Council's Chair Awards for Community Service in Taunton
21 October 2012	Attended the Seafarers' Service at Watchet Methodist Church with the Leader and four Councillors

The Vice Chairman announced that he had attended the North Somerset Council Civic Service at Weston-super-Mare on 21 October 2012.

The Chief Executive announced that he had received very positive feedback from the Lord Lieutenant's office in connection with HRH the Princess Royal's recent visit to Watchet stating that it was the best and most organised and relaxed visit that HRH the Princess Royal had ever experienced, and the Council should be proud of this achievement.

Members were informed that the special meeting of Council due to be held on 2 January 2013 had been postponed because the Council would not expect an announcement on its funding from the Government Minister until late December 2012.

**C58**      **Somerset Local Nature Partnership**

(Report No. WSC 132/12, circulated with the Agenda.)

The purpose of the report was to provide information regarding the new Somerset Local Nature Partnership (SLNP) that is due to commence in January 2013 and the involvement of West Somerset Council.

The report was presented by the Lead Member for Environment who reported that this was a new emerging project and would provide the Council with a great opportunity to take it forward and shape the project and he hoped to report back to Council in the future on how the project was evolving. The Section 151 Officer's comments which were omitted from the report stated that this partnership was reliant upon officer time and the current arrangements with Somerset County Council and Somerset Environmental Records Centre so no additional monies were required.

Dr Mark Robbins, Senior Policy Officer RSPB and William Barnard, a local farmer with a particular interest in environmental land management, made a presentation providing Members with background information on the SLNP, highlighting their environmental agenda and the opportunities available for the District.

The Lead Member proposed the recommendations which were seconded by Councillor E May.

Members were very supportive of the proposal and wanted to be involved as it would provide a good opportunity for joined-up thinking with local authorities and organisations.

**RESOLVED (1)** that the proposal for the formation of the Somerset Local Nature Partnership from January 2013 be endorsed.

**RESOLVED (2)** that the involvement of West Somerset Council be supported and to receive further reports as the scheme develops.

**C59**      **Pooling of Business Rate Retention Monies**

(Report No. WSC 121/12, circulated with the Agenda.)

The purpose of the report was to provide background to the government's proposals in the Local Government Finance Bill, which will allow authorities to retain a proportion of the business rates revenue generated in a local area. In particular the report concentrated on the provision within the Bill that enables local authorities to form a pooling arrangement and thus maximise the retention of business rates generated locally.

The Lead Member for Resources and Central Support presented the report and reported that central government were keen to encourage collaborative working between local authorities in a pooling of the business rates. She drew Members' attention to the reasons why this was being supported by central government and advised that the Section 151 Officers of the six neighbouring authorities had considered the advantages and disadvantages of the scheme and they had felt that there was a strong case for a county-wide pooled business rate scheme. If Members approved the recommendations in the report, further talks with the local authorities would take place about the governance arrangements. She drew further attention to Appendix A to the report which illustrated the monetary benefits of pooling the business rates in Somerset.

The Chief Executive advised that there was a 28 day cooling off period which would come into effect once the Council had received the Local Government Finance Settlement in late December 2012 and, after assessing the full implications of the arrangement, the Council would have the opportunity of withdrawing from the pool if it so wished. He then gave a brief power point presentation on the implications of West Somerset Council joining the business rate retention scheme.



The Lead Member recognised that the issue was very complicated with a lot of uncertainty and risk involved. The Council needed to put an emphasis on economic growth which should be encouraged throughout the whole county and not just in West Somerset. Although there were timescale difficulties the Lead Member reassured Members that if it was deemed necessary the final details could be brought back to full Council for consideration.

The Lead Member proposed the recommendations which were seconded by Councillor D J Westcott. During the debate it was suggested that recommendation 2.5 of the report should be rewording as follows – “that on receipt of the provisional settlement figure and proposals for satisfactory arrangements for governance and sharing the decision to leave or remain in the pool is considered by full Council”. The mover and seconder of the original motion were in agreement with the suggested rewording.

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

- Not confident that the Council would have enough money as it all depended on the financial settlement.
- Concern with the lack of decision time and the increase on staff workload.
- Write-offs would not have an impact on the business rate pool.
- Clarification was sought on the meaning of negative economic growth.
- The implications if a Hinkley Point power station were to shut down.
- Local authorities would be able to draw out of the pool a sum proportionate to the economic growth occurring in their part of the district and there would also be a sum available to fund economic development projects across the whole County.
- A request was made that any further reports to Council should be in plain English containing more information.

**RESOLVED (1)** that the Council should continue to form a pool comprising the five Somerset District Councils together with the County Council for the collection of business rates for the financial year 2013/14 (with effect from 1 April 2013).

**RESOLVED (2)** that agreement of the detailed governance and operating arrangements is delegated to the Chief Executive, in conjunction with the Section 151 Officer and in consultation with the Leader of Council and the Lead Member for Resources and Central Support be approved.

**RESOLVED (3)** that the County Council continues to act as the lead authority and coordinator of the pool.

**RESOLVED (4)** that the Chief Executive and Section 151 Officer are granted delegated authority on behalf of the Council to request the Department of Communities and Local Government (DCLG) to designate the Somerset Pool, in line with DCLG timescales, together with approval of the detailed governance arrangements.

**RESOLVED (5)** that on receipt of the provisional settlement figure and proposals for satisfactory arrangements for governance and sharing the decision to leave or remain in the pool is considered by full Council.

**C60** **Annual Treasury Management Report 2011/12**

(Report No WSC 141/12, circulated with the Agenda.)

The purpose of the report was to review the Treasury Management activity for the 2011-2012 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy Statement, Minimum Revenue Provision Strategy and Annual Investment Strategy.

The Lead Member for Resources and Central Support presented the report and asked Members to note that there was an amendment to the Capital Expenditure figure in the tables on pages 27 and 36 within Appendix A to the report and it should read £1,118.

Clarification was sought on the meaning of unfunded capital expenditure, and the Principal Accountant explained it referred to the Council's own resources, in that it was expenditure which was not covered by the receipt of external grants and capital receipts during the year.

The Lead Member proposed the recommendations of the report which were seconded by Councillor E May.

**RESOLVED (1)** that the actual 2011/12 Prudential and Treasury Indicators within the report be approved.

**RESOLVED (2)** that the annual treasury management activity for the 2011/12 financial year be noted.

**C61** **Localism Act 2011 – Community Right to Challenge and Assets of Community Value**

(Report No. WSC 133/12, circulated with the Agenda.)

The purpose of the report was to update Council on Community Rights to Challenge and bids relating to Assets of Community Value that have recently come into force arising out of the Localism Act 2011, and to ensure that the appropriate processes are in place to enable the authority to fulfil its duties under the Act.

The report was presented in detail by the Lead Member for Community and Customer. The Lead Member for Resources and Central Support also briefed Members on the capacity and resource problems that could be faced when dealing with submitted bids although the amount was currently unknown. She also advised of the financial implications and the risk that compensation could be sought from West Somerset Council. The Lead

Member confirmed that there was a cap of £20,000 per financial year which would be reflected in the Medium Term Financial Plan.

Councillor D J Westcott proposed the recommendations, which were seconded by Councillor K V Kravis.

During the debate the following main points were raised:

- Clarification was sought on which contracts would be affected by the terms of the agreement and what notice would have to be given.
- Members queried the issue surrounding compensation.
- The Council could not insure against compensation claims.
- Concern was raised as to who would review Cabinet's decision on compensation claims and there would need to be an independent review process because of the contentious issue. Involving the Scrutiny Committee in this process would be investigated.
- The time constraints and appeal process were governed by legislation.
- Only the owner of the asset can go through the appeal process.
- The majority of valid requests for listing are likely to be granted.
- Reasons for limiting the period to receive and deal with expressions of interest in respect of the right to challenge were sought, and officers advised that although this was not prescribed in the legislation it was felt the process and resource would be better managed in this way.

During the debate it was suggested that recommendation 2.2 of the report should be rewording by inserting "initial" after "following" in the first sentence and to add the following at the end – "these processes be refined as experience grows and to be reviewed by Council after twelve months".

A further element of the motion was proposed to add a recommendation that the £20,000 potentially required for compensation claims be reflected in the Medium Term Financial Plan.

The mover and seconder of the original motion were in agreement with the suggested alterations.

**RESOLVED (1)** that the coming into force of Community Rights to Challenge to bid for running Council services and to bid for Assets of Community Value arising from the Localism Act 2011 be noted.

**RESOLVED (2)** that the following initial processes be endorsed to ensure that the Council fulfils its duties under the Localism Act 2011 in respect of the provisions referred to in resolution (1) above and these processes be refined as experience grows and to be reviewed by Council after twelve months:

- (a) Community Right to Challenge, as set out in Appendix A to the report.
- (b) Nominating an Asset of Community Value, as set out in Appendix B to the report.
- (c) Notification of sale of Asset of Community Value, as set out in Appendix C to the report.

- (d) Process for claiming compensation for losses/expenses incurred in complying with the Assets of Community Value scheme, as set out in Appendix D to the report.

**RESOLVED** (3) that an annual sum of £20,000 to cover the potential compensation liability be reflected in the Medium Term Financial Plan.

**C62 Police and Crime Panel for Avon and Somerset**

(Report No. WSC 131/12, circulated with the Agenda.)

The purpose of the report was for the Leader to recommend that Councillor G S Dowding be appointed as the West Somerset Council representative on the Police and Crime Panel for Avon and Somerset.

The Leader of Council presented the report and proposed the recommendation in the report which was seconded by Councillor E May.

Councillor G S Dowding informed Members that he had attended induction training and would keep Council updated on the outcomes of future Panel meetings.

**RESOLVED** that Councillor G S Dowding be appointed as the West Somerset Council representative on the Police and Crime Panel for Avon and Somerset, with the Leader acting as deputy to ensure West Somerset Council representation at Panel meetings.

**C63 Agreement for a County-wide Community Safety Partnership Merger**

(Report No. WSC 140/12, circulated with the Agenda.)

The purpose of the report was to seek Council approval for West Somerset Council to join a proposed county-wide merger of the Community Safety Partnerships encompassing the East and West of the County.

The Lead Member for Community and Customer presented the report and proposed the recommendation in the report which was seconded by Councillor K H Turner.

It was hoped that the merger would provide an opportunity to produce a clear partnership agreement identifying who the partners were and their respective roles and responsibilities.

**RESOLVED** that the recommendation of Cabinet be accepted and the county wide Community Safety Partnership merger be agreed.

**C64 Standards Advisory Committee**

(Minutes of the Standards Advisory Committee held on 25 September 2012, circulated with the Agenda.)

The purpose of the report was to adopt the minutes of the Standards Advisory Committee held on 25 September 2012.

**RESOLVED** that the minutes of the Standards Advisory Committee held on 25 September 2012 be adopted.

**C65** **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 Panel held on 4 September 2012, be noted.

**RESOLVED (2)** that the draft notes of the Minehead Area Panel held on 12 September 2012, be noted.

**RESOLVED (3)** that the draft notes of the Watchet, Williton and Quantocks Area Panel held on 18 September 2012, be noted.

**C66** **Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting during consideration of Item CAB67 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 item 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.

**C67** **Sale of Land, Seaward Way, Minehead**

(Report No. WSC 139/12, circulated with the Agenda.)

The purpose of the report was to seek Council approval for contracts to be exchanged with David Wilson Homes (DWH) regarding the sale of land at Seaward Way, Minehead. The report also provided an update of the latest position concerning negotiations with Crown and Passmore Trust regarding the release from restrictive covenants attached to the land.

The Lead Member for Housing, Environmental Health and Licensing presented the report and summarised the main points contained therein. Members praised the Lead Member for his clear and concise summary and thanked the Project Team involved.

The Lead Member proposed the recommendations of the report which were seconded by Councillor D J Westcott.

**RESOLVED (1)** that the Chief Executive be authorised to sign and exchange contracts with David Wilson Homes for a minimum price of £1,500,000.

**RESOLVED (2)** that the Chief Executive in consultation with the Project Team, the Lead Member for Finance and Central Support and the Section 151 Officer be granted delegated authority to agree the final sale figure.

**RESOLVED (3)** that the delegated authority granted to the Chief Executive in consultation with the Project Team, the Lead Member for Finance and Central Support, the Leader of Council and the Council's Section 151 Officer to agree the final details of the financial terms and conditions with Crown Estates and Passmore Trust for the release from restrictive covenants be reconfirmed.

The meeting closed at 7.46 pm.

REPORT NUMBER WSC 108/12  
 PRESENTED BY COUNCILLOR S PUGSLEY, LEAD MEMBER FOR EXECUTIVE  
 SUPPORT AND DEMOCRACY  
 DATE 21 NOVEMBER 2012

## LOCALISM ACT 2011 – REPEAL OF LEGISLATION – DEALING WITH PETITIONS

### 1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to provide Council with the opportunity to reconsider its position on dealing with petitions in the light of changes consequent upon the repeal of legislation relating to this issue.

