

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 20 November 2013 at 4.30 pm

in the Council Chamber, Williton

Present:

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

Councillor M J Chilcott	Councillor M O A Dewdney
Councillor J Freeman	Councillor S Y Goss
Councillor P N Grierson	Councillor A P Hadley
Councillor B Heywood	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 D D Ross
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 (P James)
Corporate Director (B Lang)
Interim Executive Director (A Dyer)
Section 151 Officer (S Campbell)
Corporate Manager, Housing, Welfare & Economy (I Timms)
Planning Manager (A Goodchild)
Major Projects Manager (J Holbrook)
Principal Benefits Officer (P Lamb)
Climate Change and Community Liaison Manager (A Lamplough)
Economic Regeneration and Tourism Manager (C Matthews)
Meeting Administrator (K Kowalewska)

Also in Attendance:

Ali Sanderson, Home-Start (West Somerset)
Councillor Anne Fraser, Portfolio Holder Business Strategy, Sedgemoor District Council
Doug Bamsey, Corporate Director, Sedgemoor District Council

C82 Apologies for Absence

An apology for absence was received from Councillor H J W Davies.

C83 **Minutes**

RESOLVED that the Minutes of the Meeting of Council held on 23 October 2013 be approved.

C84 **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 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 E May	C93	Is a member of the Phoenix Centre, Watchet	Personal	Spoke and voted
Cllr D J Sanders	C95	His wife is the Minehead Town Council Clerk responsible for finance	Personal	Spoke and voted

C85 **Public Participation**

Sam Westmacott, a resident of Watchet, spoke in relation to Agenda Item 11 – East Wharf Watchet – Future Development. On behalf of the community of Watchet she commended the Leader of Council on the work carried out in trying to draw the situation concerning the East Wharf to a satisfactory conclusion. She raised comments concerning the fact that the terms of the lease had been written by West Somerset Council. She stated that the Council needed to decide what it planned to do with the Urban Splash proposals, and that the agreements with the Marina Operator and Urban Splash should work together. She raised concerns that the Council could fall foul of European Law as a result of the changes to the scope of the contract, and that the possible legal implications of this should be carefully checked.

C86 **Home-Start**

Ali Sanderson, the Manager of Home-Start (West Somerset) gave a presentation on the work of the local family support charity. She advised that Home-Start was a voluntary organisation offering support, friendship and practical help to families at home with children under seven helping to prevent family crisis and breakdown.

There was a Home-Start office in Minehead and volunteers spent most of their time out in the communities of West Somerset – in total there were 65 local volunteers. She explained the vast services and support which were provided to families.

She reported that there were currently 338 schemes across the UK, however no central funding was obtained and Home-Start had to raise its entire budget themselves. West Somerset Council's contribution of £3,000 helped the organisation to apply and successfully be awarded £183,000 (over five years) from the Big Lottery funding – this amount represented one third of their budget. She further explained the different ways in which money was raised and hoped that the Council would continue supporting Home-Start (West Somerset).

RESOLVED that the presentation be noted and the presenter be thanked for her time.

C87 **Chairman's Announcements**

24 October 2013	Civic Awards Ceremony by Somerset County Council for services to the community – 5 people from West Somerset won awards and 2 local people won policing awards at a separate ceremony
30 October 2013	Vincent Woods' 20 th Anniversary Vespers Mass
5 November 2013	Timberscombe Mini Bus Lottery Grant Application
7 November 2013	Somerset Community Foundation Celebration Evening at Pennard House
10 November 2013	Royal British Legion services in Stogumber and Minehead
11 November 2013	Burma Star Commemorations
18 November 2013	Pupil Parliament in the West Somerset Council Chamber

C88 **Request for Allocation of Section 106 Funding – Fit to Work - Hinkley**

(Report No. WSC 142/13, circulated with the Agenda.)

The purpose of the report was to outline proposals by Sedgemoor District Council to use their proportion of the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works Section 106 agreement and in line with the

requirements of the Section 106 agreement to seek the approval of West Somerset Council for this allocation.

The Chairman introduced and welcomed Councillor Anne Fraser and Doug Bamsey from Sedgemoor District Council.

The Lead Member for Resources and Central Support presented the report and advised that the Fit to Work fund, totalling £60,000, had been split equally between West Somerset Council (WSC) and Sedgemoor District Council (SDC) as it was evident that there was a lot of commonality in the needs of both districts to prepare themselves for the Hinkley project. Council had received and approved West Somerset's proposal at its meeting on 18 September 2013.

