

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 23 January 2013 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Council held on 12 December 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. Council Tax Technical Reform Amendment to Discounts and Exemptions

To consider Report No. WSC 2/13, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **TO FOLLOW.**

The purpose of the report is to advise Council of proposals to reform Council Tax Discounts and Exemptions relating to empty property and "second homes" to be introduced in 2013, and to enable Council to agree recommendations to increase the council tax base.

7. Draft Localised Council Tax Support Scheme

To consider Report No. WSC 3/13, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **TO FOLLOW.**

The purpose of the report is to advise Council of the proposed Council Tax Support Scheme for West Somerset; to advise of the feedback from the scrutiny committee and the public consultation relating to the scheme and the recommendations of scrutiny committee, and to advise of the Equality Impact assessment carried out using the consultation feedback provided from residents.

8. Localisation of Council Tax Support – Funding Arrangements

To consider Report No. WSC 1/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **TO FOLLOW**.

The purpose of the report is to seek approval for the distribution of government grant funding to parish/town councils.

9. Business Rates - Revised Discretionary Relief Scheme

To consider Report No. WSC 8/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED**,

Normally the purpose of this report would be to present, for Council approval, recommendations agreed at a recent meeting of Cabinet. However, due to a subsequent announcement on a change to associated government policy the recommendations agreed by Cabinet have been superseded by those in this report.

10. Standards Advisory Committee

To adopt the minutes of the Standards Advisory Committee held on 4 December 2012 – **SEE ATTACHED**.

11. 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 Minehead Area Panel held on 12 December 2012
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Minehead-Area-Panel/Minehead-Area-Panel---12-December-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

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

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

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

WEST SOMERSET COUNCIL
Council Meeting 12.12.2012

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 12 December 2012 at 2.30 pm

in the Council Chamber, Williton

Present:

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

Councillor M J Chilcott	Councillor H J W Davies
Councillor M O A Dewdney	Councillor J Freeman
Councillor S Y Goss	Councillor P N Grierson
Councillor A P Hadley	Councillor B Heywood
Councillor A F Knight	Councillor K V Kravis
Councillor R P Lillis	Councillor E May
Councillor I R Melhuish	Councillor K M Mills
Councillor C Morgan	Councillor P H Murphy
Councillor S J Pugsley	Councillor K J Ross
Councillor D J Sanders	Councillor L W Smith
Councillor M A Smith	Councillor T Taylor
Councillor A H Trollope-Bellew	Councillor K H Turner
Councillor D J Westcott	

Officers in Attendance:

Chief Executive (A Dyer)
 Corporate Director (B Lang)
 Section 151 Officer (S Campbell)
 Corporate Manager Housing, Welfare and Economy (I Timms)
 Meeting Administrator (K Kowalewska)

C80 Apologies for Absence

No apologies for absence were received.

C81 Minutes

(Minutes of the Meeting of Council held on 21 November 2012, circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Council held on 21 November 2012 be confirmed as a correct record.

C82 Declarations of Interest

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

Name	Minute No.	Member of	Action Taken
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	Minehead	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, the following interests were declared:

Name	Minute No.	Description of interest	Personal or Prejudicial	Action Taken
Cllr A F Knight	C87	Daughter is an employee of West Somerset Council	Personal	Spoke and voted

C83 Public Participation

No member of the public had requested to speak on any item on the agenda.

C84 Chairman's Announcements

28 November 2012	Attended the afternoon session of the Exmoor Tourism Conference at Halsway Manor and he congratulated the Regeneration team on a very successful event
4 December 2012	Planted a tree in the Parks Walk, Minehead to mark the 10 th anniversary of the founding of the Minehead branch of Amnesty International

The Vice Chairman announced that he had recently attended the Avon and Somerset Police and Crime Panel and met the newly appointed Police and Crime Commissioner, Sue Mountstevens. He also updated Members on his visit, accompanied by Councillor B Heywood, to Selby District Council in North Yorkshire to look at their performance. Councillor Dowding reported that a few years ago Selby DC were in a similar financial situation to West Somerset Council and as a result became a commissioning authority. Councillor Heywood briefed Members further on this visit during the discussion of agenda item 8. He reported that Selby DC had undergone a total reorganisation and established a Transformation Team made up of service managers and interested members of staff which led to the creation of a totally new approach to delivering public services by an organisation called Access Selby, who were now an ongoing success and had been rated as excellent.

