

## WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 22 October 2014 at 4.30 pm

Council Chamber, Williton

### AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Council held on 17 September 2014 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. **Making of Executive Decisions by Individual Members of Cabinet**

To consider Report No. WSC 143/14 to be presented by Councillor S J Pugsley, Lead Member for Executive Support and Democracy – **SEE ATTACHED.**

The purpose of the report is to provide Council with the opportunity of reviewing the current practice of individual Members of Cabinet not exercising the option of making executive decisions..

7. **West Somerset Local Plan – Request for Additional Budget**

To consider Report No. WSC 137/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of this report is to seek Council approval for the provision of a supplementary estimate of £74,750 in 2014/15 and 2015/16. Subject to

approval this budget will allow for the progression of the West Somerset Local Plan to publication.

## **8. Request for Allocation of Planning Obligations Funding**

To consider Report No. WSC 144/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of this report is to make proposals for the allocation of monies secured through planning obligations to individual schemes.

## **9. Minutes and Notes for Information**

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

- Minutes of the Watchet Harbour Advisory Committee held on 16 July 2014 – **SEE ATTACHED**
- Notes of the Minehead Area Panel held on 10 September 2014  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Minehead-Area-Panel/Minehead-Area-Panel---10-September-2014.aspx>

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

### **The Council's Vision:**

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

### **The Council's Corporate Priorities:**

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

### **The Council's Core Values:**

- Integrity
- Respect
- Fairness
- Trust

**WEST SOMERSET COUNCIL**

**Minutes of the Meeting held on 17 September 2014 at 4.30 pm**

**in the Council Chamber, Williton**

**Present:**

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

Councillor H J W Davies  
 Councillor S Y Goss  
 Councillor A P Hadley  
 Councillor K V Kravis  
 Councillor I R Melhuish  
 Councillor P H Murphy  
 Councillor K J Ross  
 Councillor M A Smith  
 Councillor A H Trollope-Bellew  
 Councillor D J Westcott

Councillor J Freeman  
 Councillor P N Grierson  
 Councillor B Heywood  
 Councillor E May  
 Councillor K M Mills  
 Councillor S J Pugsley  
 Councillor D J Sanders  
 Councillor T Taylor  
 Councillor K H Turner

**Officers in Attendance:**

Chief Executive (P James)  
 Director of Operations (S Adam)  
 Assistant Chief Executive and Monitoring Officer (B Lang)  
 Assistant Director – Operational Delivery (C Hall)  
 Major Projects Manager (J Holbrook)  
 New Nuclear Programme Manager (A Goodchild)  
 Meeting Administrator (K Kowalewska)

**C43 Apologies for Absence**

Apologies for absence were received from Councillors M J Chilcott, M O A Dewdney, R P Lillis, C Morgan, D D Ross and L Smith.

**C44 Minutes**

(Minutes of the meetings of Special Council and Council held on 23 July 2014, circulated with the Agenda.)

**RESOLVED** that the Minutes of the meetings of Special Council and Council held on 23 July 2014 be confirmed as correct records.

**C45 Declarations of Interest**

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

| Name              | Minute No. | Member of      | Action Taken    |
|-------------------|------------|----------------|-----------------|
| Cllr H J W Davies | All        | SCC            | Spoke and voted |
| Cllr S Y Goss     | All        | Stogursey      | Spoke and voted |
| Cllr P N Grierson | All        | Alcombe        | Spoke and voted |
| Cllr P H Murphy   | All        | Watchet        | Spoke and voted |
| Cllr K J Ross     | All        | Dulverton      | Spoke and voted |
| Cllr K H Turner   | All        | Brompton Ralph | Spoke and voted |
| Cllr D J Westcott | All        | Watchet        | Spoke and voted |

In addition, the following interests were declared:

| Name                     | Minute No. | Description of interest                      | Personal or Prejudicial | Action Taken     |
|--------------------------|------------|--|-------------------------|------------------|
| Cllr H J W Davies        | C50        | Member of SCC Panel                          | Personal                | Left the Chamber |
| Cllr K V Kravis          | C51        | Association with owners of Blue Anchor Hotel | Prejudicial             | Left the Chamber |
| Cllr A H Trollope-Bellew | C52        | Supplies water to Crowcombe Church House     | Personal                | Spoke and voted  |

#### **C46 Public Participation**

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

#### **C47 Chairman's Announcements**

|                   |   |
|-------------------|---|
| 4 August 2014     | Attended the Somerset Remembers Commemoration of the outbreak of WW1 at St Mary Magdalene Church, Taunton |
| 15 August 2014    | Attended the Burma Star Association VJ Memorial Service in Blenheim Gardens, Minehead                     |
| 4 September 2014  | Attended the opening of Psalter's Restaurant at the Luttrell Arms Hotel, Dunster                          |
| 11 September 2014 | Attended the welcoming of 1 <sup>st</sup> Regiment Army Air Corp, Yeovilton                               |

The Chairman announced that a Joint JMASS meeting for Councillors would be held at Deane House, Taunton on 2 October 2014 at 6.00pm. The Leader of Eastbourne Council would be making a presentation on his Council's experience of joint working and shared services.

**C48**      **Representation on Committees/Outside Bodies**

Members noted that following the resignation of Councillor P N Grierson from the Conservative Group, the Leader had nominated Councillor D J Sanders to take up the vacant seat on the Scrutiny Committee. There was a vacant seat on Audit Committee that now needed to be filled by the Conservative Group. In addition, there was also now a vacant seat on the Standards Advisory Committee to be filled by the Conservative Group.

It was also noted that Councillor Grierson had resigned as one of the Council's representatives on the Minehead Events Group and following liaison with the relevant parties, it had been agreed not to fill this vacancy, leaving Councillor R P Lillis as the Council's appointed representative on the group.

There was also a vacancy for a Council representative on the Wessex Water Customer Liaison Panel and it was proposed and seconded that Councillor M O A Dewdney take up the vacancy.

The Leader made a request for volunteers from the Conservative Group to fill the vacancies on the Audit Committee and the Standards Advisory Committee and confirmed that appointments would be made in due course.

Members took the opportunity to express their thanks and congratulated all the councillors, officers and organisations concerned who had helped with the planning of the Minehead summer festival event.

**RESOLVED** that Councillor M O A Dewdney be appointed as the Council's representative on the Wessex Water Customer Liaison Panel.

**C49**      **Member Reporting on Membership of Outside Body for Information**

The following report was circulated with the Agenda:

- Somerset Building Preservation Trust – Minutes of a Board Meeting held on 9 June 2014 by Councillor H J W Davies

The Chairman reminded Member representatives on outside bodies to continue to submit their reports.

**RESOLVED** that the report on membership of outside bodies be noted.

**C50**      **West Somerset Railway Partnership Development Group**

(Report No. WSC 128/14, circulated with the Agenda.)

The purpose of the report was to seek Council approval for the nomination of the Portfolio Holder for Regeneration and Economic Growth, Cllr Karen Mills, to represent the Council on the new West Somerset Railway Partnership Development Group.

The report was presented by the Lead Member for Regeneration and Economic Growth who drew attention to the appendix attached which set out the purpose of the Group. She proposed the recommendation subject to the inclusion of a further recommendation that Councillor I R Melhuish be nominated at the Council's deputy representative to the West Somerset Railway Partnership Development Group, which was seconded by Councillor E May.

