

## CABINET

Meeting to be held on Wednesday 3 April 2013 at 4.30 pm

Council Chamber, Williton

### AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Cabinet held on 6 March 2013 to be approved and signed as a correct record – **SEE ATTACHED.**

3. **Declarations of Interest**

To receive and record declarations of interest in respect of any matters included on the agenda for consideration at this meeting.

4. **Public Participation**

The Leader to advise the Cabinet of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. **Forward Plan**

To approve the latest Forward Plan published on 19 March 2013 – **SEE ATTACHED.**

6. **Cabinet Action Plan**

To update the Cabinet on the progress of resolutions and recommendations from previous meetings – **SEE ATTACHED.**

7. **Consideration of nominations received under the Community Right to Bid Legislation**

To consider Report No. WSC 40/13, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **SEE ATTACHED.**

The purpose of the report is to review nominations received and the recommendations from CMT under the Localism Act 2011 Part 5 – the Community Right to Bid.

**8. Request for Allocation of Planning Obligations Funding**

To consider Report No. WSC 38/13 to be presented by Councillor K Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to make proposals for the allocation of capital monies secured through planning obligations to individual schemes.

**9. Sale of Council-Owned Land at Simonsbath**

To consider Report No. WSC 27/13, to be presented by Councillor K Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to seek Member approval for the sale of Council owned land in Simonsbath.

**10. Commissioning of Property Consultants**

To consider Report No. WSC 28/13, to be presented by Councillor K Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to seek Member approval for the appointment of property consultants to oversee the sale of the unused assets.

**COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.



**CABINET****MINUTES OF THE MEETING HELD ON 6 MARCH 2013****AT 4.30 PM****IN THE COUNCIL CHAMBER, WILLITON****Present:**

Councillor T Taylor ..... Leader

Councillor K V Kravis  
Councillor S J Pugsley  
Councillor K H TurnerCouncillor C Morgan  
Councillor D J Sanders  
Councillor D J Westcott**Members in Attendance:**Councillor M O A Dewdney  
Councillor A P Hadley  
Councillor A F Knight  
Councillor E May  
Councillor D D Ross  
Councillor L W SmithCouncillor G S Dowding  
Councillor B Heywood  
Councillor R P Lillis  
Councillor P H Murphy  
Councillor K J Ross**Officers in Attendance:**Chief Executive (A Dyer)  
Corporate Manager Housing, Welfare and Economy (I Timms)  
Section 151 Officer (S Campbell)  
Planning Manager (A Goodchild)  
Efficiencies and Performance Manager (K Batchelor) – Item 7  
Principal Benefits and Fraud Officer (P Lamb) – Items 9 and 10  
Meeting Administrator (K Kowalewska)**CAB102     Apologies for Absence**

No apologies for absence were received.

**CAB103     Minutes of the Meeting held on 6 February 2013**

(Minutes of the Meeting of Cabinet held on 6 February 2013 - circulated with the Agenda.)

**RESOLVED** that, subject to amending Minute No. CAB100 by replacing 'Lead Member for Resources and Central Support' with 'Lead Member for Regeneration and Economic Growth', the Minutes of the Meeting of Cabinet held on 6 February 2013 be confirmed as a correct record.

**CAB104**      **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>
Councillor C Morgan	All	Stogursey	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor P H Murphy	All	Watchet	Spoke
Councillor K J Ross	All	Dulverton	Spoke
Councillor L W Smith	All	Minehead	Spoke

**CAB105**      **Public Participation**

John Goodall, Trustee of the John Arlott Playground and Timberscombe Parish Councillor, spoke to the effect that the playground was the only asset in the village for the children and families and it brought the community together. The field was also used by CLOWNS, the school and pre-school for exercise and recreational activities. A group had been set up by local parents which held regular events to help raise funds. He strongly expressed that the playing field was badly needed for the children of Timberscombe and surrounding area.