C85 **Timetable of Meetings 2013/2014**

(Timetable of Meetings for the 2013/14 Municipal Year, circulated with the Agenda.)

The purpose of the report was to agree a timetable of meetings for the 2013/2014 Municipal Year.

During the discussion of this item one amendment to move the Housing PAG from 21 May to 23 May 2013 was proposed and seconded.

RESOLVED that, subject to the one amendment identified at the meeting, the 2013/2014 timetable be approved.

C86 **Financial Regulations**

(Report No. WSC 167/12, circulated with the Agenda.)

The purpose of the report was for Council to approve changes to the Financial Regulations, attached as Appendix A to the report..

The Chief Executive presented the report and advised that the proposed changes to the Financial Regulations were relatively minor in terms of merely updating the terminology and outlined the changes contained therein. Members noted that the draft Financial Regulations had been recently considered and approved at the meetings of Scrutiny Committee and Cabinet.

Councillor T Taylor proposed the recommendation in the report which was seconded by Councillor S J Pugsley.

RESOLVED that the changes to the document appended to the report be approved.

C87 **Strategy for Securing the Long Term Viability of the Council**

(Report No. WSC 156/12, circulated with the Agenda and amendments to the recommendations circulated at the Meeting.)

The purpose of the report was to enable Members to consider the results from an independent assessment on the Council's future viability and to provide details of an interrelated meeting with Rt. Hon. Brandon Lewis, Parliamentary Under Secretary of State with responsibility for Local Government. The report also proposed a strategy aimed at protecting the long-term financial viability of the Council.

Councillor T Taylor, Leader of Council, made an opening statement, which included the following main points:

- The talks of the death of West Somerset Council (WSC) were very premature and financially, the Council had enough money in the budget

to carry on providing services until 2015, if not a little longer. However, WSC wished to look ahead and take action early.

- Since 2007, when the Council was seen as a failing authority, all members and officers had successfully worked together to turn the council around.
- The problems facing WSC were financial due to lack of funding and not organisational other than suffering from some lack of resilience, capacity and expertise, and this could be achieved by working in partnership with other councils, as was currently being done with the Somerset Waste Partnership.
- The income per head of population in West Somerset was similar to that of the neighbouring authorities in Somerset (who were three or four times the size of WSC) even though the Council had the extra cost of super sparsity, covering most of Exmoor, the Brendon Hills and the Quantocks, as well as the higher proportional costs of being a small council. Despite this the Council had sustained these difficulties by staff reductions and maintaining low pay grades.
- In late 2010 central government announced the reduction in their grant funding to WSC which was the equal biggest percentage reduction of any other council in the country, plus the capping of council tax, despite ongoing escalating costs.
- Central government had been informed that WSC was under-funded as a super sparse authority and the funding formula was unfair but the response received was that nothing could be done at this stage in terms of providing increased central government funding.
- Ad hoc development and sharing of services had already been undertaken, however this course of action alone would not bridge the savings gap.

The Leader presented the report in brief and advised that, following recent meetings, the favoured option from central government was that WSC should investigate the option of sharing or commissioning of services; and he detailed certain amendments to the recommendations proposed in the report circulated with the agenda to the effect of adding a reference to a 'collaborative authority' in recommendation 2.2, adding the 'Leader of the Democratic Alliance' to recommendation 2.3 and deleting recommendation 2.4.

WSC had been proactive in moving forward and members and officers have done their utmost for the people of West Somerset. WSC were under considerable pressure to further progress matters rapidly and the Leader made it clear that he was not happy with this situation, and stressed that the Council would not be dictated and pressurised into rushing the process. He hoped that there would be real unity across all Members of the Council and whatever model was chosen would be in the interest of the people of West Somerset and the hardworking and able members of staff; and that there would be challenging and difficult decisions ahead to make.

The Leader proposed the amended recommendations which were seconded by Councillor C Morgan.

An amendment was proposed by Councillor P H Murphy and seconded by Councillor S Y Goss to add the following recommendation:

“That in order to place the future employment of its current loyal staff at the forefront of policy, West Somerset Council will:

- i. work with staff representatives, the LGA, DCLG, the Cabinet Office, the Strategic Alliance and other parties to examine the DCLG report on mutual and co-operative approaches to delivering local services, and
- ii. invite a Mutual’s Ambassador to visit and appraise the feasibility of taking this approach to service delivery forward.”

