

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 22 January 2014 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 H J W Davies
Councillor M O A Dewdney	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)
Director of Operations (S Adam)
Assistant Chief Executive (B Lang)
Section 151 Officer (S Campbell)
Assistant Director Business Development (I Timms) – Items 6 and 7
Planning Manager (A Goodchild) – Item 11
Major Projects Manager (J Holbrook) – Item 11
Community Safety Officer (P Hughes) – Item 10
Parking and Civil Contingencies Manager (J Lewis) – Item 9
Meeting Administrator (K Kowalewska)

Also in Attendance:

Steve Read, Managing Director Somerset Waste Partnership
Colin Mercer, Somerset Waste Partnership

Statement by the Leader of Council

The Leader of Council reported that two representatives from the Department for Communities and Local Government (DCLG) had visited West Somerset Council and Taunton Deane Borough Council on 15 January 2014 to get an update on progress to date concerning the new joint working arrangements for shared services and management between the two councils and to provide feedback regarding the unsuccessful Transformation Challenge Award bid. DCLG confirmed that the bid

had ticked all the boxes with regards to their expectations but acknowledged they did find the final selection process very difficult due to the overwhelming amount of bids that had been submitted. DCLG were impressed with the project's progress, despite their initial concerns that it lacked pace, and stated that the approach taken and progress made by the two councils was exemplary and agreed it was the right decision to move forward despite not receiving any funding. The Leader went on to say their visit was worthwhile and positive and was pleased to inform that the good relationship with the DCLG would continue. The Local Government Association had also offered their support.

The Leader concluded by offering his sincere thanks to the officers of West Somerset Council and Taunton Deane Borough Council for all the hard work undertaken with regards to the Joint Management and Shared Services project; and he also thanked and congratulated Members for their involvement and proactive approach as a great deal had been achieved to resolve the Council's problems for the benefit of people in West Somerset.

The Chairman of Council responded by thanking and congratulating the Leader for his significant contribution to the partnership project.

C101 Apologies for Absence

An apology for absence was received from Councillor J Freeman.

C102 Minutes

RESOLVED that, subject to amending the word "that" to "than" in the fifth line of the fifth paragraph of Minute No. C90, the Minutes of the Meeting of Council held on 20 November 2013 be approved.

C103 Declarations of Interest

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

Name	Minute No.	Member of	Action Taken
Cllr H J W Davies	All	SCC	Spoke and voted
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	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

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In addition, the following interests were declared:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Cllr G S Dowding	C107	Landlord	Personal	Spoke and voted
Cllr P N Grierson	C107	Landlord	Personal	Spoke and voted
Cllr K V Kravis	C107	Landlord	Personal	Spoke and voted
Cllr D D Ross	C107	Landlord	Personal	Spoke and voted
Cllr T Taylor	C107	Landlord	Personal	Spoke and voted
Cllr A H Trollope-Bellew	C107	Landlord	Personal	Spoke and voted
Cllr K H Turner	C107	Landlord	Personal	Spoke and voted
Cllr D J Westcott	C107	Landlord	Personal	Spoke and voted
Cllr P H Murphy	C112	Involved in the Watchet Library Asset of Community Value bid	Personal	Spoke and voted

Upon a signed request, the Members present at the Meeting were granted a dispensation relating to a disclosable pecuniary interest in Item 13 – Arrangements for Independent Remuneration Panel and Review of West Somerset Council Members’ Allowance Scheme – due to all being in receipt of allowances.

C104 Public Participation

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

C105 Chairman’s Announcements

6 January 2014	Attended the opening of the new lift at the Regal Theatre, Minehead followed by the pantomime performance of Mother Goose
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Following the announcements in the Queen’s New Year Honours List, congratulations were expressed to the Lord Lieutenant of Somerset, Lady Gass, who was made a Dame Commander of the Royal Victorian Order, and to Denise Sage, manager of the Porlock Visitor Centre who was awarded the British Empire Medal.

C106 Low Cost Home Ownership Scheme

(Report No. WSC 15/14, circulated with the Agenda.)

