

WEST SOMERSET DISTRICT COUNCIL

Minutes of the Meeting held on 25 January 2012 at 4.30 pm
In the Council Chamber, Williton

Present:

Councillor A F Knight.....	Chairman
Councillor D D Ross.....	Vice-Chairman
Councillor H J W Davies	Councillor M O A Dewdney
Councillor G S Dowding	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 C Morgan	Councillor P H Murphy
Councillor D J Sanders	Councillor L W Smith
Councillor M A Smith	Councillor T Taylor
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director & Monitoring Officer (B Lang)
Section 151 Officer (G Carne)
Group Manager – Housing & Community (I Timms)
Group Manager – Environment and Services (S Watts)
Planning Manager (A Goodchild)
Principal Accountant (S Plenty)
Media, PR and Communications Officer (S Beaumont)
Meeting Administrator (H Dobson)
Meeting Administrator (K Kowalewska)

Also in Attendance:

Steve Read, Managing Director, Somerset Waste Partnership

C67 Apologies for Absence

Apologies for absence were received from Councillors A M Chick, M J Chilcott, K M Mills, S J Pugsley, K J Ross and A H Trollope-Bellew.

C68 Minutes

(Minutes of the meeting of Council held on 15 November 2011, circulated with the Agenda).

RESOLVED that the Minutes of the Meeting of Council held on 15 November 2011 be confirmed as a correct record.

C69 Awards for Somerset

The Chairman of Council welcomed Councillor John Edney, Chairman of Somerset County Council, and Mrs Edney to the meeting.

Councillor Edney presented Councillor A F Knight and Councillor E May with the ‘Chairman of Somerset Award for Community Service’ as a thank you for their dedicated work in the community.

(**Note:** Councillors Knight and May left the Council Chamber to have their photographs taken and returned for Item No. 6 – Chairman’s Announcements.)

C70 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	Description of Interest	Personal or Prejudicial	Action Taken
Cllr S Goss	All Items	Stogursey	Personal	Spoke and voted
Cllr P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke and voted
Cllr K H Turner	All Items	Brendon Hills	Personal	Spoke and voted
Cllr D J Westcott	All Items	Watchet	Personal	Spoke and voted

In addition

- Councillor M A Smith declared a personal interest relating to Item 10 – Hinkley Point C Development – Section 106 Update and Implications, as her friend currently provided tourist information services at Minehead; and
- Councillor E May declared a personal interest relating to Agenda Item 11 – Magna Charitable Status, as he was a Board Member of Magna West Somerset Housing Association.

C71 Public Participation

No members of the public had requested to speak on any item on the agenda.

(**Note:** The meeting was adjourned for five minutes.)

C72 Chairman’s Announcements

16 November 2011	The Institution of Clive Gilbert at a service in St Decumans
20 November 2011	Civic Service, Lynton Town Council, Lynton

26 November 2011	Official Opening and Dedication of the new Railway Footbridge
9 December 2011	Attended the Severn Seas Group of WI's Carol Service
10 December 2011	Opening of Williton Parish Council offices
11 December 2011	Williton District Guides, Brownies and Rainbows Christingle Service
11 December 2011	Rotary of Quantocks Carol Service
18 December 2011	St Decumans Carol Service
During December the Chairman announced that he had been invited to many other Christmas Carol services and fund raising fairs around the county from Wells Cathedral to Frome, Taunton and Old Cleeve.	
5 January 2012	The Woolley Shepherd (a Somerset business promoting the use of sustainable wool products)

In addition, the Chairman announced he would be attending the Royal Garden Party on 22 May 2012.

C73 Somerset Waste Board Business Plan 2012/13

(Report No. WSC 26/12, circulated with the Agenda).

The purpose of the report was to seek approval for the draft Somerset Waste Partnership (SWP) Business Plan 2012/12.

The Lead Member for Environment presented the report and suggested that Members discuss the item and direct any questions to Steve Read, Managing Director of the Somerset Waste Partnership prior to any recommendations being proposed.