Councillor Murphy stated that at this stage no option should be ruled out and the Council should consider adopting the Ethical Commissioning Model. WSC is a large employer in the district and by becoming a commissioning authority could result in a lot of redundancies, damaging the livelihoods of employees and putting a big dent in the local economy.

Members acknowledged the hard work of staff and the need to safeguard jobs both in the council and the voluntary sector.

The Leader accepted that this model was worth investigating but however felt the proposal put forward was too specific in comparison with the other recommendations, and as he had no real knowledge of the report on mutual and co-operative approaches he proposed to simplify the recommendation to give due diligence in order that it could be considered in a more general sense, and to add the following to recommendation 2.2 – “...and including working with the other councils to investigate and examine the Department of Communities and Local Government Report on Mutual and co-operative approaches to delivering local services.”. The mover and seconder withdrew then their amendment on the basis that the mover and seconder of the original motion had agreed that 2.2 would be so altered..

A further amendment was proposed by Councillor M A Smith and seconded by Councillor K M Mills that in recommendation 2.6 the words ‘as soon as is possible’ be replaced with “as soon as is practicable for due diligence to be undertaken” and this minor amendment was accepted by the original proposer and seconder of the motion.

A further amendment was proposed by Councillor A P Hadley and seconded by Councillor J Freeman to add the following recommendation: “Alongside the investigation of the ‘Commissioning Authority Model’ a referendum is called to approve an increase in the council tax paid to West Somerset Council to cover any financial shortfall between the savings made through any viable and acceptable commissioning of services identified, and the amount needed to provide an acceptable level of service for the district’s statutory and essential discretionary services over the long term.”.

A debate ensued on the referendum and the point was made that even if the level of council tax increased, services would still need to be cut. Concern was raised that an alternative budget would have to be set prior to calling a referendum and this would be difficult to work out alongside an investigation into a commissioning model.

The Leader made it clear that he did not support a definite commitment towards a referendum as the funding gap was yet unknown but recognised that it should remain as an option in order to provide reasonable level of services.

Members were in agreement that it was premature to call a referendum at this time and the mover and seconder of the amendment agreed to adjust the amendment to read "that a referendum remains an option in order to provide a reasonable level of services."

On being put to the vote the amendment was CARRIED.

A further amendment was proposed by Councillor K H Turner and seconded by Councillor J Freeman that in recommendation 2.5 the reference to Sedgemoor District Council be replaced with Taunton Deane Borough Council.

The Leader responded to concerns raised regarding the need to keep all options open and that working on a business case should not be restricted to just one authority. He gave an explanation as to why there were only two councils that WSC could work with on a business case for the commissioning or sharing of services, management and staff, (either Sedgemoor District Council or Taunton Deane Borough Council), and there were no other alternatives on the table.

The Chief Executive clarified that by partnering up with one local authority nothing would be ruled out in taking the investigation forward.

On being put to the vote the amendment was CARRIED.

An amendment was proposed by Councillor I Melhuish, and seconded by Councillor P H Murphy, that the word 'endorsed' in recommendation 2.1 be changed to 'noted'.

On being put to the vote the amendment was CARRIED.

This then became the new substantive motion and the recommendations contained in the report, as now amended, were put to the vote and were CARRIED.

RESOLVED (1) that the contents of the report produced by the LGA (Appendix 'A' to the report) are noted.

RESOLVED (2) that, subject to due diligence being carried out, the practicalities of the Council becoming either a Commissioning Authority as

described in paragraphs 4.19 – 4.24 of the report or a Collaborative Authority sharing management and services as described in paragraph 4.18 (bi) of the report are investigated and including working with the other councils to investigate and examine the Department of Communities and Local Government Report on Mutual and co-operative approaches to delivering local services.

RESOLVED (3) that, in order to raise the level of diligence applied to the process and subject to the approval of the Leader of Council, the Lead Member for Finance & Resources and the Leader of the Democratic Alliance the Chief Executive is granted delegated authority to work with the LGA to identify and procure the services of a person suitably experienced to assist the Council and provide independent advice.

RESOLVED (4) that work is commenced on the drafting of necessary protocols that would apply during the process of the Council establishing itself as a Commissioning or Collaborating Authority. That special regard is given to the protocol covering future staffing arrangements.

RESOLVED (5) that members approve the Council and Taunton Deane Borough Council working together to draft a business case for the commissioning or sharing of services, management and staff.

RESOLVED (6) that the protocols and associated business case referred to in recommendations 2.4 and 2.5 above are completed as soon as is practicable for due diligence to be undertaken for presentation to a future meeting of Council for consideration.

