

WEST SOMERSET DISTRICT COUNCIL

Minutes of the Meeting held on 29 June 2011 at 4.30 pm
In the Council Chamber, Williton

Present:

Councillor A F Knight..... Chairman

Councillor A M Chick	Councillor M J Chilcott
Councillor M O A Dewdney	Councillor J Freeman
Councillor P N Grierson	Councillor A P Hadley
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 D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor A H Trollope-Bellew	Councillor K H Turner
Councillor D J Westcott	

Officers in Attendance:

Corporate Director & Monitoring Officer (B Lang)
Section 151 Officer (G Carne)
Group Manager – Housing & Community (I Timms)
PR and Media Officer (S Beaumont)
Planning Manager (A Goodchild) (Late Urgent Item only)
Economic Regeneration and Tourism Manager (C Matthews) (Item 11 only)
Meeting Administrator (H Dobson)
Meeting Administrator (K Kowalewska)
Also in attendance for Item 6 only: Independent Chairman of Standards
Committee (T Evans)

C14 Apologies for Absence

Apologies for absence were received from Councillors H J W Davies, G S Dowding, B Heywood, K J Ross and T Taylor.

C15 Minutes

(Minutes of the meeting of Council held on 20 April 2011, circulated with the Agenda).

RESOLVED that, subject to the deletion of Councillor P H Murphy from the Declarations of Interest due to him not attending the meeting, the Minutes of the Meeting of Council held on 20 April 2011 be confirmed as a correct record.

C16 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 P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr C Morgan	All Items	Stogursey	Personal	Spoke and voted
Cllr P H Murphy	All Items	Watchet	Personal	Spoke and voted
Cllr L W Smith	All Items	Minehead	Personal	Spoke and voted
Cllr A H Trollope-Bellew	All Items	Somerset County Council	Personal	Spoke and voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke and voted
Cllr D J Westcott	All Items	Watchet	Personal	Spoke and voted

In addition Councillors K V Kravis and A P Hadley declared a personal and prejudicial interest in Item 11, Minehead Festival – Request for Supplementary Estimate, as business owners in Minehead. They left the Council Chamber for this item. Councillor A H Trollope-Bellew declared a personal interest in Item 10, Devolution and Delegation of Services, as his father donated land for a car park mentioned in paragraph 6.4.1 in Report WSC 86/11.

C17 Public Participation

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

C18 Chairman's Announcements

19, 20 and 22 May 2011	Taunton Deane held their Mayor Making Ceremony - Civic Charity Ball and Civic Service
24 May 2011	Attended the launch of the Sea Shanty CD at The Esplanade Club in Watchet (with Councillor D Westcott)
17 June 2011	Somerset Schools Folk Dance Festival at Wells. However due to torrential rain the dancing was cancelled. A reception was held in St Cuthberts Church.
20 June 2011	Armed Forces Day service including raising the flag at West Somerset Council, West Somerset House.
24 June 2011	Visited the Croft House Art Exhibition for private viewing at Beckett House. This led to a private tour of Croft House (together with Councillor A Trollope-Bellew)
29 June 2011	Coffee Morning at St Audries Court – invitation from Housing 21 as part of South West Supported Housing Month.

C19 Annual Report of the West Somerset Standards Committee

(Annual Report of the West Somerset Standards Committee for 2010/11, circulated with the Agenda)

Tim Evans, Chairman of the West Somerset Standards Committee, presented the report. He stated that due to the new Government's proposals to abolish the current statutory regime including the Code of Conduct, he welcomed the decision of the West Somerset Council to support, in principle, the introduction of a voluntary Code of Conduct. He advised that the Standards Committee had been very successful in advising and training Members, and were doing well with the process of dealing with complaints.

The Chairman thanked Mr Evans for the work being undertaken by him and the Standards Committee.

RESOLVED that the Annual Report of the West Somerset Standards Committee be noted.

