

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 26 February 2014 at 4.30 pm

in the Council Chamber, Williton

Present:

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

Councillor A M Chick	Councillor M J Chilcott
Councillor M O A Dewdney	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 K J Ross	Councillor L W Smith
Councillor M A Smith	Councillor T Taylor
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)
Interim Executive Director (A Dyer)
Principal Accountant (S Plenty)
HR Consultant (M Griffin)
Economic Regeneration and Tourism Manager (C Matthews)
Meeting Administrator (H Dobson)

C130 Apologies for Absence

Apologies for absence were received from Councillors H J W Davies, J Freeman, S Y Goss, D D Ross, D J Sanders and A H Trollope-Bellew.

C131 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 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	Brompton Ralph	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

C132 Public Participation

Agenda Item 9 – East Wharf Development, Watchet – Update Report

Jessica Prendergrast provided an update regarding the funding awarded to the Onion Collective towards a viable community development in Watchet. They have been in regular negotiations to keep the funding for Watchet and have been advised that the funds can start to be drawn down in the next few weeks. The funds will be used to best effect and hope to complete the work in the next few months. They would like to complement the maritime development of the Marina Operator.

C133 Chairman's Announcements

The Chairman had no new announcements since the last meeting of full Council, held the previous week.

C134 Changes to Procedure Rule 15 – Recorded Vote for Budget and Council Tax Setting Decisions

(Report No. WSC 33/14, circulated with the Agenda.)

The purpose of the report was to agree to amend the existing Council Procedure Rules to ensure compliance with new legislation to provide that votes at key budget decision making meetings are recorded.

The Lead Member for Executive Support and Democracy presented the report and proposed the recommendations, which was duly seconded by Councillor M J Chilcott.

RESOLVED that the changes to Part 4 of the Constitution, Council Procedure Rule 15 as set out in Appendix A attached to the report, be approved.

C135 Annual Budget and Council Tax Setting 2014/15

(Report No. WSC 32/14, circulated with the Agenda.)

The purpose of the report was to provide Members with all the information required for Council to approve the revenue budget for 2014/15.

The Lead Member for Resources and Central Support presented the report in detail highlighting the following points:

- It was thought that the savings to be found in 2015/16 would mostly be identified through joint services.
- A rise in council tax by 2% or above was deemed excessive by central government hence the recommendation that Council accepted the Council Tax Freeze Grant and not to pass on the increase to the public of West Somerset and therefore the tax remaining at £137.82 at Band D.
- The New Homes Bonus had been included in the revenue budget.

- There was a predicted underspend for quarter 3.

The Lead Member reported that the budget process had been a simpler process this year. She thanked the members for the difficult discussions that had been undertaken in the past and for the decisions that had not affected the public.

The Lead Member proposed the recommendations which were duly seconded by Councillor K H Turner.

During the course of a lengthy debate the following points were raised:

- For the majority of the public it was still a time of severe financial challenge. The Council were in close talks with the Department of Communities and Local Government and were now well thought of. It would help the Council's case if it agreed to freeze Council Tax.
- Concern was raised regarding the issues due to the Council not increasing the Council Tax rate in the past and that to agree to the Freeze Grant would make the council worse off. It would be prudent to keep pace with inflation, therefore, an increase in the Council Tax base of 1.99% would seem a sensible recommendation.
- Concern that Scrutiny Committee had not been able to hold Cabinet to account due the figures regarding, for example, the National Non Domestic Rates (NNDR) varying greatly in reports received by the Committee.
- For the first time in years Members could begin to feel confident. All of the council's front line services were still in place and West Somerset residents were still getting the same as last year for no extra cost.

The Lead Member reported that it was incredibly hard to predict the NNDR figure. She had worked to make a safe and sensible budget within a difficult changing world. She confirmed that a 2% Council Tax rise had been predicted for 2015/16 and was built into the MTFP.