RESOLVED (7) that a referendum remains an option in order to provide a reasonable level of services.

The meeting closed at 4.30 pm.

Report Number: WSC 8/13
 Presented by: Cllr. K Kravis, Lead member for finance & Resources
 Author of the Report: Adrian Dyer, Chief Executive
 Contact Details:

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Report to a Meeting of: Council
 To be Held on: 23rd January 2013

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

BUSINESS RATES - REVISED DISCRETIONARY RELIEF SCHEME

1. PURPOSE OF REPORT

- 1.1. Normally the purpose of this report would be to present, for Council approval, recommendations agreed at a recent meeting of Cabinet. However, due to a subsequent announcement on a change to associated government policy the recommendations agreed by Cabinet have been superseded by those in this report.

2. RECOMMENDATIONS

- 2.1. That the current discretionary business rate relief scheme is extended for a further year, commencing 1st April 2013 and terminating on 31st March 2014.
- 2.2. That a report on the future of the Council's discretionary rate relief scheme is drafted and presented to members before 31st October 2013.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is that the changes in regulations coupled with the proposed changes to the Council's Discretionary Rate Relief Scheme result in an additional costs rather than savings.	Possible (3)	Moderate (3)	Medium (9)
<i>The mitigation of this risk is to delay any amendments to the scheme until the full impact of the new regulations become clearer</i>	Unlikely (2)	Minor (2)	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. At its meeting on 7th November 2012 Cabinet received a report outlining details of proposed changes to the Council's Discretionary Rate Relief Scheme aimed to reduce the cost of the

scheme by an estimated £7,348. The change proposed involved reducing the discretionary relief to 20% in respect of sporting organisations whose activity was recognised by the Sports Councils whilst encouraging them to apply for Community Amateur Sports Club (CASC) status and therefore being entitled to 80% mandatory relief. The benefit to the Council being that mandatory relief is currently wholly funded by central government whilst discretionary relief is part funded by the Council. A copy of the report as presented to Cabinet (minus CASC membership details, Appendix D) is included as Appendix 'A' to this report.

4.2. Details of the Cabinet resolutions are listed below:

RESOLVED (1) that it be recommended to Council that the existing Discretionary Business Rate Relief Scheme as described at Appendix A to the report is amended from 1 April 2013 so that those non-profit making organisations providing sporting activities recognised by the Sports Council (Appendix C to the report) receive a maximum of 20% discretionary relief. The scheme would cease on 1 April 2014.

RESOLVED (2) that a report on the future of the Council's Discretionary Rate Relief Scheme is drafted and presented to Members before 31 October 2013.

4.3. Maybe fortunately, and due to an oversight the recommendations from Cabinet were omitted from the Council agenda in November. Subsequently new regulations were released at the end of November 2012 concerning the complicated issues surrounding the Retention of Business Rates. These regulations make it clear that Councils will, from 1st April 2013, be responsible for 50% of any increased cost of Mandatory Relief, what is not clear is whether any increase is netted off against a reduction in Discretionary Relief awarded. This could mean that the Council will have to bear 50% of the cost of the Mandatory Relief awarded to those sporting organisations who successfully gain CASC status. The additional cost could be in the order of £15,000. In view of this financial risk it is recommended that operation of the current scheme is extended for twelve months to 31st March 2014.

4.4. The resolution to review the scheme next year and before 31st October 2013 would remain unchanged.

5. FINANCIAL/RESOURCE IMPLICATIONS

5.1. Extending the current scheme for twelve months means that estimated savings of £7,000 have been removed from the Medium Term Financial Plan 2013-16.

6. SECTION 151 OFFICER COMMENTS

6.1. The change in funding arrangements means that the financial risk to the Council is too high to support the revised scheme at a time of funding cuts.

6.2. The loss of the saving estimated in this scheme has been removed from the Medium Term Financial Plan, which, after utilising reserves, is still showing a balanced position for 2013/14.

7. EQUALITY & DIVERSITY IMPLICATIONS

7.1. As a result of the current scheme being unchanged there are no equality implications.

8. CRIME AND DISORDER IMPLICATIONS

8.1. There are no implications associated with the recommendations in this report.

9. CONSULTATION IMPLICATIONS

9.1. All claimants of discretionary rate relief will be written to advising them of the decision of Council.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. There are no implications associated with the recommendations in this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. There are no implications associated with the recommendations in this report.