**RESOLVED (1)** that the nomination of the Portfolio Holder for Regeneration and Economic Growth, Councillor Karen Mills, as the Council's representative to the new West Somerset Railway Partnership Development Group be approved.

**RESOLVED (2)** that the nomination of Councillor I R Melhuish as the Council's deputy representative to the West Somerset Railway Partnership Development Group be approved.

**C51 Blue Anchor Coastal Protection Scheme**

(Report No. WSC 127/14, circulated with the Agenda.)

The purpose of the report was to provide an urgent update to Council on the Blue Anchor coastal protection scheme and the options that now face this Council. The urgency is based around the Environment Agency's inability to hold the allocated money against this project.

The Lead Member for Environment - General presented the report in detail and stressed that if Members were minded to approve the recommendations the project would still need to be looked at in further detail before it went ahead due to not all the funding being guaranteed and the problem not being fully quantified.

The Lead Member proposed the recommendations in the report which were duly seconded by Councillor M A Smith.

The Assistant Director – Operational Delivery advised that despite the risks identified, option two remained the best and most affordable option and would not commit WSC to proceeding with the project should further risks and financial complications arise. He then went on to read out the legal opinion that had recently been received in response to whether the Council was liable for the clear up costs if the scheme did not go ahead.

In response, the officer confirmed that discussions with Somerset County Council regarding their ability to run the project on the Council's would remain an opportunity in the future.

**RESOLVED (1)** that option two be progressed as the most affordable option and presented the least risk to the Authority.

**RESOLVED (2)** that West Somerset Council did not financially underwrite the longevity of any scheme in the form of a guarantee to the hotel owners.

**RESOLVED (3)** that £25,000 capital from the reserve as a supplementary estimate to support option two be approved.

## **C52 HPC Planning Obligations Board – Allocations of Funding**

(Report No. WSC 126/14, circulated with the Agenda.)

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

The item was presented in detail by the Lead Member for Resources and Central Support who advised that Cabinet had considered the report and had endorsed the approach of the Planning Obligations Board.

The Lead Member proposed the recommendation contained in the report which was duly seconded by Councillor D J Westcott.

The Chairman and Lead Member welcomed Sedgemoor District Councillor Ann Fraser to the meeting and thanked her for her support.

In respect of the Burgage Road Play Area project, officers were thanked for their hard work in supporting Stogursey Parish Council to take the bid to fruition.

**RESOLVED** that the release of funds for two projects from the £3,500,000 that has been paid by EDF to West Somerset Council for the Community Impact Mitigation (CMI) Fund be approved, as follows:

(i) £90,373 for Stogursey Parish Council for the construction of new play area equipment at Burgage Road, Stogursey; and

(ii) £250,000 for Wembdon Village Hall and Playing Fields Trust towards the construction of a new village hall and playing fields in Wembdon.

## **C53 Minutes and Notes for Information**

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

**RESOLVED (1)** that the notes of the Watchet, Williton and Quantock Vale Area Panel held on 10 June 2014 be noted.

**RESOLVED (2)** that the notes of the Exmoor Area Panel held on 19 June 2014 be noted.

**RESOLVED (3)** that the notes of the Dunster Area Panel held on 28 July 2014 be noted.

The meeting closed at 5.20 pm



*Report Number:* WSC 143/14

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

*Author of the Report:* Bruce Lang, Assistant Chief Executive

*Contact Details:*

*Tel. No. Direct Line* 01984 635200

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*Report to a Meeting of:* Council

*To be Held on:* 22 October 2014

*Date Entered on Executive Forward Plan* n/a

*Or Agreement for Urgency Granted:*

## MAKING OF EXECUTIVE DECISIONS BY INDIVIDUAL MEMBERS OF CABINET

### 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide Council with the opportunity of reviewing the current practice of individual Members of Cabinet not exercising the option of making executive decisions.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The proper operation of the decision making process is a key element of the local democracy corporate priority.

### 3. RECOMMENDATIONS

- 3.1 That Council considers the reintroduction of the use of the making of executive decisions by individual Members of Cabinet in accordance with the process currently set out in the Constitution.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

| Description   | Likelihood    | Impact     | Overall      |
|---|---------------|------------|--------------|
| That there may be a perception of a reduced level of transparency in the decision making process if the making of executive decisions by individual Members of the Cabinet is reintroduced. | Possible<br>3 | Major<br>4 | Medium<br>12 |
| <i>Any such decisions are made clearly in accordance with the required procedure involving appropriate consultation and being subject to the Call-In process</i>                            | Rare<br>1     | Major<br>4 | Low<br>4     |

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

## **5. BACKGROUND INFORMATION**

- 5.1 Under the Local Government Act 2000 certain executive decisions may be delegated to individual Members of the Executive/Cabinet. This process was followed by West Somerset Council following the introduction of the Act but was effectively suspended in 2004.
- 5.2 At that time there had been some concerns expressed by the wider membership of the Council in regard to some specific decisions taken by individual Members of the Cabinet at that time which could have led to a perception at least that there would be more transparency if all decisions went through full Cabinet meetings.
- 5.3 This approach is quite permissible in terms of adhering to any legislative requirements; nevertheless there are implications in terms of generating greater bureaucracy and in many cases taking longer to reach the decision given that all such matters must be considered at full Cabinet meetings.
- 5.4 It is considered that now would be a good time to review the current position, particularly in the light of changes that are occurring in relation to the establishment of the "One Team" of officers.
- 5.5 The issue was discussed in the August meeting of the Corporate Policy Advisory Group when the reintroduction of the making of executive decisions by individual Cabinet Members was supported in principle subject to any report to Full Council including examples of the types of decision that could be made by individual Cabinet Members.
- 5.6 The matter was also considered at the meeting of the Scrutiny Committee held on 11 September 2014.
- 5.7 The Committee requested that the report to Council should provide more detail about how the decisions will be publicised and what would be the process/timescale for any such decisions to be made. In addition, there were concerns regarding the potential opportunity for scrutiny and open discussion to be reduced/lost in regard to such decisions and, finally, to receive an assurance that what was proposed followed best practice.
- 5.8 Attached as Appendix A to this report is the section contained within the Council's Constitution which covers the process for making an executive decision.
- 5.9 This process is quite clear in that a "key" decision can only be made by Cabinet at a meeting which the public are able to attend subject to the normal procedures relating to confidential and exempt information. For a decision to be classified as "key" it would meet one of the following criteria:
- 5.9.1 The decision will affect two or more wards within the area covered by the Council.
  - 5.9.2 The decision will have significant impact on at least one ward.
  - 5.9.3 Revenue spending or saving would be £25,000 or more as a result of the decision.
  - 5.9.4 Capital saving or spending would be £50,000 or more as a result of the decision.
- 5.10 In addition to individual Cabinet Members not being able to make decisions which match at least one of the four criteria above, individual Cabinet Members cannot make decisions regarding new policies or amendments to existing policies; such introductions or changes must be agreed by Council. Furthermore, it is still possible, and in some cases appropriate, for a Lead Member to whom an executive decision is delegated to, to choose to refer the matter to a meeting of the Cabinet should he/she consider this is the best way forward.
- 5.11 If the executive decision is to be made by the Leader of the Council (or the Deputy Leader in the absence of the Leader) they must consult with any relevant Lead Member or officer as

appropriate. Where the issue is ward specific the Ward Members will also need to be consulted.