Councillor P H Murphy proposed an amendment to recommendation 2.1, which was duly seconded by Councillor A P Hadley, as follows:

'The Council does not accept the Council Tax Freeze Grant but agrees to increase the Council Tax for 2014/15 by 1.99%.'

On being put to the vote the amendment was declared LOST

Councillor A M Chick	Against	Councillor M J Chilcott	Against
Councillor M O A Dewdney	Against	Councillor G S Dowding	Against
Councillor P N Grierson	For	Councillor A P Hadley	For
Councillor B Heywood	Against	Councillor A F Knight	Against
Councillor K V Kravis	Against	Councillor R P Lillis	Against
Councillor E May	For	Councillor I R Melhuish	For
Councillor K M Mills	Against	Councillor C Morgan	Against
Councillor P H Murphy	For	Councillor S J Pugsley	Against

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Councillor K J Ross	Against	Councillor L W Smith	For
Councillor M A Smith	For	Councillor T Taylor	Against
Councillor K H Turner	Against	Councillor D J Westcott	Against

On being put to the vote the original motion was declared CARRIED

Councillor A M Chick	For	Councillor M J Chilcott	For
Councillor M O A Dewdney	For	Councillor G S Dowding	For
Councillor P N Grierson	Against	Councillor A P Hadley	Against
Councillor B Heywood	For	Councillor A F Knight	For
Councillor K V Kravis	For	Councillor R P Lillis	For
Councillor E May	Against	Councillor I R Melhuish	Against
Councillor K M Mills	For	Councillor C Morgan	For
Councillor P H Murphy	Against	Councillor S J Pugsley	For
Councillor K J Ross	Against	Councillor L W Smith	For
Councillor M A Smith	Against	Councillor T Taylor	For
Councillor K H Turner	For	Councillor D J Westcott	For

The Council voted on the remaining recommendations 2.2, 2.3 and 2.4.

RESOLVED (1) that the Council Tax Freeze Grant and thus does not increase Council Tax in respect of 2014/15, be approved;

RESOLVED (2) that the revenue budget for 2014/15 as presented in Appendix A attached to the agenda, be noted/approved;

RESOLVED (3) that the savings shown in Appendix B, Table 10 (as recommended by Scrutiny and Cabinet) are approved, balancing the remainder of the budget using general reserves;

RESOLVED (4) that the revised Medium Term Financial Plan as shown at Appendix A, Table 2, be noted/approved.

Councillor A M Chick	For	Councillor M J Chilcott	For
Councillor M O A Dewdney	For	Councillor G S Dowding	For
Councillor P N Grierson	Abstain	Councillor A P Hadley	For
Councillor B Heywood	For	Councillor A F Knight	For
Councillor K V Kravis	For	Councillor R P Lillis	For
Councillor E May	For	Councillor I R Melhuish	Abstain
Councillor K M Mills	For	Councillor C Morgan	For
Councillor P H Murphy	Abstain	Councillor S J Pugsley	For
Councillor K J Ross	For	Councillor L W Smith	For
Councillor M A Smith	Abstain	Councillor T Taylor	For
Councillor K H Turner	For	Councillor D J Westcott	For

C136 Council Tax Resolution 2014/15

(Report No. WSC 30/14, circulated with the Agenda.)

The purpose of the report was to enable the Council to calculate and set the Council Tax for 2014/15.

The Lead Member for Resources and Central Support presented the report and proposed the recommendations, which were duly seconded by Councillor M O A Dewdney.

Noted the following amendments to figures in the report, attached to the agenda, at paragraph:

- 5.3 - 'Somerset County Council met on 19 February 2014 and set their precept at £13,590,150.41, adjusted...'
- 5.5 - 'Devon and Somerset Fire and Rescue Service met on 24 February 2014 and set their precept at £1,017,178.00, adjusted...'

RESOLVED that the formal Council Tax Resolution, attached as Appendix A, B and C to the minutes, be approved.