The purpose of the report was to outline to Members the proposed amendment to the Council's Low Cost Home Ownership Policy, in particular how it relates to the sale of properties at Clanville Grange in Minehead and the circumstances that have led to these proposals being made.

The Lead Member for Housing, Health and Wellbeing presented the report and advised that the reasoning behind changing the conditions attached to the properties at Clanville Grange was due to difficulties experienced by purchasers in obtaining a mortgage. Following the work carried out by the Housing Enabler and the legal advice obtained, it was realised that conditions to the Policy could be amended by swapping the Deed of Pre-emption for a Covenant and Legal Charge without obtaining consent from the Secretary of State, and this would bring the properties at Clanville into line with all other Low Cost Home Ownership schemes in the district.

The Lead Member further explained that following discussion of this item at the Cabinet meeting held on 8 January 2014 consideration was given to the sale of the properties on the open market, and he highlighted the reasons why this option was not considered financially or legally viable.

The Lead Member proposed the recommendation in the report which was seconded by Councillor E May.

In response to concerns relating to imposing a Legal Charge on the properties, the Assistant Director Business Development confirmed that the affordable housing covenant would appear on any land charge search which would mean that the properties could not be sold on the open market and permission would need to be sought from the Council.

RESOLVED that the proposed changes to the Low Cost Home Ownership Scheme as detailed in Section 5 of the report be accepted.

C107 **Somerset Strategic Housing Framework and West Somerset Action Plan**

(Report No. WSC 16/14, circulated with the Agenda.)

The purpose of the report was to outline to Members the proposed Somerset Strategic Housing Framework 2013-2016.

The Lead Member for Housing, Health and Wellbeing presented the report and went on to propose the recommendations in the report which were duly seconded by Councillor C Morgan.

RESOLVED (1) that the Somerset Strategic Housing Framework be adopted.

RESOLVED (2) that Cabinet's endorsement of the principles of the West Somerset Action Plan, which supports the Somerset Strategic Housing Framework, and which will be submitted to a future Council meeting following further consideration, be noted.

C108 **Honorary Aldermen**

(Report No. WSC 9/14, circulated with the Agenda.)

The purpose of the report was to provide Council with the opportunity to review the current policy for conferring the title of Honorary Aldermen on former Members, which has been in place since May 2000.

The Lead Member for Executive Support and Democracy presented the report advising that the matter had been discussed at a Corporate Policy Advisory Group where Members were mindful to revive the current practice of awarding the Honorary Aldermen title to former long serving West Somerset Council members as an acknowledgement for their service given to the authority. He reported that the title had been conferred to only four individuals in the past, the last award being made in 2002, and that it still remained Council policy.

In view of the amount of time that had elapsed formal confirmation from full Council was sought and the Lead Member proposed to continue with the existing policy, which was duly seconded by Councillor M O A Dewdney.

During the discussion of this item, the following points were raised:

- The policy was past its sell by date and unnecessary and it was inappropriate for the Council to spend money in this regard.
- The selection process for considering and nominating candidates needed to be discreet and in closed session and it was suggested that this could be debated and agreed at a meeting of the Corporate PAG where a representative group of Members was present.
- The Lead Member confirmed that the cost could be kept to a minimum.

RESOLVED that the current policy for conferring the title of Honorary Aldermen of former Members which has been in place since 17 May 2000 be continued.

C109 **Somerset Waste Partnership Business Plan**

(Report No. 19/14, circulated prior to the Meeting.)

The purpose of the report was to seek approval for the Draft Somerset Waste Partnership's (SWP) Business Plan (2014-19), including the draft budget.

The Lead Member for Environment – General introduced and welcomed to the meeting John Lewis, the Parking and Civil Contingencies Manager whose new responsibilities included waste, and Steve Read and Colin Mercer from the Somerset Waste Partnership, who were in attendance to provide an update on the draft Business Plan.

