

**WEST SOMERSET COUNCIL**

**Minutes of the Meeting held on 26 March 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 H J W Davies |
| Councillor M O A Dewdney | Councillor J Freeman    |
| Councillor S Y Goss      | 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 K H Turner   |
| Councillor D J Westcott  |                         |

**Officers in Attendance:**

Chief Executive (P James)  
Director of Operations/Section 151 Officer (S Adam)  
Assistant Chief Executive (B Lang)  
Interim Executive Director (A Dyer)  
Principal Accountant (S Plenty)  
Community Safety Officer (P Hughes)  
Environmental Health and Licensing Manager (E Lake)  
Meeting Administrator (K Kowalewska)

In recognition of this being the last meeting which the Interim Executive Director (former Chief Executive), Adrian Dyer, would attend, the Chairman and Leader, on behalf of Members, expressed their sincere appreciation for his 39 years of service to the Council. The Leader stated that West Somerset Council owed Adrian Dyer a huge debt as he had been outstanding in identifying and tackling the financial issues over the recent years, which had culminated in the partnership with TDBC thus giving the Council the opportunity to move forward financially with more resilience and expertise.

**C139 Apologies for Absence**

Apologies for absence were received from Councillors M J Chilcott and A H Trollope-Bellew. Members conveyed their best wishes to Councillor A Trollope-Bellew and wished him a speedy recovery.

**C139A Minutes**

**RESOLVED** that the Minutes of the Meetings of Council held on 19 February 2014 and 26 February 2014 be approved.

**C140     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 H J W Davies | All               | SCC              | Spoke and voted     |
| Cllr S Y Goss     | 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 K H Turner   | All               | Brompton Ralph   | Spoke and voted     |
| Cllr D J Westcott | All               | Watchet          | Spoke and voted     |

In addition, Councillors A F Knight, K V Kravis and K J Ross declared a prejudicial interest relating to Item 8 – Licensing Act 2003 – Three Year Review of Statement of Licensing Policy, and left the Chamber during the discussion of this item.

**C141     Public Participation**

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

**C142     Chairman's Announcements**

|               |   |
|---------------|---|
| 4 March 2014  | Attended a function at the Pump Rooms, Bath   |
| 10 March 2014 | Attended the Pupil Parliament held in the Council Chamber, West Somerset House  |
| 17 March 2014 | Accepted an invitation from the Chairman of South Somerset District Council to attend a production of Sister Act at the Octagon Theatre, Yeovil |
| 23 March 2014 | Attended the Legal Service at Wells Cathedral for the installation of the new High Sheriff of Somerset  |

**C143     Capital Strategy and Programme 2014/15**

(Report No. WSC 65/14, circulated with the Agenda.)

The purpose of the report was to seek approval by the Council on a temporary interim strategy used to influence the Initial Capital Programme for 2014/15 and the subsequent results.

The Lead Member for Resources and Central Support presented the report advising that the current capital strategy and programme had been approved as part of the budget setting process. She highlighted the principles on which the Strategy was written, making it clear that revenue funding would not be used to support the capital programme during 2013 to 2016, and reported that because of the delay in the disposal of Council

assets the loan which was due to be repaid last month had to be extended for a further six months at a reasonable cost to the Council. The Lead Member also informed that an 'away day' would be arranged for Cabinet Members and the finance team to focus on work concerning the capital strategy in order to come up with a forward-thinking plan, and she confirmed that this would then be consulted upon through the usual democratic process.

She emphasised the need to have, in the meantime, an interim capital strategy in place and went on to propose the recommendations of the report, which were duly seconded by Councillor D J Westcott.

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

- The Potential Balance Carried Forward 31 March 2015 in relation to Useable Capital Receipts should be amended to take into account the repayment of the loan.
- The Director of Operations advised that the information provided in the report gave details on the minimum capital programme to get the Council to a 'safe position' prior to further discussions being held on the long term capital financing strategy.
- The finance team were congratulated on finding such a low interest replacement loan.
- It was confirmed that the grant of £55,000 had been received for the Watchet CCTV installation scheme.
- An explanation and update was provided on the Coast Protection Capital Scheme.
- A question was raised as to whether the Aspirational Capital Bids listed in table 2 of the report could be dealt with at this stage, in light of the potential useable capital receipts balance.
- Members looked forward to the outcome of the away day and now that there was a stronger finance team in place their new ideas would be welcomed.
- In response to questions regarding the work of the Planning Obligations Board (POG) and bids for Section 106 monies, the Lead Member for Resources and Central Support reassured Members that the POG actively worked with parish and town councils in this regard.

**RESOLVED (1)** that the implementation of an interim capital strategy, to approve essential capital schemes as part of an Initial Capital Programme for 2014/15, be supported; and that an update capital strategy and further capital bids be presented to Council during 2014/15.

**RESOLVED (2)** that an Initial Capital Programme for 2014/15 totalling £672,618 be approved.

**RESOLVED (3)** that Table 3 – Estimated Capital Resources Available, be amended to read that funding received via Capital Grants Unapplied in 2014/15 amounted to (£238,782) instead of (£287,982) as detailed in the report. This meant the potential balance carried forward as at 31 March 2015 changed from £160,158 to £209,358.

**C144 Designated Public Place Orders for Minehead**

(Report No. WSC 47/14, circulated with the Agenda.)