- 5.12 If the executive decision is to be made by another Member of the Cabinet, he/she will consult with any other relevant Lead Members or officers and consider any relevant reports. Where the issue is ward specific the Ward Members will also be consulted. Particular financial and legal advice should also be taken into account in all decision making.
- 5.13 The executive decisions made by Cabinet Members who are Lead Members will be recorded on a form designed for the purpose, signed by the Lead Member and the Leader of the Council (or the Deputy Leader in the absence of the Leader). The Monitoring Officer will keep the forms and they will be retained in a secure location. The completed forms (or copy) and any reports considered will be public documents. Each decision record form will contain the following information:
- A record of the decision
  - A record of the reasons for the decision
  - Details of any options considered and rejected
  - Any interest declared and any dispensations granted
  - The signature of the Lead Member
  - The signature of the Leader of the Council (or the Deputy Leader in the absence of the Leader)
  - The date on which it was signed
  - The date on which the decision was implemented or called-in
- 5.14 When the decision record form has been completed as set out above (except the final point), the Monitoring Officer will arrange for these details to be sent to all West Somerset Councillors – as is currently the case in regard to decisions taken at full Cabinet meetings. The decision is held in abeyance for at least five working days pending any call-in for consideration by the Scrutiny Committee. If any such decisions are called-in the matter will be considered by the Scrutiny Committee before the decision is implemented. If the decision is not called-in it can be implemented on the sixth working day after it has been published and circulated to all Members of West Somerset Council.
- 5.15 In terms of the types of decisions that can actually be taken under this mechanism, the final two pages of Appendix A details this specifically. In general, the decisions will be of a more routine nature under the various portfolio headings subject to any such decisions being within existing policies and budgets and not triggering any of the criteria that would make the issue under consideration a key decision. This could involve such matters as authorising expenditure from existing budgets under the key decision limits, the appointment of Members to outside bodies in connection with functions that are the responsibility of the Cabinet and responding to certain consultation documents relating to specific portfolio areas.
- 5.16 In terms of whether by reintroducing this process best practice is being followed, it is fair to say that the majority of Councils do enable individual Executive/Cabinet Members to make certain executive decisions; indeed in some authorities, individual Councillors are empowered to make some key decisions.
- 5.17 On balance it is considered that there could be some merit in reintroducing the ability of individual Members of the Cabinet to make executive decisions based on the process which is already set out in the Constitution. The executive decision making process does include sufficient safeguards to address the concerns that have been expressed by the Corporate Policy Advisory Group and Scrutiny Committee.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 There are no direct financial implications from reintroducing individual executive decision making; there will need to be some officer support to the process although this should be at least compensated by the partial reduction in the bureaucracy surrounding the holding of full Cabinet meetings.

## **7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 None in respect of this report.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

- 8.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

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

- 8.2 None directly in respect of this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None directly in respect of this report.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 The comments of the Corporate Policy Advisory Group and Scrutiny Committee have been taken into account in the writing of this report.

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 None directly in respect of this report.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 None directly in respect of this report.

## **13. HEALTH & WELLBEING**

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

- 13.1 None directly in respect of this report.

## **14. LEGAL IMPLICATIONS**

- 14.1 The undertaking of executive decisions by individual Members of Cabinet is in accordance with the provisions of the Local Government Act 2000.

West Somerset District Council  
Scheme of Delegations

**Process for making an executive decision**

The basic process for making and implementing an executive decision is shown on the flowchart 1.

**Urgent Decisions**

Flowchart 2 shows the process if an urgent key decision is needed.

**Who can make an executive decision?**

A key decision can normally only be made by Cabinet at a meeting which the public are able to attend (subject to the normal procedures relating to confidential and exempt information). A four month rolling programme of anticipated key decisions is published monthly. There are occasions when an urgent key decision is required this is covered by the urgency procedure detailed above and in flowchart 2. Any urgent decision which is not a key decision will be made using the normal procedure shown in flowchart 1.

Individual Cabinet Members and Officers can make executive decisions as detailed in Section 1 of the Scheme of Delegations.

Neither Cabinet nor individual Cabinet Members nor Officers can make decisions regarding new policies or amendments to existing policies; such introductions or changes must be agreed by Council.

**Can someone other than the person stated in the Scheme of Delegations make an executive decision?**

It is possible that in some circumstances the Lead Member or Officer to whom an executive decision is delegated, wishes to refer the matter to a meeting of the Cabinet, this Scheme of Delegations does not prevent that from happening.

A Lead Member cannot delegate to another Lead Member or Officer any of the executive decision making powers allocated to him/her in Section 1 of this Scheme of Delegations. If the Lead Member has an interest in the decision (as explained in the Code of Conduct for Councillors) the interest should be declared and the matter referred to Cabinet.

An Officer can delegate any of the executive decision making powers allocated to him/her in Section 1 of this Scheme of Delegations, but if that power is to be delegated for more than a period of six consecutive months the Monitoring Officer should be informed in writing. The Monitoring Officer will keep a register of all such further delegations which will be a public document.

Any further general delegation of specific statutory powers will be made by the Corporate Management Team (CMT) to an officer and shall be made in writing and shall record its extent and any limitations on the exercise of those powers.

If the Officer to whom a decision/action is delegated is not available the decision/action may be taken by a more senior Officer or an Officer of equivalent standing within the same area. If the decision/action is delegated to a specialist who is not available then the decision/action may be taken by either the Head of Paid Service or other member of CMT. In the unlikely event that a suitable Officer is not available the Lead Member should be

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asked to make the decision/sanction the action and the Monitoring Officer should be informed.

**What advice will be sought or consultation undertaken before a decision is made?**

Cabinet will consider any report submitted to its meeting.

The Leader of Council (or the Deputy Leader in the absence of the Leader) will consult with any relevant Lead Member, or Officer as appropriate (the appropriate Officers will usually be the Head of Paid Service, Section 151 Officer and Monitoring Officer). Where the issue is ward specific the ward member(s) will also be consulted. Relevant reports will also be considered.

A Cabinet Member will consult with any other relevant Lead Members, or Officers and consider any relevant reports. Where the issue is ward specific the ward member(s) will also be consulted. In particular financial and legal advice should be taken into account in all decision making.

Officers will where appropriate consult with any relevant Lead Member, or other relevant Officers, where the issue is ward specific the ward member(s) will also be consulted, this is in addition to any statutory consultation required. Particular attention will need to be given to financial and legal matters and cross-unit issues as well as existing council policies, procedures and codes of practice – especially the Council's Corporate Plan.

**What records will be kept of executive decisions?**

Cabinet decisions will have the minutes of the meeting as the record of any decision-making.

