

**WEST SOMERSET COUNCIL**

**Minutes of Council held on 22 March 2017 at 4.30 pm**

**in the Council Chamber, Williton**

**Present:**

Councillor B Heywood ..... Chairman  
Councillor R Woods ..... Vice-Chairman

Councillor I Aldridge	Councillor M J Chilcott
Councillor R Clifford	Councillor M O Dewdney
Councillor S Dowding	Councillor S Goss
Councillor A Hadley	Councillor I Jones
Councillor R Lillis	Councillor B Maitland-Walker
Councillor C Morgan	Councillor P H Murphy
Councillor J Parbrook	Councillor S J Pugsley
Councillor R Thomas	Councillor N Thwaites
Councillor A H Trollope-Bellew	Councillor K H Turner
Councillor T Venner	Councillor D J Westcott

**Officers in Attendance:**

Assistant Chief Executive (B Lang)  
Assistant Director – Resources (P Fitzgerald)  
Assistant Director Energy Infrastructure (A Goodchild)  
Assistant Director Business Development (I Timms) – Item 7  
Car Park Operations Manager (T Biss) – Item 7  
Community and Housing Lead HPC (L Redston) – Item 8  
Steam Coastal Trail Project Officer (B Turner) – Item 8  
Housing Enabling Lead (H Crockford) – Item 9  
Media and Communications Officer (D Rundle)  
Meeting Administrator (K Kowalewska)

At the start of the meeting the Chairman reported on a terrorist incident that had just occurred in Westminster, London and requested a minute's silence as a mark of respect.

**C85 Apologies for Absence**

Apologies for absence were received from Councillors A Behan, H J W Davies, T Hall and K Mills.

**C86 Minutes**

(Minutes of the meeting of Council held on 22 February 2017, circulated with the Agenda.)

**RESOLVED** that the Minutes of the meeting of Council held on 22 February 2017 be confirmed as a correct record.

**C87      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 I Aldridge	All	Williton	Spoke and voted
Cllr S Goss	All	Stogursey	Spoke and voted
Cllr B Maitland-Walker	All	Carhampton	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P Murphy	All	Watchet	Spoke and voted
Cllr J Parbrook	All	Minehead	Spoke and voted
Cllr R Thomas	All	Minehead	Spoke and voted
Cllr N Thwaites	All	Dulverton	Spoke and voted
Cllr A H Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K H Turner	All	Brompton Ralph	Spoke and voted
Cllr T Venner	All	Minehead & SCC	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

**C88      Public Participation**

Agenda Item 7 – New Traffic Regulation Order (Off-Street Parking)

Gerry Lewis, Dulverton Town Councillor, stated that, in his opinion, West Somerset Council had disregarded paragraph 19 of the Parish and Town Charter relating to ‘Delegated Responsibility for Service Provision’ and he advised that Dulverton Town Council’s response to the consultation on the proposals, particularly on whether the Town Council wished all permits to be accepted in the Lion Stables car park, had been ignored. He quoted sections of the Traffic Management Act relating to car park charges and off street parking and felt that raising the charges of annual permits did not fulfil any of the Act’s requirements.

Christine Dubery, resident and Dulverton Town Councillor spoke on the issue of permit usage and raised concerns on the proposed removal of named permits from the Lion Stables short stay car park. She stated that there were currently three short stay car parks in West Somerset, two of which currently allowed permits. She also drew attention to the fact that Dulverton Town Council’s opinion had been disregarded. She believed increasing the cost of the permit would reduce the take-up and generate more on-street parking.

Louise Parrish, Dulverton Town Councillor spoke of her concerns relating to the increase in car park permit costs. The volume of permit sales in Dulverton demonstrated the popularity of the current permits and did not affect the availability of parking spaces for visitors, and she questioned what would be the benefit of the changes proposed.

Judy Ernest, Deputy Chair of Dulverton Town Council remarked that the views of the electorate and Dulverton Town Council members had not been taken into account. Increased charges appeared to be used to generate income, however this contravened the legal requirement of the Traffic Management Act, and parking charges should be set at levels to discourage on-street parking and to alleviate congestion. Reference was made to the figures quoted in the car park account report 2015/16.

