

WEST SOMERSET DISTRICT COUNCIL

Minutes of the Meeting held on 15 November 2011 at 4.30 pm
In the Council Chamber, Williton

Present:

Councillor A F Knight.....	Chairman
Councillor D D Ross.....	Vice-Chairman
Councillor A M Chick	Councillor H J W Davies
Councillor M O A Dewdney	Councillor G S Dowding
Councillor J Freeman	Councillor S Y Goss
Councillor P N Grierson	Councillor A P Hadley
Councillor B Heywood	Councillor K V Kravis
Councillor E May	Councillor I R Melhuish
Councillor K M Mills	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 (Adrian Dyer)
Corporate Director & Monitoring Officer (B Lang)
Section 151 Officer (G Carne)
Group Manager – Housing & Community (I Timms)
Group Manager – Environment and Services (S Watts)
HR Consultant (M Griffin) (Items 7 and 8)
Principal Planning Officer, LDF (M Wilsher) (Item 10)
Principal Planning Officer, LDF (T Clempson) (Item 10)
Media, PR and Communications Officer (S Beaumont)
Efficiencies and Performance Manager (K Batchelor)
Climate Change and Community Liaison Manager (A Lamplough)
Scrutiny and Performance Officer (S Rawle)
Meeting Administrator (K Kowalewska)

C42 Apologies for Absence

Apologies for absence were received from Councillors M J Chilcott, R P Lillis and C Morgan.

C43 Minutes

(Minutes of the meetings of Council held on 21 September 2011 and 13 October 2011, circulated with the Agenda).

RESOLVED (1) that, subject to deleting the words “a dual carriageway,” on the fourth bullet point of Minute No. C32, the Minutes of the Meeting of Council held on 21 September 2011 be confirmed as a correct record,.

RESOLVED (2) that the Minutes of the Meeting of Council held on 13 October 2011 be confirmed as a correct record.

C44 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 S Goss	All Items	Stogursey	Personal	Spoke and voted
Cllr P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke and voted
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr A H Trollope-Bellew	All Items	Somerset County Council	Personal	Spoke and voted
Cllr K H Turner	All Items	Brendon Hills	Personal	Spoke and voted
Cllr D J Westcott	All Items	Watchet	Personal	Spoke and voted

C45 Public Participation

Item 9 – Devolution and Delegation

Robert McDonald spoke on behalf of Williton Parish Council and stated that they had entered into negotiations with West Somerset Council (WSC) and put forward constructive comments regarding toilets and other amenities. .

Karen Baldwin-Jervis spoke about the provision of toilets in Minehead and the importance of the keeping the toilets in the current locations as there was clearly a defined need for the elderly, disabled and young children.

Alan Wright spoke to the effect that Porlock Parish Council supports the principles of devolution and delegation provided the plans are jointly agreed, realistic and sustainable. The District Council should focus on the delivery of core services where it has a statutory responsibility, with town and parish councils given the responsibility for other areas. For this to happen parish and town councils have to have the appropriate revenue base, sufficient capability and flexibility to cope. Finance is critical but the focus should be on the changing roles and relationships between the councils and must be supported by the parishes, however Porlock Parish Council were supportive at this stage although he had concerns at how the consultation process was operating.

David Britnell referred to Porlock Parish Council's meeting with WSC on 14 September and summarised the financial difficulties faced by the parish council and the potential rises in their parish precept.

Kim Rowe spoke on behalf of her community Porlock and stated that in her opinion Councillors had been asked to vote on the wrong recommendations at the wrong time and she proposed an alternative resolution so that the councils could work together and find a solution to the critical and highly complex issues.

Malcolm McCoy stated that he believed Porlock had responded positively and constructively and that their views were worthy of detailed discussion.

Chris Nelder spoke on behalf of Dulverton Town Council and expressed his members' disappointment at the way in which WSC had attempted to deliver the policy of devolvement and delegation. He concluded that there had to be considerably more positive dialogue between WSC and town and parish councils before any proposals were to be resolved.

Les Silverlock spoke to the effect on how services could be devolved to Dulverton and that what was needed was a new holistic vision on how public services are delivered.