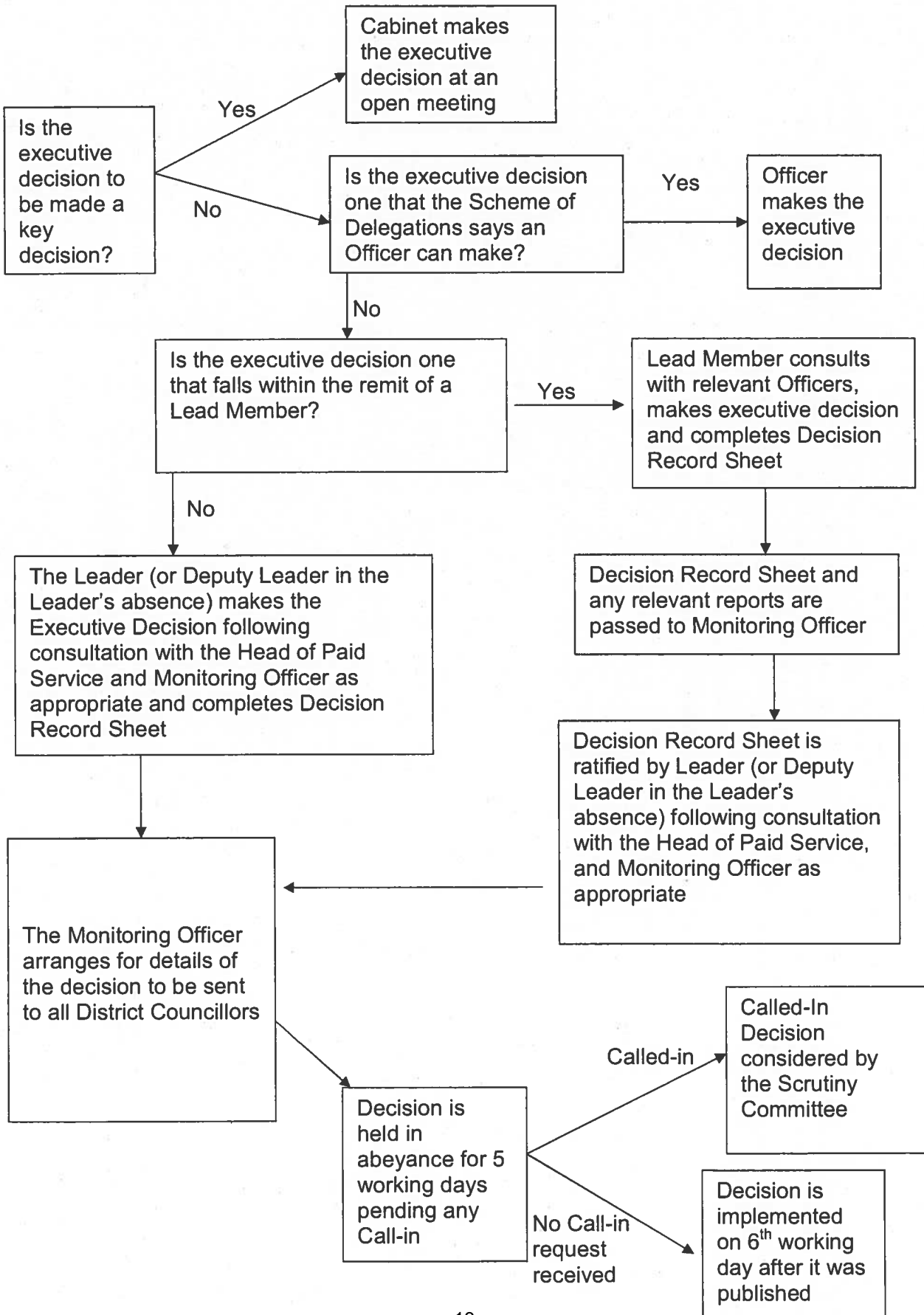
Executive decisions made by Cabinet Members who are Lead Members will be recorded on a form designed for the purpose, signed by the Lead Member and the Leader of Council (or the Deputy Leader in the absence of the Leader). The Monitoring Officer will keep the forms and they will be retained in a secure location. The completed forms (or a copy) and any reports considered will be public documents. Each decision record form will contain the following information:

- ◆ A record of the decision
- ◆ A record of the reasons for the decision
- ◆ Details of any options considered and rejected
- ◆ Any interests declared and any dispensations granted by the Standards Committee
- ◆ The signature of the Lead Member
- ◆ The signature of the Leader of Council (or the Deputy Leader in the absence of the leader) and the date on which it was signed
- ◆ The date on which the decision was implemented or called-in

There are no legal requirements for record keeping of an Officer decision but any Officer making a significant executive decision will be expected to make a record on the relevant file of consultation with the relevant Lead Member and where the issue is ward specific the details of consultation with the ward member(s) and the reasons for any decision; such a record will be signed and dated.

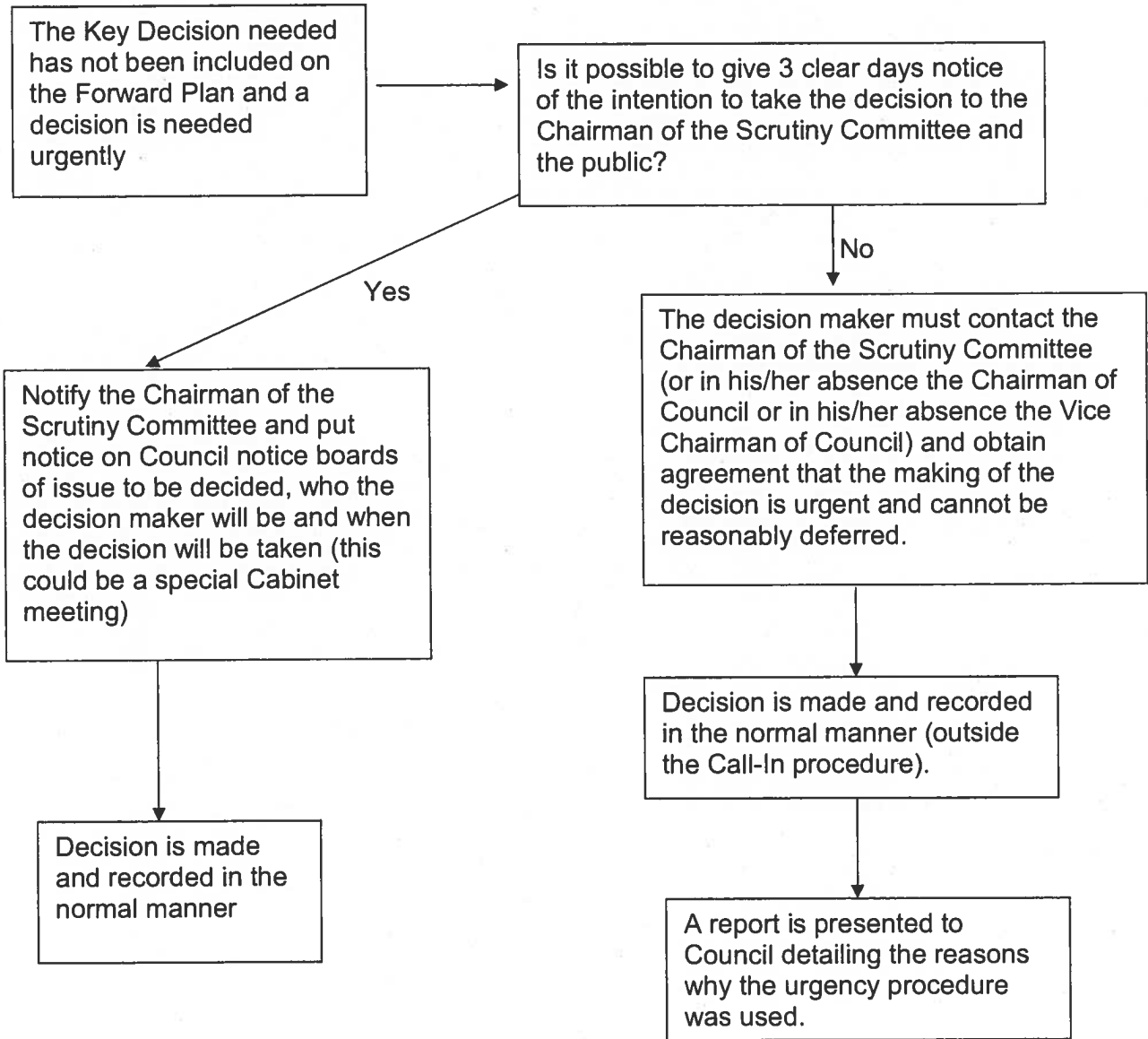
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**FLOWCHART 1 – DECISION MAKING PROCESS**



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**FLOWCHART 2 – URGENT KEY DECISIONS**  
(In accordance with Statutory Instrument 2000 No 3272)





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Scheme of Delegations

Tables 1 and 2 detail executive decisions, which are delegated to members of the Cabinet. All decisions made must be within the law and in accordance with agreed council policy particularly taking into account the Council's Corporate Plan.