Ivan Gunn, resident of Dulverton, spoke of his concerns at the lack of support shown towards the Town Council and drew attention to the number of letters that had been submitted against the proposals for Dulverton as these highlighted the depth of feeling on the subject, and he urged Members to take note of the views contained within.

**C89**      **Questions with Notice**

Questions from Councillor P Murphy, Chairman of Scrutiny Committee were received in relation to the proposed cessation of funding for public conveniences in the West Somerset District.

Question (i) Which toilets are passing to parishes / other bodies?

Answer:

*Porlock Doverhay – Porlock Town Council – long lease*

*Dulverton – Dulverton Town Council – freehold*

*Minehead Blenheim Gardens – freehold*

*Minehead Summerland – freehold with option to purchase 4 car parking spaces*

*Minehead Quay Street - leasehold*

*Dunster – Parish Council - freehold*

*Blue Anchor – Community Group initial 1 yr lease to enable confidence to run, then freehold transfer later in 2017*

*Watchet Harbour Road – Town Council - freehold*

*Wheddon Cross – freehold*

Question (ii) What progress is being made with upgrade works for which sustainability funding has been awarded?

Answer:

*Dunster – works commenced*

*Watchet – works commenced*

*Blue Anchor – to be commenced on freehold transfer when funding will be passed*

*Porlock – start on 27th March 2017*

*Dulverton – commence once freehold transfer takes place*

*Minehead – start once freehold transfer takes place later in 2017*

Question (iii) Which toilets are not passing to parishes / other bodies on 1 April 2017?

Answer:

*Williton – set to close*

*Warren Road Minehead (seafront)*

*Minehead carousel – set to close*

*Market Street Watchet – set to close*

*Porlock Central Car Park– set to close at end of the notice period (August)*  
*Selworthy – set to close*

Question (iv) What will happen to those premises from that date, in particular, will Business Rates continue to be payable and if so what is the cost of this on an annual basis?

Answer:

*Rates relief can be established for 6 months from notification to local authority that the premises are vacant, thereafter full rates payable.*

*Williton – set to close, decommission and use for WSC storage or let Warren Road Minehead (seafront) – set to close Negotiate with Butlins for alternative use*

*Minehead carousel – set to close decommission, seek alternative planning use and market for rent on open market*

*Market Street Watchet – set to close Decommission seek alternative use planning consent (i.e. storage) and market for rent on open market*

*Porlock Central Car Park– set to close decommission, seek planning consent for alternative use and market on open market. Current adjoin tenant may be interested*

*Selworthy – set to close, negotiate future with National Trust*

Question (v) Previous reports have identified that where the rateable value of such premises is below £50,000, decisions as to their future will be taken by the Portfolio Holder. Please confirm which premises this refers to and what consultation there will be with Ward Members, parish councils and other stakeholders before any decision is taken? Also, what opportunity will there be for proper democratic scrutiny of such decisions?

Answer:

*We think this comment relates to the point at which a disposal becomes a key decision rather than any link to the rateable value. Decisions involving a revenue saving or spend of £25K or less, or capital saving or spend of £50K or less is a non-key decision and therefore Lead Member decision is advertised in the usual manner and subject to call-in. A Ward Councillor will be informed before any decision is made. It is expected that all facilities let or sold would fall into this category.*

Question (vi) Concerning upgrade works being carried out under licence granted by West Somerset Council by a parish / other body before the 31 March 2017:-

What toilet premises does this scenario refer to?

Answer: *Dunster, Porlock, Watchet*

What processes were in place to ensure that licences were issued in a timely manner to permit works to commence on time?

Answer: *There have been no delays in issue of licences for works, all licences issued in timely manner by WSC. Time was taken by the parishes to provide necessary information to permit licence issue.*

Where such works are expected to overrun due to delays including those caused by failure to deliver the licence by the due date, will the Cabinet give proper consideration to extending the provision of service to alternative nearby facilities so as to ensure users, including disabled visitors and residents, are not inconvenienced? In particular, that disabled residents and visitors are not discriminated against by there being no disabled public convenience for them to use in the locality?