Christine Dubery highlighted the fact of the geographical isolation of Dulverton and the difficulty in attempting to work in partnership with other authorities situated so many miles away.

Item 10 – Draft West Somerset Local Plan Preferred Strategy

Rosemary Woods spoke regarding Williton Parish Council's input into the drawing up of the Williton Masterplan and stated that Williton Parish Council preferred option was the area to the west of the village.

Bob Druitt, who spoke on behalf of Crowcombe Parish Council, proposed that a lay-person guide is written to help interpret the draft Local Plan and that workshops are held in the rural communities to explore the implications of the draft Local Plan.

C46 Chairman's Announcements

25 September 2011	Civic Service and lunch for Sedgemoor District Council, Bridgwater
5 October 2011	Official opening of Croft House. Presented and welcomed the Duke of Kent to West Somerset
9 October 2011	Civic service for North Somerset at Whitchurch
11 October 2011	Laying up of Burma Star Standard at St Andrews, Minehead (joined by Cllrs Sanders and Dowding)
12 October 2011	Pupil Council at Old Cleeve Primary School
11 November 2011	am - Armistice Remembrance Ceremony in Williton pm – The Band Concert and Remembrance Service and RBL 90 th Anniversary at the Regal Theatre, Minehead (with Cllr May)
13 November 2011	Remembrance Sunday Parade and Service in Watchet

The Chairman reminded Members that he was having a coffee morning at his home on Saturday 19 November between 10am and 12 noon; and the official dedication and opening of the Railway Bridge in Watchet would be on 26 November 2011 at 11am.

Finally, the Chairman expressed his disappointment concerning a Points West interview with a local authority representative for Hinkley Point and duly emailed a complaint to Points West. An apology was given from the newsgathering editor who stated there was no excuse for the error. The Chairman stated that no fault lies with Sedgemoor District Council and he had no qualms with representatives from a neighbouring authority giving comments. He also informed Members of a letter of complaint he was sending to the Sunday Independent regarding an article claiming to be about tourism in North Devon - the area covered was in fact all in West Somerset.

The Vice Chairman advised he had attended the following events –

20 October 2011	Chairman's Community Awards at Somerset County Council
23 October 2011	Seafarers' Service - Watchet Methodist Church

In addition, the Vice Chairman notified that Councillors A F Knight and E May would be receiving their own Community Award for West Somerset and these would be presented to them by the Chairman of Somerset County Council at the Full Council meeting on 25 January 2012.

C47 Notice on Motion

In accordance with Procedure Rule 11 the following motion was received from Councillor M J Chilcott:

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

That this Council records its extreme concern at the decision of Somerset County Council to stop channel weed spraying of the kerbs along the highway for the following reasons:

- The public are very upset at how untidy the area is looking which does not give a good impression to residents and visitors.
- The weed growth is damaging the infrastructure i.e. the pavements and verges. The weeds are growing larger and breaking up the tarmac etc this will lead to added expense for Somerset County Council in the future; and finally
- The weed growth is hindering our street cleansing function as the road sweeping is ineffective when the gutters are full of weeds and the sweepers cannot sweep properly, and the cleaning machinery is likely to be damaged as the weeds become tangled in the equipment.

The Council therefore resolves to write to Somerset County Council outlining its concern and requesting that this decision is reversed'.

During the debate, the following points were raised:

- Detrimental to the tourist industry on which this district relies heavily for employment so it is an economic development issue as well as an environmental issue.
- When the weed growth is not checked, the cost will have to eventually be picked up by someone else, namely the local community.
- Concern raised about the damage to the physical and social infrastructure of the towns and villages in West Somerset.

Following a debate this motion was passed, with one amendment that Somerset County Council be requested to “reconsider” their decision.

RESOLVED that the Council write to Somerset County Council outlining its concern and requesting that the decision to stop channel weed spraying of the kerbs along the highway be reconsidered.

C48 Local Government Pension Scheme – Employers Discretion

(Report No. WSC 99/11, circulated with the Agenda).

The purpose of the report was to allow Council the opportunity to consider the attached Written Statement on LGPS Employers Discretions and Key Pension Policy.