Table 1

| Portfolio Name  | Topics within the portfolio                    | Delegated Action   |
|---|--|--|
| Leader of Council   | Managing and co-ordinating the work of Cabinet | Appointment of Cabinet Members   |
|   |  | Allocation of portfolio responsibilities to Cabinet Members  |
|   |  | Appointment of Members to outside bodies in connection with functions that are the responsibility of the Cabinet               |
|   |  | The ratification of executive decisions made by Lead Members   |
|   |  | The taking of any decision which is not a key decision but is an executive decision and is not delegated to any other position |
|   |  | The taking of any urgent key decision in accordance with the urgency procedure   |
| * Deputy Leader of Council  | To deputise for the Leader                     | In the absence of the Leader of Council to take any decision which is delegated to the Leader of Council                       |
| *Note: At the time of preparing the Scheme of Delegations the role of Leader and the holder of the Performance and Corporate Support Portfolio are combined and the role of the Deputy Leader and the holder of the Resources and Central Support Portfolio are combined. |  |  |

Each Lead Member is permitted to make any decision regarding an issue within their stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations. Table 2 below details the portfolio name and the topics within that portfolio.

Table 2

| Portfolio                        | Topics within the Portfolio  |
|----------------------------------|--|
| Community and Customer           | Art & Culture<br>Beach cleaning/management<br>Children and Young People<br>Leisure and Sport<br>Grounds Maintenance<br>Parish Liaison<br>Community Safety<br>Public Conveniences |
| Regeneration and Economic Growth | Economic Regeneration<br>Estates<br>Harbours<br>Job Retention<br>Marketing<br>Tourism<br>Car Parks<br>Markets  |

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| Portfolio   | Topics within the Portfolio   |
|---|---|
|   | Transport   |
| Environment - General   | Building Control<br>Street Sweeping<br>Coast protection<br>Land Drainage<br>Shoreline Management<br>Pollution Control<br>Waste<br>Development Control<br>Land Charges<br>Climate Change<br>Civil Contingencies (Emergency Planning)   |
| Environment – Hinkley   | Environment matters relating to the Hinkley Point project   |
| Resources and Central Support   | Assets and Investments<br>Audit<br>Corporate 3 year Plan<br>Exchequer Services<br>Fees and Charges<br>Local Taxation<br>Treasury Management<br>Benefits Administration<br>ICT<br>Human Resources<br>Legal Services<br>Health & Safety (as employer)<br>Media and Communication<br>Offices |
| Housing, Health and Wellbeing   | Food Safety<br>Healthy Living<br>Housing (Public and Private Sector incl. Grants)<br>Social Inclusion<br>Environmental Protection<br>Pest Control<br>Planning Policy<br>Health and Safety (external)  |
| Performance and Corporate Support   | Complaints<br>FOI and Data Protection<br>Press and Media<br>Equalities and Diversity<br>Corporate Improvement and Management<br>Performance Management  |
| Executive Support and Democracy   | Member Services<br>Electoral Services   |
| <p><b>*Note:</b> At the time of preparing the Scheme of Delegations the role of Leader and the holder of the Performance and Corporate Support Portfolio are combined and the role of the Deputy Leader and the holder of the Resources and Central Support Portfolio are combined.</p> |   |

*Report Number:* WSC 137/14

*Presented by:* Cllr K Turner, Lead Member for Housing, Health and Wellbeing

*Author of the Report:* Nick Bryant, Planning Policy Manager

*Contact Details:*

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*Report to a Meeting of:* Council

*To be Held on:* 22 October 2014

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

## **WEST SOMERSET LOCAL PLAN – REQUEST FOR ADDITIONAL BUDGET**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek Council approval for the provision of a supplementary estimate of £74,750 in the year 2014/15. Subject to approval this budget will allow for the progression of the West Somerset Local Plan to publication.

### **2. CONTRIBUTION TO CORPORATE PRIORITIES**

- 2.1 The emerging Local Plan contributes to the Corporate Priority “Local Democracy” in that it seeks to increase the amount of Central Government funding arising from New Homes Bonus through increasing the supply of new housing within the District. The Local Plan will also contribute towards the realisation of the Corporate Priority “New Nuclear Development at Hinkley Point” by helping to mitigate the impact of the development through the application of the Plan’s policies.

### **3. RECOMMENDATIONS**

- 3.1 It is recommended that:
- 3.1.1 Full Council approve a supplementary estimate request of £74,750 to cover additional costs arising and relating to the West Somerset Local Plan preparation through to examination and beyond to adoption. Of this sum, £18,400 to be added to the Planning Policy Budget in 2014/15, with the balance of £56,350 transferred to a Planning Policy earmarked reserve to be drawn down in 2015/16.
- 3.1.2 That the supplementary estimate is funded by General Fund Reserve balances.
- 3.1.3 Members note the requirement for Local Plan funding on an ongoing basis, and support the addition of an annual provision within the Medium Term Financial Plan from 2016/17 onwards.

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

##### **Risk Matrix**

| <b>Description</b>   | <b>Likelihood</b> | <b>Impact</b>   | <b>Overall</b>   |
|--|-------------------|-----------------|------------------|
| <b>Risk:</b> Insufficient budget is set aside for the progression of the West Somerset Local Plan. This would result in the Plan being unable to progress towards adoption and would result in the period in which the Council had to operate without an up-to-date plan being extended. | Likely<br>(4)     | Major<br>(4)    | <b>High (16)</b> |
| <b>Mitigation:</b> Provide additional funding as requested by this report. Additional budget should allow for the Plan to progress towards publication in the early New Year and on towards adoption.  | Unlikely (1)      | Moderate<br>(4) | <b>Low (4)</b>   |

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

#### 5. **BACKGROUND INFORMATION**

- 5.1 Members will be aware that the West Somerset Local Plan is in the process of being reviewed. The Local Plan forms the starting point for planning decisions across the District and helps to provide certainty to communities, developers, landowners and key stakeholders as to the way in which West Somerset will develop over the long-term.
- 5.2 The Local Plan has now reached a relatively advanced stage having been subjected to numerous rounds of public consultation and engagement. The document is being readied for publication; an important formal stage in the plan-making process whereby parties are invited to comment upon the 'soundness' of the Plan. Representations are then put before an independently appointed planning inspector who will consider whether the document meets certain important tests including whether or not it is justified, effective and consistent with national policy.
- 5.3 In order that the Plan be published there remains some further work to be undertaken by the Council. Much of this work can only reasonably be carried out by consultants appointed on the Council's behalf and the costs associated with completing this work exceeds the provision currently made within existing budgets.
- 5.4 The 2014/15 budget includes £5,000 under the Local Development Framework in addition to a further £2,000 against the 'Northern Peninsula Strategic Housing Market Assessment' (this money is now committed with the NPSHMA now commissioned albeit the West Somerset contribution is £1,250). The existing budget does not make sufficient provision to cover the totality of the further costs arising with pursuing the Plan towards publication.
- 5.5 Additional costs arising during 2014/15 broadly fall under two categories: incidental costs associated with development plan preparation and evidence base. A more detailed breakdown of these anticipated costs is included within Appendix 1.