The Lead Member proposed the recommendation in the report which was seconded by Councillor M O A Dewdney.

The following comments were made:

- It was pleasing to note that the pre-employment mapping undertaken by WSC has had such a positive impact on the Sedgemoor projects.
- SDC was congratulated for providing an excellent example of how a small amount of money could be made to go a long way and the amount of individuals who would benefit was staggering.
- The format of the budget proposal was very clear and informative.
- WSC was looking forward to the continued working relationship with SDC on all matters Hinkley and although they were very welcome to attend future meetings where Section 106 funding would be discussed, it was entirely up to the SDC Councillors and Officers as to whether they wished to do so.

Councillor Fraser thanked the Councillors for their comments which would be conveyed back to Sedgemoor and she stated she also was looking forward to working with West Somerset Council.

RESOLVED that the proposed use of the £30,000 Fit to Work funding by Sedgemoor District Council, as described in appendix A to the report, be agreed.

C89 **Localism Act 2011 – Review of Members' Code of Conduct and Arrangements for Dealing with Complaints**

(Report No. WSC 134/13, circulated with the Agenda.)

The purpose of the report was for the Council to review the Members' Code of Conduct and the arrangements for handling complaints that have been operating since 1 July 2012.

The Lead Member for Executive Support and Democracy presented the report and went on to propose the recommendations in the report which were duly seconded by Councillor E May.

RESOLVED (1) that the existing West Somerset Council Member Code of Conduct be amended, as follows:

- a) To replace the existing definitions of the seven principles of public life in Appendix 1 by the wording set out in Appendix A to the report; and
- b) By the inclusion of being a member of a national park authority as being an additional exception under Clause 2.9 (1) (a) relating to prejudicial interests.

RESOLVED (2) that the Council continue with the existing arrangements for dealing with complaints in relation to allegations of breaches of Code of Conduct for district, town and parish councils in West Somerset, with the one amendment that the target for completing the initial assessment part of the process be amended to 'as soon as is practicable and normally within two calendar months of receipt of a complaint', subject to the process as a whole being kept under regular review.

RESOLVED (3) that in order to support the process referred to in resolution (2) above, the appointments of Louise Somerville Williams as the Council's Independent Person and Mike Hillman as the reserve Independent Person be extended for a further period to run from 1 October 2013 to 31 May 2015.

C90 **2014/15 Council Tax Rebate Scheme**

(Report No. WSC 133/13, circulated with the Agenda.)

The purpose of the report was to advise Council of the proposed 2014/15 Council Tax Rebate Scheme for West Somerset.

The Lead Member for Community and Customer presented the report advising that it was proposed not to change the current scheme for 2014/15. He drew Members' attention to the fact that the scheme was currently 3.85% under budget which would cover any increase in claim take up. He also drew attention to the Equalities Impact Assessment which revealed the fact that the levels of average debt for employed claims was significantly higher for all profiles than either non-working or pension age cases. In light of this further work would be undertaken in the coming year to see if any adjustments would need to be made to the Scheme for 2015/16.

He proposed the recommendations which were duly seconded by Councillor K H Turner.

An amendment was proposed by Councillor P H Murphy and seconded by Councillor D D Ross to include an additional recommendation, to read "Council note that the Equalities Impact Assessment expresses concern that the level of average debt for those employed is significantly higher for all profiles than either non-working or pension age claims. It resolves to consult on a revision to the scheme for 2015/16 which would increase the support for claims in work. Council believes it is important to incentivise work and encourage people to remain in employment."

A lengthy debate ensued on the amendment, and the following points were raised:

- The issue had been debated by the Scrutiny Committee, discussions had been held with the Principal Benefits Officer about redesigning the Scheme and assurance was provided that consideration would be given to the matter.
- The causes for concern were stressed upon in relation to the earnings disregard and the fact that West Somerset had the second lowest wage levels amongst neighbouring authorities.
- Members were pleased to have a commitment from the portfolio holder that the matter would be looked at, however it was important to emphasise the aim to incentivise work and encourage people to remain in employment in the form of a resolution.
- Following a query, the Principal Benefits Officer explained that everybody in receipt of benefit and all those liable for council tax would have to be consulted on a revision to the Scheme for 2015/16, and the most cost effective time to do so would be during the annual billing stage.

On being put to the vote the amendment was LOST.

