

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 24 October 2012 at 4.30 pm

in the Council Chamber, Williton

Present:

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

Councillor H J W Davies
Councillor S Y Goss
Councillor B Heywood
Councillor K V Kravis
Councillor E May
Councillor K M Mills
Councillor P H Murphy
Councillor K J Ross
Councillor L W Smith
Councillor T Taylor
Councillor K H Turner

Councillor J Freeman
Councillor A P Hadley
Councillor A F Knight
Councillor R P Lillis
Councillor I R Melhuish
Councillor C Morgan
Councillor S J Pugsley
Councillor D J Sanders
Councillor M A Smith
Councillor A H Trollope-Bellew
Councillor D J Westcott

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Section 151 Officer (S Campbell)
Climate Change and Community Liaison Manager (A Lamplough) – Item 6 only
Principal Accountant (S Plenty)
Efficiencies and Performance Manager (K Batchelor)
Community Safety Officer (P Hughes)
Meeting Administrator (K Kowalewska)

At the start of the meeting a minute's silence was held in respect of ex-councillor Mike Padgett who had recently passed away.

The Chairman of Council introduced and welcomed to the meeting Dr Mark Robbins, Senior Policy Officer Royal Society for the Protection of Birds (RSPB) and William Barnard, a local farmer, would be speaking on Agenda Item 6 on behalf of the Somerset Nature Partnership.

C53 Apologies for Absence

Apologies for absence were received from Councillors M J Chilcott, M O A Dewdney and P N Grierson.

C54 Minutes

(Minutes of the Meeting of Council held on 19 September 2012, circulated with the Agenda.)

RESOLVED that, subject to the addition of Councillor L W Smith to Minute No. C40 Apologies for Absence and including the word 'local' before communities in the first line of paragraph 9 to Minute No. C45, the Minutes of the Meeting of Council held on 19 September 2012 be confirmed as a correct record.

Statement by the Leader of the Council

Following this item, the Leader of Council gave Members a brief update on further developments concerning the issues arising from the parliamentary speech on community funding concerning infrastructure projects. He welcomed the response from the Energy and Climate Change Minister, John Hayes and he encouraged Members to read his response as it contained a summary of his understanding on the issues which almost mirrored West Somerset Council's views, which included:

- Section 106 agreements were not enough to compensate local communities for the building and housing of nuclear power stations.
- The part funding of local authorities through business rate retention and growth due to start next April was distinct from community benefit and should not be confused.
- Community benefit should be used to reward host communities that would be impacted.

C55 **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 C Morgan	All	Stogursey	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 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

In addition, Councillor A H Trollope-Bellew declared a disclosable pecuniary interest by owning land/property that could be the subject of a nomination for inclusion on the list of assets of Community Value relating to Agenda Item 9 Localism Act 2011 – Community Right to Challenge and Assets of Community Value and left the Chamber during discussion of this item.

C56 **Public Participation**

No members of the public had requested to speak.

C57 **Chairman's Announcements**

20 September 2012	Was presented to HRH the Princess Royal at the marking of the 150 th Anniversary of the Watchet Lighthouse
24 September 2012	Attended the AGM of Artlife in the Council Chamber with Councillor D J Westcott
29 September 2012	Opened the Energy Savings Centre at the Co-op Car Park in Minehead
15 October 2012	Welcomed the pupil parliament in the Council Chamber with Councillor E May, and attended the rearranged Focus Group on the out of hours medical service at Minehead Hospital
18 October 2012	Attended the County Council's Chair Awards for Community Service in Taunton
21 October 2012	Attended the Seafarers' Service at Watchet Methodist Church with the Leader and four Councillors

The Vice Chairman announced that he had attended the North Somerset Council Civic Service at Weston-super-Mare on 21 October 2012.

The Chief Executive announced that he had received very positive feedback from the Lord Lieutenant's office in connection with HRH the Princess Royal's recent visit to Watchet stating that it was the best and most organised and relaxed visit that HRH the Princess Royal had ever experienced, and the Council should be proud of this achievement.