Councillor A M Chick	For	Councillor M J Chilcott	For
Councillor M O A Dewdney	For	Councillor G S Dowding	For
Councillor P N Grierson	For	Councillor A P Hadley	For
Councillor B Heywood	For	Councillor A F Knight	For
Councillor K V Kravis	For	Councillor R P Lillis	For
Councillor E May	For	Councillor I R Melhuish	For
Councillor K M Mills	For	Councillor C Morgan	For
Councillor P H Murphy	For	Councillor S J Pugsley	For
Councillor K J Ross	For	Councillor L W Smith	For
Councillor M A Smith	For	Councillor T Taylor	For
Councillor K H Turner	For	Councillor D J Westcott	For

C137 Pay Policy Statement 2014/15

(Report No. 27/14, circulated prior to the Meeting.)

The purpose of the report was to seek approval from Council for the 2014/15 Pay Policy Statement.

Senior Officers (Chief Executive, Director of Operations and Assistant Chief Executive) whose posts were specifically referred to in the report left the room for this item.

The Lead Member for Resources and Central Support presented the report advising that the main change this year to the Pay Policy Statement were references to West Somerset Council and Taunton Deane Borough Council joint working arrangements. The Lead Member proposed the recommendations, which were duly seconded by Councillor K H Turner.

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

- Reassurance that the remuneration package of senior employees would be subject to approval by Full Council.

- Confirmation that once the transition regarding the new joint structure was complete the living wage would be the starting point for all the pay scales.

RESOLVED that the Pay Policy Statement 2014/15 as set out in Appendix A to the report and amendments to the Written Statement on the Local Government Pension Scheme Employers Discretions and Key Pensions Policy as set out in Appendix E to the report, be approved.

C138 **Flooding Response – Council Tax, National Non Domestic Rates and Business Support**

(Report No. WSC 43/14, circulated with the Agenda.)

The purpose of the report was to set out the detail of the Government's recently announced flood support schemes and outline the process for supporting those domestic and business properties that have been affected by flooding in West Somerset since 1 December 2013.

The Lead Member for Regeneration and Economic Growth presented the report and thanked the authors for producing the report at such short notice. The Lead Member believed the discount offered to those eligible could significantly improve business resilience for the future and assist homeowners, therefore, she proposed the recommendations which were duly seconded by Councillor M J Chilcott.

The Chairman wished to thank all the people who had helped and who were continuing to help the communities affected by the flooding. He recognised that it had been a distressing time and that many homes and businesses had suffered. The Council sent their best wishes to all who had been affected.

In addition, Councillor M O A Dewdney wished to convey his support to all the staff, communities and the highways team who had worked tirelessly when needed.

During the course of the discussion the following main points were raised:

- Praise that the flood support schemes had been handed down from government to a local level very quickly.
- Suggestions on how to disseminate the information regarding flood support schemes to the public:
 - To write directly to homeowners and businesses who had suffered flood damage.
 - Members contact their respective parishes/towns.
 - The use of social media and a link added at the end of all member's emails.

RESOLVED (1) that the Council uses its discretionary powers to introduce a one-off local Council Tax discount of up to 100% for up to 6 months, to be reviewed after 3 months, for residents that have been severely impacted by flooding to their home between 1 December 2013 to 31 March 2014 and are not eligible for any other hardship scheme;

RESOLVED (2) that up to £5,000 be allocated from general reserves to support claims resulting from the resolution at (1) above;

RESOLVED (3) that the decision making in respect to resolution (1) above, be delegated to the Revenues, Benefits and Debt Recovery Manager in consultation with the Portfolio Holder for Community and Customer for any applications received by the Council prior to the 30 June 2014 only, and a further report on the use of this delegated authority be provided to Scrutiny Committee after it has expired;

RESOLVED (4) that additional help is available to businesses as outlined in paragraphs 5.3, 5.4 & 5.5 of the report be noted and that the responsibility for establishing an appropriate Repair and Renewal Grant Scheme and a Flood Relief Business Support Scheme together with decisions regarding individual applications are delegated to the Economic Regeneration Manager in consultation with the Portfolio Holder for Economic Regeneration, and a further report on the use of this delegated authority be provided to Scrutiny Committee in due course.