### 2. RECOMMENDATIONS

- 2.1. That the Council repeals the Petitions Scheme adopted at it's meeting held on 23 June 2010 (minute no. C31 refers).
- 2.2 That in future all written and e-petitions will be considered on a case by case basis and subject to not being a vexatious, abusive or otherwise inappropriate in nature the Council will respond to a petition through one or more of the following ways: -
- taking the action requested in the petition,
  - considering the petition at a Council meeting,
  - holding an enquiry into the matter,
  - undertaking research into the matter,
  - holding a public meeting,
  - holding a consultation,
  - holding a meeting with petitioners,
  - referring the petition for consideration of the Council's Scrutiny Committee,
  - calling a referendum,
  - writing to the petition organiser setting out the Council's views about the request in the petition.
  - In all instances an acknowledgement will be sent to the petition organiser within 10 working days of receipt advising of how the Council plans to deal with the petition and related timescales.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
That there is confusion as to how the council will respond to receiving a petition	Likely (4)	Major (4)	High (16)
<i>Formally agree a process that is clear to the public</i>	Unlikely (2)	Major (4)	Medium (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.

#### **4. BACKGROUND INFORMATION**

- 4.1. The Local Democracy and Construction Act 2009 made it a statutory duty for all councils to adopt a formal petition scheme. The Council duly adopted such a scheme at its meeting held on 23 June 2010 – minute no. C31 refers.
- 4.2. At the time there was considerable debate with the majority of members being somewhat frustrated that a formal and very structured process had to be adopted.
- 4.3. The Localism Act 2011 has, among other things, repealed the requirement for such a statutory petition scheme and mandatory new petitions facility. The current scheme is subject to a threshold figure of 5% of the electorate of the town or parish council being required for petition to be debated at full Council.
- 4.4. There is therefore now the opportunity to review the whole position and provide greater clarity and flexibility of Council if it so wishes.
- 4.5. The Council will treat as a petition anything which identifies itself as a petition for which a reasonable person would regard as a petition. Petitions submitted to the Council must include: - a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take and the name address and signature of any person supporting the petition. Furthermore, petitions should be accompanied by contact details including an address for the petition organiser, which the council will then use as the point of contact.
- 4.6. Petitions which are in the opinion of the Chief Executive Officer or Monitoring Officer vexatious, abusive or otherwise inappropriate do not qualify for a response. They will be acknowledged and an explanation given explaining why the authority will not be taking action. When considering whether a petition is vexatious guidance will be used under the Freedom of Information Act 2000. The key question is whether the request is likely to cause distress, disruption or irritation without any proper or justified cause.
- 4.7. It is suggested that the current scheme be repealed and be replaced by a simple process of when a written or e-petition is received that, subject to such petition not being of a vexatious, abusive or otherwise inappropriate nature that all petitions will be responded to by one or more of the following ways: -
  - taking the action requested in the petition,
  - considering the petition at a Council meeting,
  - holding an enquiry into the matter,
  - undertaking research into the matter,
  - holding a public meeting,
  - holding a consultation,
  - holding a meeting with petitioners,
  - referring the petition for consideration of the Council's Scrutiny Committee,
  - calling a referendum,
  - writing to the petition organiser setting out the Council's views about the request in the petition.
- 4.8. The Council is invited to consider the position in the light of the changes to legislation and make an appropriate recommendation. It is suggested that whatever way forward is



chosen it is then publicised on the Council's website and in any other way that will assist the public being aware of the process now in place.

**5. FINANCIAL/RESOURCE IMPLICATIONS**

5.1. None directly in this report.

**6. SECTION 151 OFFICER COMMENTS**

6.1. The Section 151 Officer has considered the report and does not have any comments to add.

**7. EQUALITY & DIVERSITY IMPLICATIONS**

7.1. If the council does adopt the straight forward approach it is recommended, the absence of an artificial threshold should make it easier for the public/community to submit petitions to the council for it's consideration.

**8. CRIME AND DISORDER IMPLICATIONS**

8.1. None directly in this report.

**9. CONSULTATION IMPLICATIONS**

9.1. None directly in this report.

**10. ASSET MANAGEMENT IMPLICATIONS**

10.1. None directly in this report.

**11. ENVIRONMENTAL IMPACT IMPLICATIONS**

11.1. None directly in this report.

**12. LEGAL IMPLICATIONS**

12.1. This report is generated in response to a change in legislation, which gives the Council the opportunity of exercising more flexibly in how to deal with petitions.

**REPORT TO A MEETING OF FULL COUNCIL TO BE HELD ON 21 NOVEMBER 2012**

**CONTACT OFFICER: BRUCE LANG**  
**TEL. NO.DIRECT LINE: 01984 635200**  
**EMAIL: BDLANG@WESTSOMERSET.GOV.UK**



REPORT NUMBER WSC 142/12  
 PRESENTED BY CLLR KEITH TURNER  
 DATE 21 NOVEMBER 2012

## GAMBLING ACT 2005 – REVIEW OF POLICY

### 1. PURPOSE OF REPORT

- 1.1. To present the amended West Somerset Council's Statement of Gambling Policy following completion of the statutory 3 yearly review.

### 2. RECOMMENDATIONS

- 2.1. That Council adopt the amended Gambling Act Policy to take effect from the 3<sup>rd</sup> January 2013.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to adopt a Policy would be in breach of the Gambling Act 2005.	1	2	2
Failure to review the Gambling Policy as necessary and at least every 3 years would be in breach of the Gambling Act 2005.	1	2	2
<i>The Policy is reviewed at least every 3 years</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.

### 4. BACKGROUND INFORMATION

- 4.1 The Gambling Act 2005 requires all Licensing Authorities to consult on and publish a Statement of Gambling Policy, which sets out how the Authority manages the licensing of local gambling premises. The policy must be updated as necessary and at least every three years. Copy of the Gambling Policy is appended to this report.
- 4.2 The Policy was last reviewed in 2009 and adopted by the Council to take effect from the 3<sup>rd</sup> January 2010. Minute No. C93 refers.
- 4.3 Consultation was undertaken over a 12 week period as set out by the Department of Business, Enterprise and Regulatory Reform. The consultation was undertaken by letter, email and on the Council's website and expired on the 9<sup>th</sup> November 2012.

4.4 There were no comments or objections to the Policy, which had been amended with only minor typographical amendments and updating of the Responsible Authorities address details.

**5. FINANCIAL/RESOURCE IMPLICATIONS**

5.1. There are no financial implications from the adoption of the statement of licensing policy

**6. SECTION 151 OFFICER COMMENTS**

6.1. The Section 151 officer has considered this report and does not have any comments to add.

**7. EQUALITY & DIVERSITY IMPLICATIONS**

7.1. The consultation process permits all those persons affected by the Act to comment on the policy prior to publication.

**8. CRIME AND DISORDER IMPLICATIONS**

8.1. The policy links to crime and disorder initiatives.

**9. CONSULTATION IMPLICATIONS**

9.1. No responses were received in respect of the consultation.

**10. ASSET MANAGEMENT IMPLICATIONS**

10.1. There are no perceived asset management implications contained within this report.

**11. ENVIRONMENTAL IMPACT IMPLICATIONS**

11.1. There are no perceived environmental impact implications contained within this report.

**12. LEGAL IMPLICATIONS**

12.1. The authority has a statutory duty to produce, consult on and publish a Statement of Licensing Policy in respect of the Gambling Act and to review that policy when required, and at least every three years. Failure to do so is a contravention of the Gambling Act and any relevant regulations.

**REPORT TO A MEETING OF THE COUNCIL TO BE HELD ON 21<sup>ST</sup> NOVEMBER 2012.**

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**WEST SOMERSET COUNCIL**

**Gambling Act 2005**

**Statement  
of  
Gambling  
Policy**

Revision v.4  
Dated

# West Somerset Council Statement of Gambling Policy

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# **1 STATEMENT OF LICENSING POLICY**

## **1.1 Licensing Objectives**

The Gambling Act 2005 (“the Act”) requires that the Council carries out its various licensing functions with a view to promoting the following three licensing objectives:-

- 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- 2. Ensuring that gambling is carried out in a fair and open way;**
- 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

## **1.2 Introduction**

West Somerset Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences in West Somerset (“the District”) in respect of:-

- ❖ Casino Premises
- ❖ Bingo Premises;
- ❖ Betting Premises, including tracks
- ❖ Adult Gaming Centres
- ❖ Family Entertainment Centres; and
- ❖ Permits for Alcohol Licensed Premises

The area administered by West Somerset Council is predominately rural in character with agriculture and tourism being the most important commercial activities. The population of the district is approximately 35,400 with about one third living in Minehead, which is the principal town. Only the peripheral Towns of Watchet and Dulverton and villages of Dunster, Porlock and Williton significantly interrupt the surrounding countryside. A map of the district is contained in Appendix B.

The 2005 Act requires the Council to publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

This “Statement of Licensing Policy” has been prepared having regard to the provisions of the Gambling Act, Guidance issued by the Gambling Commission and responses received during the consultation process. It is intended to be a discussion document leading to adoption by West Somerset Council of a formal Statement of Licensing Policy, after having due regard to any responses from those consulted on this policy statement.

The formal Statement of Licensing Policy will be available on West Somerset Council’s website.

The policy will come into effect on the day of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.



### 1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.1
Council:	West Somerset Council
District:	The area of Somerset administered by West Somerset Council (Map appended at Appendix B)
Licences:	As defined in section 1.5 below
Applications:	Applications for licences and permits as defined in section 1.4 below
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by West Somerset Council
Responsible Authority:	For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"><li>1. The Licensing Authority ("West Somerset Council");</li><li>2. The Gambling Commission;</li><li>3. Avon &amp; Somerset Constabulary;</li><li>4. Devon and Somerset Fire and Rescue Service;</li><li>5. Planning Manager, Planning Dept, West Somerset Council;</li><li>6. Planning Manger, Exmoor National Park Planning Authority;</li><li>7. Environmental Protection Team, West Somerset Council;</li><li>8. Safeguarding Children Board, Social Services, Somerset County Council;</li><li>9. HM Customs and Excise.</li></ol>
Interested Party:	For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.
- c) Represents persons who satisfy a) or b) above; for example, Residents' and Tenants' Associations.

When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's Guidance to Local Authorities.

#### **1.4 Types of Licence**

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Occasional Use Notices;
4. Permits as required under the Act;
5. Registrations as required under the Act.

#### **1.5 Licensable Premises and Permits**

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Licensed Family Entertainment Centres;
7. Unlicensed Family Entertainment Centres;
8. Club Gaming Permits;
9. Prize Gaming and Prize Gaming Permits;
10. Temporary Use Notices;
11. Occasional Use Notices; and
12. Registration of small society lotteries.

#### **1.6 General Principles**

Nothing in this Statement of Policy will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for Premises Licences will be required to set out how they will promote the licensing objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a Premises Licence or whether to review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either "mandatory" or "default" conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.

The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Council will be able to consider it.

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide evidence that they are acting as representatives of others.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

### **1.7 Advisory Body for the Protection of Children from Harm**

West Somerset Council, as the licensing authority, designates the Safeguarding Children Board as the competent authority to provide advice on the protection of children from harm.

The Safeguarding Children Board is the Somerset County Council Child Protection Unit and operates throughout the county of Somerset, covering the district of West Somerset and has the specialist knowledge and expertise to fulfil this role.

### **1.8 Consultees**

The Statement of Licensing Policy will be subject to formal consultation with:-

1. Avon and Somerset Constabulary;
2. Devon and Somerset Fire & Rescue Service;
3. The Local Safeguarding Children Board;
4. West Somerset Crime & Disorder Reduction Partnership;
5. Representatives of the holders of the various licences for premises within the District who will be affected by this Policy;
6. Persons/bodies representing the interests of persons likely to be affected by this policy; and
7. Parish and Town Councils.

For further information, see Appendix D.

### **1.9 Information exchange**

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and have established protocols in this respect. In exchanging such information, the Council conforms to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.

Contact details of those persons making representations and the details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## **2 LEGISLATION, POLICIES AND STRATEGIES**

### **2.1 Legislation**

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;

2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

## **2.2 Relationship with Planning Policies**

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

The issue of a Provisional Grant of a Premises Licence is a separate and distinct process to the granting of Planning Permission. Planning and Building Control permissions will need to be sought and approved before any development takes place.

## **2.3 National Strategies**

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

## **2.4 Local Strategies and Policies**

The Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

## **2.5 Integrating Strategies**

By consulting widely prior to this policy statement being published, the Council will endeavour to secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee will therefore receive reports, when appropriate, on the:

- 1 Needs of the local tourist economy.

- 2 Cultural strategy for the area.
- 3 Employment situation in the area and the need for new investment and employment where appropriate.
- 4 Local Crime Prevention Strategies.
- 5 Diversity and Equality Schemes.

The Council recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

### **3 DECISION MAKING**

#### **3.1 Committee Terms of Reference**

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

### **3.2 Allocation of Decision Making Responsibilities**

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

### **3.3 Licensing Reviews**

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- 1 Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drug crimes;
- 2 Use of licensed premises for the sale and distribution of illegal firearms;
- 3 Use of licensed premises for prostitution or the sale of unlawful pornography;
- 4 use of licensed premises as a base for organised criminal activity;
- 5 Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- 6 Use of licensed premises for the sale of smuggled tobacco or goods;
- 7 Use of licensed premises for the sale of stolen goods.
- 8 Children and/or vulnerable persons are put at risk.