RESOLVED (1) that the recommendation from Cabinet that no change be made to the 2013/14 Council Tax Rebate Scheme be agreed and adopted for use in 2014/15.

RESOLVED (2) that in adopting this scheme the detailed Equality Impact Assessment, as set out in Appendix A to the report, be noted.

C91 Non Domestic Rates – Discretionary Relief Scheme

(Report No. WSC 139/13, circulated with the Agenda. The Rural Settlements List 2014/15 was circulated at the Meeting.)

The purpose of the report was to seek approval of a Discretionary Rate Relief Scheme to operate for a 12 month period from 1 April 2014. Also, to approve the associated Rural Settlement List in respect of the same period.

The Lead Member for Resources and Central Support presented the item and advised that discretionary rate relief was always vulnerable in the annual budget setting process. However, because it affected and benefitted so many businesses, charities, clubs etc. right across West Somerset, it was felt very important to try to continue to provide the scheme. The scheme was maintained and reviewed on an annual basis and she reported that there was one proposed addition to the current scheme relating to New Builds Empty Property Relief.

The Lead Member proposed the recommendations in the report which were duly seconded by Councillor S J Pugsley.

RESOLVED (1) that the current 'Discretionary Rate Relief Scheme', as amended, be approved with immediate effect, to include an additional type of relief as detailed in Appendix A, Addendum 1 to the report.

RESOLVED (2) that the current scheme, as amended, be extended for a further twelve months, commencing 1 April 2014 and terminating on 31 March 2015.

RESOLVED (3) that a report on the future of the Council's Discretionary Rate Relief Scheme in 2015/16 be drafted for presentation to Council during the autumn of 2014.

RESOLVED (4) that the rural settlements list for 2014/15, as listed in Appendix B to the report, and circulated as Appendix C at the meeting be agreed.

C92 Review of Decision Making Process – Market Street Toilets, Watchet

(Report No. WSC 148/13, circulated with the Agenda.)

The purpose of the report was to enable Council, at the request of the Scrutiny Committee, to review the decision making process in regard to the operation of the Market Street toilets in Watchet for the 2013/14 financial year.

The Lead Member for Regeneration and Economic Growth introduced the item and the Monitoring Officer presented the report reporting that the two areas of concern raised by Scrutiny related to the clarity of the decision taken and whether keeping the toilets open resulted in any Council overspend. He then explained his conclusions and drew Members' attention to paragraphs 5.14 to 5.16 of the report. He confirmed that there was some lack of clarity in the reporting back of the matter, however, there was no financial detriment to the Council in this particular circumstance.

Councillor K M Mills proposed the recommendations in the report which were seconded by Councillor D J Sanders.

During the discussion of this item Members raised concerns on the estimated cost of continuing to operate the Market Street car park toilet and the possibility of renegotiating the contract with Veolia was raised as a lesson learnt. The Monitoring Officer was complimented on the production and clarity of the report.

The Lead Member for Resources and Central Support stated that WSC should be proud of its work in developing a process of talking to parish/town councils and communities to try and keep toilets open, and the lesson to be learnt was in finding a way to match this creative and flexible thinking with the democratic process.

The point was also made by Councillor P H Murphy that this was a good example of partnership working between Watchet Town Council and WSC to keep two sets of toilets open in Watchet which set a good precedent for other parishes who were interesting in looking after community facilities.

RESOLVED (1) that the contents of the report be noted.

RESOLVED (2) that Council considered the lessons learnt from the process that was followed to improve the Council's decision making processes in the future.

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

C93 **East Wharf Watchet – Future Development**

(Report No. WSC 140/13, circulated with the Agenda.)

The purpose of the report was to update Members on the results of negotiations with the Marina Operator (MO) and Urban Splash (US) as the developer concerning the future use/development of the East Wharf Watchet.

The report was presented in great detail by the Leader of Council who reported that the issue regarding the East Wharf had been ongoing for a long time due to problems with the terms of the Lease as the Council could not develop the site without the agreement from the MO. Negotiations had recently been held with the MO who indicated that he would like to demolish the existing cargo shed in order to build commercial units, and the Leader advised that if there was a surplus on the rental of the units this would be used to help produce a viable marina as it was evident that there was a need for enterprising operations to help put money back into the marina. The Leader reported that it was very difficult to terminate the lease and the accumulation of mud in the marina was also an issue. He went on to explain the scenario of what would happen if the Council did nothing - for example the MO could enforce the Lease; the situation could remain the same with no marina investment, and there was also a possibility that the MO could insist on 35 car parking spaces in Harbour Road and another 18 spaces elsewhere in Watchet, as stated in

the lease. The Leader recommended that the current status quo was not the right option to take.