- 5.6 Incidental costs would cover items such as the production and printing of the Publication Plan itself as well as Proposals Maps and associated materials. These costs are estimated to total approximately £6,550. Evidence Base costs would cover a Heritage Asset Study, a Sustainability Appraisal (SA) of the Published Plan and a contribution towards a re-defining of Strategic Housing Market Areas across Somerset. These costs are considered likely to total £16,200 (this is based upon a fee proposal for the SA - £10,500 and an invoice for the Heritage Asset Study which has already been completed on the Council's behalf by the County Council's Archaeologist - £4,712.70).
- 5.7 With additional costs totalling £23,400 and an existing uncommitted budget of just £5,000 a request is being made for a further £18,400 to be transferred to the Planning Policy budget in 2014/15. The additional budget would allow the Council's officers to progress the Plan to publication during the current year.
- 5.8 Members are also requested to note that beyond the current year there will be considerable further costs associated with bringing the Local Plan forward to adoption. Such costs principally relate to the examination of the Plan itself by an independently appointed planning inspector and the appointment of a 'Programme Officer'; an employee of the Council responsible for managing the day-to-day running of the examination and point of contact between the Council, Inspector and Objectors. Appendix 2 includes an indicative breakdown of the likely costs, which are estimated at £56,350.

## 6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 A breakdown of the estimated additional costs are provided in detail in Appendices 1 and 2. The table below summarises these and the current funding gap.

|   | 2014/15<br>£ | 2015/16<br>£ | Total<br>£ |
|---|--------------|--------------|------------|
| Local Plan preparation – per Appendix 1                 | 23,400       |              | 23,400     |
| Local Plan publication and examination – per Appendix 2 |              | 56,350       | 56,350     |
| Total Estimated Costs                                   | 23,400       | 56,350       | 79,750     |
| Current Budget  | 5,000        | TBC          | 5,000      |
| Funding Gap   | 18,400       | 56,350       | 74,750     |

- 6.2 The table above assumes that the total additional costs for 2015/16 will need to be fully funded from Reserves. This is a prudent approach, both in the context that at this stage the 2015/16 is not yet approved and also that service has indicated there could be further costs associated with the examination. The 2015/16 Base Budget of £5,000, if approved, will provide a contingency for further costs.
- 6.3 There are no current earmarked reserves set aside for the Local Plan. On this basis, if the progression of these proposals is determined to be a top priority for the Council in the timeframe indicated, the only real funding option is to use General Reserves. The following table indicates the current reserves position.

| <b>General Reserves Balance</b>  | £              |
|--|----------------|
| Balance 1 April 2014   | 991,866        |
| Less: 2014/15 Original Budget transfer from reserves   | -321,108       |
| Less: Approved supplementary estimates (Blenheim Gardens / Sand clearance / Coastal Protection)              | -40,500        |
| <b>Current approved balance</b>  | <b>630,258</b> |
| Less: Commitment to underwrite Superfast Broadband capital scheme (if insufficient capital receipts arising) | -131,000       |
| <b>Uncommitted Balance</b>   | <b>499,258</b> |
| <b>Recommended Minimum Reserves Balance</b>  | <b>500,000</b> |

- 6.4 It is evident from the table above that General Reserves are at the minimum recommended level. The approval of the supplementary estimate for the Local Plan preparation and inspection would reduce reserves to below the recommended minimum, which is a risk in financial planning terms. The current year budget monitoring is currently (as at Quarter 1) reporting a forecast underspend for the year of approximately £105,000. This would indicate that there is potential for the outturn position to return reserves above the minimum, provided the forecast underspend is realised.
- 6.5 Looking further ahead, it is evident that the costs of delivering the Local Plan is greater than our current budget provision. The Planning Policy service has indicated that it would be appropriate to plan for a requirement to review/update the Local Plan approximately every 5 years. It would therefore be appropriate to review recognise this requirement in our financial planning and as such it is advisable to create an annual budget provision to spread the cost over several years rather than rely on availability of reserves at the relevant time. It is therefore suggested that an additional sum (in the region of £10,000 per year) is included in the Medium Term Financial Plan from 2016/17 onwards.

## **7. COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 The financial implications associated with this report are set out above. Clearly the progress of a robust Local Plan is key for the community of West Somerset. However, the impact of approving this supplementary budget on the Council's limited reserves must be noted. The minimum level of reserves will be breached by this decision and leaves no flexibility for further supplementary estimates during 14/15.
- 7.2 Members need to recognise the seriousness of this, and support the Officers in taking action to manage the in-year budget position to ensure reserves can be topped up again by the end of 2014/15. This will be reviewed as part of the Quarter 2 budget monitoring process with the expectation that sufficient confirmed underspends will be taken from service budgets and returned to general balances.
- 7.3 The recommendation to update the Medium Term Financial Plan to recognise this ongoing obligation is supported.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for:

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

8.1 There are none directly associated with the recommendations in this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 There are none directly associated with the recommendations in this report.

## **10. CONSULTATION IMPLICATIONS**

10.1 There are none directly associated with the recommendations in this report.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 There are none directly associated with the recommendations in this report.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 Should provision not be made for this further work the Local Plan will be unable to progress to publication. This would mean that the Council would not be able to provide an up-to-date plan to guide decision-making and may result in an unsustainable form, scale and location of development across the District.

## **13. HEALTH & WELLBEING**

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 There are none directly associated with the recommendations in this report.

## **14. LEGAL IMPLICATIONS**

14.1 Should provision not be made for this further work the Local Plan will be unable to progress to publication. This would mean that the Council would not be able to provide an up-to-date plan which is a requirement of national planning policy and a statutory obligation of West Somerset Council as planning authority.

## APPENDIX 1: ANTICIPATED ADDITIONAL COSTS ASSOCIATED WITH PLAN- MAKING 2014/15

| Item:                                    | Est Cost<br>£                               | Notes:  |
|--|---|---|
| Preparation of Local Plan Proposals Maps | 1,200                                       | Incidental - Recharge from Taunton Deane to cover tier 6 (Technical Officer) time.  |
| Printing/CDs                             | 3,000                                       | Incidental - Includes printing and electronic production of Proposals Maps, Plan, Sustainability Appraisal and other supporting documents.  |
| Press Advertisement                      | 350   | Incidental - Statutory requirement.   |
| Postage and packing                      | 1,000                                       | Incidental  |
| Programme Officer                        | 1,000                                       | Incidental - Notional cost to cover any costs incurred through recruitment e.g. advertising, interview expenses. Unlikely to be any salary cost in year although this cannot be ruled out – the post could also be recruited as a secondment. |
| <b>Sub-total Incidental Costs</b>        | <b>6,550</b>                                |   |
| Heritage Asset Study                     | 4,713                                       | Evidence Base - Work already undertaken although invoice not yet received.  |
| Re-define Strategic Housing Market Areas | 1,000                                       | Evidence Base - Contribution towards Somerset-wide contribution.  |
| Sustainability Appraisal                 | 10,500                                      | Evidence Base - Quote received from Council's retained consultants Environ.   |
| Consolidation of housing completion data | 600   | Evidence Base - Recharge from Taunton Deane to cover tier 6 (Planning Officer) time.  |
| <b>Sub-total Evidence Base Costs</b>     | <b>16,813</b>                               |   |
| <b>Total Estimated Costs</b>             | <b>23,363</b>                               |   |
| <b>Current Budget</b>                    | <b>5,000</b>                                |   |
| <b>Total Additional Costs</b>            | <b>£18,363<br/>(rounded to<br/>£18,400)</b> |   |