RESOLVED that Council approves the Written Statement on LGPS Employers Discretions and Key Pension Policy (set out in Appendix B to the report) as well as the proposed policy amendments (set out in Appendix A to the report).

C49 Equal Opportunities Policy – Employment and Service Delivery

(Report No. WSC 111/11, circulated with the Agenda).

The purpose of the report was to allow Council the opportunity to consider the revised Equal Opportunities Policy (Employment and Service Delivery).

RESOLVED that Council approves the Equal Opportunities Policy (Employment and Service Delivery), as set out in Appendix A to the report.

C50 Devolution and Delegation

(Report No. WSC 142/11, circulated with the Agenda, and an amendment to Recommendation 2.1 and amendments to wording contained in the report circulated at the Meeting).

The purpose of the report was to update Council on current proposals for the devolution and delegation of services in accordance with the timetable agreed by Council in June 2011.

The Lead Member for Resources and Central Support thanked the members of the public who spoke and advised that West Somerset Council approached parish and town councils asking for their feedback and involvement, and that there was clearly an interest in this subject and hopefully a willingness to work together.

Regarding some concerns expressed by the public speakers in respect of the consultation process, the Lead Member referred to numerous comments contained in the report stressing the importance of continued dialogue with town and parish councils.

She reminded members of the devolution process which started with the devolution report that was presented to Full Council in June 2011 and stated that devolution and delegation is not just about passing services over to town and parish councils. What WSC were trying to do was anticipate financial difficulties over the next few years and rather than reducing or stopping discretionary services altogether with no consultation or looking at different ways of provision, the Council approached the town and parish council to try to find ways of keeping the services going. A timetable was drawn up and all parish and town councils in West Somerset were contacted and a team of officers and councillors went to village halls all over the district. She extended a big thank you to all officers and ward members involved for their support and commitment, and particularly to the parish/town councillors, who attended these meetings.

The Lead Member gave a description of the format of the meetings and what data/information was provided to the parish and town councils. She confirmed that in order for them to consider all the information that was given to them no pressure was put on parish and town councils to feedback within a time limit. The importance of feedback was expressed to the town and parish councils and how it needed to work district-wide. She confirmed that no recommendations contained in the report would impact on town and parish council precepts, apart from those pertaining to Minehead Town Council of which they were aware of.

The Lead Member presented the report in great detail and went on to add that the report recognised that to carry out devolution and delegation correctly would take a little bit longer - it was a new process and a huge task, but ultimately the objective was to try and retain public services by working with parishes to retain as many services in light of cuts to national government funding. It was WSC's intention to write to all parishes and town councils who were involved in the discussions up to this meeting and as some more work was needed with some of the them, more meetings would be requested.

Following recent feedback received from Crowcombe Parish Council informing that they were not interested in the transfer of their non-fee paying car park, recommendation 2.4 of the report would be amended to reflect this. Requests had been received from Porlock and Dulverton for the asset transfer of car parks and it was recommended that WSC would not undertake any asset transfer of car parks as part of the discussion.

The Lead Member for Community referred to the Community Matters newsletter which reported on the devolution and delegation process and felt that this was the main communication tool between WSC and parish and town councils. It reiterated the importance of district-wide thinking and the need to look at alternative ways for service provision.

The recommendations contained in the report, as amended, were proposed by Councillor Kravis and seconded by Councillor Westcott.

Following the Chairman's ruling, the recommendations contained in the report were discussed separately.

It was proposed by Councillor K Ross and seconded by Councillor H J W Davies to defer the whole item and not debate the report in order for it to be presented in a fuller state so that Members were in a better position to make proper resolutions about the disposal or transfer of assets.

The Leader of Council advised that the report made it clear where the Council stood as part of the devolution and delegation process and reported on what the Council intended to do in order to put the message out into the public domain.

On being put to the vote the amendment was LOST.

A further amendment was proposed by Councillor P Murphy and seconded by Councillor J Freeman that in recommendation 2.1 to insert (2) after 4.5 (delete paragraph 1 in section 4.5 of the report) in order to delete from the recommendation the issue of the partial winter closure of toilets as this was believed not to be a part of the original devolution discussion.