The Lead Member then gave a brief summary of the report highlighting the following issues:

- The Dulverton Community Recycling Centre would remain open.
- The cost to WSC of being a member of SWP was very good value for money and SWP was aware of the need for savings.
- The increase in the Council's projected budget was due to a drop in the amount of household recycling and Councillors were urged to encourage West Somerset residents to use their recycling boxes correctly and not to dispose of recyclable material in the household (black bin) refuse.
- Fly tipping had dropped by 30% since 2007/08.

The Lead Member proposed the recommendation in the report which was duly seconded by Councillor R P Lillis.

Steve Read and Colin Mercer from SWP provided Members with a general overview of what was proposed within the Business Plan, and drew attention to the following:

- A great deal of stability within the Partnership had been achieved.
- Resources would be freed up to encourage people to realise the value of recycling and trials were planned in Taunton Deane to vary the way material was collected and to enhance kerbside collection by including additional material, e.g. mixed plastic.
- Increased promotion of the food waste service would be undertaken and there would be a West Somerset focussed proposal to engage local residents to drive recycling rates, and the new anaerobic digester plant at Walpole, Bridgwater was now in full operation.
- It was hoped that, in response to public demand, the opening hours at the Minehead Recycling Centre would be increased.
- Confirmation of recent updated financial information had been received which meant that the impact on WSC's budget would be slightly more favourable than the figure reported (an increase in the projected budget of £42,000 instead of £54,000).

During the course of the discussion the main points raised included:

- Investigations should be undertaken as to what other authorities had done to obtain good recycling levels.
- The hard work of the local drivers and operatives who collected the recycling/refuse was greatly appreciated.
- National trends indicated that there was an overall reduction in recycling and it was not just confined to Somerset.
- Need to look at ways of getting the message across to the community about the importance of recycling and this could be done via parish newsletters and in schools.

- Steve Reid and his team were thanked for the useful and informative report.
- Regarding concerns about the collection of oversized cardboard, it was confirmed that this was due to the aperture and limitations of the collection vehicle and the issue was under investigation.

RESOLVED that the Somerset Waste Partnership Draft Business Plan 2014-19, including the Draft Budget at Appendix 3 to the Business Plan, be approved.

C110 Proposal to Extend Public Place Designation Orders in Minehead

(Report No. WSC 17/14, circulated with the Agenda.)

The purpose of the report was to seek approval from Council to commence the process to designate certain geographic areas in Minehead as Public Place Designation Zones in accordance with the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The Lead Member for Community and Customer presented the report and proposed the recommendation in the report, with an amendment to include 'and Alcombe' (after Minehead), which was seconded by Councillor D J Sanders.

In response to a question as to why an area was being designated that had not been requested by the police, the Community Safety Officer advised that by implementing the orders in the areas requested by the police there was an anticipated danger that anti-social behaviour could disperse onto the beach area.

Members expressed support for implementing and extending the public place designation orders. It was reported that the orders had been very successful in the locations where they were currently enforced and the police were very quick to respond and disperse the situation.

RESOLVED that the commencement of the statutory processes to extend the areas in Minehead and Alcombe where public place designations apply be approved.

C111 Consultation Response to the NDA/Magnox on the Preferred Option for Storage and Treatment of ILW Waste at Hinkley Point A

(Report No. WSC 13/14, circulated with the Agenda.)

The report set out the Council's proposed response to the Nuclear Decommissioning Authority's (NDA's) current 'Stage B' consultation on their Preferred Options for Intermediate Level Waste (ILW) storage and Fuel Element Debris (FED) Treatment Facilities. The deadline for responses is 31 January 2014.

The report was comprehensively presented by the Lead Member for Environment – Hinkley who stated that the proposal to which this consultation related would add further distress to the residents of West Somerset, in particular to the parish of Stogursey and surrounding area, and because of this urged Members to fully support the recommendations of the report.

He proposed the recommendation in the report which was seconded by Councillor S Y Goss.