*Answer: As noted above there were no delays as a result of WSC. Only over runs are at Watchet Harbour where the contractor was unable to start earlier due to other commitments. The concerns raised were only considered relevant at Watchet Harbour Road, as noted above. Alternative arrangements were offered to the Town Council in the form of retaining Market street to cover the period of the alterations at Harbour Road, however the Town Council declined this.*

Supplementary Questions:

In relation to Question (v) - My understanding from Scrutiny reports was that sites with a rateable value over £50K would be deemed to be a "key decision" and therefore subject to the call in procedure. Sites with a rateable value below £50K would be delegated to the Portfolio Holder. The answer seems to say that all sites remaining will be subject to Portfolio Holder decision though the AMG and that the £50K relates to revenue or capital spend rather than rateable value. Please clarify.

In relation to Question (vi) - The answer says "Time was taken by the parishes to provide necessary information to permit licence issue". In light of the fact that

- a) There was no pre or immediate post decision to save £107K assessment of the toilet sites in a systematic manner.
- b) There were considerable delays to getting information to Watchet Town Council in order to make an informed judgement as to whether they wished to take on toilets in the parish.
- c) There was a delay to allowing the option of freehold transfer being considered.
- d) The deadlines to sign the Heads of Terms and for bids to the Sustainability Fund were initially totally unreasonable.
- e) WSC wished WTC to carry out works to Harbour Road toilets to reinstate the disabled facility whilst Market Street toilets remained open, i.e. by 31 March thus imposing a very tight timescale on the Town Council.
- f) The information required to permit the licence to build required the submission of no less than 10 documents by the Town Council which was an unprecedented demand on the resources of the council.
- g) There was a delay in establishing whether the WSC wished to retain use of the store attached to the Harbour Road toilets for the use of their contractor.
- h) The Town Council had to run back and forth to Williton to collect keys to allow contractors to view the site and no key could initially be found for the store which contained the main stop cock for the toilets.
- i) There was doubt as to whether the district council car park lights were fed from the toilets and whether sub meters would be needed

Would the Cabinet reconsider the decision relayed to the Town Council that the Market Street disabled facility would not be kept open after 31 March to mitigate for the overrun of the Harbour Road works on the disabled facility? Watchet Town Council felt they could not take on the Market Street facility for the period of the overrun given the level of resources already committed to the Harbour Road project.

The Leader requested that the supplementary questions be sent to him in writing and it was agreed the Leader would provide a written response following the meeting.

**C90**      **Chairman's Announcements**

17 March 2017	Attended Bath and North East Somerset's Chairman's Annual Civic Reception at the Roman Baths and Pump Room, Bath
18 March 2017	Attended a coffee morning at Dulverton Town Hall in aid of the renamed TA22 Voluntary Lifts
19 March 2017	Choral Matins with the Legal Service and Presentation of the High Sheriff in Wells Cathedral

**C91**      **New Traffic Regulation Order (Off-Street Parking)**

(Report No. WSC 38/17, circulated with the Agenda.)

The purpose of the report was to seek agreement to revoke the West Somerset District Council (Off-Street Parking Places) Order 2016 and bring into operation from June 2017, The West Somerset District Council (Off-Street Parking Places) Order 2017 for the purposes of:

- bringing into line the Dulverton permit cost with those across the District and modifying the car parks covered by these permits;
- consolidating the "named" parking permits for Watchet into one permit to all car parks;
- introducing an overnight parking tariff for motorhomes in selected car parks; and
- incorporating both the Boat Trailer Parking Area, Watchet and the car park area to the north of Quay West into the Order to regularise their use.

In the absence of the Lead Member for Regeneration and Economic Growth, the Lead Member for Housing, Health and Welfare presented the item and drew attention to the key points contained within the report.