On being put to the vote the amendment was LOST.

Councillor Pugsley suggested that due to the fact that West Somerset Council state that it was keeping its options open and looking at new ways of moving forward, the last sentence on page 39 closes down the option that the Council is open to further discussion and debate and therefore should be deleted from the report as it was not consistent, and this minor amendment was accepted by the original proposer and seconder of the motion.

The original motion was then voted on and it was carried.

Discussions took place on recommendations 2.2 and 2.3 and 2.4.

On being put to the vote the recommendations 2.2, 2.3 and 2.4, subject to the deletion of Crowcombe, were carried.

A debate on recommendation 2.5 took place and the following points were raised:

Discussions with Porlock and all other parish councils would be continuing and by proposing not to consider the asset transfer of car parks, it did not

rule out talking to parish and town councils on a great deal of other issues, it would just provide clarity on what could be talked about.

In response to a question concerning who would get the income if the car parks were leased from the district council, the Chief Executive stated that it would depend on each individual scenario and the terms of the lease would dictate what the rental was and what would happen to the income generated.

On being put to the vote recommendation 2.5 was carried.

On being put to the vote recommendation 2.6 was carried.

It was proposed by Councillor J Freeman and seconded by Councillor K Mills that a further recommendation be added to read "Council agrees to continue to openly and actively engage and work without further preconditions with parish and town councils to develop proposals to implement devolution and delegation that reflect joint financial imperatives and the needs and priorities of local communities".

On being put to the vote the additional recommendation 2.7 was carried.

RESOLVED (1) that in an attempt to keep public conveniences open, Council approves a three year process as detailed in paragraphs 4.4 and 4.5 in the report, which will either find additional income or remove the Council's financial responsibility for the operation of public conveniences.

RESOLVED (2) that Council agrees to the principle of the ownership and subsequent responsibility for maintenance of Blenheim Gardens, Minehead being transferred to Minehead Town Council.

RESOLVED (3) that Council agrees to the principle of the ownership and subsequent responsibility for maintenance of Wellington Square, Minehead being transferred to Minehead Town Council.

RESOLVED (4) that Council agrees in principle to the ownership and subsequent responsibility for maintenance of the non-fee paying car park in Stogumber being transferred to the respective public bodies, following consultation.

RESOLVED (5) that Council agrees a policy that all car parks where a charging structure is currently in force remain in the ownership of the Council.

RESOLVED (6) that following necessary consultations, receipt of legal advice and valuations, a report on the terms and conditions of the proposed asset transfers referred to in resolutions 2, 3 and 4 is presented to Council for their consideration.

RESOLVED (7) that Council agrees to continue to openly and actively engage and work without further preconditions with Parish and Town Councils to develop proposals to implement devolution and delegation that reflect joint financial imperatives and the needs and priorities of local communities.

C51 Draft West Somerset Local Plan Preferred Strategy

(Report No. WSC 142/11, circulated with the Agenda).

The purpose of the report was to facilitate the publication of the Draft West Somerset Local Plan* Preferred Strategy for public consultation. Responses to this public and stakeholder engagement exercise will be used to help with the preparation of a sound Local Plan for formal submission to the Secretary of State for examination. (*Formerly known as the West Somerset Local Development Framework Core Strategy.)

The report was presented by the Lead Member for Housing, Environmental Health and Licensing who confirmed that it was a legal requirement for every authority to have a Local Plan. The recommendation set out in the report was proposed by Councillor K Turner and seconded by Councillor I Melhuish.

In response to the comments raised by the public speaker, Mrs Woods, Councillor Melhuish advised that following a lot of discussion, the Local Development Panel members felt that they did not have enough information about certain areas in the district, and that was the reason why a large area had been included in the draft Plan in order to obtain as wide a consultation as possible.

In response to the request to produce a simple summary of the draft Local Plan and to arrange local workshops, the Chief Executive was in agreement that these were good and helpful suggestions and would be taking those ideas forward and progressing them.

In response to the request for clarification of the definition for 'settlement', it was confirmed to mean any area where there are dwellings situated.