12. LEGAL IMPLICATIONS

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

REPORT NUMBER WSC 106/12

PRESENTED BY CLLR. KATE KRAVIS, LEAD MEMBER FOR RESOURCES AND
CENTRAL SUPPORT

DATE 7TH NOVEMBER 2012

DISCRETIONARY BUSINESS RATE RELIEF SCHEME

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to propose a revised 'Discretionary Business Rate Relief Scheme' for consideration that would be effective for the period 1st April 2013 to 31st March 2014.

2. RECOMMENDATIONS

Cabinet recommend to Council:

- 2.1 That the existing Discretionary Business Rate Relief Scheme as described at **Appendix 'A'** is amended from 1st April 2013 so that those non-profit making organisations providing sporting activities recognised by the Sports Council (Appendix 'C') receive a maximum of 20% discretionary relief. The scheme as described would cease on 1st April 2014.
- 2.2 That a report on the future of the Council's Discretionary Rate Relief Scheme is drafted and presented to members before 31st October 2013.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
There is a risk that the reduced discretionary relief available to non-profit making sporting organisations will result in a number of them ceasing to exist.	Possible (3)	Moderate (3)	Medium (9)
<i>The mitigation of this risk is to actively lobby the organisations affected to apply for status as a 'Community Amateur Sports Club' (CASC) and amongst other things qualify for 80% mandatory rate relief.</i>	Unlikely (2)	Moderate (3)	Low (6)

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 **Current Scheme**

Existing legislation and regulations provide for certain rural businesses and all registered charities to receive mandatory relief from the payment of Business Rates. The percentage

of relief entitlement varies but irrespective is 100% funded by central government. In addition and in accordance with a scheme approved by Council at its meeting in April 2005 discretionary rate relief, at varying levels, can be granted. According to the type of discretionary relief granted the government will fund either 25% or 75% of the amount granted.

4.2 Details of the government scheme for granting mandatory relief and the Council's current discretionary relief scheme are included at **Appendix 'A'**.

4.3 **Proposed amendment to the Discretionary Scheme**

As has been reported on numerous previous occasions the Council is facing extreme financial pressure to reduce its overall net expenditure as a result of cuts in the level of government funding. Unfortunately the scale of the projected budget gap makes it necessary to reduce the cost of granting discretionary business rate relief. However, it is recognised that in the majority of cases most of the cost (75%) is borne by central government and that therefore the benefits from a discretionary scheme should be maximised whilst at the same time remaining affordable.

4.4 All sporting clubs that provide an activity recognised by the Sports Councils may apply to the Inland Revenue to be classed as a '*Community Amateur Sports Club*' (CASC). A list of these recognised activities is included at **Appendix 'B'**. If their application is successful the benefits include, amongst other things, automatic entitlement to 80% mandatory relief from business rates. At the current time there are four organisations classed as CASC's who whom the Council grant mandatory relief to under this entitlement.

4.5 In addition the Council currently grants business rate relief to 16 other organisations that provide a recognised sporting activity. Of these 8, as listed in **Appendix 'C' (Part One)**, receive discretionary relief as non profit making organisations whilst the remaining 8, as listed in **Appendix 'C' (Part Two)**, receive mandatory relief under the governments 'Small Business Relief' scheme.

4.6 According to guidance issued by the Inland Revenue "conditions for becoming a CASC are fairly easy to meet" and include:

The club must:

- Be open to the whole community
- Be organised on an amateur basis
- Have as its main purpose providing facilities for, and promoting participation in one or more eligible sports
- Meet the location requirement
- Meet the management condition

A set of relevant detailed guidance notes is included at **Appendix 'D'**. Further copies together with an application form can be found on the Inland Revenue website.

www.hmrc.gov.uk/casc_guidance.htm

4.7 In setting these conditions the inference is that failing to meet them means that the organisation is not a body that warrants financial support from public funds through mandatory rate relief. If this philosophy was carried forward into the Council's Discretionary Rate Relief Scheme then the amount of rate relief granted to those sporting organisations whose activity is on the Sports Council list should be limited to a standard 20%. This would produce a scheme whereby those bodies that could and did met the conditions for becoming a CASC would receive 100% rate relief (80% mandatory) and those that didn't 20%.