During the debate the following questions/issues were raised:

- Concern was raised with regards to extending the contract with May Gurney for another 7 years half way through the present contract particularly as there was no facility within the contract for a break clause. It was queried whether a procedure for periodic performance review could be introduced.
- With reference to working with town and parish councils and other community groups to deliver local initiatives, and in light of the current financial climate, what did the Somerset Waste Board have planned.
- Surprise was expressed that there was no mention in the business plan about the future status of the recycling centres and the community recycling sites, and clarification was sought on the charging policy and whether it was considered to extend the number of the community recycling sites.
- It was noted that efficiency savings should be ongoing.

In reply Mr Read made the following responses:

- The basis for the May Gurney contract extension was to obtain a further discount on the annual price and also to receive an annual inflationary

uplift which would result in a saving to the Partnership of around £350,000 per annum. One of the conditions negotiated if the contract were to be extended would be that May Gurney would waive the inflation monies that were owed to them by SWP.

- Regarding problems with Sort It Plus in the rural areas, he advised that Sedgemoor District Council had been through the roll out of Sort It Plus 12 months prior to West Somerset and they were now very pleased with the way things have settled down. He clarified that although there may still be a few residual issues to be sorted out, these would be resolved to Members' satisfaction and he strongly recommended that the contract be extended as proposed.
- He explained that one of the reasons for there being no break clause in the contract was due to the fact that it was a capital intensive contract and he assured Members that, within the terms of the contract, SWP had an annual negotiation with May Gurney over the way the contract was going and over ways of improving and deriving further efficiencies.
- Further assurance was made that the clause within the business plan regarding working with town and parish councils on local initiatives was just to make local enhancements possible if the need arose in the future and SWP were not seeking to 'push' any costs onto them.
- He confirmed that the savings target set by Somerset County Council last year had been achieved, and as there was a long term trend of waste reduction this would be another saving. As a result of these savings there were no proposals in the business plan to close or extend sites, no new or increased charges would be imposed and working hours of the centres would not be reduced.
- West Somerset residents were still encouraged to separate their cardboard and paper for recycling, and in the business plan there were other materials which may be looked at in the future for recycling which included mixed plastic; carpets and mattresses at recycling centres; and absorbent hygiene products and nappies at kerbside.

Following no amendments to the draft Plans, the Lead Member proposed recommendation 2.1 (a) in the report and this was seconded by Councillor M O A Dewdney.

RESOLVED that Somerset Waste Partnership Draft Business Plan 2012-17 and associated Draft Communications Plan, be approved.

C74 Hackney Carriage/Private Hire Policy and Regulations

(Report No. WSC 02/12, circulated with the Agenda).

The purpose of the report was to inform Council of the recommendation from the Licensing Committee at the meeting held on 23 November 2011.

The Lead Member for Housing, Environmental Health & Licensing presented the report and thanked the Licensing Officer, the Group Manager Housing and Community, the Chairman and Members of the Licensing Committee for the tremendous amount of work undertaken in producing the policy and

regulations. He proposed the recommendation in the report and this was seconded by Councillor A P Hadley.

RESOLVED that Council approve the Hackney Carriage/Private Hire Policy and Regulations for adoption and to take effect from 1 March 2012, and included as **Appendix A** to the minutes of this meeting.

C75 Byelaws – Cosmetic, Piercing, Semi-Permanent Skin Colouring, Tattooing, Electrolysis and Acupuncture

(Report No. WSC 03/12, circulated with the Agenda).

The purpose of the report was to advise Council of the recommendation from the Licensing Committee at the meeting held on 23 November 2011.

The Lead Member for Housing, Environmental Health & Licensing presented the report and advised that at present there was no requirement for businesses offering cosmetic piercing and semi-permanent skin colouring to register with the local authority and in order to safeguard hygiene the Lead Member proposed the recommendations in the report, which were seconded by Councillor R P Lillis.

In response to questions regarding the regulation of business operators and how many premises in West Somerset would be covered under the byelaws, the Group Manager Housing and Community responded that operators were trained, regulated and their qualifications were examined, and there were between 8 and 10 premises in the district.

During the debate, concern was expressed over cosmetic piercing and the fact that the practitioners did not have to have any medical qualifications. There was no provision in the byelaws to protect the young and vulnerable of our community and WSC had a duty to protect them. In reply to a further question as to whether the practitioners were CRB checked, the Group Manager Housing and Community advised that they were but he agreed to clarify the fact and would provide all Members with this information.

On being put to the vote, the recommendations were CARRIED with one abstention.

