

**WEST SOMERSET COUNCIL**

**Minutes of the Meeting held on 19 September 2012 at 4.30 pm**

**in the Council Chamber, Williton**

**Present:**

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

Councillor A M Chick  
Councillor H J W Davies  
Councillor S Y Goss  
Councillor B Heywood  
Councillor K V Kravis  
Councillor E May  
Councillor C Morgan  
Councillor S J Pugsley  
Councillor M A Smith  
Councillor A H Trollope-Bellew

Councillor M J Chilcott  
Councillor M O A Dewdney  
Councillor P N Grierson  
Councillor A F Knight  
Councillor R P Lillis  
Councillor I R Melhuish  
Councillor P H Murphy  
Councillor D J Sanders  
Councillor T Taylor  
Councillor D J Westcott

**Officers in Attendance:**

Chief Executive (A Dyer)  
Corporate Director (B Lang)  
Group Manager, Housing and Economy (I Timms)  
Group Manger, Environment & Community (S Watts)  
Planning Manager (A Goodchild) – Urgent item only  
Legal Advisor (R Pinney, Mendip DC)  
Meeting Administrator (H Dobson)

At the start of the meeting the Chairman wished to remind everyone present that Councillors had a duty to treat their fellow Councillors, officers and members of the public with courtesy and respect. This particularly applied to the way in which they spoke to and about members, officers and anyone else attending Council meetings, and was enshrined in the Code of Conduct. He felt sure that all Councillors would support this and behave accordingly.

**C40      Apologies for Absence**

Apologies for absence were received from Councillors J Freeman, A P Hadley, K M Mills, K J Ross, L W Smith and K H Turner.

**C41      Minutes**

(Minutes of the Meeting of Council held on 8 August 2012, circulated with the Agenda.)

**RESOLVED** that the Minutes of the Meeting of Council held on 8 August 2012 be confirmed as a correct record.

**C42**      **Declarations of Interest**

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

<b>Name</b>	<b>Minute No.</b>	<b>Member of</b>	<b>Action Taken</b>
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	Minehead	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	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

**C43**      **Public Participation**

The Corporate Director advised that with regard to the urgent item, to be proposed for discussion after Chairman's Announcements, Ian Liddell-Grainger, MP, was in attendance and at the discretion of the Chairman would be happy to speak to provide clarification.

**C44**      **Chairman's Announcements**

The Chairman expressed his thanks to all Councillors who had stayed behind at the end of the last Council meeting held on 8 August 2012, to watch the DVD presentation by Homestart. Further, he thanked those Councillors who had attended the Minehead Area Panel meeting on 12 September 2012.

18 September 2012	Attended West Somerset Health Forum with Cllr Chilcott.
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The Vice Chairman announced that he had attended a Burma Star memorial service on 12 August 2012; Taunton Deane civic service on 18 September; an NFU meeting at Cheddar on 13 September; and Watchet Sea Scouts Admiralty recognition parade on 14 September.

**C45**      **Issues Arising from the Parliamentary Speech on Community Funding Concerning Infrastructure Projects**

The Chairman invited Ian Liddell-Grainger, MP, to speak on the issues arising from his parliamentary speech given on Tuesday 18 September, in particular business rates relating to Hinkley Point C.

The MP advised that his speech referred to business rates. It was agreed under the last government that there should be mitigation through the business rates only and that there had never been clarification from government how this was going to be dealt with and administered. During discussions with Ministers there was never an indication that all the

business rates would be kept exclusively by any one body. With regard to Section 106 funding he believed that West Somerset did not get as much as perhaps it could have done and wanted to ensure that West Somerset received a fair share. He believed that no government would allow West Somerset to keep all the business rates and certainly did not want to see any of the monies taken off the support grant. He confirmed that the Minister, John Hayes, had agreed to visit the area to talk about how it could be dealt with and administered. He was determined that West Somerset would be treated fairly and was grateful to the Council for all their hard work and apologised to anyone who felt slighted as that had not been his intention. He confirmed that he would be happy to address any concerns that members may have.

The Chairman addressed the members and asked if they wished to raise any concerns.

Members felt strongly that the Council had worked hard with regard to the Section 106 negotiations that would help to mitigate the risks associated with the proposed construction of Hinkley Point C. The outcome was that West Somerset Council had been very successful in securing monies that would assist the local communities and the three local authorities through the proposed construction phase.