Concerns were raised regarding the inadequate and improper public consultation on this process; and in response to further clarification on the decision to postpone the recent SNEG meeting at what was seen to be a very crucial time, the Planning Manager reported he had received confirmation from Alyn Jones at Somerset County Council that he would attempt to reconvene a meeting and a letter would be written to Councillors Morgan and Goss in this regard.

Members felt that it was very important to inform the NDA of the fact that the proposition they were putting forward was in West Somerset and that they should be made aware of how seriously it would affect the community.

RESOLVED that it be agreed, following discussion at the Council's Corporate PAG and CMT meetings, to provide a response to the consultation focussing specifically on the following issues:

- Public consultation – WSC has previously raised considerable concerns with the NDA/Magnox about the amount of time and limited scope of the consultations that have taken place within the District. Objections to the previous consultation in June 2013 and several offers for the Council to provide additional input have not been taken up or prompted substantive improvements in the engagement/consultation process.
- That WSC, in accordance with its planning guidance and given the potential effects on the tourism economy, objects to the principle of FED from Oldbury being treated and potentially stored at Hinkley Point A for an indeterminate period when there remains uncertainty regarding the role of a Geological Disposal Facility (GDF) storing ILW from the UK. It is currently unclear how the secondary products of treatment of FED from Oldbury would be considered under the proposed preferred options.
- That WSC reiterates its previous request (made in June 2013) that WSC are involved in all discussions and consulted at all stages of the development of the NDA's strategy for ILW storage options for England and Wales and proposals relating to treating FED at Magnox sites.

- WSC shares SCC concerns about the cumulative impacts of development associated with Hinkley Point, especially when factoring in the delay in development of HPC. Magnox state that (p19 of the Preferred Option paper) the additional vehicle movements at HPA would occur several years after the expected peak (around 2016) in HPC construction traffic. However, given that HPC construction has not yet begun, it can be assumed that these timeframes will change and so the adverse cumulative impacts need to be carefully assessed and mitigated to acceptable levels. In particular this will relate to detailed consideration of plans for the proposed construction of the FED treatment facility and proposed movement of FED from Oldbury.
- WSC understands the need for ILW storage at Hinkley Point, until such time as alternative treatment or disposal options become available, noting that permission has been granted by Somerset County Council for ILW storage at HPA (SCC Application Reference: 3/32/04/009). WSC supports the conclusion that this on-site storage facility should not store any waste imported from other sites, aligning with a condition placed on previous planning decision by SCC (linked with extant permission 3/32/04/009), which states that: "*There shall be no radioactive waste imported from outside Hinkley 'A' site; and only the waste (currently classed as Intermediate Level radioactive waste) that is in situ within the Hinkley 'A' site shall be stored on site*". In 2012 agreement was reached between the applicant and SCC to vary conditions of the extant permission at HPA (SCC Application Reference: 3/32/12/030) linked with the design of the building. The condition relating to the importation of ILW waste remained unchanged. As the ILW store project moves forward, it is important to ensure clarity in communication on the relationship between the store and the evolving GDF process, not least to ensure the host community of the ILW store is aware that the local storage of ILW does not in effect become permanent.

The NDA/Magnox consultation would close on 31 January 2014 and a response would be submitted online.

C112 Localism Act 2011 – Review of Community Right to Challenge and Assets of Community Value

(Report No. WSC 1/14, circulated with the Agenda.)

The purpose of the report was to enable the Council to review the processes set up in relation to the Community Right to Challenge and Bid relating to Assets of Community Value that were bought into force arising out of the Localism Act 2011.

The Lead Member for Community and Customer presented the report and gave details on the background information relating to the two different processes. He proposed the recommendations in the report, and that an amendment to the second recommendation be made to include "and taking into account the new joint management structure", which were duly seconded by Councillor M O A Dewdney.

It was noted that the Council element was working well, and officers and Members were thanked for their involvement and support in helping to aid a greater understanding and appreciation of processes.

A comment was made that local groups should be encouraged to apply to list community assets onto the register as it offered a measure of protection to those assets that could be seen as potentially at risk.