RESOLVED (1) that Council approve the model byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis for adoption in accordance with Section 120 of the Local Government Act 2003 (as amended), and included as **Appendix B** to the minutes of this meeting.

RESOLVED (2) that the Legal/Support Officer be authorised to take all of the necessary steps in connection with the making of those byelaws, giving public notice and applying to the Secretary of State of Health for approval and confirmation of the new byelaws.

RESOLVED (3) that, subject to the confirmation of the proposed new byelaws, the existing byelaws relating to acupuncture, tattooing, ear-piercing and electrolysis made by Council on 1 November 1984, be revoked.

C76 Hinkley Point C Development – Section 106 Update and Implications

(Report No. WSC 15/12, circulated with the Agenda).

The purpose of the report was to set out the corporate implications and agree the necessary steps in light of the Hinkley Point C Site Preparation Works Section 106 Agreement and to make proposals for the allocation of capital monies secured through planning obligations to individual schemes and organisations. Cabinet approved a version of this report in December. Given the financial implications of some of the contributions described within, it is necessary for Council to consider the report.

The Chairman confirmed to Members that all parties had now indicated they would enter into the Section 106 Agreement for site preparation works at Hinkley Point and the Agreement was in the process of being signed by all the parties. It was anticipated that planning permission would be issued early next week. He thanked and congratulated Andrew Goodchild and the Planning team for the hard work they had undertaken in this matter.

The Lead Member for Environment drew attention to an error in recommendations 2.1 (iii) and (iv) of the report and stated that the wording should read "...from EDF Energy,", he then proposed the recommendations in the report which were duly seconded by Councillor A F Knight.

The Planning Manager presented the details in the report and advised that because a lot of the allocations of capital monies were over £25,000 approval was needed by full Council.

In response to a question regarding the tourism contribution relating to supporting Tourism Information Centres, it was advised that the matter would be considered by Cabinet in due course.

On being put to the vote, the recommendations were CARRIED with one abstention.

RESOLVED (1) that the following resolutions to this item be subject to the Section 106 Agreement for site preparation works (planning application 3/32/10/032) being signed and planning permission being issued and that the contributions described are paid to West Somerset Council.

RESOLVED (2) that, subject to resolution (1) above, Cabinet's decision to nominate West Somerset Council representatives on the Board consist of Councillor Kate Kravis, Lead Member for Resources and Central Support, who will chair the Board meetings, and Ian Timms, Group Manager for Housing and Community and that their substitutes will be Councillor Keith Turner, Lead Member for Housing, Environmental Health and Licensing and Andrew Goodchild, Planning Manager, be noted.

RESOLVED (3) that, subject to resolution (1) above, it be noted that Cabinet acknowledged and endorsed the contributions to be paid to third parties as set out in Table 2 of the report and noted the content of Tables 1, 4, 5, 6 and 7 of the report.

RESOLVED (4) that, subject to resolution (1) above, it be noted that Cabinet pre-approve the contributions under £25,000 to be paid to third parties as set out in Table 3, of the report, so that the payments can be made to the relevant third party as and when payments are received from EDF Energy.

RESOLVED (5) that, subject to resolution (1) above, the contributions over £25,000 to be paid to third parties as set out in Table 3, of the report, so that the payments can be made to the relevant third party as and when payments are received from EDF Energy, be approved.

RESOLVED (6) that, subject to resolution (1) above, the allocation of monies set out in Table 8, of the report, to create new posts, be approved and that the content of paragraph 5.3 and 5.4, of the report, relating to recruitment be noted.

RESOLVED (7) that, subject to resolution (1) above, the existing posts which are partly or fully funded by the Section 106 Agreement as set out in Tables 11 and 12 of the report, be noted.

RESOLVED (8) that, subject to resolution (1) above, it be noted that Cabinet approved the release of £10,000 of the £525,687 of the first Service Level Agreement payment to West Somerset Council (item j of Table 8, of the report) to start the recruitment processes for some of the posts outlined above, in Tables 8 and 9, of the report - this money will be used for advertisements and initial interview costs.

RESOLVED (9) that, subject to resolution (1) above, the intention for continued use of contributions secured by Table 11, of the report, to employ the Deputy Planning Manager (renamed Development Manager) and the Planning Support Officer, be noted.