- 4.8 Non-profit making organisations that provide a sporting activity that is not recognised by the Sports Councils would continue to have their claims for discretionary relief assessed in accordance with the current scheme.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. The cost to the Council of providing discretionary relief to those organisations listed in **Appendix 'C' (Part One)** is approximately £10,600. If the level of discretionary relief granted was limited to 20% the cost would be reduced to £2,450, a reduction of £7,348.
- 5.2. If the government agreement for the doubling of small business relief is not extended then potential savings are larger and could exceed £8,000.

6. SECTION 151 OFFICER COMMENTS

- 6.1. The suggested amendment provides a sound rationale for maintaining and in some cases increasing the levels of relief granted whilst at the same time shifting some of the financial cost away from the local public purse to the national one.
- 6.2. The estimated annual saving of £7,348 is sufficient to meet the draft target that is currently being used in the draft budget for 2013/14.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. Those organisations impacted by the recommendations in this report have basically been selected because they meet the key criteria for achieving CASC status in that they provide a sporting activity recognised by the Sports Councils. Many of the other criteria are specifically non discriminatory, for example "*membership of the club must be open to all without discrimination*" and "*facilities of the club must be available to all without discrimination.*"
- 7.2. It has not been possible to analyse the membership lists of the organisations affected to gauge whether there is any significant imbalance in those individuals affected.
- 7.3. The mitigation action to protect an organisations entitlement to business rate relief is to apply for recognition as a Community Amateur Sports club.
- 7.4. It is suggested that if it proves necessary to further reduce the scheme for 2014/15 a full and comprehensive Equalities Impact assessment should be undertaken.

8. CRIME AND DISORDER IMPLICATIONS

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

9. CONSULTATION IMPLICATIONS

- 9.1. Should members approve the recommendation in this report then the organisations listed in **Appendix C (Part One)** will be written to advising them of the decision and encouraging them to urgently apply to the Inland Revenue for CASC status. Those listed in **Appendix C (Part Two)** will also be written to explaining that if the governments Small Business Relief scheme is not extended their entitlement to relief will be reduced to 20% and that in light of this they wish to apply for CASC status and if successful retain 100% entitlement. .

10. ASSET MANAGEMENT IMPLICATIONS

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

11. ENVIRONMENTAL IMPACT IMPLICATIONS

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

12. LEGAL IMPLICATIONS

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

REPORT TO A MEETING OF CABINET TO BE HELD ON 7TH NOVEMBER 2012

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MANDATORY RELIEF'S

Registered Charities.

Mandatory relief applies to registered charities or trustees for a charity where the rated premises are used wholly and mainly for charitable purposes. In the case of charity shops they must sell goods that have been donated to the charity. The relief allowed is 80%.

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

To qualify any of the above rural business must be in a rural settlement area that has a population of 3,000 or less, as approved by the Council.

- (a) Sole post offices and general stores with a rateable value of £8,500 or less are entitled to 50% relief.
- (b) Any village shop that sells food for human consumption but excludes restaurants, tearooms, fast or hot food shops and confectionary shops with a rateable value of £8,500 or less are entitled to 50% relief.
- (c) The only holder of a justices full on licence used as a public house, which has a rateable value not exceeding £10,500, is entitled to 50% relief.
- (d) Sole petrol filling stations with a rateable value of £10,500 or less are entitled to 50% relief.

Community Amateur Sports Clubs (CASC's)

Sports clubs that have registered with the Inland Revenue as Community Amateur Sports Clubs are entitled to 80% relief

Small Business Rate Relief

The Small Business Rate Relief (SBRR) scheme is designed to help small businesses reduce their Business Rate bill.

The current temporary increase in Small Business Rate Relief, which started on 1 October 2010, was due to end on 30 September 2012. In the last Autumn Statement the Chancellor announced that the double level of Small Business Rate relief would continue for the final six months of 2012/13 to 31 March 2013. The current levels of relief available are: -

- o Qualifying properties with a rateable value of not more than £6,000 will be entitled to 100% relief (normally 50%)
- o Qualifying properties with a rateable value more than £6,000 but less than £12,000 will have relief calculated on a sliding scale, reducing to nil at £12,000

This relief is only available to ratepayers who apply to their local authority and who occupy either:

- (a) one property, or
- (b) one main property and other additional properties providing those additional properties each have a rateable value which does not exceed £2,599.

The rateable value of the property mentioned in (a), or the aggregate rateable value of all properties mentioned in (b), must not exceed £17,999 on each day for which relief is being sought. If the rateable value, or aggregate rateable value, increases above those levels, relief will cease from the day of the increase.

DISCRETIONARY RELIEF'S

Registered Charities.