C20 Core Members of Policy Advisory Groups (PAGs)

The Chairman of Council announced that he would be replacing Councillor K M Mills on the Community and Customer PAG due to her not being able to attend meetings held on a Monday.

There was concern that the core membership of some of the PAGs was too high.

Following a request by Councillor Murphy that all Members should receive, via email, paperwork for all PAGs, it was confirmed that the Council's protocol was to notify all Members, by email, details of all meetings. However, PAGs were not formal committee meetings and agendas may not always be available in advance. The email would make it clear if papers were available.

RESOLVED that, for the 2011/12 municipal year, the core membership of Policy Advisory Groups (PAGs) be approved, as follows:

**Housing, Environmental
Health & Licensing**

*Councillor K H Turner
Councillor D J Westcott
Councillor A M Chick
Councillor B Heywood
Councillor A F Knight
Councillor P N Grierson
Councillor L W Smith
Councillor A P Hadley
Councillor E May

Environment

*Councillor C Morgan
Councillor G S Dowding
Councillor P N Grierson
Councillor K M Mills
Councillor S Y Goss
Councillor A H Trollope-Bellew
Councillor J Freeman
Councillor I R Melhuish
Councillor E May
Councillor M A Smith

Community and Customer

*Councillor D J Westcott
Councillor K H Turner
Councillor G S Dowding
Councillor B Heywood
Councillor A F Knight
Councillor L W Smith
Councillor I R Melhuish

**Regeneration & Economic
Growth**

*Councillor D J Sanders
Councillor R P Lillis
Councillor M O A Dewdney
Councillor S Y Goss
Councillor A M Chick
Councillor M J Chilcott
Councillor A P Hadley
Councillor K J Ross
Councillor E May
Councillor M A Smith
Councillor D D Ross

**Performance & Corporate
Support**

*Councillor T Taylor
*Councillor S J Pugsley
*Councillor K V Kravis
Councillor M J Chilcott
Councillor R P Lillis
Councillor M O A Dewdney
Councillor A H Trollope-Bellew
Councillor J Freeman
Councillor I R Melhuish
Councillor D D Ross

C21 Proposed Revisions to the Council's Constitution

(Report No. WSC 85/11, circulated with the Agenda).

The purpose of the report was to consider agreeing proposed revisions to the West Somerset Council's Constitution.

It was proposed by Councillor I R Melhuish and seconded by Councillor K V Kravis to adopt the proposed changes to the West Somerset Council's Constitution as set out in paragraph 4.4 of the report together with the following amendments:

- (1) Item 9.10 be added to the Public Speaking Rights at Council, Cabinet and Committees, to read: "A limit on the number of speakers and/or a limit on the time for individual speakers may be imposed by the Chairman in the interests of facilitating the proper conduct of Council/Committee business.
- (2) Terms of Reference for the Corporate Management Team, to amend paragraph 4, to read: "To consider strategic human resource issues as determined by the Head of Paid Service, including advising Cabinet as appropriate."

- (3) To amend the wording in line 1 of paragraph 10 within the 'Advice regarding protest action affecting West Somerset Council premises' document, to read: "The council does not condone any protest, demonstration or action that hinders the general public or staff from conducting business, that is perceived to be antisocial behaviour or any action that results in harm to property or person."

RESOLVED that, subject to the proposed changes as set out above, the West Somerset Council's revised and updated Constitution be approved.

C22 Fly Posting Policy

(Report No. WSC 74/11, circulated with the Agenda).

The purpose of the report was to advise Members of the proposed Fly Posting Policy, and the recommendation of the report was proposed by Councillor C Morgan and seconded by Councillor M O A Dewdney.

During the discussion the following main points were raised:

- Members did not condone fly posting in any way but did accept that certain types of temporary advertising in acceptable areas on street furniture should be allowed for charities and charitable events. A specific time period would have to be stipulated and contact information included on the advertisement.
- Concern was raised that many recognised community groups who were too small to be registered as a charity would not be covered by the policy and therefore could be subject to enforcement action.
- It would be reasonable to amend the wording to include "recognised local group" but clarification on the meaning of local group would be needed.
- Concern was raised that the policy would be difficult to enforce with reduced resources.