Peter Grandfield and Stuart Tavner, residents of Holford, both spoke in support of accepting the Silk Mills site at Holford as an asset of community value. The issue regarding access was raised and Members were informed that up until 1982 there was a permissive footpath through the site which was used by visitors and local residents, presently the access was informal. Mr Grandfield advised that the site had a particular and great beauty and illustrated the textile history of the area. Mr Tavner referred to the site as a natural beauty spot, a tranquil and peaceful area of immense historical and social interest. A historical society had been formed to oppose any proposed plans to redevelop the site as it was much loved and the group would like to have a say in its future.

**CAB106**      **Forward Plan**

(Copy of latest Forward Plan published 21 February 2013 – circulated with the Agenda.)

The purpose of this item was to approve the latest Forward Plan published 21 February 2013.

**RESOLVED** that, subject to delaying the Review of Customer Access report and the Budget Strategy Update report, the latest Forward Plan published 21 February 2013 be approved.

**CAB107**      **Cabinet Action Plan**

(Copy of the Action Plan – circulated with the Agenda.)

**RESOLVED** (1) that, CAB97 – SWAP Governance Project Approvals, be deleted as actioned.

**RESOLVED** (2) that, CAB99 – Draft Corporate Plan for 2013/14, be deleted as actioned.

**RESOLVED** (3) that, CAB101 – Annual Budget 2013-14, be deleted as actioned.

**CAB108**      **Late Urgent Item - Joint Working with Taunton Deane Borough Council – Funding the Production of a Business Case**

(Report No. WSC 34/13, circulated at the Meeting.)

The purpose of the report was to approve a proposed budget virement.

The Leader presented this item and outlined the details in the report. The Leader made it clear that due to the importance of forming a closer relationship with Taunton Deane Borough Council and to minimise the risk of them turning down the mandate for proposed joint working, the Council would underwrite the full amount of the estimated £25,000 cost of procuring specialist advice, subject to Cabinet's agreement. It was hoped that WSC would be eligible for government funding following the recent announcement of a Transformation Challenge Award fund which was aimed at helping local authorities with the cost of implementing shared services. It was also noted that Somerset County Council had agreed to extend the current arrangement of providing the Council with a part-time Section 151 Officer for an extra 12 months free of charge.

The Leader proposed the recommendations contained in the report which were duly seconded by Councillor C Morgan.

Members were fully supportive of the proposal and thought it was a great opportunity.

**RESOLVED** (1) that the concept of underwriting the remaining £20,000 estimated cost of providing specialist advice to assist with the drafting of a business case be approved.

**RESOLVED** (2) that a budget virement be approved, as detailed below:

Amount:	£20,000
From:	Cost Centre 4305 – Corporate and Democratic Core
	Account: Provision of S151 Officer
To:	Cost Centre (New) – Joint working with TDBC
	Account (New) – Drafting of Business Case

**NOTE:** Having regard to the special circumstances pertaining in relation to this item – namely, that the issue only arose after the agenda

papers were circulated and a decision needed to be taken at this meeting, the Leader of Council 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.

**CAB109**      **Consideration of nominations received to list Assets of Community Value under the Community Right to Bid Legislation**

(Report No. WSC 22/13, circulated with the Agenda.)

The purpose of the report was to review the nominations received and the recommendations from CMT under the Localism Act 2011 Part 5 – The Community Right to Bid.

Following the Leader's ruling, the recommendations contained in the report were discussed separately.

The Lead Member for Community and Customer introduced the item and regarded the John Arlott Playground as an important asset which provided real value to the community of Timberscombe. He proposed recommendation 2.1.1 in the report, which was seconded by Councillor S J Pugsley.

An amendment was proposed by Councillor C Morgan and seconded by Councillor K Kravis to accept the nomination for Silk Mill, Holford to be listed as an Asset of Community Value as it added an historical value to the village of Holford and the site should be protected for its uniqueness and deserved a certain level of protection.

A debate took place on the amendment and the following points were raised:

- Members questioned why an application had not been submitted by the action group to Somerset County Council to secure the Right of Way.
- Confusion arose over the issue of privately owned land/building and informal use and ancillary use, and clarification was sought.
- Members enquired whether there was an alternative and more appropriate process of protecting the land rather than listing it as an asset of community value.
- Concern was expressed that there could be a danger that the legislation was being used for purposes it was not designed for, thereby setting a precedent across the district.
- It was clarified by the Planning Manager that although the land was located within an AONB area, a conservation area and was a site of special scientific interest, this did not prevent development from taking place although it did provide a certain level of additional protection.
- Although there was a financial concern to consider due to the fact that a compensation claim could be made against the Council, this could not be a reason for rejecting an application.