NOTE: Having regard to the special circumstances pertaining in relation to this item – namely the need for the Council to agree how to distribute this funding allocation as soon as possible – 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.

C138 **East Wharf Development, Watchet – Update Report**

(Report No. WSC 43/14, circulated with the Agenda.)

The purpose of the report was to bring members up to date with the results of negotiations that have recently taken place between the Council, the marina operator and Urban Splash. It also identifies, for member approval, potential immediate and future actions.

The Leader presented the report in detail and advised that the Council were holding discussions with Watchet Town Council regarding the future of the Quay West Radio building. It was felt that the sum of £20,000 plus a peppercorn rent offered by the Marina Operator together with the cost of to demolish the existing cargo shed was quite favourable to the Council. Previous quotes obtained by the Council had estimated the cost of the demolition to be up to £40,000. He reported that negotiations had achieved a defined limit for the Marine Operator and referred to Appendix A attached to the report. He reassured the Council that the legal agreement would include timescales and clauses regarding the reconstruction of a new building, subject to planning permission.

The Leader proposed the recommendations of the report, which were duly seconded by Councillor C Morgan.

Councillor M O A Dewdney proposed the exclusion of the press and public which was duly seconded by Councillor K J Ross.

RESOLVED that the press and public be excluded from the meeting during consideration of Appendix C to Report No. WSC 34/14, East Wharf Development, Watchet – Update Report, on the grounds that, if the press and public were present during consideration of this document, 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 as follows:

The appendix contained information that could release confidential information relating to commercial business affairs of any particular person (including the authority holding that information). It is 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.

The Executive Director (Interim) advised of the legal advice received so far and explained the detail of Appendix C and answered questions.

RESOLVED that the press and public be re-admitted to the meeting.

Councillor D J Westcott congratulated the Executive Director on the progress made to date regarding negotiations with the Marina Operator. He believed the proposals before the Council would provide the only chance to move forward.

In summing up the Executive Director reiterated and emphasised the risks contained within the report and associated with the decision to issue a notice to terminate the conditional development agreement with Urban Splash. Namely the possibility of legal action being instigated by Urban Splash to gain compensation for the money already invested in trying to progress the development. However, he also pointed out that the only way to completely mitigate this risk was to accept the current offer put forward by Urban Splash.

On consideration of the concerns raised by members the Leader proposed a change to recommendation 3.4 attached to the agenda, to read 'that the Interim Executive Director, in consultation with the Leader of the Council, be granted delegated powers to agree rental terms, broadly in accordance with the recommendations of the District Valuer, with Watchet Marine Limited for the lease of the land edged in blue in Appendix A to the report', which was duly seconded by Councillor E May.

RESOLVED (1) that the offer from Urban Splash of £180,722 for the purchase of a lease for land edged red in Appendix A, attached to the report, be rejected;

RESOLVED (2) that solicitors are instructed to draft and serve a notice that terminates, with effect from 1st April 2014, the Conditional Development Agreement between the Council and Urban Splash for the development of the East Wharf, Watchet;

RESOLVED (3) that a supplementary estimate of £22,300 be approved and funded from General Reserves. (This allows for a small contingency for interest payments should it not be possible for some reason to serve the termination notice on 1st April 2014);

RESOLVED (4) that the Interim Executive Director, in consultation with the Leader of the Council, be granted delegated powers to agree rental terms, broadly in accordance with the recommendations of the District Valuer, with Watchet Marine Limited for the lease of the land edged in blue in Appendix A to the report;

RESOLVED (5) that a report be presented to Council in March 2014 that includes: - details of case for compensation put forward by Urban Splash together with subsequent legal advice on the merits of their case – details of any new/supplementary leases between the Council and the Marina Operator, including conditions and restrictions, plus any proposed amendments to the existing marina lease – options for the future use of the Quay West Radio building.

The meeting closed at 7.35 pm.