West Somerset was a very rural area with little capacity for large business growth. Hinkley C was likely to be the only opportunity that could benefit the Council. Great concern was expressed that the speech may have referred to the sharing of business rates that would be retained by the Council once Hinkley C was generating electricity and after ground works had been completed and with no further disruption to be mitigated. Therefore, clarification was sought as to whether the MP's speech referred to Section 106 funding, general business rates or the proposed new community benefit fund.

In response to concerns raised, the MP recognised that the business rates for the district were not good. With regard to Section 106 monies he personally felt that West Somerset Community College should have received more and that Sedgemoor District Council had profited too well out of the Section 106 negotiations and wanted to ensure that West Somerset would not be forgotten. He believed that government would not allow West Somerset Council to keep all the business rates, and wanted West Somerset to receive a fair share. He represented both districts equally and had never put one before the other. He confirmed that his speech referred to both the retention of the business rates of the Hinkley C power site when it would start generating electricity and 'stand alone' for local people for local use. He was delighted to have been invited to this meeting to speak and wanted very much to set a precedent now and ensure that everyone involved would be able to leave a legacy to be proud of.

The Leader had asked the MP to do all he could to champion West Somerset's case for community benefit and thanked him for putting the

cause firmly back in the national and public domain and for gaining a positive response from the Minister, John Hayes. He advised that once Hinkley C started to generate electricity there would be huge business rate growth. Community benefit was different and would be extra and would go to the communities that host these projects and probably not the Council. Business rate growth from the government funding formula would go to the Council. He highlighted that there had been no discussions regarding this debate between members or with other authorities. The Council was aware of working fairly and fully supported the need for all local authorities to continue working together.

The Lead Member for Resources and Central Support proposed the following:

- that the MP be thanked for his pledge to continue to work on behalf of West Somerset,
- that the Council welcomed his confirmation that the reference in his speech to sharing did not refer to the retention of the sharing of general business rate scheme but only to any additional community business rate benefit scheme,
- that the beneficiaries of the additional community benefit scheme should be the affected local communities, and
- Council fully supports the principle of working in full, open and transparent partnership with neighbouring local authorities, EDF and any other relevant partners.

The proposed recommendations were seconded by Councillor M Chilcott.

A debate ensued regarding the definition of the word local communities and Councillor D Ross proposed an amendment to the third recommendation to read ‘...should be the affected local communities in West Somerset and Sedgemoor’ which was duly seconded by Councillor E May.

On being put to the vote the amendment was CARRIED, and it was

**RESOLVED (1)** that that the MP be thanked for his pledge to continue to work on behalf of West Somerset.

**RESOLVED (2)** that the Council welcomed the MP’s confirmation that the reference in his speech to sharing did not refer to the retention of the sharing of general business rate scheme but only to any additional community business rate benefit scheme.

**RESOLVED (3)** that the beneficiaries of the additional community benefit scheme should be the affected local communities in West Somerset and Sedgemoor.

**RESOLVED (4)** that Council fully supports the principle of working in full, open and transparent partnership with the neighbouring local authorities, EDF and any other relevant partners.

The Chairman thanked Ian Liddell-Grainger, MP, for his time in attending the meeting and Councillor John Osman, Leader for Somerset County Council, for also attending the meeting.

**NOTE:** Having regard to the special circumstances pertaining in relation to this item - namely the need for the Council to consider whether to make a formal response to the speech as soon as possible – the Chairman was of the opinion that, despite its non inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

**C46**      **Localism Act 2011 – Implementation of the New Ethical Standards Regime**

(Report No. WSC 123/12, circulated with the Agenda.)

The purpose of the report was to enable the Council to appoint an Independent Person as required by the Localism Act and to note the appointment of an additional independent member and parish/town council member to complete the full complement of the west Somerset Standards Advisory Committee.

The Lead Member for Executive Support and Democracy presented the report and drew the members attention to the opportunity to appoint a reserve Independent Person, Mike Hillman from Mendip, who would be able to stand in for the Independent Person should a situation arise where there was a conflict of interest. Mr Hillman would only receive reasonable expenses if his services should be required.

The Lead Member proposed the recommendations which were seconded by Councillor P Murphy.