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

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

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

Non-Profit Making Organisations

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

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

Community Amateur Sports Clubs

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

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

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

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

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

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

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

Other Rural Businesses

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

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

Hardship Relief

Applications for hardship relief under Section 49 of the Local Government Finance Act 1988 are determined in respect of retrospective years only. All applications must be supported by audited accounts covering the period of the application in order to demonstrate hardship. Assessing and scoring the application against locally predefined criteria determines the percentage of relief granted. The maximum entitlement is 80%

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

List of Activities recognised by the Sports Councils at January 2007

Aikido
American Football
Angling
Archery
Arm Wrestling
Artistic Skating (roller)
Association Football
Athletics
Australian Rules Football
Badminton
Ballooning
Ballroom Dancing
Baseball/Softball
Basketball
Baton Twirling
Biathlon
Bicycle Polo
Billiards and Snooker
Bobsleigh
Boccia
Bowls
Boxing
Camogie
Canoeing
Caving
Chinese Martial Arts
Clay Pigeon Shooting
Cricket
Croquet
Curling
Cycling
Dance Sport
Darts
Disability Sport
Diving
Dragon Boat Racing
Duathlon
Equestrian
Exercise and Fitness
Fencing
Fives
Folk Dancing
Flying
Futsal
Gaelic Football
Gliding
Golf
Gymnastics

Handball
Hang/Para Gliding
Harness Racing
Health and Beauty Exercise
Highland Games
Hockey
Horse Racing
Horse Riding
Hovering
Hurling
Ice Hockey
Ice Skating
Jet Skiing
Ju Jitsu
Judo
Karate
Keep Fit
Kendo
Knee Boarding
Korfball
Lacrosse
Lawn Tennis
Life Saving
Luge
Model Aircraft Flying
Modern Pentathlon
Motor Cycling
Motor Sports
Mountain Biking
Mountaineering
Movement, Dance,
Exercise & Fitness
Netball
Octopush
Orienteering
Parachuting
Petanque
Polo
Polocross
Pool
Power Boating
Powerlifting
Puck Hockey (roller)
Quoits

APPENDIX B

Racketball
Rackets
Rafting (white/wild water)
Raquetball
Rambling
Real Tennis
Roller Hockey
Roller Skating
Rounders
Rowing
Rugby League
Rugby Union
Sailing
Sand/Land Yachting
Shooting
Show jumping
Skateboarding
Skiing
Skipping
Snooker
Snowboarding
Softball
Sombo
Speedway
Speed Skating (roller)
Squash
Skater/Street Hockey
Sub-Aqua
Surf Life Saving
Surfing
Swimming & Diving
Table Tennis
Taekwondo
Tang Soo Do
Tenpin Bowling
Trampolining
Triathlon
Tug of War
Unihoc
Volleyball
Wakeboarding
Water Polo
Water Skiing
Weightlifting
Wind Surfing
Wrestling
Yoga

**Minutes of the Meeting of the Standards Advisory Committee
held on 4 December 2012 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Mr J Gamlin
Councillor S O de Renzy-Martin
Councillor P Grierson

Councillor J Davis
Councillor J Fulwell
Councillor D J Westcott

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

SA11 Apologies for Absence

Apologies for absence were received from Mrs J Gunn, Mrs L Somerville Williams and Councillor H J W Davies

SA12 Minutes

Minutes of the last meeting of the Standards Advisory Committee held on 25 September 2012 were considered and agreed for the agenda.

RECOMMENDED that the Minutes of the meeting held on 25 September 2012 be confirmed as a correct record.

SA13 Declarations of Interest

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

Name	Minute No	Description of Interest	Personal or Prejudicial	Action Taken
Cllr P Grierson	All items	Minehead	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

SA14 Public Participation

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

SA15 The Localism Act, 2011 –Implementating the New Ethical Standards Regime

A. Parish and Town Council Training

The Monitoring Officer reported on the two training sessions for Town and Parish Councils that were held on 29 and 31 October 2012 and thanked the Committee Members who had attended the sessions for their help and support. He advised that, although attendance was a

little disappointing, quite a few Councils were represented so he was hopeful that the information would be reported back.

The Monitoring Officer confirmed that he had emailed copies of the powerpoint presentation and briefing notes to all Town and Parish Clerks for distribution to their members.

Questions were raised regarding the new Localism Act and the possible involvement by the police in instances when potential breaches of the code of conduct may constitute a criminal offence. It was suggested that the Monitoring Officer should make contact with the local police to discuss this matter in more detail.