C77 **Magna Charitable Status**

(Report No. WSC 21/12, circulated with the Agenda).

The purpose of the report was to outline Magna West Somerset (MWS) Housing Association's intention to become an Industrial and Provident Society (IPS) with charitable tax-exempt status; and to outline Magna West Somerset Housing Association's intention to reorganise its board and committee structure.

The report was presented in detail by the Lead Member for Housing, Environmental Health and Licensing who advised that Magna West Somerset had invested heavily in repairing and maintaining the housing stock since taking it over from the Council in 1998.

The recommendations set out in the report were proposed by Cllr K Turner and seconded by Cllr K Kravis. The first recommendation related to a move towards Magna becoming an Industrial and Provident Society with charitable tax exempt status. This decision had been agreed by Magna WS board and was being progressed through legal channels. This decision was supported by recommendation 2.1 of the report. In debate members expressed broad support for this proposal.

In terms of Recommendation 2.2 and 2.3 the Group Manager for Housing and Community highlighted that although the Magna Board had voted in favour of the recommendations put before the council, they would not be enforced without their tenants support.

With regards to the recommendations 2.2 and 2.3 Members expressed concern that the reason behind the proposal to reorganise it's board and committee structure was to gain control; the change would take away the power and influence of the board, which was local to West Somerset and transfer it out of the area. Concern was further expressed that the tenants might not understand the consultation and it's possible implications.

In response to concerns that tenants had not been consulted, the Group Manager for Housing and Community advised that the day previous to this meeting the proposed changes were considered by MWS board, after which the tenants groups and panels would be consulted.

The Lead Member for Housing, Environmental Health and Licensing advised that Magna WS representatives had attended a Housing PAG in December 2011 to discuss the proposals in the report.

Following the Chairman's ruling recommendation 2.1 was considered separately from recommendations 2.2 and 2.3.

Recommendation 2.1 set out in the report was proposed by Councillor K Turner and seconded by Councillor K Kravis.

On being put to the vote recommendation 2.1 was CARRIED.

An amendment was proposed by Councillor D Ross to defer recommendations 2.2 and 2.3 until further information was available. His amendment was seconded by Councillor J Freeman.

On being put to the vote the amendment was CARRIED.

This then became the new substantive motion.

During the debate concern was expressed that major decisions affecting West Somerset tenants would not be decided by the performance committee but would be made out of the area.

On being put to the vote the substantive motion was CARRIED and it was

RESOLVED (1) that the decision by Magna West Somerset Housing Association to become an IPS with charitable tax-exempt status, be endorsed.

RESOLVED (2) that consideration of the principle of the decision of Magna West Somerset Housing association to reorganise it's board and committee structure, be deferred until further information was available.

RESOLVED (3) that consideration as to whether delegated powers should be granted for the Group Manager – Housing and Community in conjunction with the Portfolio Holder for Housing and Community to agree the finalised proposals relating to board and committee structural changes, subject to local tenant's supporting the proposals, be deferred until further information was available.

C78 Shadow Crime and Police Panel

(Report No. WSC 16/12, circulate with the Agenda).

The purpose of the report was to advise Members of the role and membership requirements of the Police & Crime Panel (PCP), what practical steps are required to get the Shadow PCP established by the summer of 2012 and seek agreement on the granting of delegated authority to the Chief Executive to make the decisions necessary to ensure that the timing of the set up is not hindered by individual local authority decision making processes. It is understood that all ten local authorities within the Avon and Somerset Police Constabulary area will be requesting a similar arrangement.

The Leader of the Council presented the report and advised that the setting up of the Police and Crime Panel was a three stage process and the PCP must be in place by the time of the election of the Police and Crime Commissioner in November 2012. The Shadow PCP needs to be politically balanced and how this would be arranged was unclear at the present time.

The point was made that this should be welcomed as West Somerset Council would be having an input into the governance of policing as a result of this proposal.

The Leader proposed the recommendation in the report which was duly seconded by Councillor D J Westcott.

On being put to the vote, the recommendation was CARRIED with four abstentions.

RESOLVED that the Chief Executive, in consultation with the political Group Leaders, be delegated authority to lead the Council's input into the establishment of the Shadow PCP, including confirming the Council's agreement to arrangements to be decided for the establishment of the Panel, it's terms of reference and membership.