## APPENDIX 2: ANTICIPATED ADDITIONAL COSTS ASSOCIATED WITH PLAN-MAKING 2015/16

| Item:                              | Est Cost<br>£ | Notes:  |
|------------------------------------|---------------|---|
| Printing/CDs                       | 1,500         | Incidental - Includes printing and electronic production of Proposals Maps, Plan, Sustainability Appraisal and other supporting documents but actual cost dependent on extent of any changes between publication and submission and therefore could be considerably less. |
| Press Advertisement                | 350           | Incidental - Statutory requirement.   |
| Postage and packing                | 1,000         | Incidental  |
| Programme Officer                  | 12,000        | Incidental – the post could also be recruited as a secondment. Very difficult to provide an accurate cost estimate since most PO's work by the hour rather than as salaried members of staff.   |
| <b>Sub-total Incidental Costs</b>  | <b>14,850</b> |   |
| Inspector                          | 40,000        | Examination – Estimate based upon costs for Taunton Deane and Sedgemoor Examinations.   |
| Venue                              | 0             | Examination – Assumes Examination is held at Council Offices.   |
| Stationery / Examination Library   | 1,500         | Examination   |
| <b>Sub-total Examination Costs</b> | <b>41,500</b> |   |
| <b>Total Additional Costs</b>      | <b>56,350</b> | NB there could be further costs incurred in 2015/16 dependent on timing of any examination and the requirement to make changes to the plan prior to receipt of the Inspector's Report and its adoption.   |



Report Number: WSC 144/14  
 Presented by: Cllr K Kravis  
 Author of the Report: TIM BURTON ASSISTANT DIRECTOR PLANNING AND ENVT  
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Report to a Meeting of: Council  
 To be Held on: Wednesday 22nd October 2014  
 Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 17.10.14

## REQUEST FOR ALLOCATION OF PLANNING OBLIGATIONS FUNDING

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to make proposals for the allocation of monies secured through planning obligations to individual schemes.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 No clear links within the proposals.

### 3. RECOMMENDATIONS

- 3.1 Full Council recommends the allocation of £48,053.97 for Minehead Heritage Trail to be added to the capital programme and funded from planning obligations contributions.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

| Description  | Likelihood | Impact | Overall |
|--|------------|--------|---------|
| Failure to allocate monies correctly in line with legal agreements causing requirements to repay             | 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 and after the mitigation measures have been actioned.

## 5. **BACKGROUND INFORMATION**

- 5.1 The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authority's priorities.
- 5.2 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 over £25,000 require Full Council approval. 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.
- 5.3 **Minehead Heritage Trail Project:** The Section 106 Agreement with Morrison Supermarkets stipulates that the Council "*will not spend the 'Town Centre Enhancement' contribution or any part thereof for any purpose other than towards the cost of:*

*Enhancing footpath and/or cycleway 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 works carried out;*

*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 the future maintenance of any works carried out."*

- 5.4 The Agreement amount was £150,000 and expenditure for activity has to be fully committed by 1 April 2015. To date £67,537.27 has been allocated to a variety of projects including public realm improvements, empty shop project, shop local scheme, the Minehead Shoppers application and arts markets. The amount remaining is £ £82,462.73 and this projects accounts for £ £48,053.97 of that.  
The Minehead Heritage Trail Project has been worked up by the Minehead Vision Manager, Stephen Hooper, whose post is hosted by Minehead Development Trust. The ideas for the Trail were initiated at a workshop meeting of Minehead Vision Group held in February 2014 which was attended by a number of Minehead stakeholder groups including Town Council representatives.
- 5.5 The project contains a number of different elements to attract people from the supermarket car park. A heritage archway will draw people to the exit of the car-park. Here they will be able to find out information about things to see and do in Minehead, as well as using smart phone technology, download innovative apps. The apps will tell the story of Minehead's heritage and take people on a fascinating journey to the centre, the Harbour and the 'upper town' – (North Hill and the Parks). Included in this project are two touch screen information kiosks, as well as a Wi-Fi hub located in the area of the station concourse. One of the Kiosks will be located in the window of the MIC and will be available 24 hours per day. The other kiosk will be located within the MIC. The project also include some printed information boards and leaflets, aimed at those who are not quite ready to access the digital technology. In addition to this there is a proposal to pilot a couple of illuminated trees. The full costs of this project are given below. The project management elements of this have been agreed by Morrisons.

**Cost Breakdown for Heritage Hub Project**

|  | Total             |
|--|-------------------|
| Planning Consent   | £500.00           |
| Interpretation Boards (4)  | £6,000.00         |
| Trails Interpretation  | £1,600.00         |
| Heritage Apps  | £7,500.00         |
| Brochure   | £1,840.80         |
| MIC Interactive Internal & External Touch Screens and Technology | £11,634.00        |
| Wi-Fi Hotspot  | £1,397.52         |
| Morrisons Gateway  | £5,904.00         |
| Contingency  | £3,656.15         |
| Project Management   | £4,021.50         |
| Tree Lighting Pilot (Sponsor Funded)                             | £2,500.00         |
| <b>Total Project Cost</b>  | <b>£46,553.97</b> |
| Sponsorship from MTC   | £1,000.00         |
| Sponsorship from MIC (Touch Screen)                              | £1,000.00         |
| Sponsorship from Chamber of Trade                                | £1,500.00         |
| -  |                   |
| Maintenance  | <b>£5,000.00</b>  |
| <b>Total Requested from Morrisons 106</b>                        | <b>£48,053.97</b> |

- 5.6 In developing this project, Minehead Vision Group have been kept regularly apprised of progress and a presentation has been made to MTC on two occasions. Following the first meeting with MTC and a follow up meeting requested by a couple of MTC Members, their views and ideas were taken on board. The second presentation included a pilot for seasonal lighting in a couple of trees along the avenue. Allowances within the budget was also made to potentially accommodate a 'Brompton Bike' hire scheme. The latter was subsequently withdrawn by the project proposer.
- It should be noted that if this scheme is agreed for implementation, then the sum of £34,408.76 will still be left uncommitted. It is highly important that these funds are committed to a project in advance of 1 April 2015. Minehead Town Council at their meeting on 9<sup>th</sup> September were requested to come forward with any additional proposals that meets the criteria of the Agreement as soon as possible.
- 5.7 When this project was considered at Cabinet on 1<sup>st</sup> October, the suggestion was made by Cllr Sanders that provision should be made for on-going maintenance of the capital works. This provision is allowable within the legal agreement. Following consultation with Minehead Development Trust, it has been considered circumspect to allow £5,000 for on-going maintenance. This amount to be ring-fenced by West Somerset Council and subject to a written Contract for usage, to be drawn down and retained by MDT.

## **6 FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The request for funding in respect of the Minehead Heritage Trail meets the requirements of agreement 3/21/09/042.