RESOLVED (1) that the progress and experience to date in relation to community right to challenge and bids relating to assets of community value be noted.

RESOLVED (2) that the continuation of the processes currently in place be supported with officers being authorised to implement any further refinements in the light of experience and taking into account the new joint management structure .

C113 **Arrangements for Independent Remuneration Panel and Review of West Somerset Council Members' Allowance Scheme**

(Report No. WSC 7/14, circulated with the Agenda.)

The purpose of the report was to enable the Council to agree an approach in regard to reviewing the current West Somerset Council Members' Allowance Scheme and to agree to extend the appointment of the existing West Somerset Council member on the Joint Independent Remuneration Panel.

The Leader of Council presented the item and was of the opinion that it would be irresponsible and inappropriate to raise Members' allowances in the current climate of economic hardship. The Leader proposed to include an additional recommendation and explained that following a recent meeting of the Monitoring Officers it was agreed to ask Somerset County Council and WSC whether they would agree in principle to invite the other Somerset district councils to join the Joint Independent Remuneration Panel.

He proposed the recommendations in the report, subject to the inclusion of a further recommendation to read "that Council agree in principle the further expansion of the Panel to include other Somerset district councils and to invite statements of intent to join from the district councils by the end of March 2014". These were duly seconded by Councillor K J Ross.

The point was made that although mindful of the current economic circumstances the Independent Panel should take into consideration, when reviewing the allowances after the next election, the under-represented groups and whether they would be disenfranchised by a low allowance.

In response to a question as to what would be the benefits of every local authority joining the Panel to discuss allowances, the Assistant Chief Executive explained that this would help to streamline the process over the six councils. He further explained that currently the panels looked at very similar issues and by operating with just the one there would be less recruitment of independent members for the panels and less officer capacity needed, a more focussed level of expertise, and would achieve more consistent outcomes. He confirmed that the Panel would remain independent from any one council and would report back to each council separately.

RESOLVED (1) that in the light of the views received from the Independent Remuneration Panel for Somerset County Council and West Somerset Council:

- (a) the West Somerset Council Members' Allowance Scheme be frozen for the 2014/15 financial year and until the Panel meets after the 2015 election and brings recommendations to full Council;
- (b) the current arrangements in respect of allowances paid to the Chairman and Vice-Chairman of Council should also continue to be frozen in line with the time frame in (a) above;
- (c) a fundamental review of the existing Members' Allowance Scheme is undertaken by the Panel in late 2014/early 2015 to re-establish key principles using benchmarking information to enable a principles report coming to full Council in early 2015 before the May election; such scheme to include the payment of any additional allowances as considered appropriate to the posts of Chairman and Vice-Chairman of Council; and
- (d) the West Somerset Council Members' Allowance Scheme is then reviewed in June 2015 to take account of the district council election outcomes for consideration and adoption at full Council in July 2015 being backdated as necessary.

RESOLVED (2) that Robert Govier the existing West Somerset representative on the Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council be reappointed for a further period of three years with effect from 13 December 2013.

RESOLVED (3) that the further expansion of the Panel to include other Somerset district councils be agreed in principle and to invite statements of intent to join from the district councils by the end of March 2014.

C114 **Review of Financial Regulations**

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

The purpose of the report was for Council to approve the changes to the Financial Regulations.

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

A request was made that urgent consideration be given to reviewing the project management training given to Councillors involved in the management of projects.

RESOLVED that the changes to the Financial Regulations, attached at Appendix A to the report, be approved.

C115 Treasury Management Update – 30 September 2013

(Report No. WSC 18/14, circulated with the Agenda.)

The Lead Member for Resources and Central Support presented the report and drew Members' attention to the Section 151 comments which reported that performance to date was more favourable than anticipated.

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

During the discussion it was pointed out that the Treasury Management update report was a useful concise document and provided a good overview of the Council's position.

RESOLVED that the Treasury Management position as at 30 September 2013 be noted.

C116 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 Exmoor Area Panel held on 7 November 2013 be noted.

The meeting closed at 7.10 pm.