C79 Regulation of Investigatory Powers Act (RIPA) 2000

(Report No. WSC 1/12, circulated with the Agenda).

The purpose of the report was to advise the Council on the outcome of the review of the council's management of covert activities and to seek endorsement of the actions taken/required to implement recommendations emanating from the review.

The Monitoring Officer presented the report and advised Members that under the RIPA Act 2000 West Somerset Council had significant powers to undertake covert activities and therefore needed to have the right framework in place to carry out these powers. An inspection on the process is carried out every three years. He drew attention to the fact that there was now a formal requirement to have a process in place to keep Members informed of developments and this would be done via the Corporate PAG. Training for Officers would also be necessary.

The Chief Executive made it clear that this Act applies to all of the Council's regulatory powers that may require surveillance, not just Housing Benefit fraud.

Councillor K V Kravis proposed the recommendations in the report which were seconded by Councillor K H Turner.

RESOLVED (1) that the outcome of the review and the action taken to date, be noted.

RESOLVED (2) that the updated Regulation of Investigatory Powers Act (RIPA) 2000 policy, be approved, and included as Appendix C to the minutes of this meeting.

RESOLVED (3) that the Corporate Director be designated 'Senior Responsible Officer (SRO)' who shall be responsible for ensuring that the Council complies with the requirements placed upon it under the Regulation of Investigatory Powers Act 2000, as set out in paragraph 10 of the amended operational procedures, and included as Appendix C to the minutes of this meeting.

RESOLVED (4) that the authorising Officers under RIPA 2000 be as follows: Chief Executive, Corporate Director, Group Manager for Housing and Community, Group Manager for Resources and Central Support and Principal Benefit Officer.

RESOLVED (5) that a formal process be introduced to ensure that elected Members of the Council are advised of the level of covert activity and the use of RIPA.

C80 Treasury Management Update – 30 September 2011

(Report No. WSC 22/12, circulated with the Agenda).

The purpose of the report was to update the council on the Treasury Management position as at 30 September 2011.

The Lead Member for Resources and Central Support presented the report and proposed the recommendation in the report which was seconded by Councillor C Morgan.

RESOLVED that the Treasury Management position as at 30 September 2011, be noted.

C81 Minutes and Notes for information

The Lead Member for Environment raised the question as to whether it was necessary to receive the minutes and notes attached to the report in paper format, as not only were the majority of them available on the Council's website but that it would also save resources.

It was proposed by Councillor C Morgan and seconded by Councillor M Smith that in future either the website link or minutes and notes be emailed to everyone on the distribution list.

Members raised concerns that for some paper format was easier and more accessible when attached to the agenda and that others did not feel confident or knowledgeable enough to access documents on the website.

On being put to the vote the recommendation was carried.

RESOLVED that, in future, those on the Council agenda distribution list be advised via email when the minutes and notes to this item are on the website, with the link attached, and that those minutes not on the website be included in the email, and should Members wish to receive a copy that they advise Member Services accordingly.

Minutes of the Standards Committee held on 13 December 2011 (circulated with the Agenda).

RESOLVED that the draft Minutes of the Standards Committee held on 13 December 2011, be noted.

Draft Notes of the Minehead Area Panel held on 14 December 2011; draft Notes of the Exmoor Area Panel held on 6 September 2011, draft Notes of the Exmoor Area Panel held on 1 November 2011; and draft Notes of the Watchet, Williton & Quantocks Area Panel held on 7 December 2011 (circulated with the Agenda).

RESOLVED that the draft Notes of the Minehead Area Panel held on 14 December 2011; draft Notes of the Exmoor Area Panel held on 6 September 2011, draft Notes of the Exmoor Area Panel held on 1 November 2011; and draft Notes of the Watchet, Williton & Quantocks Area Panel held on 7 December 2011, be noted.

Draft minutes of the Hinkley Point – Somerset Nuclear Energy Group (SNEG)

held on 27 September 2011 and 25 October 2011 (circulated with the Agenda).

RESOLVED that the draft minutes of the Hinkley Point – Somerset Nuclear Energy Group (SNEG) held on 27 September 2011 and 25 October 2011, be noted.

The meeting closed at 7.12 pm