The Group Manager – Housing and Community confirmed that Parish and Town Councils would be advised of the policy through Community Matters.

It was proposed by Councillor P H Murphy and seconded by Councillor J Freeman that the Fly Posting Policy be referred back to the Environment Policy Advisory Group for further discussion.

On being put to the vote the amendment was LOST.

A further amendment was proposed by Councillor I R Melhuish and seconded by Councillor D J Westcott that the Fly Posting Policy be accepted in principle granting the Environment PAG the opportunity to examine the Policy in more detail and make amendments as necessary.

On being put to the vote the amendment was CARRIED, with one abstention.

This then became the new substantive motion there on which there was no further debate.

RESOLVED that, in principle, the Fly Posting Policy, as attached at **Appendix A** to the minutes of this meeting, be adopted.

C23 Devolution and Delegation of Services

(Report No. WSC 86/11, circulated with the Agenda).

The purpose of the report was to update the Council with progress in the delivery of the devolution and delegation strategy and to seek approval for the basis upon which to consult with Parish and Town Councils.

The Lead Member for Resources and Central Support presented the report and advised that the driving force was to save money and work differently rather than just cutting and stopping services. It would not be viable for the Council to engage in total devolution or retain all services. It was important to note that this project was not intended to result in simple 'dropping' of services by the District onto Parish and Town Councils. Meetings would be held with Town and Parish Councils providing the opportunity to reach tailored solutions. Overall the Council would have to balance the individual conversations and deliver a package that could work district wide from a financial and operational perspective. This report helped to prepare the way for when the budget would be considered in November.

The recommendations set out in the report were proposed by Councillor K V Kravis and seconded by Councillor P N Grierson.

Concern was expressed that street cleaners were not seen in some rural areas of the district. In response the Lead Member for Resources and Central Support advised that Veolia had been very helpful in assisting to reduce fees over the last few years. The provision of public conveniences was a discretionary service and, therefore, the Council did not have a duty to maintain them. However, the Council had a statutory duty to maintain a minimum standard of street cleanliness, and, once the minimum had been determined, the Parish and Town Councils were welcome to expand on that if they wished.

During the discussion the following points were made:

- Councillor K Turner supported the monitoring of street cleaning and suggested that any savings identified could go towards a parish lengthsman scheme.
- The Council would have to be careful about the detail and how the services were to be changed.
- Concern was expressed regarding the extra capacity needed for Town and Parish Councils to take on other services.
- The provision of public conveniences for many people were essential and not a luxury.
- Perhaps ways to keep costs down could be explored in co-operation with local businesses.

RESOLVED (1) that the proposals for services, as detailed in **Appendix B** to the minutes of this meeting, be approved.

RESOLVED (2) that engaging parishes and towns in discussion, covering the range of services as detailed at **Appendix C** to the minutes of this meeting, be approved.

RESOLVED (3) that the timetable, as detailed at **Appendix D** to the minutes of this meeting, be noted.

C24 Minehead Festival – Request for Supplementary Estimate

(Report No. WSC 87/11, circulated with the Agenda).

The purpose of the report was to request a supplementary estimate to cover anticipated costs associated with the Council's activities to support the Minehead Festival to be held on 10 August 2011. The recommendation of the report was proposed by Councillor D J Sanders and seconded by Councillor P N Grierson.

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

- Minehead Town Council seemed to be contributing a small amount and local traders did not seem to be contributing towards the event.
- Concern that residents of other towns would be contributing towards a festival taking place elsewhere in the district.
- Councillor D Ross requested that, in order to avoid confusion with an already well established event of the same name, this event be referred to as Minehead Summer Festival.

In response to questions the Lead Member for Regeneration and Economic Growth advised that Minehead Town Council had contributed £1,000 to last year's event, and that Butlins was responsible for organising the festival.