Due consideration will be given to all relevant representations unless they fit the following:

- a) the grounds are frivolous;
- b) the grounds are vexatious;
- c) the grounds are irrelevant;
- d) the grounds will not cause the Licensing Authority to revoke or suspend a licence, or to remove, amend or attach conditions on the Premises Licence;

- e) the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A premises licence may also be reviewed by the Licensing Authority on its own volition.

## **4 LOCAL STANDARDS**

### **4.1 Applications**

An application for a Premises Licence can only be made by a person who either holds an Operating Licence authorising him to carry out the activity in respect of which a Premises Licence is sought, OR has made an application for an operating licence which has not yet been determined.

Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The applicant may ask the Council for advice as to the scope of information to be provided.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

### **4.2 Assessment of Need**

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

### **4.3 Conditions**

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

### **4.4 Enforcement**

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.



Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:-

- The nature of the gambling activities carried out on the premises
- The location of the premises in relation to schools etc
- The procedure put in place by the management to meet the licensing objectives.

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of complaint. The District will be monitored for unlicensed premises.

The Council will seek to work actively with the police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

#### **4.5 Casinos**

There is no resolution to prohibit casinos in the District at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos or, if licensed casinos are already operating, resolve not to permit any additional casinos.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given.

#### **4.6 Unlicensed Family Entertainment Centre Gaming Machine Permits**

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre, the suitability of the premises in relation to their location and issues about disorder.

### **5 PREVENTING GAMBLING FROM BECOMING A SOURCE OF CRIME etc. OBJECTIVE**

The Council will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder arising from gambling activities.

The Gambling Commission, in its Guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” This authority agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council’s Licensing Officers and Avon and Somerset Constabulary before making a formal application.

In considering licence applications, the Council will particularly take into account the following: -

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. The likelihood of any violence, public order or policing problem if the licence is granted.

## **6 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY OBJECTIVE**

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence, both of which are the responsibility of the Gambling Commission.

## **7 PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS OBJECTIVE**

### **7.1 Access to Licensed Premises**

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The Council will consult with the Somerset Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

Where premises are subject to age restrictions and there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.

## **7.2 Vulnerable Persons**

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

## **8 COMPLAINTS AGAINST LICENSED PREMISES**

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

**Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.**

## **9 FURTHER INFORMATION**

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process, including application forms and guidance notes, can be obtained from:-

Licensing Unit West Somerset District Council West Somerset House Killick Way, Williton, Taunton, Somerset, TA4 4QA Tel: 01643 703704 Fax: 01984 633022 <a href="mailto:licensingenvhealth@westsomerset.gov.uk">licensingenvhealth@westsomerset.gov.uk</a>
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Gambling Commission Berkshire House 168 – 173 High Holborn LONDON WC1V 7AA Tel: 020 7306 6219 <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
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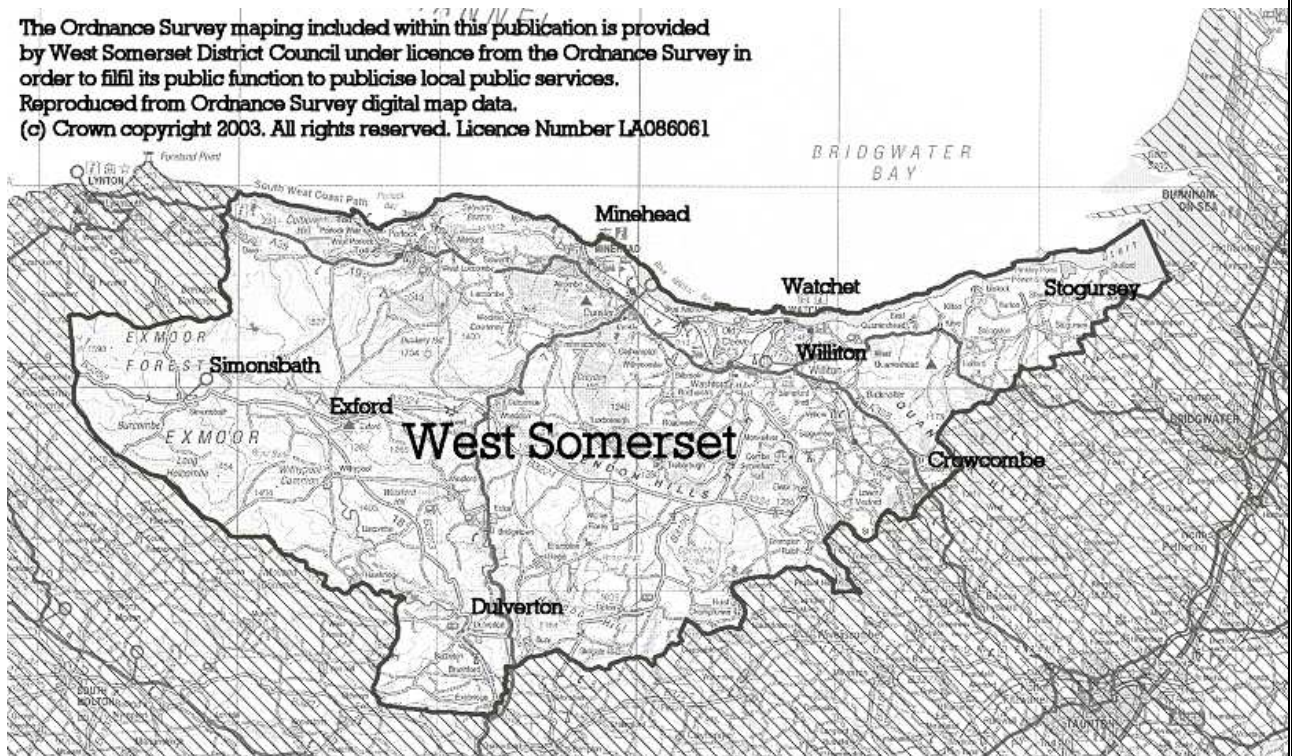
**APPENDIX A**

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (to be approved by Cabinet)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## APPENDIX B

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**APPENDIX C**

**RESPONSIBLE AUTHORITIES DETAILS**

<b>RELEVANT AUTHORITIES</b>	<b>ADDRESS</b>	<b>TELEPHONE NUMBER</b>
<b>West Somerset Council</b>	Environmental Health & Licensing Team West Somerset House Killick Way Williton Taunton Somerset, TA4 4QA	01643 703704
<b>Avon and Somerset Constabulary</b>	Liquor Licensing Bureau PO Box 3115 Bristol BS1 9GF	0117 945 5154
<b>Devon &amp; Somerset Fire and Rescue</b>	West Somerset Area Command Taunton/Bridgwater Group Chiltern House Silver Street Taunton TA1 3DH	01823 365352
<b>Safeguarding Children's Board</b>	Somerset County Council County Hall Taunton Somerset TA4 1DY	01823 355455
<b>Gambling Commission</b>	Victoria Square House Victoria Square Birmingham, B2 4BP	0121 230 6500
<b>HM Revenue and Customs</b>	HM Revenue & Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ	0845 010 9000
<b>West Somerset Council Planning Department</b>  <b>OR</b>	Planning Manager West Somerset House Killick Way Williton Taunton Somerset TA4 4 QA	01643 730704
<b>Exmoor National Park Planning Authority</b>	Planning Manager Exmoor House Dulverton Taunton Somerset	01398 323665
<b>West Somerset Council Environmental Protection</b>	Environmental Protection Unit West Somerset Council West Somerset House Killick Way Williton Taunton Somerset TA4 4 QA	01643 703704

**CONSULTEES**

Elected Members, West Somerset Council  
Town & Parish Councils in West Somerset  
The Gambling Commission  
BACTA  
Avon & Somerset Constabulary  
Devon and Somerset Fire & Rescue Service  
Planning Manager, West Somerset Council  
Planning Manager, Exmoor National Park  
Safeguarding Children Board, Somerset County Council  
HM Revenues & Customs  
LACORS  
West Somerset Crime & Disorder Reduction Partnership  
Association of British Bookmakers (via Bond Pearce)  
Representatives of the holders of various licences for premises in the District who will be affected by this policy  
Members of the public who will be affected by this policy

Note: This list is not intended to be inclusive. Comments and observations will be welcome from anyone who will be affected by this policy.



REPORT NO. WSC 147/12  
 PRESENTED BY COUNCILLOR K KRAVIS, LEAD MEMBER FOR RESOURCES AND CENTRAL SUPPORT  
 DATE 21 NOVEMBER 2012

## THE COLLECTION FUND - ESTIMATE OF SURPLUSES AND DEFICIENCIES 2012-13

### 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 2013.

### 2. RECOMMENDATIONS

- 2.1. That the Council declare an estimated surplus of £115,000 on the Collection Fund at 31 March 2013.

### 3. RISK ASSESSMENT

#### AGENDA ITEM 8 Risk matrix

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

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

#### **4. BACKGROUND INFORMATION**

- 4.1. 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 2012-2013 in respect of Council Tax. Should there be an estimated balance at 31 March 2013 this will either increase or reduce the Council Tax levy for 2013-2014.
- 4.2. Last year the estimated surplus was £260,000 on the Collection Fund at 31 March 2012.
- 4.3. Any surplus or deficit is shared with the major precepting authorities in 2013-2014 (Somerset County Council, Avon and Somerset Police Authority, Devon and Somerset Fire and Rescue Authority and West Somerset District Council) in proportion to the demands upon the Collection Fund for 2012-2013.
- 4.4. The Council Tax Revenue Account for 2012-2013 is now estimated as follows:-

<b><u>Council Tax Revenue Account Summary</u></b>	
<b><u>Income</u></b>	<b>£</b>
Balance b/f	207,978
Council Tax Debit	18,700,000
Council Tax Benefit	3,175,000
	22,082,978
<b><u>Precepts/Demands</u></b>	
Somerset County Council	15,189,000
Avon & Somerset Police Authority	2,484,000
Devon and Somerset Fire & Rescue Authority	1,093,000
West Somerset District Council	2,805,000
Distribution of 11/12 Estimated Surplus	260,000
Provision for Bad Debt/Write Offs	136,978
	21,967,978
<b><i>Estimated Surplus 31 March 2013</i></b>	<b>115,000</b>

- 4.5. It is recommended that the Council declare an estimated surplus on the Collection Fund for 2012-13 of £115,000. This surplus to be distributed as follows:

Somerset County Council	£80,960
Avon & Somerset Police Authority	£13,225
West Somerset District Council	£14,950
Devon and Somerset Fire & Rescue Authority	£ 5,865

**5. FINANCIAL/RESOURCE IMPLICATIONS**

Included in the report.

**6. SECTION 151 OFFICER COMMENTS**

- 6.1.** 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.

**7. EQUALITY & DIVERSITY IMPLICATIONS**

None in respect of this report.

**8. CRIME AND DISORDER IMPLICATIONS**

None in respect of this report.

**9. CONSULTATION IMPLICATIONS**

None in respect of this report.

**10. ASSET MANAGEMENT IMPLICATIONS**

None in respect of this report.

**11. ENVIRONMENTAL IMPACT IMPLICATIONS**

None in respect of this report.

**12. LEGAL IMPLICATIONS**

None in respect of this report.

**REPORT TO THE COUNCIL MEETING TO BE HELD ON 21 NOVEMBER 2012.**

**CONTACT OFFICER:**

Sharon Campbell, Section 151 Officer  
Direct Dial: 01984 635253  
Email: [scampbell@westsomerset.gov.uk](mailto:scampbell@westsomerset.gov.uk)



REPORT NUMBER WSC 153/12  
 PRESENTED BY CLLR KATE KRAVIS  
 DATE COUNCIL 21<sup>ST</sup> NOVEMBER 2012

## Request for Allocation of Planning Obligations Monies – Minehead Barbarians RFC

### 1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to make a proposal for the allocation of capital monies secured through planning obligations to a scheme proposed by Minehead Barbarians Rugby Football Club.

### 2. RECOMMENDATIONS

- 2.1 Council agree to the allocation of £50,000 for the expansion of facilities at Minehead Rugby Football Club to be included in the current year's capital programme. Council consider any further feedback from Minehead Town Council when making their decision.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	3	4	12
<i>The Proposals within the report are matched to the legal agreements and monies available in that area.</i>	1	4	4
Failure to spend monies before date required in any legal agreements and trigger a requirement to repay	2	3	6
<i>The recommended projects use funds that are available and in date requirements</i>	1	3	3
Projects do not progress in accordance with plan and therefore money remains unspent	2	2	4
<i>Set timescale for delivery of project. Reallocate money if required.</i>	1	2	2

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. The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authorities priorities. This mechanism has now also begun to identify projects that may be funded through new development.
- 4.2. Proposals are considered by the internal planning obligations group against priorities, appropriate strategies and any identified local priorities to create recommendations for Cabinet to consider on a quarterly basis. Any individual proposals beyond £25,000 require

approval by full Council. Proposals are considered against set criteria as a part of the formal consideration of projects to allow allocation of funds and subsequent release of monies.