B. Registration of Interest Forms and Adoption of the Code of Conduct

The Monitoring Officer reported on the latest position in regard to the adoption of a new Code of Conduct by Parish and Town Councils in West Somerset and the completion of Register of Interest forms by District, Parish and Town Councillors in the area.

He confirmed that, so far, the response had been reasonably good. He advised that it was most important that every Town/Parish Council had adopted the new Code of Conduct and a record of the adoption date had been received. The Councils who had not responded had been contacted and the Monitoring Officer was hopeful that those outstanding would be received shortly.

The Monitoring Officer advised the Committee on the returns of completed Register of Interest forms from both District Councillors and Town/Parish Councillors. He advised that priority would be given to ensuring that all District Councillors had completed their forms ready for publishing on the Council website before beginning to chase Town/Parish Councillors.

Members of the Committee agreed that the Monitoring Officer chases up all Register of Interest forms outstanding for District Councillors as a matter of urgency.

It was suggested that an email be sent to all Town/Parish Clerks advising them that the Register of Interest forms would be going on the website from January 2013 and to request any outstanding forms be completed as soon as possible.

RECOMMENDED (1) that the Monitoring Officer makes contact with the local police regarding the new Localism Act and the possible involvement by the police.

RECOMMENDED (2) that the Monitoring Officer makes contact with District Councillors who have outstanding Register of Interest forms to request they are completed urgently.

RECOMMENDED (3) that the Monitoring Officer sends an email to all Town and Parish Clerks advising them that the Register of Interest forms would be

going on the website from January 2013 and requesting that any outstanding forms be completed as soon as possible.

SA16 Independent Persons Workshop

The Monitoring Officer reported on the Independent Persons Workshop that he and Louse Somerville Williams attended on Thursday 22 November 2012 at the East Devon Council Offices. He provided the Committee with a short written update and explained the key issues arising from the workshop as follows:

1. Clarification that it is good practice that only one independent person should have his/her views sought on each specific case. For example, there should not be any conflict of interest between the independent person's views being sought by the Council, the subject member and the complainant on the same case; indeed it could cause more problems if this role was separated. Therefore the Council should only use the reserve independent person when the appointed independent person was either unavailable or felt they had a conflict of interest in a particular case.
2. The desirability of agreeing a written job description for the appointed independent person. For consistency, the Committee may want to consider working with other Monitoring Officers in Somerset.
3. To agree the 'terms of engagement' by which the independent person can be contacted by any other parties – it is suggested that this should only be done through the West Somerset Council's Monitoring Officer and his staff.
4. That whilst the detailed nature of any discussions with the independent person can and should be kept confidential there would need to be a process for recording what views were expressed in a particular case by the independent person including being date specific as such views could change/vary as the case is progressed.
5. As part of the process for undertaking the assessment of an initial complaint it would be advisable to consciously agree whether the independent person can assist/their views be sought in dealing with the complaint over and above the necessity to consult with the independent person should a formal investigation be undertaken.
6. The importance of supporting the independent person to ensure that their independence is maintained as this is the post's most valuable asset.
7. With the Committee's support a joint Somerset wide workshop should be held of independent persons involving the other local authorities and all appointed independent persons in the county.
8. Desirability of clarifying a process by which the independent person can voice her/his concerns if they consider that their views are not being properly taken account of; for example, this could be via having the right to approach the Chief Executive or Leader of the Council direct.

9. It was suggested that it would be helpful for any independent person to be given a full background/briefing to the situation of the Council which they have been appointed to serve and how it operates – the Monitoring Officer could provide such a briefing if considered appropriate.

The Monitoring Officer sought the agreement from the Committee on points 1 – 9 above.

RECOMMENDED that points 1 – 9 above be agreed.

SA17 Monitoring Officer's Update

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting and confirmed that he was still receiving requests for advice on a regular basis.

RECOMMENDED that the report be noted.

SA18 Dates of Future Meetings

It was confirmed that the next meeting of the Committee was scheduled for Tuesday 5 March 2013 commencing at 4.30pm.

The Committee acknowledged that other 'meetings' of the Committee may be convened to act as consultee with the Monitoring Officer when undertaking an initial assessment in response to the receipt of any formal complaints relating to allegations of a breach of the Code of Conduct.

RECOMMENDED that the report be noted.

The Chairman thanked all Members and wished them a Merry Christmas and a Happy New Year.

The meeting closed at 5.52pm