## **7 COMMENTS ON BEHALF OF SECTION 151 OFFICER**

- 7.1 In accordance with Financial Regulations, a virement in excess of £25,000 needs to be agreed by Full Council, to demonstrate proper processes are being followed in the management of budgets.
- 7.2 To aid monitoring and reporting against financial approvals, the sum will be added to the Capital Programme creating an agreed budget for the schemes, and will be funded from contributions received. This will not impact on the use of 'un-ring-fenced' capital resources i.e. capital receipts.

## **8 EQUALITY & DIVERSITY IMPLICATIONS**

- 8.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

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

- 8.2 The proposals enhance the opportunities for access for all.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1 None

## **10 CONSULTATION IMPLICATIONS**

- 10.1 The proposals have been considered by the Council's Planning Obligations Group and has been developed in accordance with the Council's agreed practices.

## **11 ASSET MANAGEMENT IMPLICATIONS**

- 11.1 None identified in this report

## **12 ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 The proposal will not give rise to any negative environmental impacts

## **13 HEALTH & WELLBEING**

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

- 13.1 The improved opportunities for access deriving from this proposal is to be welcomed

## **14 LEGAL IMPLICATIONS**

- 14.1 The proposed allocation has been checked and is in accordance with the relevant planning obligation (3/21/09/042).

**Watchet Harbour Advisory Committee**

Minutes of the meeting held on Wednesday 16<sup>th</sup> July 2014  
5.00 pm at Watchet Town Council

**Present:**

|                               |                                 |
|-------------------------------|---------------------------------|
| Cllr Tony Knight – Chair      | West Somerset Council           |
| James Burnell                 | Watchet Marina                  |
| Ray Ventura                   | Watchet Boat Owners Association |
| Martin Stevens                | Watchet Boat Owners Association |
| David Mainwaring              | Watchet Seascouts               |
| Donald Sutherland             | RYA                             |
| Peter Murphy                  | Watchet Town Council            |
| Tom Gillham                   | West Somerset Council           |
| Kene Ibezi (arrived – item 6) | West Somerset Council           |
| Rachel Mulcaire               | West Somerset Council (minutes) |

| No. | Item   | Action |
|-----|--|--------|
| 1.  | <b>Apologies</b><br>Sally de Renzy Martin, Cllr Antony Trollope-Bellew, Adam James and Kelvin Rufus  |        |
| 2.  | <b>Minutes of meeting 16<sup>th</sup> April 2014</b><br>These were approved  |        |
| 3   | <b>Matters Arising</b><br>It was noted that the Quay West Radio Offices are used for the Council's archived materials and there are currently no plans to lease this building out on a short term basis.<br><br>Martin Stevens advised that the parking problems on the East Wharf were getting worse and at times berth holders have been unable to park on there, due to locals using the area instead of the pay and display car park. He questioned whether a barrier could be put up to prevent unauthorised people from parking.<br>The Marina have started issuing permits to berth holders but the Marina cannot police the area. There had been brief discussions with the Council in relation to the Marina offering to purchase signage and offering to put signs up on site. This will form part of Asset team activity led by Kene Ibezi's going forward and we will assist the Marina operator with finding a solution.<br>Cllr Peter Murphy advised that there is an arrangement with the Town Council on a Wednesday where stall holders are able to park on the East Wharf and have permits to this effect. Martin Stevens advised that he had no conflict with the stall holders, just those that should not be parked there. Martin Stevens acknowledged that there was not a simple answer to resolving this issue.<br>Cllr Peter Murphy advised that in the longer term this issue should be resolved within the Marina lease but in the short term notices need to be displayed. It was noted that there could also be abandoned vehicles on the site.<br><br>Donald Sutherland advised that the presentation that was to be held on the 16 <sup>th</sup> September from the advocates of the Bridgwater/Minehead Barrage proposal has been postponed. A presentation has been made to Watchet Town Council. |        |
| 4   | <b>Watchet Harbour Walkabout</b><br>Martin Stevens advised that no work has been carried out to fill the hole in the rock armour on the beach area and that potential solutions need to be   | WSDC   |

|   |   |                         |
|---|---|-------------------------|
|   | <p>sought and to ascertain whose responsibility this falls under.</p> <p>C J Lynch have removed the protruding metal work from the Harbour.</p> <p>Martin Stevens noted that after heavy storms water was spouting out along the East Wharf wall and the retaining wall opposite the old Harbour Master's office. There has been no maintenance of this wall for twenty years and joints are becoming exposed. Tom Gillham advised that WSC would investigate further and potentially a condition survey could be carried out if necessary.</p> <p>Steve Yeandle advised that the refuge needs at least 3 ft of water but is now completely full of mud and inaccessible. Tom Gillham advised that the Council are going to be going out to tender for dredging and the Marina would be invited to tender for these works. The Council has an annual budget of £7,500 and it was hoped that the Council would be able to combine with last year's £7,500 if held in reserves. TG anticipated that by the next meeting the tender for these works should be sent out. It was noted that following the last dredge, the mud had returned after only a few weeks.</p> <p>James Burnell advised that the Marina were putting together a report about the background to the silt situation. The Marina were looking to get a meeting with the Council, Dr Kirby and other key people. The Council has provided the Marina with full access to the Council's files in relation to the Marina development and are now asking for a copy of this report.</p> <p>James Burnell advised that in December 2000 the Marina was devoid of mud. Despite extensive operations since there is an excessive amount of mud. He advised that Dean &amp; Dyball had recommended that £10,000 a year should be spent on maintenance dredging.</p> <p>Donald Sutherland expressed concerns that soon people would be put off coming to Watchet because of the mud which would eventually cause the Marina to fail. This would then result in the Council having to take over the Marina and costs would only spiral.</p> <p>Martin Stevens noted that he was very pleased to see the Marina and WSDC working together and it was good to hear such positivity. The intention was for the Marina to regenerate Watchet and bring vibrancy to the Quay.</p> <p>Donald Sutherland advised that 6 ft stakes were appearing out on the gravel sand bank. This had been reported and the Inshore Fisheries will take action to get them removed. Adam James is also aware of the issues. The IFCA are also interested as it is understood that some of the fish are being sold locally. The stakes are also moving east across the harbour entrance and also at Doniford.</p> | <p>WSDC</p> <p>WSDC</p> |
| 5 | <p><b>Marina Matters</b></p> <p>There have been a few incidents of Harbour jumping this year. Youths have been swimming across the Harbour entrance and in through the Marina gate. Staff have tried to prevent them climbing the ladders and have been verbally abused. This was reported to the Police. The new CCTV may cover this area.</p> <p>The Coastguard do send out DVDs to schools in the summer term to warn pupils of the dangers of harbour jumping. It was agreed that WHAC needed to know where the DVDS were sent to and when.</p>   |                         |



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|   | <b>Action:</b> Cllr Tony Knight agreed to look into this.  | Cllr TK |
| 6 | <p><b>Harbour Matters</b></p> <p>Brackets and timbers have now been removed and repairs at Splashpoint have taken place. Tenders are going out shortly for the works to repair areas of the Impounding Wall and for the repairs to the brackets that are required. Both these contracts have been coupled together to try and obtain better value for money. There are budgets for both works.</p> <p>Issues still to be addressed are the replacement of two ladders and flood gate procedures. It was noted that there may be legal issues with the use of volunteers for the operation of the flood gates. However Cllr P Murphy advised that the Council now have a volunteer policy which may assist with this issue.</p> | WSDC    |
|   | The meeting ended at 18:15 pm.   |         |
|   | <b>Date for the next meeting: 15<sup>th</sup> October - 5pm</b>  |         |