**RESOLVED (1)** that Louise Somerville Williams be appointed as the Council's Independent Person for an initial period until 30 September 2013 with an initial allowance of £552 per annum (based on the current annual allowance for an independent member and parish/town council member of the Standards Advisory Committee) and Mike Hillman be appointed as a reserve Independent Person until 30 September 2013. These appointments to be reviewed as part of the initial annual review of the new Ethical Standards Regime.

**RESOLVED (2)** that the Council note the appointment of John Gamlin as an independent member of the Standards Advisory Committee for an initial four year period and the appointment of Councillor John Fulwell of Withycombe Parish Council as a parish/town council representative on the Standards Advisory Committee for an initial period until the May 2015 parish council elections.

**Note:** With the agreement of the Chairman this item was brought forward on the Agenda.

**C47 Independent Local Government Debate**

(Report No WSC 122/12, circulated with the Agenda.)

The purpose of the report was to advise Council of the current consultation process being undertaken by the Political and Constitutional Reform Committee regarding independent local government and provide the Council with the opportunity of making a response.

The Lead Member for Executive Support and Democracy presented the report and highlighted Appendix A to the report.

The Corporate Director confirmed that the consultation had been presented to the Corporate Policy Advisory Group. This was the first stage of the consultation process with responses to be submitted by 5 October 2012. The detailed wording of the code was likely to be the subject of a great deal of debate at national and local government.

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

During the course of the debate the following main points included:

- Concern that the word 'redistribution' relating to council tax and business rates in a key element of the draft code, was not likely to be fair to West Somerset.
- A suggestion that detailed comments in the future could be made through the policy advisory groups.
- Article Two was welcomed in which council's would be accountable to local citizens.

**RESOLVED** that the Council welcomes the initiative and would wish to explore with other local authorities and central government the possibility of codifying the relationship between central and local government.

**C48 New Regulations Regarding Meetings of the Executive and Access to Information**

(Report No. WSC 124/12, circulated with the Agenda.)

The purpose of the report was to brief the Council of the key issues emerging from the introduction of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

The Corporate Director advised that the new regulations were made on 10 August 2012 and came into force on 10 September 2012. There had been no direct consultation with local authorities. He outlined the main points of the new regulations and advised that clarification on various issues was being sought including the level of executive decisions to be recorded.

Councillor E May proposed the recommendations, which were seconded by Councillor T Taylor.

In response to questions the Corporate Director confirmed that the 'call-in' procedure appeared not to have changed. Further, he expressed concern that the new regulations could potentially use more resources, however, the Council must continue to be transparent.

**RESOLVED** that the main issues arising from the new regulations, as set out in the briefing note appended as Appendix A to the report, be noted and that updates be requested on the way forward as matters are clarified.

**C49**     **Future Provision of Services Currently Delivered under a Contract with Veolia**

(Report No. WSC 120/12, circulated with the Agenda.)

The purpose of the report was to provide the necessary information for members to decide upon the future provision of the Council's cleansing services following the conclusion, on 30 September 2012, of the existing contract with Veolia.

The Lead Member for Environment presented the report and advised that the three year Service Level Agreement (SLA) was flexible and provided future opportunity to revisit and 'fine-tune' elements of the contract. With regard to recommendation 2.5. he proposed to replace the word 'likely' with the word 'potentially'.

Further, the Lead Member proposed the recommendations, subject to the proposed amendment to recommendation 2.5, which was duly seconded by Councillor R Lillis.

During the course of the debate the main points included:

- More consideration should be given to the length of road that was swept.
- It was important that towns and parishes were informed of progress and advised that there was no decision yet about the future of other toilets that were not mentioned.
- Some Town and Parish Councils had already worked hard with the Council regarding the future of their public conveniences.
- It was suggested members could work with communities/local traders to investigate solutions to keeping other local public conveniences open.
- It was confirmed that alternative uses to public convenience buildings would be considered and had been considered previously with successful results.
- It was proposed that a stakeholder meeting be held to discuss the issues and other potential approaches.
- Members expressed their thanks to the Scrutiny Committee, parish and town councils and officers for negotiating the contract and Veolia who had been helpful. It was further recognised that on numerous

occasions Veolia had worked above and beyond what was expected of them.

In response to questions the Chief Executive confirmed that the Council were being asked to agree to the principle of closing the public conveniences in recommendation 2.4. He advised that some consultation had already begun as it was important to capture the views and thoughts of as many visitors to the area as possible. Further, he confirmed that it was vital for the Council to undertake thorough equality impact assessment/s for the proposed permanent closure of public conveniences. A report would be presented later in the year detailing those views and the transfer of any public convenience/s and would enable members to make informed decisions and consider mitigation measures.