The Lead Member proposed the recommendations of the report which was duly seconded by Councillor A Hadley.

The public speakers were thanked for attending and expressing their views and concerns.

A lengthy debate ensued and the following main points were raised:

- The proposal to remove the named permits from the short stay Lion Stables car park was to support the provision of parking close to the town centre for visitors and shoppers; and clarification was provided that the short stay car park regulations stated that a maximum stay of 3 hours applied to all users of the car park regardless of which permit was displayed.
- The proposed increase to Dulverton permit costs still provided an 85% saving compared to paying at the meter.
- Any surplus income would be used solely for car park maintenance and to upgrade meters etc., as well as help pay for additional parking enforcement.
- The Lead Member for Regeneration and Economic Development and car park officers were thanked for the timely consultation in respect of the parking order proposals for Watchet, and it was reported that the Environment and Planning Committee of Watchet Town Council considered the matter and were supportive of the proposals.
- Clarification was requested in respect of the implications of odours from outside cooking activities as a result of introducing overnight parking tariff for motorhomes, and it was advised that outside cooking was not allowed and the situation would be monitored.
- It was clear that the Dulverton proposals were highly contentious and some Members were in favour of differential car park charges across the District. They did not agree that there should be an upward alignment of permit costs as each District centre should be treated on its own to take into account the local circumstances.
- The Assistant Director for Resources confirmed that the car park income and expenditure figures were fit for purpose.
- Particular concerns were expressed regarding traffic management and local authority parking enforcement.
- It was stated that Members should take into account the opinions and needs of Dulverton residents and businesses whose comments were incorporated in the letters of protest received from those opposed to the proposals.
- It was noted that the cost to upgrade the meter machines to accept the new £1 coin would be approximately £3,000.
- The Leader advised that West Somerset Council had introduced the permit system to encourage people to use car parks and to benefit residents of West Somerset, enabling them to park more cheaply throughout the year.

It was agreed that the recommendations contained in the report should be voted on separately.

On being put to the vote recommendations 2.1, 2.2 and 2.3 were carried.

It was proposed by Councillor N Thwaites and seconded by Councillor I Aldridge that recommendation 2.4 be amended to read "Consideration of the issue to approve the removal of the Lion Stables (short stay) car park from the Dulverton named permit be deferred pending a review of the strategy relating short stay car parks in the District and associated signage of short stay car parks in the District."

On being put to the vote the amendment was lost.

On being put to the vote recommendations 2.4, 2.5, 2.6, 2.7 and 2.8 were carried.

**RESOLVED (1)** that the revocation of the West Somerset District Council (Off-Street Parking Places) Order 2016 and its replacement with the West Somerset District Council (Off-Street Parking Places) Order 2017 from June 2017 be approved.

**RESOLVED (2)** that Dulverton (6 and 12 month) permits be brought in line with the "Named" permit in two stages. Stage one to be implemented in June 2017, 6 months £105 and 12 months £150; stage two from April 2018, so both permits are fully aligned with those across the District.

**RESOLVED (3)** that the use of increased revenue created to support the maintenance of car parks be approved.

**RESOLVED (4)** that the removal of the Lion Stables (short stay) car park from the Dulverton named permit be approved.

**RESOLVED (5)** that the introduction of a tariff allowing Motor Homes to park overnight in designated car parks for a maximum of 48 hours with no return within 7 days be approved.

**RESOLVED (6)** that the Boat Trailer Park area at West Pier, Watchet be incorporated within the Order and the payment of daily slipway fees and trailer parking charges be combined.

**RESOLVED (7)** that the consolidation of the Watchet "Named" permit to one "Watchet" permit allowing parking in all Council car parks within Watchet be approved.

**RESOLVED (8)** that the incorporation of Quay West, Minehead North car park within the Order be approved.

**C92 HPC Planning Obligations Board – Allocations of CIM Funding**

(Report No. WSC 39/17, circulated with the Agenda.)