He further explained that Urban Splash wanted to develop the southern end of the East Wharf and following talks with the MO, US had proposed to develop a scheme of thirty one- and two-bedroom dwellings with commercial facilities. He informed that the Conditional Development Agreement with US would end on 31 March 2014.

Problems highlighted that needed to be addressed included:

- investigate whether the containers which were currently being used for the storage of art work could be relocated;
- work was needed to be done to overcome the certain amount of lack of trust around the issue of the marina which had recently been expressed; and
- the legal agreements and a renegotiation of the lease – the new terms of the lease would need to be much stronger and clearer.

He concluded by drawing Members' attention to the two options for consideration contained in the report and to the number of consultation meetings which had recently taken place.

The Leader proposed the recommendations in the report which were seconded by Councillor M O A Dewdney.

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

- Concerns pertaining to car parking and permits, and if certain areas were to be fenced off for exclusive MO use, assurance was sought as to whether there would still be parking provision for the disabled and for the local community who use the Phoenix Centre in Watchet.
- Could a stipulation be enforced that the shed be demolished and rebuilt within a 12 month time frame?
- Concerns with the extension of the agreement with Urban Splash.
- Watchet residents were mainly concerned with the parking situation in Harbour Road and if the recommendations were approved half of it would be protected and would remain open for public use.
- The redevelopment of the cargo shed would give vital employment benefits to Watchet.
- A lot of respect was expressed to the Officers and Councillors who had been involved in the negotiations with the MO.
- Watchet boat owners were concerned at the lack of an overall plan and to the commitment to the project from the parties concerned.
- Any scheme going forward should guarantee a place for the Contains Art project as they were a terrific asset.
- Lack of affordable housing element and no dredging plan in the scheme.
- Members should see this as being the best step forward to date and plans to improve the commercial vitality of the marina were urgently needed.

- East Wharf should be an asset for the employment potential of Watchet and the district providing community benefit and it was felt that the community aspect in the project was not catered for.
- Not supportive of the Council handing over the cargo shed to another developer for them to benefit from the income.
- The issues raised by the member of the public concerning European law and retendering would be investigated

The Interim Executive Director responded to the comments made and reported that there were still further negotiations to be had with US and the MO about the commercial and technical considerations and any additional clauses to the lease. In terms of the car parking, the configuration of how parking spaces would effectively be fenced off in Harbour Road would be subject to discussions with the Phoenix Centre and the disabled spaces would also have to be taken into account. He confirmed that the Contains Art lease was temporary and if the recommendations were approved, further negotiations would be entered into to see if there was any way to provide an alternative location.

The Planning Manager advised that recommendation 3.1 of the report would be a decision taken by the Council as landowner for the demolition of the existing building. The Planning Committee would consider the application and their decision would be based on the merits of the proposal.

In light of concerns that recommendation 3.1 of the report was not clear as to what the MO would do following the demolition of the cargo shed and further clarification was required, an amendment was proposed by Councillor K H Turner and seconded by Councillor M O A Dewdney, to add to the end of recommendation 3.1 “..and construct appropriate replacement new buildings providing employment opportunities subject to the appropriate planning consents being forthcoming.”

On being put to the vote the amendment to recommendation 3.1 was CARRIED.

This then became the new substantive motion and the recommendations contained in the report were put to the vote separately and were CARRIED.

RESOLVED (1) that the outline development of the East Wharf, as shown in Appendix A to the report, be approved in principle, including permission for the Marina Operator, at no cost to the Council, to demolish the existing cargo shed and construct appropriate replacement new buildings providing employment opportunities subject to the appropriate planning consents being forthcoming.

RESOLVED (2) that the principle of granting the Marina Operator the exclusive use of 20 car parking spaces in Harbour Road car park plus 15 permits to park a car free of charge in any of the car parks in Watchet be approved.

RESOLVED (3) that following further negotiations a report be presented to Council that includes details of any new/supplementary leases (including conditions and financial considerations) plus any proposed amendments to the existing Marina lease. If a joint agreement on necessary details cannot be reached the report to Council should include proposals for the implementation of option two referred to in paragraph 5.6.2 of the report.

RESOLVED (4) the break clause in the Conditional Development Agreement with Urban Splash not be invoked at the current time.