In response to questions the Economic Regeneration and Tourism Manager advised that other events were supported last year and in the past the Council had also supported events such as Watchet Carnival and Dunster by Candlelight with officer support.

RESOLVED that a revenue supplementary estimate of up to £5,000 to cover the anticipated costs in connection with its role in supporting the Minehead Summer Festival be approved.

C25 Late Urgent Item – Hinkley Point C – Separation of Responsibilities

(Report No. WSC 84/11, circulated at the meeting).

The purpose of the report was to advise Members of the necessity to separate Officer and Member responsibility for:

- Involvement in the town and country planning processes in relation to the Hinkley Point C new nuclear power station including the site preparation works application submitted by EDF Energy for Hinkley Point C new nuclear power station, the Council input into other preliminary works applications and the Development Consent Order planning process; and
- Discussions concerning the payment of any Community Benefit Contributions (CBC) in relation to the project, which it is recognised is outside of the planning system/regulations and is not a material planning consideration.

The recommendations set out in the report were proposed by Councillor A F Knight and seconded by Councillor C Morgan.

It was proposed by Councillor J Freeman and seconded by Councillor P H Murphy that a Task and Finish Group be set up to discuss and deal with the issues contained in the report, of which the membership would include democratically elected Members who are not members of the Planning Committee, the Chief Executive and the Leader of Council.

On being put to the vote the amendment was LOST.

The original motion was then voted on and it was:

RESOLVED (1) that the Chief Executive and Leader of Council are granted delegated authority to discuss, negotiate and, subject to final approval by Council, agree details of any CBC scheme on the Council's behalf on the basis that they take no part in the town and country planning process in connection with the project

RESOLVED (2) that the resignation of the Leader of Council from the Planning Committee in order to be available to carry out such discussions and, if applicable, negotiations, is noted; and that Councillor D J Westcott be nominated as his replacement, and should receive the necessary planning committee training.

RESOLVED (3) that the other separation measures outlined below be noted:

- (i) The Chief Executive will not attend the Planning Committee where the planning application for site preparation works is considered.
- (ii) The consultants working on behalf of the Local Authorities and who are involved in the planning process will not be advising on CBC discussions and negotiations. They will however, continue to advise on the separation of the planning and non-planning functions.

- (iii) Planning, legal and officer advice will be given verbally and in writing to all Planning Committee Members prior to the Site Preparation Works application determination that any actual or potential CBC scheme or any press reports or public desire for any actual or potential CBC scheme is not a material planning consideration, cannot and must not be taken into account in the application determination process. The same advice will be given to all Members and Officers involved in either the planning or CBC processes at any of the three Councils.
- (iv) The report to the Planning Committee will contain a clear statement of the immateriality of any actual or potential CBC scheme to the determination of the site preparation application process. Further, at the Committee, this advice will be repeated alongside the procedural advice given at the start of the meeting and all Members asked to indicate that they have understood and will follow that advice.

NOTE: Having regard to the special circumstances pertaining in relation to this item – namely the need to determine this issue before the next scheduled full Council meeting in September, 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.

C26 Minutes and Notes for Information

Minutes of the Standards Committee held on 12 April 2011 (circulated with the Agenda).

RESOLVED that the draft Minutes of the Standards Committee held on 12 April 2011, be noted.

Notes of the Dunster Area Panel held on 11 April 2011 and the Minehead Area Panel held on 8 June 2011 (circulated with the Agenda).

Councillor P H Murphy commented that the Somerset Waste Board should be encouraged to respond to letters sent to them.

RESOLVED that the notes of the Dunster Area Panel held on 11 April 2011 and the Minehead Area Panel held on 8 June 2011, be noted.

Minutes of the Somerset Nuclear Energy Group (SNEG) held on 29 March 2011 and draft minutes held on 26 April 2011 (circulated with the Agenda).

RESOLVED that the minutes of the Somerset Nuclear Energy Group (SNEG) held on 29 March 2011 and draft minutes held on 26 April 2011, be noted.

The meeting closed at 6.48 pm.