The purpose of the report was to present the recommendations of the Hinkley Point C Planning Obligations Board and West Somerset Council Cabinet for the allocation of monies from the Community Impact Mitigation (CIM) Fund secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point.



The Lead Member for Resources and Central Support outlined the details of the report and provided information on the two applications which had been considered by the HPC Planning Obligations Board. She drew attention to the comments provided by the CIM Fund Manager and the Hinkley Tourism Action Partnership in relation to the Steam Coast Trail application, and highlighted that the Parish Council had been consulted with regard to recommendation for the Stogursey Lengthsman Scheme.

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

Members expressed support for both phases of the Steam Coast Trail. It was a very worthy project, providing both positive health and wellbeing and economic development benefits as well as attracting a lot of visitors. The completion date of the project would be April 2019, and Members hoped that sufficient funds had been retained to complete phase 1.

Reference was made to the fact that the Stogursey Lengthsman Scheme would provide no legacy value. An opportunity had arisen to revisit the original scheme and it was noted that Stogursey Parish Council had a small amount of money to put towards a reduced lengthsman scheme. Bearing in mind the close proximity of the hosting parish to the construction site and the considerable increase in traffic, it was hoped that some additional funding would be provided by EDF to be able to reinstate the scheme.

**RESOLVED (1)** that £331,710 be released to the Friends of Steam Coast Trail from the CIM Fund ring-fenced for West Somerset for Phase 2 of the Steam Coast Trail.

**RESOLVED (2)** that the application from Stogursey Parish Council for the Stogursey Lengthsman project is not granted funding from the CIM Fund ring-fenced for West Somerset and that it be recommended to Stogursey Parish Council that the project is more suited to receiving funding from the CIM Fund ring-fenced specifically for projects in Stogursey.

**C93**

**Clanville Grange Purchase**

(Report No. WSC 29/17, circulated with the Agenda.)

The purpose of the report was to request approval of a supplementary capital estimate for the purchase of a property at Clanville Grange, Minehead.

The Lead Member for Housing, Health and Wellbeing presented the report and provided detailed background information. He advised that under the Low Cost Home Ownership Policy the Council had no choice but to buy the property back and sell it on, however conditions had been amended which meant that once the property had been sold on the Council would be under no obligation to buy it back again.

The Lead Member went on to propose the recommendations which were seconded by Councillor B Maitland-Walker.

It was confirmed that as this was an affordable home it would be sold at a value not exceeding 75% of the open market value.

Members noted an error in paragraph 6.5 of the report and that the wording in brackets should be deleted.

**RESOLVED (1)** that a supplementary capital estimate for the sum of £128,000 to purchase a property at Clanville Grange to be funded from Unallocated Capital Receipts be approved.

**RESOLVED (2)** that it be noted the purchase will need to be funded from the existing planned capital receipts during 2017/18, with the intention of replacing this funding with the capital receipt from the onward sale of the property. In the event the onward sale is not completed during the financial year this will impact on current policy to use capital receipts to repay external debt.

**C94**      **Appointment of Section 151 Officer**

(Report No. WSC 40/17 circulated as an urgent item prior to the Meeting.)

The Assistant Director – Resources who was specifically referred to in the report left the room for this item.

In the light of a change of arrangements in relation to the roles and responsibilities of members of the Joint management Team, the Chief Executive had recommended that Paul Fitzgerald should be appointed to the Section 151 Officer role and in accordance with the Constitution, such an appointment was required to be approved by full Council.

The Lead Member for Resources proposed the recommendation of the report which was duly seconded by Councillor P Murphy.

**RESOLVED** that Paul Fitzgerald be appointed as Section 151 Officer for the Council, with an implementation date of no later than 21 April 2017.

**NOTE:** Having regard to the special circumstances pertaining in relation to this item – namely the need for the Council to confirm the appointment before the next scheduled full council meeting – 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.

**C95**      **Member Reporting on Membership of Outside Body for information**

(Somerset Playing Fields Association from Councillor H J W Davies, circulated with the Agenda.)

**RESOLVED** that the report be noted.

The meeting closed at 6.35 pm.