The purpose of the report was to seek approval from Council to designate certain geographic areas in Minehead and Alcombe 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 Customer and Community presented the report and proposed the recommendation which was duly seconded by Councillor M O A Dewdney.

**RESOLVED** that the making of an order (made under the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 be approved.

**C145 Licensing Act 2003 – Three Year Review of Statement of Licensing Policy**

(Report No. WSC 64/14, circulated with the Agenda.)

The purpose of the report was to present the revised Statement of Licensing Policy to Council following completion of the consultation period.

The Lead Member for Housing, Health and Wellbeing presented the report and proposed the recommendation, which was duly seconded by Councillor D J Sanders.

During the discussion a request was made to amend the second sentence in section 2 'General Principles' of the Statement of Licensing Policy as it did not make sense.

In response to a question about the risks and prevention of Chinese Lanterns, the Environmental Health and Licensing Officer advised that it was very difficult to enforce legislation to stop the use of these lanterns, however officers would be able to provide helpful advice on the matter.

**RESOLVED** that the Statement of Licensing Policy, appended to the report, be adopted and would take effect from 1 April 2014.

**C146**      **Treasury Management Strategy Statement, MRP Policy and Annual Investment Strategy 2014/15**

(Report No. 38/14, circulated with the Agenda.)

The purpose of the report was to inform Council of the proposed Treasury Management Strategy, Minimum Revenue Policy and Annual Investment Strategy for 2014/15 in line with the CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code").

The Lead Member for Resources and Central Support presented the report advising that because the existing treasury management contract was about to expire, WSC had recently appointed Arlingclose as treasury management advisors (who were also used by Taunton Deane Borough Council). She also informed that the Strategy would factor in monies coming forward from the Hinkley Point C development, bringing to Members' attention the Capital Financing Requirement and the Minimum Revenue Provision as detailed in the report.

The Lead Member proposed the recommendation, which was duly seconded by Councillor S J Pugsley.

In response to questions concerning the appointment of Arlingclose, the Director of Operations reassured Members that the bid received by Arlingclose had been favourable and advised that their appointment would enable advice to be aligned across the two authorities providing a more efficient service.

The report produced by Arlingclose was praised for being a very clear and excellent financial statement.

Following a concern that some of the financial information provided in the report was difficult to comprehend, a request was made for a Members' Seminar to be held in order that a better understanding be obtained of the Treasury Management Strategy.

**RESOLVED** that the combined Treasury Management Strategy, Minimum Revenue Policy and Annual Investment Strategy for 2014/15, appended to the report, be approved.

**C147**      **Sand Clearance – Minehead Sea Front**

(Report No. WSC 51/14, circulated with the Agenda.)

The purpose of the report was to seek Council approval for the carrying forward to 2014/15 of an underspent budget in 2013/14.

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

**RESOLVED** that the following maximum amount of underspends in the 2013/14 budget be carried forward to 2014/15:

- Account 4319/50495 Coast Protection – Seafront Maintenance £1,725
- Account 4319/50064 Coast Protection – Maintenance £550

**C148 Marina Operations - East Wharf, Watchet**

(Report No. WSC 53/14, circulated prior to the Meeting.)

The purpose of the report was to advise Council of the result of commercial negotiations with the marina operator regarding the lease of land on the East Wharf. The report also informed Members of what the next steps in the process would be.

The Leader presented the report in detail emphasising the need to approve a supplementary lease in order that the Heads of Terms could be drafted. He advised that the demolition of the cargo shed and the construction of a replacement building would be the marine operator's responsibility, the details of which would be incorporated in the supplementary lease. The Leader reported that insufficient legal advice had been received on the issue concerning the financial compensation case put forward by Urban Splash and provided an update on the possible future uses of the Quay West building. The Leader then went on to propose the recommendation of the report, which was duly seconded by Councillor D J Westcott.

On consideration of the report the following points were made:

- Council must ensure the lease specifies that the warehouse is solely provided for industrial usage and is marine related.
- WSC would benefit by offering its support to the Onion Collective for the consultation work the company was currently undertaking in Watchet and Councillors could debate this matter further at a future meeting of the Corporate Policy Advisory Group.
- It was essential that a supplementary lease to the Marina Lease be granted and any further delay could jeopardise the future of the Marina.
- The Interim Executive Director reported that, subject to the approval of the recommendation, officers and the Marine Operator would meet to discuss the Heads of Terms which would form part of the Lease negotiations, and in readiness he had prepared a briefing paper which would include possible considerations for inclusion in the Heads of Terms.
- Council should consider the lessons learnt and the need to be more insightful when negotiating future leases/contracts.
- Members thanked the Interim Executive Director for preparing the report and appreciated the work undertaken by him and his involvement in discussions thus far with the marine operator.

Concern was expressed that the annual peppercorn rental was too low and an amendment was proposed and seconded that the amount be increased from £1.00 to £25.00. On being put to the vote the amendment FAILED.

**RESOLVED** that subject to final terms and conditions of a supplementary lease being agreed the offer of a one-off capital payment of £20,000 plus an annual peppercorn rental of £1.00 from Watchet Marine Limited for the lease of the land edged blue in Appendix A to the report be approved.

**C149**     **Minutes and Notes for Information**

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

**RESOLVED (1)** that the draft notes of the Watchet, Williton and Quantocks Area Panel held on 4 March 2014 be noted.

**RESOLVED (2)** that the draft notes of the Exmoor Area Panel held on 6 March 2014 be noted.

The meeting closed at 6.24 pm.