Members were informed that the special meeting of Council due to be held on 2 January 2013 had been postponed because the Council would not expect an announcement on its funding from the Government Minister until late December 2012.

C58 **Somerset Local Nature Partnership**

(Report No. WSC 132/12, circulated with the Agenda.)

The purpose of the report was to provide information regarding the new Somerset Local Nature Partnership (SLNP) that is due to commence in January 2013 and the involvement of West Somerset Council.

The report was presented by the Lead Member for Environment who reported that this was a new emerging project and would provide the Council with a great opportunity to take it forward and shape the project and he hoped to report back to Council in the future on how the project was evolving. The Section 151 Officer's comments which were omitted from the report stated that this partnership was reliant upon officer time and the current arrangements with Somerset County Council and Somerset Environmental Records Centre so no additional monies were required.

Dr Mark Robbins, Senior Policy Officer RSPB and William Barnard, a local farmer with a particular interest in environmental land management, made a presentation providing Members with background information on the SLNP, highlighting their environmental agenda and the opportunities available for the District.

The Lead Member proposed the recommendations which were seconded by Councillor E May.

Members were very supportive of the proposal and wanted to be involved as it would provide a good opportunity for joined-up thinking with local authorities and organisations.

RESOLVED (1) that the proposal for the formation of the Somerset Local Nature Partnership from January 2013 be endorsed.

RESOLVED (2) that the involvement of West Somerset Council be supported and to receive further reports as the scheme develops.

C59 **Pooling of Business Rate Retention Monies**

(Report No. WSC 121/12, circulated with the Agenda.)

The purpose of the report was to provide background to the government's proposals in the Local Government Finance Bill, which will allow authorities to retain a proportion of the business rates revenue generated in a local area. In particular the report concentrated on the provision within the Bill that enables local authorities to form a pooling arrangement and thus maximise the retention of business rates generated locally.

The Lead Member for Resources and Central Support presented the report and reported that central government were keen to encourage collaborative working between local authorities in a pooling of the business rates. She drew Members' attention to the reasons why this was being supported by central government and advised that the Section 151 Officers of the six neighbouring authorities had considered the advantages and disadvantages of the scheme and they had felt that there was a strong case for a county-wide pooled business rate scheme. If Members approved the recommendations in the report, further talks with the local authorities would take place about the governance arrangements. She drew further attention to Appendix A to the report which illustrated the monetary benefits of pooling the business rates in Somerset.

The Chief Executive advised that there was a 28 day cooling off period which would come into effect once the Council had received the Local Government Finance Settlement in late December 2012 and, after assessing the full implications of the arrangement, the Council would have the opportunity of withdrawing from the pool if it so wished. He then gave a brief power point presentation on the implications of West Somerset Council joining the business rate retention scheme.

The Lead Member recognised that the issue was very complicated with a lot of uncertainty and risk involved. The Council needed to put an emphasis on economic growth which should be encouraged throughout the whole county and not just in West Somerset. Although there were timescale difficulties the Lead Member reassured Members that if it was deemed necessary the final details could be brought back to full Council for consideration.

The Lead Member proposed the recommendations which were seconded by Councillor D J Westcott. During the debate it was suggested that recommendation 2.5 of the report should be rewording as follows – “that on receipt of the provisional settlement figure and proposals for satisfactory arrangements for governance and sharing the decision to leave or remain in the pool is considered by full Council”. The mover and seconder of the original motion were in agreement with the suggested rewording.

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

- Not confident that the Council would have enough money as it all depended on the financial settlement.
- Concern with the lack of decision time and the increase on staff workload.
- Write-offs would not have an impact on the business rate pool.
- Clarification was sought on the meaning of negative economic growth.
- The implications if a Hinkley Point power station were to shut down.
- Local authorities would be able to draw out of the pool a sum proportionate to the economic growth occurring in their part of the district and there would also be a sum available to fund economic development projects across the whole County.
- A request was made that any further reports to Council should be in plain English containing more information.

RESOLVED (1) that the Council should continue to form a pool comprising the five Somerset District Councils together with the County Council for the collection of business rates for the financial year 2013/14 (with effect from 1 April 2013).