C94 **Corporate Plan 2014-16 – Refreshing the Priorities**

(Report No. WSC 150/13, circulated prior to the Meeting.)

The purpose of the report was to enable the Council to review the corporate priorities in the Corporate Plan for 2014-16.

The Leader of Council presented the report and proposed the recommendation in the report which was duly seconded by Councillor K V Kravis.

RESOLVED that the corporate priorities and refreshed objectives as laid out in Appendix A to the report be approved and subsequently reflected in a redrafted Corporate Plan for 2014-16.

C95 **MTFP – Council Tax Support Grant to Parishes**

(Report No. WSC 145/13, circulated with the Agenda.)

The purpose of the report was to report back from Scrutiny Committee who considered the level of Council Tax Support Grant to be allocated to parishes.

The Lead Member for Resources and Central Support presented the item and reported that this year central government had removed the specific funding support to parishes to help mitigate the impacts of the Council Tax Support Reforms. As a result of this a decision as to whether to continue to help parish and town councils and how much money to pass on to them was required. A further consideration to take into account was whether this amount should reflect the Council's change in financial circumstances to take into account the decrease in income.

She drew Members' attention to the options which were considered and debated by the Scrutiny Committee and advised that the preferred option reflected the drop in the Council's income and it was a clear and transparent way of fairly treating the parish/town councils.

She proposed the recommendation in the report which was duly seconded by Councillor K J Ross.

RESOLVED that the amount of Council Tax Support Grant passed on to parishes be reduced by the percentage reduction in the Council's Start Up Funding as assessed by DCLG and as recommended by the Scrutiny Committee.

C96 **The Collection Fund – Estimate of Surpluses and Deficiencies 2013-14**

(Report No. WSC 144/13, 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 2014.

The Lead Member for Resources and Central Support presented the item and proposed the recommendation in the report which was duly seconded by Councillor K J Ross.

RESOLVED that an estimated surplus of £340,000 on the Collection Fund at 31 March 2014 be declared.

C97 **Review of the Siting Process for a Geological Disposal Facility (GDF)**

(Report No. WSC 153/13, circulated with the Agenda.)

The Department of Energy and Climate Change (DECC), Welsh Government and the Northern Ireland Department of the Environment are reviewing the "Managing Radioactive Waste Safely (MRWS) siting process for a Geological Disposal Facility". Geological disposal involves isolating radioactive waste deep inside an underground facility constructed in a suitable rock formation at a depth of between 200 metres and 1000 metres underground.

The report was presented by the Lead Member for Environment – Hinkley who advised that the consultation was concerned with the process for the siting of a GDF and as a district hosting a nuclear plant it was important that the Council got involved in shaping the consultation. He pointed out that he was opposed to the terminology and would like the Council to adopt the word 'repository' or 'storage' instead of disposal.

The Lead Member then proposed the recommendation in the report which was seconded by Councillor D J Sanders.

On consideration of the report the following points were made:

- The disposal of nuclear waste was a complete misnomer.
- The district's geology and infrastructure was not suitable to host a repository and the Major Projects Team should provide an answer to questions 4 and 8 of the consultation document.
- Health issues had not been commented on and it should be noted that there was no provision for independent health monitoring.

The Planning Manager concurred that the area was unsuitable from a geological perspective. He explained that the consultation had been carried out by DECC and as the Council was the host local authority for a nuclear power station it was important to be involved and interested in the process. He also provided an update on the Council's membership on the Nuclear Legacy Advisory Forum (NuLeAF).

RESOLVED that it be agreed to provide a response to the consultation focussing specifically on the following issues:

- Public consultation
- Decision making process
- The siting process being incorporated into the Nationally Significant Infrastructure Project (NSIP) process; and
- Community Benefits

C98 **Standards Advisory Committee**

(Minutes of the Standards Advisory Committee held on 24 September 2013, circulated with the Agenda.)

RESOLVED that the Minutes of the Standards Advisory Committee held on 24 September 2013 be adopted.

C99 **Timetable of Meetings 2014/15**

(Timetable of Meetings for the 2014/15 Municipal Year, circulated with the Agenda.)

The purpose of the report was to agree a timetable of meetings for the 2014/2015 Municipal Year.

During the discussion of this item one amendment to change the start time of the Scrutiny Committee from 3.30pm to 2pm was proposed and seconded.

RESOLVED that, subject to the one amendment identified at the meeting, the 2014/15 timetable be approved.

C100 **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 14 October 2013 be noted.

The meeting closed at 7.32 pm.