4.3 The available and allocated funds relating to general planning obligations are described and attached as appendix A of this report. As previously reported each planning obligations agreement has individual requirements and must be carefully matched to any project that is suggested. Any project must meet those requirements and be “relevant and related” to mitigating the effects of the development that provides the funding.

4.4 Proposals were received this quarter for a couple of schemes. The Planning Obligations Group considered them and agreed the following should be recommended for approval to cabinet:

An application to provide additional changing rooms, catering facilities and improved access for disabled users at Minehead Rugby club was considered. The club have applied for £50,000 with the total cost of the project being £200,000. As part of expanding the changing facilities suitable facilities for women’s teams will be created.

The club has also applied for £50,000 to Sport England Inspired Facilities and £50,000 to RFU Capital Project Funding and expect confirmation of decisions with regards to these bids in December 2012. They have also committed £50,000 of their own funds to create the overall funding package.

The application matches against available sums for community facilities in the area and planning agreements. The group therefore recommended it for approval to cabinet.

4.5 Cabinet considered the recommendation at it’s meeting on November 7<sup>th</sup> resolving to make a recommendation to Council that the sum of £50,000 is allocated for this project. As an element of that debate queries were raised about the apparently high balance in the accounts of the applicant. The Section 151 officer advised that the council’s finance team had checked these and that the balance was substantially invested in capital assets.

## **5. FINANCIAL/RESOURCE IMPLICATIONS**

5.1. The proposed sum will need to be allocated from a holding account into the Council’s capital programme. The current total within the holding accounts is £ 461,385 of which £259,581 remains to be allocated (appendix A). This report proposes allocating £ 50,000 of that balance to new projects. This would leave available uncommitted sums of £200,581 for future projects.

5.2. Planning obligations sums by their nature can only be spent once.

5.4 The sum for the Minehead Rugby Club Application will be used from agreement 3/21/11/123 cost centre 31075.

## **6. SECTION 151 OFFICER COMMENTS**

6.1.1 In accordance with Financial Regulations, a virements in excess of £25,000 need to be authorised by Cabinet, to demonstrate proper processes are being followed in the management of budgets. The sum required by the Minehead Barbarians Rugby football club therefore needs to be considered by council as it is in excess of £25,000.

6.1.2 There is no impact on general reserves from undertaking these projects, as long as they are delivered within budget.

## **7. EQUALITY & DIVERSITY IMPLICATIONS**

- 7.1. The application for Minehead Rugby Football club would provide enhanced access to the club for disabled users. The expansion of the changing rooms will provide facilities that will enable the changing rooms to meet the requirements laid down by the RFU for women's and girl's team.

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1. The application at Minehead Rugby club would expand facilities and should by its nature provide additional facilities for the area, which provide positive opportunities for people to take up.

## **9. CONSULTATION IMPLICATIONS**

- 9.1. The Minehead Rugby club advise that they have consulted local schools and colleges, the RFU and Sport England to ensure that the application meets local needs and national requirements. The council has received letters of support from 4 other organisations supporting the bid, two individuals and an 8-page list of signatures from the Rugby Club itself supporting the application.
- 9.2. The Minehead Town Council considered the application at its meeting on 18<sup>th</sup> September concluding that there was insufficient information and detail to make a recommendation at this stage. The Council would need to be consulted further and the item would be revisited at the next Full Council Meeting in October. We understand that the town council received a short presentation from members of the rugby club at that meeting in October. As a result of feedback the finance team have reviewed the Rugby Club's accounts and we are satisfied with their statements with regards to balances and assets.
- 9.3. At the Cabinet meeting on 7<sup>th</sup> November 2012 officers were instructed to seek clarification from Minehead Town Council as to their formal position and any queries that they may have with regards to the application to assist the council in making it's decision. Due to the reporting deadlines this will be reported verbally at this meeting.

## **10. ASSET MANAGEMENT IMPLICATIONS**

- 10.1 There are no implications on council assets through any proposed allocations detailed in this report.

## **11. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 11.1. No negative implications associated with the report.

## **12. LEGAL IMPLICATIONS**

- 12.1 The allocation of this money, if agreed by council, meets the requirements of the legal agreement identified in section 5.4 of this report.

## **REPORT TO A MEETING OF COUNCIL TO BE HELD ON 21<sup>ST</sup> NOVEMBER 2012**

**CONTACT OFFICER: IAN TIMMS**  
**TEL. NO.DIRECT LINE: 01984 635271**  
**EMAIL: ITIMMS@WESTSOMERSET.GOV.UK**





PLANNING OBLIGATIONS

30-Oct-12

Summary of monies received, allocated to projects & released

<b>Brompton Ralph</b>					
<b>PI. Ref No:</b> 3/02/06/012	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	
<b>Detail of agreed works:</b> Improving recreational facilities in Brompton Ralph. Profile basis of payment. Third on commencement of work, third 6 months after commencement & final third upon completion. Payment plan agreed by k taylor. 1st payment - £100 paid 24/8/12.	Stage 1: £1,000.00	24/09/2012			
	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £150	<b>TOTAL Remaining:</b> Available for allocation	£150.00	
BROMPTON RALPH			<b>To Be Used By:</b>	5 Years after intial payment	
Developer: Mr & Mrs Sloley	<b>Cost Centre:</b> 2423 3107		<b>Total Released</b>	£0.00	
<b>PI. Ref No:</b> 3/02/09/011	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£1,000.00	<b>Applicant:</b> Brompton Ralph Cricket Club £1,000.00
<b>Detail of agreed works:</b> provison and/or enhancement of community recreational provision in the parish of Brompton Ralph or adjoining parishes. (previous permission 3/02/09/004).	Stage 1: £1,000.00	29/06/2011			New changing room facilities - AWAITING INVOICES
	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>TOTAL Remaining:</b> Available for allocation	£0.00	
WINTER'S LANE LYDEARD ST LAWRE			<b>To Be Used By:</b>	No expiry date	
Developer: MR JOHN SCOTT	<b>Cost Centre:</b> 31059		<b>Total Released</b>	£0.00	

**In the parish of : Brompton Ralph**

Amount owing to WSC - active planning obligations:	£2,000
Amount received by WSC:	£1,150
Amount allocated to projects by WSC:	£1,000
<b>Total remaining available for allocation:</b>	<b>£150</b>

## Crowcombe

Pl. Ref No: 3/07/10/010

**Detail of agreed works:**

Towards the provision of community recreational facilities in the vicinity of the land. (no commencement as of 12/9/11). Commencement occurred - Write letter requesting payment.

Crowcombe

Developer: Mr Christopher Lock

**Amount Due to WSC**

Stage 1: £1,000.00

**TOTAL DUE:**  
£1,000

**Cost Centre:** 31073

**Date received**

09/08/2012

**TOTAL Rec'vd**  
£1,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £1,000.00  
**Available for allocation**

**To Be Used By:** No expiry date

**Total Released** £0.00

### In the parish of : Crowcombe

Amount owing to WSC - active planning obligations: £1,000

Amount received by WSC: £1,000

Amount allocated to projects by WSC: £0

**Total remaining available for allocation: £1,000**

## Minehead

<b>PI. Ref No:</b> 3/21/05/038	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £10,625.00	<b>Applicant:</b> Sustrans Cycle W.S. Project £10,625.00
<b>Detail of agreed works:</b> Towards improvements being carried out to cycling and walking facilities in the Alcombe area as part of the Local Transport Plan Programme.	Stage 1: £20,000.0	06/02/2006	<b>TOTAL Remaining:</b> £9,375.00	ALL COMPLETED 2006/07
ALCOMBE ROAD MINEHEAD	<b>TOTAL DUE:</b> £20,000	<b>TOTAL Rec'vd</b> £20,000	<b>Available for allocation</b>	
Developer: Churchill Property Group / Abbey National	<b>Cost Centre:</b> 31004		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b> £10,625.00	
<b>PI. Ref No:</b> 3/21/06/050	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £4,517.50	<b>Applicant:</b> St Michael's C of E 1st School PTA £4,517.50
<b>Detail of agreed works:</b> Contribution towards recreation and conversion works as a contribution towards the provision of community facilities in the vicinity of the land - PARK STREET. POG agreed on 19/12/11 that £4,517.50 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £4,517.50	08/12/2008	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES
PARK STREET MINEHEAD	<b>TOTAL DUE:</b> £4,518	<b>TOTAL Rec'vd</b> £4,518	<b>Available for allocation</b>	
Developer: Mr Maitland-Walker & Ms Coles	<b>Cost Centre:</b> 31029		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b>	
<b>PI. Ref No:</b> 3/21/06/057	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £4,867.60	<b>Applicant:</b> St Michael's C of E 1st School PTA £4,867.60
<b>Detail of agreed works:</b> £3,000 contribution towards recreation. A sum equivalent to 1% of the contract price of conversion works (£1,867.50) as a contribution towards the provision of community facilities in the vicinity of the land - BAMPTON STREET. POG agreed on 19/12/11 that £4867.60 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £4,867.60	07/12/2010	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES
BAMPTON STREET MINEHEAD	<b>TOTAL DUE:</b> £4,868	<b>TOTAL Rec'vd</b> £4,868	<b>Available for allocation</b>	
Developer: Mr J Maitland-Walker	<b>Cost Centre:</b> 31049		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b>	

<b>PI. Ref No:</b> 3/21/06/072	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £2,000.00	<b>Applicant:</b> St Michael's C of E 1st School PTA £2,000.00
<b>Detail of agreed works:</b> Provision and/or enhancement of Recreation Facilities within the Parish of Minehead. POG agreed on 19/12/11 that £2,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £2,000.00	14/01/2009	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES
GLENMORE ROAD MINEHEAD	<b>TOTAL DUE:</b> £2,000	<b>TOTAL Rec'vd</b> £2,000	Available for allocation	
Developer: Mr Howard	<b>Cost Centre:</b> 31031		<b>To Be Used By:</b> No expiry date	
<hr/>				
<b>PI. Ref No:</b> 3/21/06/085	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00	
<b>Detail of agreed works:</b> Towards the provision and/or enhancement of recreational facilities within the Parish of Minehead.	Stage 1: £6,250.00	26/11/2007	<b>TOTAL Remaining:</b> £6,250.00	
BLLENHEIM ROAD MINEHEAD	<b>TOTAL DUE:</b> £6,250	<b>TOTAL Rec'vd</b> £6,250	Available for allocation	
Developer: Country Manor Homes	<b>Cost Centre:</b> 31020		<b>To Be Used By:</b> No expiry date	
<hr/>				
<b>PI. Ref No:</b> 3/21/06/139	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £1,000.00	<b>Applicant:</b> St Michael's C of E 1st School PTA £1,000.00
<b>Detail of agreed works:</b> The improvement or provision of Recreational facilities in Minehead.	Stage 1: £1,000.00	01/01/2020	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES
MIDDLE STREET MINEHEAD	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	Available for allocation	
Developer: Mr B Coutts	<b>Cost Centre:</b> 31038		<b>To Be Used By:</b> No expiry date	
<hr/>				

PI. Ref No: 3/21/07/027

Amount Due to WSC

Date received

Total Allocated to projects: £1,000.00



Applicant: St Michael's C of E 1st School PTA £1,000.00

Detail of agreed works:

A Unilateral Undertaking providing for the payment of £1,000 towards community recreational provision and/or enhancement within Minehead will require to be completed and submitted to the LPA in order to satisfy the requirements of Condition 2 above. Such monies will be payable to the LPA prior to the first commencement of the change of use hereby permitted. POG agreed on 19/12/11 that £1,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

Stage 1: £1,000.00

22/08/2011

TOTAL Remaining: £0.00

New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES

TOTAL DUE: £1,000

TOTAL Rec'vd £1,000

Available for allocation

SELBOURNE PLACE

MINEHEAD

To Be Used By: No Expiry date.

Developer:

Cost Centre: 31062

Total Released

PI. Ref No: 3/21/07/106

Amount Due to WSC

Date received

Total Allocated to projects: £614.90



Applicant: St Michael's C of E 1st School PTA £614.90

Detail of agreed works:

No U U agreement in place as of 20/9/11. Contribution towards recreational facilities. Unilateral received dated 28/9/2011. POG agreed on 19/12/11 that £1,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

Stage 1: £1,000.00

30/09/2011

TOTAL Remaining: £385.10

New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES

TOTAL DUE: £1,000

TOTAL Rec'vd £1,000

Available for allocation

LOWER MEADOW ROAD

ALCOMBE

To Be Used By: No expiry date

Developer: Mr & Mrs K Gould(applicant)new develop

Cost Centre: 31065

Total Released

PI. Ref No: 3/21/08/106

Amount Due to WSC    Date received    Total Allocated to projects:    £0.00  
Stage 1:    £1,000.00    04/09/2012

**Detail of agreed works:**

Contribution towards recreational provision in Minehead. Condition 5 send letter. A Unilateral Undertaking has been signed and submitted, and an agreement of the monies to be paid in 5 instalments of £200.