The Lead Member confirmed that the consultation and discussions regarding the future of public conveniences had taken time but that was necessary in order to reach the correct decision. He noted that there could be a domino effect once one Town/Parish Council took over the running of a public convenience and that this could be a model for keeping other conveniences open.

**RESOLVED (1)** that Council also extend their gratitude and thanks to the Scrutiny Task & Finish Group for their invaluable contribution in identifying a preferred way forward for procuring the future delivery of the street cleansing service, which forms an integral part of the existing contract with Veolia.

**RESOLVED (2)** that the principle of entering into a three-year SLA with Veolia, commencing on 1<sup>st</sup> October 2012 to provide the services referred to in paragraph 4.2. of the report, attached to the agenda, be approved.

**RESOLVED (3)** that Chief Executive, in consultation with the Lead Member for Environment, be granted delegated powers to agree the final draft terms and conditions of the SLA prior to its signing.

**RESOLVED (4)** that following the winter closure on 1<sup>st</sup> November 2012 of Public Conveniences those located in Blenheim Gardens Minehead (gents and ladies), Carousel, Minehead (excl. disabled), Church Street Dunster, Porlock Central and one yet to be identified in Watchet, the principle of them remaining closed permanently be approved. (See note below).

**RESOLVED (5)** that consultation be undertaken with the relevant Parish & Town Councils and other potentially interested bodies to determine whether they wished to take over ownership and maintenance of the public conveniences scheduled for permanent closure. That more widespread public consultation be undertaken in order to fully understand the impact of the proposed permanent closures on our communities. Finally, that a report be presented to Cabinet and Council regarding a final decision concerning the permanent closure or transfer of the public toilet facilities referred to in resolution 4 above.

Administrator's Note: Subsequently, at the meeting of Cabinet held on 3 October 2012 it was agreed that potential winter closures shall also be the subject of consultation and further member consideration before these matters were acted upon.

**C50**      **Health and Wellbeing Strategy for Somerset**

(Report No. WSC 119/12, circulated with the Agenda.)

The purpose of the report was to advise members of the changes in Health and Wellbeing structures within Somerset, and to ensure members are aware of the Health and Wellbeing Strategy and its role in future delivery of priorities relating to this area of work.

The Leader of Council presented the report and highlighted the priorities of the strategy. Bearing in mind the demographic make up of the population of West Somerset priority three was of particular importance: 'Somerset people are able to live independently for as long as possible'. The Strategy provided an opportunity to help communities and people work together for social benefit and inclusion. The Leader proposed the recommendations of the report which were seconded by Councillor D Ross.

**RESOLVED (1)** that the forthcoming changes to the way that Health and Wellbeing services will be delivered from 1<sup>st</sup> April 2013 be noted.

**RESOLVED (2)** that the content of the Health and Wellbeing Strategy and the proposed priorities, be noted.

**RESOLVED (3)** that the proposal that the Council's representative on the Health and Wellbeing Board is Councillor Keith Turner replacing Councillor Tim Taylor be approved.

At this point in the meeting, the Chairman invited the Chief Executive to provide an update on the vacant position of the Council's Section 151 Officer post.

The Chief Executive reported that as a temporary measure Sharon Campbell would be seconded from Somerset County Council to start work at West Somerset Council from Monday 24 September, for two days per week, and at no cost to West Somerset Council. He expressed his gratitude to Somerset County Council for their assistance in this matter.

Further, the Chairman wished to pass on his thanks, also, to Somerset County Council.

**C51**      **Treasury Management Update – 31 March 2012**

(Report No. WSC 125/12, circulated with the Agenda.)

The purpose of the report was to update the Council on the Treasury Management position as at 31 March 2012.

The Lead Member for Resources and Central Support presented the report and advised of the missing figures relating to Appendix 1 of the report attached to the agenda. The Lead Member proposed the recommendations, which were duly seconded by Councillor M Dewdney.

**RESOLVED** that the Treasury Management position as at 31 March 2012 be noted.

**C52**      **Minutes and Notes for Information**

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

**RESOLVED** that the draft notes of the Dunster Area Panel held on 23 July 2012, be noted.

The meeting closed at 6.58 pm.