RESOLVED (2) that agreement of the detailed governance and operating arrangements is delegated to the Chief Executive, in conjunction with the Section 151 Officer and in consultation with the Leader of Council and the Lead Member for Resources and Central Support be approved.

RESOLVED (3) that the County Council continues to act as the lead authority and coordinator of the pool.

RESOLVED (4) that the Chief Executive and Section 151 Officer are granted delegated authority on behalf of the Council to request the Department of Communities and Local Government (DCLG) to designate the Somerset Pool, in line with DCLG timescales, together with approval of the detailed governance arrangements.

RESOLVED (5) that on receipt of the provisional settlement figure and proposals for satisfactory arrangements for governance and sharing the decision to leave or remain in the pool is considered by full Council.

C60 **Annual Treasury Management Report 2011/12**

(Report No WSC 141/12, circulated with the Agenda.)

The purpose of the report was to review the Treasury Management activity for the 2011-2012 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy Statement, Minimum Revenue Provision Strategy and Annual Investment Strategy.

The Lead Member for Resources and Central Support presented the report and asked Members to note that there was an amendment to the Capital Expenditure figure in the tables on pages 27 and 36 within Appendix A to the report and it should read £1,118.

Clarification was sought on the meaning of unfunded capital expenditure, and the Principal Accountant explained it referred to the Council's own resources, in that it was expenditure which was not covered by the receipt of external grants and capital receipts during the year.

The Lead Member proposed the recommendations of the report which were seconded by Councillor E May.

RESOLVED (1) that the actual 2011/12 Prudential and Treasury Indicators within the report be approved.

RESOLVED (2) that the annual treasury management activity for the 2011/12 financial year be noted.

C61 **Localism Act 2011 – Community Right to Challenge and Assets of Community Value**

(Report No. WSC 133/12, circulated with the Agenda.)

The purpose of the report was to update Council on Community Rights to Challenge and bids relating to Assets of Community Value that have recently come into force arising out of the Localism Act 2011, and to ensure that the appropriate processes are in place to enable the authority to fulfil its duties under the Act.

The report was presented in detail by the Lead Member for Community and Customer. The Lead Member for Resources and Central Support also briefed Members on the capacity and resource problems that could be faced when dealing with submitted bids although the amount was currently unknown. She also advised of the financial implications and the risk that compensation could be sought from West Somerset Council. The Lead

Member confirmed that there was a cap of £20,000 per financial year which would be reflected in the Medium Term Financial Plan.

Councillor D J Westcott proposed the recommendations, which were seconded by Councillor K V Kravis.

During the debate the following main points were raised:

- Clarification was sought on which contracts would be affected by the terms of the agreement and what notice would have to be given.
- Members queried the issue surrounding compensation.
- The Council could not insure against compensation claims.
- Concern was raised as to who would review Cabinet's decision on compensation claims and there would need to be an independent review process because of the contentious issue. Involving the Scrutiny Committee in this process would be investigated.
- The time constraints and appeal process were governed by legislation.
- Only the owner of the asset can go through the appeal process.
- The majority of valid requests for listing are likely to be granted.
- Reasons for limiting the period to receive and deal with expressions of interest in respect of the right to challenge were sought, and officers advised that although this was not prescribed in the legislation it was felt the process and resource would be better managed in this way.

During the debate it was suggested that recommendation 2.2 of the report should be rewording by inserting "initial" after "following" in the first sentence and to add the following at the end – "these processes be refined as experience grows and to be reviewed by Council after twelve months".

A further element of the motion was proposed to add a recommendation that the £20,000 potentially required for compensation claims be reflected in the Medium Term Financial Plan.

The mover and seconder of the original motion were in agreement with the suggested alterations.

RESOLVED (1) that the coming into force of Community Rights to Challenge to bid for running Council services and to bid for Assets of Community Value arising from the Localism Act 2011 be noted.