RESOLVED that Council approves that the Draft West Somerset Local Plan Preferred Strategy, attached as Appendix 1 to the report, be published for public consultation.

C52 Proposed Revisions to the Council's Constitution - Scheme of Delegation

(Report No. WSC 133/11, circulate with the Agenda).

The purpose of the report was to review the Scheme of Delegation which is part of the Council's Constitution and consider making any revisions.

RESOLVED (1) that Council approves the proposed revisions to the Scheme of Delegation element of the Constitution of the West Somerset Council as outlined in paragraphs 4.7 and 4.10 of the report with or without amendments and notes the updates as set out in Appendix A to the report.

RESOLVED (2) that Council authorises the individuals detailed in Appendix B to the report to act as proper officers for the authority for the purposes of the Public Health (Control of Diseases) Act 1984, including the Health Protection Regulations 2010 and any other associated regulations.

RESOLVED (3) that Council approves the recommendations from Cabinet at its meeting on 2nd November to amend the Scheme of Delegation in respect of the use of Licensing Panels (Taxis and other matters) as set out in Appendix C to the report with or without amendments.

C53 Corporate Strategy and Priorities 2012-2016

(Report No. WSC 117/11, circulated with the Agenda).

The purpose of the report was to seek Council approval of a framework, including priorities, that will form the basis of the Corporate Strategy 2012 to 2016.

RESOLVED (1) that Council approves the strategic long-term vision for the Council as detailed in the report.

RESOLVED (2) that Council approves the refreshed corporate priorities and objectives as laid out in Appendix A to the report and that they are reflected in a redrafted Corporate Strategy 2012 –2016.

C54 The Collection Fund – Estimate of Surpluses and Deficiencies

(Report No. WSC 143/11, circulated with the Agenda).

The purpose of the report was for Council to determine an estimate of the surplus or deficiency on the Collection Fund as at 31 March 2012.

RESOLVED that Council declares an estimated surplus of £260,000 on the Collection Fund at 31 March 2012.

C55 Anti Money Laundering Policy and Bribery Act Policy

(Report No. WSC 144/11, circulated with the Agenda.)

The purpose of the report was to present an Anti Money Laundering Policy and a Bribery Act Policy in order to ensure that the Council complies with relevant legislation.

RESOLVED (1) that Council approves the Anti Money Laundering Policy, attached as Appendix A to the report.

RESOLVED (2) that Council approves the Bribery Act Policy, attached as Appendix B to the report.

C56 Appointment of Deputy Monitoring Officer

In accordance with Section 5 of the Local Government and Housing Act 1989 the authority is required to appoint a Deputy Monitoring Officer.

The Corporate Director nominated Ian Timms, Group Manager for Housing and Community to undertake the role of Deputy Monitoring Officer to replace

Wendy Bass. It was advised that neither the Head of Paid Service or Section 151 Officer were permitted to act as Deputy Monitoring Officer.

It was proposed that using someone from a neighbouring authority such as the Exmoor National Park Authority, who was already trained, may be a better solution. The Corporate Director stated that he had explored the option of using Mendip's legal services but there would be a cost implication, and he felt that the better option would be to use an existing member of staff so that Members would feel more comfortable talking to someone they were familiar with.

RESOLVED that Council approves the appointment of Ian Timms, Group Manager for Housing and Community, to undertake the role of Deputy Monitoring Officer.

C57 Minutes and Notes for information

Minutes of the Standards Committee held on 11 October 2011 (circulated with the Agenda).

RESOLVED that the draft Minutes of the Standards Committee held on 11 October 2011, be noted.

Draft Notes of the Minehead Area Panel held on 14 September 2011; draft Notes of the Watchet, Williton & Quantocks Area Panel held on 20 September 2011; and draft Notes of the Dunster Area Panel held on 17 October 2011 (circulated with the Agenda).

RESOLVED that the draft notes of the Minehead Area Panel held on 14 September 2011; draft Notes of the Watchet, Williton & Quantocks Area Panel held on 20 September 2011; and draft Notes of the Dunster Area Panel held on 17 October 2011, be noted.

The meeting closed at 8.23 pm