TOTAL DUE:    TOTAL Rec'vd    TOTAL Remaining:    £400.00  
£1,000    £400    Available for allocation

1st payment (4/9/12),

QUIRKE STREET    MINEHEAD

To Be Used By:    No expiry date.

Developer:    Mr C Cooper

Cost Centre:    31076    Total Released    £0.00

PI. Ref No: 3/21/09/042

Amount Due to WSC    Date received    Total Allocated to projects:    £23,564.02 >  
Stage 1:    £150,000.    13/04/2010

**Detail of agreed works:**

1, Enhancing footpath and/or cycle way links between the Land and the town centre including the cost of any associated lighting, street furniture, signage, or information boards together with the future maintenance of any such works carried out.

TOTAL DUE:    TOTAL Rec'vd    TOTAL Remaining:    £126,435.98  
£150,000    £150,000    Available for allocation

2, Such improvements or enhancements within the town of Minehead which the district Council considers will improve or maintain the viability and/or vitality of the Town Centre together with any future maintenance of any such works carried out.

VULCAN ROAD    MINEHEAD

To Be Used By:    12/04/2015 - within 5 years of the date of

Applicant: West Somerset Council    £3,394.77  
Minehead Coach Park - PAID 30/4/2012 - PROJECT COMPLETE

Applicant: West Somerset Council -    £3,506.75  
CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council -    £1,162.50  
CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council -    £6,000.00  
CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council -    £9,500.00  
CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Developer:

Cost Centre:    31043    Total Released    £26,057.27

**PI. Ref No:** 3/21/09/044

**Detail of agreed works:**

Recreational Facilities in Minehead.

WESTERN LANE

MINEHEAD

Developer:

**Amount Due to WSC**

Stage 1: £3,000.00

**TOTAL DUE:**  
£3,000

**Cost Centre:** 31041

**Date received**

16/11/2009

**TOTAL Rec'vd**  
£3,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £3,000.00

Available for allocation

**To Be Used By:** No expiry date

**Total Released** £0.00

**PI. Ref No:** 3/21/09/076

**Detail of agreed works:**

The developer undertakes on behalf of himself and his successors in title with the intention of binding each and every part of the land to pay the Council on the date hereof the sum of one thousand pounds (£1,000) as a contribution towards the provision/and or enhancement of community recreational provision in the parish of Minehead. Payment of the contribution shall be paid to the council prior to any works in pursuence of planning permission reference number 3/21/09/076 commencing.

Northfield Road

Minehead

Developer: MR & MRS A SILLITOE

**Amount Due to WSC**

Stage 1: £1,000.00

**TOTAL DUE:**  
£1,000

**Cost Centre:** 31079

**Date received**

09/10/2012

**TOTAL Rec'vd**  
£1,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £1,000.00

Available for allocation

**To Be Used By:** No expiry date

**Total Released** £0.00

**PI. Ref No:** 3/21/09/117

**Detail of agreed works:**

THE PARADE

MINEHEAD

Developer: Mr William Barry Richards

**Amount Due to WSC**

Stage 1: £1,000.00

**TOTAL DUE:**  
£1,000

**Cost Centre:**

**Date received**

23/10/2012

**TOTAL Rec'vd**  
£1,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £1,000.00

Available for allocation

**To Be Used By:**

**Total Released** £0.00

<b>PI. Ref No:</b> 3/21/10/036	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00
<b>Detail of agreed works:</b>	Stage 1: £1,000.00	12/05/2010	
The provision and/or enhancement of community recreational provision in the parish of Minehead.	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>TOTAL Remaining:</b> £1,000.00
MARTLETT ROAD MINEHEAD			Available for allocation
Developer: S ESSEX	<b>Cost Centre:</b> 31044		<b>To Be Used By:</b> No expiry date
			<b>Total Released</b> £0.00

---

<b>PI. Ref No:</b> 3/21/10/044	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00
<b>Detail of agreed works:</b>	Stage 1: £1,000.00	16/06/2010	
The provision and/or enhancement of community recreational provision in the parish of Minehead.	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>TOTAL Remaining:</b> £1,000.00
CHER MINEHEAD			Available for allocation
Developer: MR JUSTIN COX	<b>Cost Centre:</b> 31046		<b>To Be Used By:</b> No expiry date
			<b>Total Released</b> £0.00

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<b>PI. Ref No:</b> 3/21/10/045	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00
<b>Detail of agreed works:</b>	Stage 1: £1,000.00	13/08/2012	
The Developer, undertakes to pay £1,000 as a contribution towards the provision and/or enhancement of community recreation in the parish of Minehead. Payment of the contribution shall be paid to the Council prior to any works in pursunant of permission 3/21/10/45 commencing.	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>TOTAL Remaining:</b> £1,000.00
BAMPTON STREET MINEHEAD			Available for allocation
Developer: Neil Arnold, 18 Ponsford Road Minehead	<b>Cost Centre:</b> 31074		<b>To Be Used By:</b> No expiry date
			<b>Total Released</b> £0.00

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<b>Pl. Ref No:</b> 3/21/10/048	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00
<b>Detail of agreed works:</b> The provision and/or enhancement of community recreation facilities in the parish of Minehead.	Stage 1: £3,000.00	15/11/2010	
THE PARKS MINEHEAD	<b>TOTAL DUE:</b> £3,000	<b>TOTAL Rec'vd</b> £3,000	<b>TOTAL Remaining:</b> £3,000.00 Available for allocation To Be Used By: No expiry date
Developer: Julian Henry Maitland Walker Hilary Elizab	<b>Cost Centre:</b> 31048		<b>Total Released</b> £0.00

---

<b>Pl. Ref No:</b> 3/21/10/049	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00
<b>Detail of agreed works:</b> payment towards Recreational Facilities, in Minehead.	Stage 1: £1,000.00	04/01/2011	
THE PARKS MINEHEAD	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>TOTAL Remaining:</b> £1,000.00 Available for allocation To Be Used By: No Expiry date
Developer: Mr J Morris	<b>Cost Centre:</b> 31053		<b>Total Released</b> £0.00

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PI. Ref No: 3/21/11/123

**Detail of agreed works:**

Community facilities contribution; On or before the Commencement Date to pay the Council the sum of £103,500 towards the cost of providing, expanding or improving community facilities (which may include the purchase and improvement of land and buildings within Minehead.

1. Community Facilities Contribution

1.1 To pay the Community Facilities Contribution into the Council's general bank account as soon as reasonably practicable following receipt of the same and to ensure that the said Community Facilities Contribution is identified under an individual code within the Council's finance system general ledger.

1.2 Not to use any part of the Community Facilities Contribution other than for the purposes for which it was paid (whether by the Council or another party).

1.3 In the event that the Community Facilities Contribution has not been spent or committed for expenditure by the Council within 5 years following the date of the receipt of the Second Tranche thereof the Council shall refund to the Owner any part of the Community Facilities Contribution which has not been spent or committed for expenditure, together with any accrued interest.

1.4 To issue the Planning Permission within seven days of the completion of this Agreement.

The Shires Minehead

Developer: Summerfield Developments

**Amount Due to WSC**

Stage 1: £103,500.

Stage 2: £103,500.

**TOTAL DUE:**

£207,000

**Date received**

24/08/2012

**TOTAL Rec'vd**

£103,500

**Total Allocated to projects:**

£50,000.00

**TOTAL Remaining:**

£53,500.00

**Available for allocation**



**Applicant:** Minehead Cricket Club £50,000.00  
Pavilion

New Pavilion building Minehead Cricket Club - Awaiting invoices.

**To Be Used By:**

**Total Released** £0.00

**In the parish of : Minehead**

Amount owing to WSC - active planning obligations: £410,635

Amount received by WSC: £306,535

Amount allocated to projects by WSC: £98,189

**Total remaining available for allocation: £208,346**

## Nettlecombe

PI. Ref No: 3/24/10/003

**Detail of agreed works:**

Contribution of £1,000 for each newly created dwelling as a contribution towards the provision and/or enhancement of community recreational provision in the parish of Nettlecombe and adjoining Parishes. (Unit 1, completion 19/4/11, B/26/04/033F).

BEGGEARN HUISH

WASHFORD

Developer: Mr Oliver Reynolds

**Amount Due to WSC**

Stage 1: £1,000.00

**TOTAL DUE:**  
£1,000

**Cost Centre:** 31052

**Date received**

14/12/2010

**TOTAL Rec'vd**  
£1,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £1,000.00  
**Available for allocation**

**To Be Used By:** No expiry date

**Total Released** £0.00

### In the parish of : Nettlecombe

Amount owing to WSC - active planning obligations: £1,000

Amount received by WSC: £1,000

Amount allocated to projects by WSC: £0

**Total remaining available for allocation: £1,000**

## Old Cleeve

PI. Ref No: 3/26/07/015

**Detail of agreed works:**

£20,000 towards Local community facilities towards local community facilities in the parish of old cleeve or adjoining parishes.  
The legal agreement was secured via an application to argee details reserved by condition ref. 3/26/07/015).

ABBEY ROAD WASHFORD

Developer: Badcock & Everard

**Amount Due to WSC**

Stage 1: £10,000.0

Stage 2: £10,000.0

**TOTAL DUE:**

£20,000

Cost Centre: 31056

**Date received**

30/03/2011

**TOTAL Rec'vd**

£10,000

**Total Allocated to projects:**

£10,000.00

**TOTAL Remaining:**

£0.00

**Available for allocation**

**To Be Used By:** within 5 years of the date of receipt (of

**Total Released** £0.00

**Applicant:** Washford Village Hall - £10,000.00  
Dan Searle

Total cost of project £40,000, applied for £9,880 - POG AGREED 19/06/2012, Cabinet AGREED £10,000

**In the parish of : Old Cleeve**

Amount owing to WSC - active planning obligations: £20,000

Amount received by WSC: £10,000

Amount allocated to projects by WSC: £10,000

**Total remaining available for allocation: £0**

## Stogumber

PI. Ref No: 3/31/08/014

**Detail of agreed works:**

As contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land.  
Cabinet agreed 3/3/2010 that this money will go towards Slade Close Play Area, Stogumber

SLADE CLOSE                      STOGUMBER

Developer: Magna West Somerset

**Amount Due to WSC**

Stage 1: £9,000.00

**TOTAL DUE:**  
£9,000

**Cost Centre:** 31035

**Date received**

12/05/2009

**TOTAL Rec'vd**  
£9,000

**Total Allocated to projects:** £9,000.00

**TOTAL Remaining:** £0.00  
Available for allocation

**To Be Used By:** No expiry date

**Total Released** £0.00



**Applicant:** Stogumber Play Area Committee £9,000.00

Play Area at Slade Close (to create BMX track?) - AWAITING INVOICES

### In the parish of : Stogumber

Amount owing to WSC - active planning obligations: £9,000

Amount received by WSC: £9,000

Amount allocated to projects by WSC: £9,000

**Total remaining available for allocation: £0**

## Watchet

**PI. Ref No:** 3/37/06/007

**Detail of agreed works:**

Towards to provision and/or enhancement of off-site youth and/or adult recreation in the town and parish of Watchet.

Re: Trigger stage-19 dwelling occupied as of February 2010 - awaiting Stage 2 payment. (See PIOb.Ref 91 for Aff.Hsg details)

WEST STREET

WATCHET

**Amount Due to WSC**

Stage 1: £37,000.0

Stage 2: £37,000.0

**TOTAL DUE:**  
£74,000

**Date received**

01/07/2008

**TOTAL Rec'vd**  
£37,000

**Total Allocated to projects:** £37,000.00 >

**TOTAL Remaining:** £0.00  
Available for allocation

**To Be Used By:** within 5 years of the date of final

**Applicant:** Watchet Footbridge £6,581.28

COMPLETED - Footbridge - used to fund the study that led to the allocation of funds for the bridge

**Applicant:** Knights Templar pool committee, Sheila Clavey £1,443.72

COMPLETED - Splashout II - PAID £15,186

**Applicant:** Mineral Line Railway Project paid to ENPA £27,000.00

PAID - PROJECT COMPLETED 2010

**Applicant:** Knights Templar Swimming Pool £1,975.00

Swimming Pool - PROJECT COMPLETE PAID £5,975 IN 2010

Developer: Regal Heritage

**Cost Centre:** 31027

**Total Released** £37,000.00

**PI. Ref No:** 3/37/06/041

**Detail of agreed works:**

Contribution towards the provision of the Land £2,000 per unit recreational facilities(See Hsg record 2).