RESOLVED (2) that the following initial processes be endorsed to ensure that the Council fulfils its duties under the Localism Act 2011 in respect of the provisions referred to in resolution (1) above and these processes be refined as experience grows and to be reviewed by Council after twelve months:

- (a) Community Right to Challenge, as set out in Appendix A to the report.
- (b) Nominating an Asset of Community Value, as set out in Appendix B to the report.
- (c) Notification of sale of Asset of Community Value, as set out in Appendix C to the report.

- (d) Process for claiming compensation for losses/expenses incurred in complying with the Assets of Community Value scheme, as set out in Appendix D to the report.

RESOLVED (3) that an annual sum of £20,000 to cover the potential compensation liability be reflected in the Medium Term Financial Plan.

C62 Police and Crime Panel for Avon and Somerset

(Report No. WSC 131/12, circulated with the Agenda.)

The purpose of the report was for the Leader to recommend that Councillor G S Dowding be appointed as the West Somerset Council representative on the Police and Crime Panel for Avon and Somerset.

The Leader of Council presented the report and proposed the recommendation in the report which was seconded by Councillor E May.

Councillor G S Dowding informed Members that he had attended induction training and would keep Council updated on the outcomes of future Panel meetings.

RESOLVED that Councillor G S Dowding be appointed as the West Somerset Council representative on the Police and Crime Panel for Avon and Somerset, with the Leader acting as deputy to ensure West Somerset Council representation at Panel meetings.

C63 Agreement for a County-wide Community Safety Partnership Merger

(Report No. WSC 140/12, circulated with the Agenda.)

The purpose of the report was to seek Council approval for West Somerset Council to join a proposed county-wide merger of the Community Safety Partnerships encompassing the East and West of the County.

The Lead Member for Community and Customer presented the report and proposed the recommendation in the report which was seconded by Councillor K H Turner.

It was hoped that the merger would provide an opportunity to produce a clear partnership agreement identifying who the partners were and their respective roles and responsibilities.

RESOLVED that the recommendation of Cabinet be accepted and the county wide Community Safety Partnership merger be agreed.

C64 Standards Advisory Committee

(Minutes of the Standards Advisory Committee held on 25 September 2012, circulated with the Agenda.)

The purpose of the report was to adopt the minutes of the Standards Advisory Committee held on 25 September 2012.

RESOLVED that the minutes of the Standards Advisory Committee held on 25 September 2012 be adopted.

C65 **Minutes and Notes for Information**

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

RESOLVED (1) that the draft notes of the Exmoor Panel held on 4 September 2012, be noted.

RESOLVED (2) that the draft notes of the Minehead Area Panel held on 12 September 2012, be noted.

RESOLVED (3) that the draft notes of the Watchet, Williton and Quantocks Area Panel held on 18 September 2012, be noted.

C66 **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting during consideration of Item CAB67 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

The item contained information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding the information). It was therefore proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

C67 **Sale of Land, Seaward Way, Minehead**

(Report No. WSC 139/12, circulated with the Agenda.)

The purpose of the report was to seek Council approval for contracts to be exchanged with David Wilson Homes (DWH) regarding the sale of land at Seaward Way, Minehead. The report also provided an update of the latest position concerning negotiations with Crown and Passmore Trust regarding the release from restrictive covenants attached to the land.

The Lead Member for Housing, Environmental Health and Licensing presented the report and summarised the main points contained therein. Members praised the Lead Member for his clear and concise summary and thanked the Project Team involved.

The Lead Member proposed the recommendations of the report which were seconded by Councillor D J Westcott.

RESOLVED (1) that the Chief Executive be authorised to sign and exchange contracts with David Wilson Homes for a minimum price of £1,500,000.

RESOLVED (2) that the Chief Executive in consultation with the Project Team, the Lead Member for Finance and Central Support and the Section 151 Officer be granted delegated authority to agree the final sale figure.

RESOLVED (3) that the delegated authority granted to the Chief Executive in consultation with the Project Team, the Lead Member for Finance and Central Support, the Leader of Council and the Council's Section 151 Officer to agree the final details of the financial terms and conditions with Crown Estates and Passmore Trust for the release from restrictive covenants be reconfirmed.

The meeting closed at 7.46 pm.