ST DECUMENS ROAD

WATCHET

**Amount Due to WSC**

Stage 1: £14,000.0

**TOTAL DUE:**  
£14,000

**Date received**

07/01/2009

**TOTAL Rec'vd**  
£10,000

**Total Allocated to projects:** £10,000.00 >

**TOTAL Remaining:** £0.00  
Available for allocation

**To Be Used By:** Agreement not on file - N/A - all money

**Applicant:** Watchet Sea Scouts Group (Simon Bale, Scout Leader) £6,000.00

Refurbishment of building, fencing & roofing - PROJECT COMPLETE PAID £10,000 Sept 2010

**Applicant:** Knights Templar Swimming Pool £4,000.00

Swimming Pool - PROJECT COMPLETE PAID £5,975 IN 2010

Developer: Rock Homes

**Cost Centre:** 31028

**Total Released** £10,000.00

<b>PI. Ref No:</b> 3/37/06/043	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	
<b>Detail of agreed works:</b> A completed Unilateral Undertaking dated 12th January 2007 relates to this permission & requires the payment of £1,000 to the Council prior to commencement of any works on site to be used for the purposes of community recreational provision and/or enhancement within Watchet.	Stage 1: £1,000.00	18/06/2012	<b>TOTAL Remaining:</b>	£1,000.00	
Liddymore Road	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
Watchet	£1,000	£1,000			
Developer: Mrs J Taylor	<b>Cost Centre:</b>	<b>To Be Used By:</b>	<b>Total Released</b>	£0.00	
<hr/>					
<b>PI. Ref No:</b> 3/37/07/030	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	
<b>Detail of agreed works:</b> Contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land. £1,000 payable in five installments of £200. (1st Payment 13/7/030), £200 (2nd Payment 9/8/11) £200 (3rd payment 12/9/11), £200 (4th payment 12/10/11). Fifth and final payment (£200) paid on 4/11/11.	Stage 1: £1,000.00	04/11/2011	<b>TOTAL Remaining:</b>	£1,000.00	
ANCHOR STREET	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
WATCHET	£1,000	£1,000			
Developer: Mr & Mrs A Musgrave	<b>Cost Centre:</b> 31061	<b>To Be Used By:</b>	<b>Total Released</b>	£0.00	
<hr/>					
<b>PI. Ref No:</b> 3/37/07/039	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£960.00	<b>&gt; Applicant:</b> Watchet Town Council - £1,000.00 Sarah Reed, Town Clerk
<b>Detail of agreed works:</b> Contribution towards recreation facilities in Watchet. (Unilateral Undertaking has been signed).	Stage 1: £1,000.00	06/09/2011	<b>TOTAL Remaining:</b>	£40.00	ALL COMPLETED - Two picnic benches that are plastic, durable eco picnic tables enhancing area - INVOICE PAID 3/10/12
SOUTH ROAD	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
WATCHET	£1,000	£1,000	<b>To Be Used By:</b>	No Expiry date.	
Developer: D Quartley	<b>Cost Centre:</b> 31064	<b>Total Released</b>	£960.00		

**PI. Ref No:** 3/37/08/034

**Detail of agreed works:**

No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the affordable units, provision of bollards & car parking provision & the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.

To pay the First Instalment to the Council on the date hereof.

Not to occupy or allow or permit the Occupation of more than five dwellings until such time as the Second Instalment (£4,000) has been paid

Not to Occupy or allow or permit the Occupation of any Dwelling until such time as the Traffic Bollard Payment has been paid to the Council.

Swain Street

Watchet

**Developer:** ACORN Developments (SW) Ltd.

**Amount Due to WSC**    **Date received**    **Total Allocated to projects:**    £0.00

Stage 1:    £6,000.00    09/06/2011

Stage 2:    £4,000.00

**TOTAL DUE:**  
£10,000

**TOTAL Rec'vd**  
£6,000

**TOTAL Remaining:** £6,000.00  
**Available for allocation**

**To Be Used By:**    No expiry date.

**Total Released**    £0.00

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PI. Ref No: 3/37/08/034

**Detail of agreed works:**

No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the affordable units, provision of bollards & car parking provision & the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.

To pay the First Instalment to the Council on the date hereof.

Not to occupy or allow or permit the Occupation of more than five dwellings until such time as the Second Instalment (£4,000) has been paid

Not to Occupy or allow or permit the Occupation of any Dwelling until such time as the Traffic Bollard Payment has been paid to the Council.

Swain Street Watchet

Developer: ACORN Developments (SW) Ltd.

**Amount Due to WSC**

Stage 1: £8,000.00

Stage 2: £500.00

**TOTAL DUE:**  
£8,500

**Date received**

02/04/2012

**TOTAL Rec'vd**  
£8,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £8,000.00  
Available for allocation

**To Be Used By:** No expiry date.

**Total Released** £0.00

PI. Ref No: 3/37/09/017

**Detail of agreed works:**

CONTRIBUTION TOWARDS THE PROVISION AND/OR ENCHANCEMENT OF COMMUNITY RECREATIONAL PROVISION IN THE PARISH OF WATCHET, prior to works commencing.

SWAIN STREET WATCHET

Developer: MR JOHN STONE

**Amount Due to WSC**

Stage 1: £2,000.00

**TOTAL DUE:**  
£2,000

**Date received**

12/03/2012

**TOTAL Rec'vd**  
£2,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £2,000.00  
Available for allocation

**To Be Used By:** NO EXPIRY DATE

**Total Released** £0.00

<b>PI. Ref No:</b> 3/37/10/017	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £8,342.41	>	<b>Applicant:</b> Knights Templar pool committee, Sheila Clavey £8,342.41
<b>Detail of agreed works:</b> £32,000 index linked as a contribution towards the provision of recreational facilities in the vicinity of the land (payable in 3 stages) + See record 2. prior to commencement of development	Stage 1: £12,000.0	21/02/2011			
	Stage 2:		<b>TOTAL Remaining:</b> £3,657.59		COMPLETED - Splashout II - PAID £15,186
	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
WEST STREET WATCHET		£12,000			
Developer: Watchet Leisure Homes Limited	<b>Cost Centre:</b> 31054		<b>To Be Used By:</b> No expiry date		
			<b>Total Released</b> £8,342.41		

<b>PI. Ref No:</b> 3/37/11/013	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £18,399.26	>	<b>Applicant:</b> Watchet Town Council £10,872.00
<b>Detail of agreed works:</b> contribution to recreational facilities as detailed under the Third Schedule, Clause 1.2 of the Section 106 Agreement. This application replaced 3/37/10/006. All funds received.	Stage 1: £16,500.0	08/06/2011			
	Stage 2: £16,500.0	07/07/2011	<b>TOTAL Remaining:</b> £14,600.74		COMPLETED - Play Equipment 2 - PROJECT PAID £10,872 on 25/11/2011
	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
Churchill way Watchet		£33,000			
Developer: Summerfield Homes	<b>Cost Centre:</b> 31058		<b>To Be Used By:</b> 5 Yrs of date each payment 50%		<b>Applicant:</b> Watchet Community Cinema - Anne Harrison £6,825.60
			<b>Total Released</b> £10,872.00		COMPLETED PAID 8/10/12 - Watchet 2025 - to enable people to see films without the expense of travelling

**In the parish of : Watchet**

Amount owing to WSC - active planning obligations:	£144,500
Amount received by WSC:	£111,000
Amount allocated to projects by WSC:	£74,702
<b>Total remaining available for allocation:</b>	<b>£36,298</b>

## Williton

**PI. Ref No:** 3/39/07/033

**Detail of agreed works:**

Contribution towards the provision or enhancement of local Recreational Facilities within the Parish of Williton & West Somerset in accordance with Policy PO/1 of the West Somerset District Local Plan(proposed modifications)

HALF ACRE WILLITON

Developer: Rockleaf Limited

**Amount Due to WSC**

Stage 1: £8,000.00

**TOTAL DUE:**  
£8,000

**Cost Centre:** 31026

**Date received**

21/05/2008

**TOTAL Rec'vd**  
£8,000

**Total Allocated to projects:** £3,000.00

**TOTAL Remaining:** £5,000.00  
Available for allocation

**To Be Used By:** No Expiry date.

**Total Released** £3,000.00



**Applicant:** Williton Brownie Club £3,000.00

Linda Sully, Improvements to Brownie HQ -  
PROJECT COMPLETE PAID £10,000

**PI. Ref No:** 3/39/08/032

**Detail of agreed works:**

Contributions towards local community facilities in Williton.

LONG STREET WILLITON

Developer: Mr B Criddle

**Amount Due to WSC**

Stage 1: £2,000.00

**TOTAL DUE:**  
£2,000

**Cost Centre:** 31039

**Date received**

15/09/2009

**TOTAL Rec'vd**  
£2,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £2,000.00  
Available for allocation

**To Be Used By:** No expiry date

**Total Released** £0.00

**PI. Ref No:** 3/39/08/034

**Detail of agreed works:**

2 No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.  
Reason To ensure an appropriate level of community recreational provision, to accord with Policy(ies) R/4(a) and PO/1.  
Condition 2.

HIGH STREET WILLITON

Developer: Dr Louw

**Amount Due to WSC**

Stage 1: £1,000.00

**TOTAL DUE:**  
£1,000

**Cost Centre:** 022549

**Date received**

10/10/2012

**TOTAL Rec'vd**  
£1,000

**Total Allocated to projects:** £0.00

**TOTAL Remaining:** £1,000.00  
Available for allocation

**To Be Used By:**

**Total Released** £0.00

**PI. Ref No:** 3/39/08/036

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £3,270.00



**Applicant:** Williton Parish Council £3,270.00  
(Trustee of Williton Mem. Rec. Ground) Claire Richards

**Detail of agreed works:**

The developer undertakes on behalf of himself & its successors in title with the intention of binding each & every part of the land to pay £9,000 as a contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land.

Stage 1: £9,000.00

13/07/2009

**TOTAL Remaining:** £5,730.00

**TOTAL DUE:**  
£9,000

**TOTAL Rec'vd**  
£9,000

**Available for allocation**

Enhance/preserve existing Rec. Ground renewing/replacing equipment. AGREED at POG & Cabinet 4/4/12

TOWNSEND WILLITON

**To Be Used By:** No expiry date

Developer: Charter (SW) Ltd

**Cost Centre:** 31037

**Total Released** £3,270.00

**PI. Ref No:** 3/39/09/002

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £0.00

**Detail of agreed works:**

(No paper Unilateral) Grampian Condition which states; " no commencement shall be made until a suitable mechanism to secure the relevant level of contribution towards off site community recreational provision and/or enhancement has been agreed by the LPA.

Stage 1: £1,000.00

01/01/2001

**TOTAL Remaining:** £1,000.00

**TOTAL DUE:**  
£1,000

**TOTAL Rec'vd**  
£1,000

**Available for allocation**

BRIDGE STREET WILLITON

**To Be Used By:** No expiry date

Developer: Mr & Mrs J Freeman

**Cost Centre:** 31047

**Total Released** £0.00

**PI. Ref No:** 3/39/10/020

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £0.00

**Detail of agreed works:**

The Developer undertakes on behalf of himself and its successors in title to pay the council £1,000 for one newly created dwelling as a contribution towards the provision and/or enhancement of community recreational provision in the parish of Williton. Payment shall be made prior to works commencing.

Stage 1: £1,000.00

08/03/2011

**TOTAL Remaining:** £1,000.00

**TOTAL DUE:**  
£1,000

**TOTAL Rec'vd**  
£1,000

**Available for allocation**

LONG STREET WILLITON

**To Be Used By:** No expiry date

Developer: Mark Holmes

**Cost Centre:** 31055

**Total Released** £0.00

**In the parish of : Williton**

Amount owing to WSC - active planning obligations:	£22,000
Amount received by WSC:	£22,000
Amount allocated to projects by WSC:	£6,270
<b>Total remaining available for allocation:</b>	<b>£15,730</b>

**ALL PARISHES TOTALS:**

Due to WSC under active Planning Obligations	<b>£610,135</b>
Received by WSC:	<b>£461,685</b>
Allocated to projects:	<b>£199,161</b>
Total remaining available for allocation:	<b>£262,524</b>

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REPORT NUMBER WSC 146/12  
 PRESENTED BY COUNCILLOR TIM TAYLOR, LEADER OF THE COUNCIL  
 DATE 21 NOVEMBER 2012

## ARRANGEMENTS FOR INDEPENDENT REMUNERATION PANEL AND REVIEW OF WEST SOMERSET COUNCIL MEMBERS' ALLOWANCE SCHEME

### 1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to enable the council to agree an approach in regard to the review of the current Members' Allowances Scheme and to consider a proposal to create a Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council.

### 2. RECOMMENDATIONS

- 2.1. That in the light of the current challenging financial circumstances, the current Members' Allowances Scheme for West Somerset Council – as set out in Appendix A to this report – be frozen for a further 12 months and thereby apply until May 2014.
- 2.2. That the Council approve the establishment of a Joint Independent Remuneration Panel for Somerset County Council and West Somerset, as set out in Appendix B to this report.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Due to the current capacity challenges of the West Somerset Independent Remuneration Panel and related officer support arrangements would not be sufficient to undertake a proper review of Members' Allowances Scheme	Likely (4)	Major (4)	High (16)
<i>To enter into a Joint Remuneration Panel arrangement with Somerset County Council including receiving specialist officer support</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.

### 4. BACKGROUND INFORMATION

- 4.1. Each Council has to establish an Independent Remuneration Panel to advise on their Scheme of Members' Allowances. The relevant legal provisions are set out in the Local Authorities (Members' Allowances)(Regulations 2003) as amended. The Council may accept, reject or amend any of the Panel's recommendations.
- 4.2. West Somerset Council Members' Allowances were last reviewed at the meeting of the Council held 26 January 2011 when a report by the Independent Remuneration Panel was considered and duly adopted – as attached at Appendix A to this report.

- 4.3. As a result of this decision, the Independent Remuneration Panel were asked to undertake a full review of all allowances in the autumn of 2012 with a view to recommending a revised allowance scheme for implementation with effect from May 2013.
- 4.4. This issue was discussed in principle at the meeting of the Corporate Policy Advisory Group held on 16 October 2012, when the overall consensus expressed was that, given the current challenging financial circumstances, rather than undertake a review as originally intended, to implement any changes with effect from May 2013, the current level of Members Allowances should remain in place for at least a further 12 months and therefore apply until May 2014.
- 4.5. Under the legislation it is within the remit of the Council to agree such a further freeze period without needing to refer back to the Independent Remuneration Panel. Recommendation 2.1 duly reflects the outcome of the discussions at the Policy Advisory Group.
- 4.6. The second issue that is addressed by this report relates to the Independent Remuneration Panel for West Somerset. To comply with statutory requirements any Independent Remuneration Panel must comprise of at least three independent panel members. Since 2011, two of the three independent panel members have resigned and therefore currently only one remains. There would, therefore, be a requirement for significant work to be undertaken to bring the Independent Panel up to full strength in terms of a recruitment procedure and induction training. Furthermore, since the last piece of work undertaken by the Remuneration Panel, the post holder who provided the officer support for the Panel has been made redundant and specific background expertise for this issue is not currently available to the authority internally.
- 4.7. The Corporate Director has been in discussions with the Group Manager - Community Governance of Somerset County Council to explore the possibility of operating a Joint Remuneration Panel – which is permitted within the legislation – for consideration.
- 4.8. The proposal – as set out in Appendix B to this report – was discussed at the meeting of the Corporate Policy Advisory Group held on 16 October 2012 and was welcomed by those members present as a pragmatic partnership approach that will provide greater resilience going forward especially with panel and its meetings having the benefit of being supported by officers of the Somerset County Council with input by West Somerset Officers as and when required.
- 4.9. To establish a Joint Independent Remuneration Panel the proposal needs to be formally agreed by both Councils. The Somerset County Council Constitution Working Group has already approved the proposal, in principle, and the item is to be considered at the Full County Council meeting in November. It is duly recommended that the Joint Remuneration Panel proposal be approved by this Council.
- 4.10. If the Joint Panel receives the approval of both councils then it will be available to take instructions from West Somerset Council, including giving advice on the most appropriate way forward post May 2014, should recommendation 2.1 also be approved.

## **5. FINANCIAL/RESOURCE IMPLICATIONS**

- 5.1. If recommendation 2.1 is adopted, then the financial implications will be neutral, as the current Members' Allowances Scheme will remain unaltered for a further 12 months.
- 5.2. If recommendation 2.2 is adopted, then there is likely to be some limited financial savings for the Council as a result of not having to recruit and maintain a separate panel although these are unlikely to be significant. The implementation of a joint panel would also be



beneficial in terms of Council being able to meet its statutory requirements for this particular task in the light of staff capacity challenges that the council currently face.

## **6. SECTION 151 OFFICER COMMENTS**

- 6.1. If the proposal to freeze allowances is approved then this will mean that there is no additional pressure on the budget at a time of reducing government funding.
- 6.2. The proposal to enter into an arrangement for the establishment of a Joint Remuneration Panel through a partnership with Somerset County Council appears eminently sensible both from a pragmatic financial/staff capacity point of view, as well as promoting closer working between local authorities.

## **7. EQUALITY & DIVERSITY IMPLICATIONS**

- 7.1. None in respect of this report.

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1. None in respect of this report.

## **9. CONSULTATION IMPLICATIONS**

- 9.1. Both of the key issues in this report have been discussed in detail by the Corporate Policy Advisory Group with the two recommendations reflecting the outcome of those discussions. As has already been mentioned, the Somerset County Council Constitution Working Group has already indicated its approval, in principle, to the establishment of a Joint Remuneration Panel. Somerset County Council's Independent Remuneration Panel has also considered this proposal and indicated its support for the proposal.

## **10. ASSET MANAGEMENT IMPLICATIONS**

- 10.1. None in respect of this report.

## **11. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 11.1. None in respect of this report.

## **12. LEGAL IMPLICATIONS**

- 12.1. The proposals in this report will ensure that the Council fulfils its obligations set out in the Local Authorities (Members Allowances)(Regulations 2003) as amended.

## **REPORT TO A MEETING OF COUNCIL TO BE HELD ON 21 NOVEMBER 2012**

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**Members' Allowances Scheme**

**for**

**West Somerset Council**

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**Report by the  
Independent Remuneration Panel**

**November 2010**

## **FOREWORD TO THE CHIEF EXECUTIVE**

We have the privilege now to submit this report to the Council. We are most grateful for the chance to contribute in this way and, especially, for the help and technical advice which we have received from Wendy Bass in so doing.

Signed by the members of the Panel:

Chris Durham

Robert Govier

Richard Lillis

## Independent Remuneration Panel

### Report on Members' Allowances for West Somerset Council

#### SUMMARY OF MAIN RECOMMENDATIONS

The Council should consider the review of the scheme of allowances and the recommendations of the Panel effective from January 2011.

#### ***Basic Allowance (BA) and Special Responsibility Allowances (SRAs)***

1. That the current Basic Allowance (BA) payable to all Councillors of £2,733 per annum be frozen for two years with effect from 1 January 2011 and be reviewed at the end of 2012
2. That the Special Responsibility Allowances(SRA) calculated as multiples of the BA be frozen at the current rates as follows:

<b>Role</b>	<b>Multiple of BA</b>	<b>Annual allowance</b>
Leader of Council	4	£10,932.00
Deputy Leader	2.5	£6,832.50
Chairman of Scrutiny Committee	2	£5,466.00
Chairman of Planning committee	2	£5,466.00
Chairman of Licensing Committee	0.5	£1,366.50
Portfolio Holders	2.5	£6,832.50
Independent Chairman of Standards Committee	-	£1,104.00
Independent Member of Standards Committee	-	£552.00

3. That, where the Chairman of a Committee is unable to chair meetings for a period of three consecutive months, then the Vice Chairman should receive an SRA equal to that of the Chairman on a pro-rata basis.
4. That no member of the Council be entitled to receive more than one of the SRAs listed above (in addition to their BA).
5. That the Basic Allowance and Special Responsibility Allowances which have previously been increased each April in line with the rate of increase in the Retail Prices Index (RPI) be not uprated for 2 years during the freeze of allowances. The panel noted that the decrease in RPI in 2009 was not taken account of in the calculation of the allowance in April 2010.
6. That the Independent Remuneration Panel is asked to undertake a full review of all allowances in the autumn of 2012, with a view to

recommending a revised allowances scheme for implementation from May 2012.

### **Other allowances**

7. That the Council's allowances scheme should provide for a Childcare and Dependent Carers allowance which:
  - Makes payment towards the costs necessarily incurred by a member in engaging a carer to look after children or other dependants who live at the same address as the member, when the member is absent from home undertaking any of the duties set out in Regulation 7 (1) (a) to (h) of the new Regulations
  - Provides for the allowance paid to be the reimbursement of incurred expenditure against receipts, up to a maximum rate of £4.50 per hour for child care and a maximum rate of £11.50 per hour for dependent adult care
  - Precludes any payment if the caring is undertaken by a member of the Councillor's own immediate family residing in the same household.
  - Allows for not more than two payments per week being claimable in respect of the household of each member, except in special circumstances to be judged by the Council's Standards Committee.
  - That the Childcare and Dependent Carer scheme's be index linked in accordance with the annual Consumer Price Index (CPI).
8. That travel and subsistence allowances be paid in respect of the same "approved duties" as in the Council's current arrangements for such allowances.
9. That the maximum rates of subsistence allowances remain the same as those which the Council currently pays and that the practice of paying subsistence allowances on production of receipts continues
10. That the mileage payments made in respect of all "approved duty" journeys undertaken by members in their own vehicles be kept in line with the per mile operating cost of the vehicle concerned determined by HM Revenue and Customs. In consequence the following rates should for the present apply:

Use of members own car:	40p per mile (all engine sizes)
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Use of members own motorcycle: 24p per mile (all engine sizes)  
Use of members own bicycle: 20p per mile

11. That the payments to independent members of the Standards Committee be frozen for two years with effect from 1 January 2011 and be reviewed at the end of 2012 on the same basis as the BA and SRAs paid to council Members;
12. That the independent members of the Standards Committee should receive the same rates of travel allowance in respect of travel to and from meetings as Councillors
13. That the Council should not make any allowances pensionable under the Local Government Pension scheme;
14. That the Council make the maximum possible use of its discretion to withhold or recover allowances from any member who is suspended or disqualified.
15. That, where any member has been formally appointed to a role which attracts an SRA for a period, but has not been receiving that SRA, it should be paid retrospectively (subject to the restriction that it cannot be backdated beyond the start of the relevant financial year.)
16. That the Council's revised allowances scheme is introduced as from January 2011.

***Other recommendations***

17. That in view of the concern from some members who completed questionnaires and from members interviewed regarding levels of attendance at council meetings, the Council should make arrangements for the publication of an annual register of Councillors' attendance at Committees and for this information to be reported quarterly to the Scrutiny Committee.

## **Independent Remuneration Panel**

### **Report on Members' Allowances for West Somerset Council**

#### **DETAILED COMMENTARY AND RECOMMENDATIONS**

##### **Background**

1. The Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) requires the Council to have regard to the views and recommendations of an Independent Remuneration Panel before it can agree a revised scheme of allowances for Members
2. In the case of making allowances pensionable, the Regulations provide that the Council can only do so on the basis of a recommendation from us that this should happen. It follows that a recommendation from us to the effect that allowances should not be made pensionable is therefore binding on the Council.
3. A newly-convened Independent Remuneration Panel met on 27 October and 9 and 22 November 2010 to consider its recommendations on a revised scheme effective from May 2011. The Panel comprised:
  - Chris Durham was a member of previous Remuneration Panels and lives in Minehead. His background is in central government, lastly in the management of a government research establishment, and he has official and personal experience of local authorities.
  - Robert Govier is a working farmer from Upton where he was born and raised. He was a parish councillor for 20 years and he served as a member of the West Somerset Standards Committee for a number of years. He is a past governor of Dulverton Middle School.
  - Richard Lillis lives in Washford and has a career background of senior management in the juice and dairy beverage industry and is presently a consultant to the industry. He is also a panel member of The Fredericks Foundation, a charity committed to the support and regeneration of business in West Somerset
4. Prior to our meeting we were given a copy of the current Members Allowances Scheme, which was implemented by the Council following



the receipt of a report from the previous Panel in November 2006. We were also provided with the latter report as a reference document.

### **Terms of reference**

5. The Independent Remuneration Panel was asked by the Council to recommend a revised Member Allowances Scheme for the Council in accordance with all the requirements set out in the 2003 Regulations.

### **Our approach in 2010**

6. It was made clear to us that we were being asked to review and change any aspects of the current scheme in any way that seemed appropriate, and that this remit applied to the ongoing elements of the Council's scheme (such as the Basic Allowance, the Special Responsibility Allowances and the Dependant Carer's Allowance).
7. At the same time, we judged that there was little point in change for the sake of change and part of our approach therefore revolved around asking Councillors how far they were satisfied with the existing scheme, and what changes they might wish to see.
8. The latter approach was very much informed by a questionnaire survey of all Councillors which gave an opportunity to any member who wished to make representations to us to do so.
9. A number of the questions in the questionnaire asked Councillors whether they were satisfied with elements of the current scheme, and the intention behind such questions was to ensure that, where responses indicated that there was a large measure of satisfaction with any part of the current scheme, we would recommend that the part in question should be retained.
10. In addition to circulating the questionnaire, we took the opportunity to interview a cross-section of Councillors in various roles. We interviewed five members, including the Leader, two portfolio holders, a committee chairman and a "backbench" member.
11. We were mindful of the economic climate that is facing local government and on request we were provided with the highlights of the Government's Comprehensive Spending Review. It is, however, primarily for the Council and not for the Panel to decide how to take the present economic situation, the effects of the Comprehensive Spending Review and the affordability of the allowances scheme into account in fixing allowances. The case was put to us for reducing or discontinuing some or all of these allowances in present circumstances
12. In the interviews with members, we asked questions about the wider issues facing the Council and others that had been raised in the questionnaire, but with more opportunity to discuss the reasons for the

member's views on particular issues. We noted that some Councillors had grave concerns that allowances could not be based on attendance allowances.

13. In particular, we asked Councillors who currently received SRAs to describe to us the responsibilities they held, and to quantify the additional work this entailed. This helped us to verify the validity of such allowances continuing to be paid.
14. Finally, we gave the members we interviewed the opportunity to raise with us any matters which had not been raised in the questionnaire or interview which they felt to be important.
15. The remainder of this report describes our recommendations and the reasons behind them.
16. Comparison was made with allowances paid by similar types of local authorities and the panel was satisfied that allowances were broadly relevant and acceptable given local circumstances.

### **The Basic Allowance (BA)**

17. In the questionnaire survey, the majority of Councillors responding appeared to think that the current level of BA was reasonable in relation to the duties all Councillors are expected to undertake.
18. Given the general level of satisfaction that it remains reasonable, we are content to recommend that the allowance is frozen for 2 years
19. The BA is based on the Local Government Association daily rate (based on median white collar wage) of £152.77 reduced by 10% to reflect South West regional pay rates to £137.49. The latest national councillors' survey puts the average number of hours a councillor spends on business at 21 hours per week. A third of this has been viewed as unpaid voluntary service. The calculation is therefore 14 hours per week x £137.49 x 52/48 weeks = £2,085

### **Special Responsibility Allowances (SRAs) – general considerations**

20. Our starting point on this issue was to examine the roles which currently received SRAs, and to ensure that we were satisfied that they involved some significant additional work and responsibilities. In the case of the Leader, Deputy Leader, Portfolio Holders and the Chairmen of the Scrutiny, Planning and Licensing Committees, it was clear to us that this was the case, and we are content to recommend that the allowances are frozen for 2 years
21. In the case of Committee Vice Chairmen, we did not feel that the role generally carried major responsibilities, nor that occasional short-term deputising for the Chairman warranted an SRA. We particularly looked

at the Vice-Chairman of the Planning Committee bearing in mind the increased pressure from the Hinkley Point development, however we do not consider that an SRA should be paid at this time. This should be reconsidered at the 2 year review of all allowances.

22. However, we felt that we should take account of the situation where, for example because of illness, the Vice Chairman is required to deputise for the Chairman for a lengthy period. We would therefore reiterate the recommendation of our predecessor panel that, where the Chairman is unable to chair meetings for a period of three consecutive months, then the Vice Chairman should receive an SRA equal to that of the Chairman on a pro-rata basis.
23. It should be noted that the above scheme provides for payment of SRAs to a total of 11 members. These totals are within the Department of Communities and Local Government/HM Revenues and Customs Guidance that not more than 50% of Councillors should receive an SRA and takes full account of the Boundary Commission proposal to move from 31 councillors to 28

#### **Indexation of BA and SRAs**

24. We recommend that there should be no indexation of allowances for the two years during which allowances are frozen. (Had we recommended any indexation we should generally have proposed changing from the RPI to the Consumer Price Index (CPI) measure of inflation, to be consistent with present central government practice with pensions and other public payments).

#### **Childcare and Dependent Carers' Allowance**

25. Our predecessor panel had recommended that the Council's Members Allowance scheme should include provision for a dependent carers allowance, designed to help members meet the cost of having their children and other dependents cared for whilst they are undertaking formal Council duties, and the Council had accepted their recommendation.
26. As it may provide some significant encouragement for a wider range of people to consider becoming Councillors we continue to support the inclusion of a Childcare and Dependent Carer's Allowance which:
  - Makes payment towards the costs necessarily incurred by a member in engaging a carer to look after children or other dependants who live at the same address as the member, when the member is absent from home undertaking any of the duties set out in Regulation 7 (1) (a) to (h) of the new Regulations

- Provides for the allowance paid to be the reimbursement of incurred expenditure against receipts, up to a maximum rate of £4.50 and £11.50 per hour
  - Precludes any payment if the caring is undertaken by a member of the Councillor's own immediate family residing in the same household.
  - Allows for not more than two payments per week being claimable in respect of the household of each member, except in special circumstances to be judged by the Council's Standards Committee.
27. The scheme's £4.50 and £11.50 caps on the hourly rate will, however, need to be index-linked, and we recommend that maximum payment rate under the scheme be increased each April in line with the rate of increase in the CPI for the preceding September and be reviewed in April 2012 (so as to fit in with the general two year time horizon for our recommendations).

### **Travel and subsistence allowances**

28. It was clear that most members were happy to continue with the current scheme of allowances that was based on the old statutory provisions and allowances.
29. There are two aspects to travel and subsistence allowances – first, the range of “approved” duties for which they are paid; and, second, the rates at which they are paid.
30. We could see no case for altering the current list of “approved duties” for which travel and subsistence allowance is payable.
31. With regard to the rates of subsistence allowances, the allowances recommended are:

Breakfast	£5.65
Lunch	£8.20
Tea	£3.10
Evening Meal	£10.25

These rates are maximum amounts payable, and members must claim their actual expenditure if it is less than the amounts shown with receipts to be provided at all times.

32. With regard to the rates of travel allowances, we recommend that a standard mileage payment of 40p per mile be made in respect of all “approved duty” journeys undertaken by members in their own cars.

The level of payment should be indexed to the approved HM Revenue and Customs mileage rate, as published by HM Revenue and Customs from time to time.

33. This arrangement will have the advantage of removing the tax liability which some members may have in respect of mileage payments, and remove the need to administer this within the Council.
34. It follows logically from our recommended approach to car mileage payments that we should recommend the same approach and indexation arrangements for bicycle and motorcycle allowances – i.e. these payments should follow the approved HM Revenue and Customs amounts for “per mile” costs which are:

Motorcycles 24p per mile

Bicycles 20p per mile

These payments should also be indexed to the approved HM Revenue and Customs mileage rate, as published by HM Revenue and Customs from time to time.

35. We recommend that the other aspects of the Council’s current travel allowance rates, relating to travel by public transport, taxi, air etc. be replicated in the new allowance scheme. As these are based around reimbursement of actual cost, there is no need for any indexation arrangement.

#### **Allowances for co-opted members**

36. The Council has six co-opted members, who are members on the Standards Committee. One of these is Chairman of the Committee.
37. In line with our recommendations regarding BA and SRA we recommend that the allowances paid to the members of the Standards Committee should be frozen for two years.
38. We also recommend that the co-opted members should receive the same rates of travel allowance and subsistence in respect of travel to and from meetings as Councillors.

#### **Ceasing payments of allowances to members who have been suspended**

39. It is entirely consistent with accountability mechanisms that any member who has been suspended, and is therefore unable to fulfil his or her duties, should not receive either the BA or any SRA for the period of their suspension.

40. We therefore recommend that the Council, through the Standards Committee, should utilise to the fullest extent its discretion to withdraw or recover allowances from members who have been suspended or disqualified, unless there are exceptional extenuating circumstances.
41. We remind the Council that, under the Regulations, withholding or recovering Dependent Carers allowance is not permissible, should this issue ever arise.

### **Pensions**

42. We endorse the recommendation of our predecessor panel that Councillors should not be given the option of joining the LGPS. We are fully aware that this recommendation would effectively preclude the option of members joining the scheme for at least the next 4 years, and have reached our recommendation only after the most careful analysis of the issues as we perceive them.

### **Backdating of allowances**

43. The Regulations provide for:
  - the retrospective application (to the beginning of the financial year) of an amended scheme of allowances; and/or
  - the backdating of allowances to individual Councillors in circumstances where they take on duties entitling them to a different level of allowances (e.g. where a Councillor is appointed to the Executive, and thus entitled to a special responsibility allowance) to the time at which the circumstance changed.
44. With regard to the latter provision, the Panel feels that it is only right and proper that, where any member has been formally appointed to a role which attracts an SRA for a period, but has not been receiving that SRA, it should be paid retrospectively (subject to the restriction that it cannot be backdated beyond the start of the relevant financial year.) We therefore recommend that the Council adopts a policy of making retrospective payments of SRAs where circumstances justify it.
45. However, the Council may prefer to choose to exercise the discretion to backdate a new allowances scheme, based on a recommendation from the Independent Remuneration Panel.

### **Financial implications**

46. For Basic and Special Responsibility Allowances, there are no financial implications as no increases or reductions are proposed. There will be a saving through the reduction in the number of councillors following the May 2011 elections.

There are no councillors who currently claim child care or dependent adult care costs

### **Accountability**

47. The Panel is concerned that the level of allowances paid to councillors and co-optees should have general acceptance across West Somerset. There is widespread unease, certainly among councillors, about levels of attendance at council meetings and significant support for attendance allowances (though these are now unlawful). We considered some extra remedy, such as paying allowances in arrears only after a councillor had attended a given number of meetings. But the powers for doing so were uncertain. However, the Council may wish to consider:
- The publication of an annual register of attendance at Committee, Cabinet and other formal meetings on the council's website
  - Details of Members' attendance at committees to be provided quarterly to the Scrutiny Committee

### **Publicity**

48. The requirements of the Regulations on publicity of allowances are as follows:
- Regulation 22(1) requires the publication of a summary of any report made by the Independent Remuneration Panel immediately after the Council receives it, and that the full report is made available to members of the public on request.
  - Regulation 16 requires the publication of any new or amended scheme of allowances immediately after it has been agreed by the Council.
  - Regulation 15(3) requires the Council to publish within its area an annual statement of the total sum paid in the previous year to each Councillor by way of:
    - Basic allowance;
    - Special Responsibility Allowance
    - Dependant Carers Allowances
    - Travelling and Subsistence Allowances
    - Co-optees allowance

### Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council

#### The Joint Panel Arrangements

##### 1. Joint Panel membership

1.1. The membership of the joint panel at the time of its establishment shall comprise the following members:-

##### West Somerset Council

- **Robert Govier** - is a working farmer from Upton where he was born and raised. He was a parish councillor for 20 years and served as a parish representative on the West Somerset Standards Committee for a number of years. He is a past governor of Dulverton Middle School. He has been a member of the West Somerset IMRP since December 2010 and is entitled to be considered for reappointment in December 2013 for a further 3 years.

##### Somerset County Council

- **Peter Hillman** – has extensive management experience, in the UK and internationally, working as a consultant working in the private and public sector. He is a Fellow of the Institute of Directors, and was a member of the Somerset Learning Skills Council where he chaired the Performance and Audit Committee. Currently he Chairs the Patient Participation Group for his local GPs Practice and is a patient representative on Local Professional Networks for the Somerset Primary Care Trust. He has lived in Somerset for a number of years. Peter has been a member of the SCC IMRP since 2007. He completes his second and final term of office on 30 September 2013. He has been Chair of the SCC Panel for 4 years.
- **Amanda Smith** – has lived in Taunton for twelve years. Since graduating Amanda has built a career in Human Resources working initially in London for large corporations. In more recent years she has worked for a medium sized Management Consultancy firm which specialises in business process re-engineering projects. Amanda has been a member of the SCC IMRP since 2007. She completes second and final term of office on 30 September 2013.
- **Anita Hayne** – is a resident of Chilton Polden and is a HR professional with over 25 years experience in the profession. She has experience of running salary and benefit surveys and of setting up and running job evaluation schemes. She works within both the private and public sector. She is in her second term of office as a member of the SCC IMRP. Anita has been a member of the SCC IMRP since 2007. She completes second and final term of office on 30 September 2013.
- **Rob Culligan** – has over 30 years experience in both the public and private sectors, specialising in business planning and performance management. He recently spent 14 years as Head of Performance, Planning and Information at



Avon and Somerset Constabulary. He has been a resident in West Somerset for ten years and Sedgemoor before that. He currently has a part-time job with a charity based in Minehead and also helps out as a volunteer at the RNLI shop at the Minehead lifeboat station. Rob has been a member of the SCC IMRP since 2009. He completes his second and final term of office on 31 January 2015.

- **Eelke Zoestbergen** – lives in Combe St Nicholas and has worked with the police service for the last 10 years providing strategic advice to support statutory responsibilities and to lead and contribute to policy setting and direction with specific responsibilities for the areas of equality & human rights (including working at a national level), children & young people and public protection. She has a Masters Degree in Humanities and is currently in the final year of a second Masters Degree in Social Policy and Criminology. Eelke has been a member of the SCC IMRP for four years having commenced in 2009. She completes her second and final term of office on 31 January 2015.

#### 1.2. Membership rules:

- Members shall serve a maximum of 2 consecutive 3 year terms of office
- Membership terms of office shall be staggered to ensure both continuity of membership and a regular turn-over of members
- The Panel membership shall always include at least one member appointed by West Somerset Council according to the Council's own appointment process.

#### 1.3. Expenses:

Each Council shall be responsible for agreeing and paying allowances to its Panel members to cover attendance at meetings.

### 2. Terms of Reference:

2.1. The panel will advise Somerset County Council and West Somerset Council on their respective Members Allowances Schemes – reporting direct to the respective Council as necessary and as required. Specifically the panel will make recommendations to each Council:

- as to the amount of basic allowance that should be payable to its elected members
- about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
- about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
- as to the amount of co-optees' allowance
- as to whether the Council's scheme should include an allowance to cover the expense of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
- on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended

- as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
- as to which members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972
- as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

3. Meeting arrangements and support:

- The panel will appoint its own chair
- The panel will meet as and when necessary, normally after work hours and at Council premises
- The panel will take advice from officers, members and external agencies as necessary to arrive at appropriate arrangements for recommendation to the Councils.
- The panel and its meetings shall be supported by Somerset County Council. Officers with knowledge of the Members Allowances Schemes of both Councils shall attend the meeting in a professional capacity to advise the panel.