On being put to the vote the amendment was carried, with three abstentions.

**RESOLVED (1)** that the nomination [ACV017] for John Arlott Playground, Timberscombe to be listed as an Asset of Community Value, be accepted.

**RESOLVED (2)** that the nomination [ACV011] for Silk Mill, Holford to be listed as an Asset of Community Value, be approved.

**CAB110      Corporate Performance Report April to December 2012/13**

(Report No. WSC 32/13, circulated with the Agenda.)

The purpose of the report was to provide Members with an update on progress in delivering the corporate priorities, performance of council services including budgetary information and customer satisfaction covering the period from 1 April 2012 to 31 December 2012.

The Leader presented the report relating to performance and the Lead Member for Resources and Central Support presented the report that related to the budget.

The Leader advised that the Scrutiny Committee had considered the performance report and their comments were contained within the report and would be actioned. Any outstanding information/questions would be reported and discussed at the next meeting of the Scrutiny Committee. Councillor K Ross welcomed Members' comments that the Scrutiny Committee had done a thorough job in this quarter.

The Lead Member for Resources and Central Support acknowledged the hard work undertaken by the Housing, Welfare and Economy Group and thanked everyone who had been involved to help deliver the service.

The Leader then went on to thank staff for the detailed and hard work in producing the performance reports, in keeping Members well informed, and he stated that it was hugely appreciated.

The Leader proposed the recommendations in the report, which were seconded by Councillor S J Pugsley.

**RESOLVED (1)** that the progress in delivering the corporate priorities for 2012/13 be noted.

**RESOLVED (2)** that the performance against Group and Service Indicators, including Budget Monitoring Indicators, be noted.

**CAB111**      **Council Tax Support Discretionary Payments Scheme**

(Report No. WSC 29/13, circulated with the Agenda.)

The purpose of the report was to inform Cabinet of the proposed policy for Council Tax Support Discretionary Payments Scheme.

The Lead Member for Community and Customer presented the report and advised that following Council's approval of the Council Tax Rebate Scheme, Members agreed that a discretionary fund of £22,500 would be made available to help those in greatest need due to the fact that all people of working age would have to pay the first 15% of their council tax liability before any benefit was applied. The Lead Member informed that it was important that this fund was awarded fairly and consistently.

He proposed the recommendation, which was seconded by Councillor K H Turner.

During the discussion Members' noted that once all of the money in the fund was allocated there would be no more available.

In response to questions with regard to acceptable levels of expenditure, the Principal Benefits and Fraud Officer confirmed that it was recognised that the West Somerset community had different issues concerning rurality and transport, and applicants were required to provide proof and justification if their expenditure was above that specified in the policy.

**RESOLVED** that it be recommended to Council to approve the Discretionary Council Tax Rebate Policy, included at Appendix A to the report.

**CAB112**      **Discretionary Housing Payments**

(Report No. WSC 30/13, circulated with the Agenda.)

The purpose of the report was to inform Cabinet of the proposed policy for Discretionary Housing Payments Scheme.

The Lead Member for Community and Customer presented the report and advised that this scheme provided additional awards to housing benefit claimants. He reported that the grant, provided by central government, was ring fenced and any unspent money would have to be returned.

The Lead Member proposed the recommendation, which was seconded by Councillor D J Sanders.

**RESOLVED** that it be recommended to Council to approve the Discretionary Housing Payments Scheme, included at Appendix A to the report.

**CAB113      Policy for Charging for Pre-Application Planning Advice**

(Report No WSC 31/13, circulated with the Agenda.)

The purpose of the report was to seek Cabinet approval following informal discussions at the Corporate PAG for a policy change to introduce charges for providing pre-application advice on planning proposals.

The Planning Manager presented the report in detail and reported that the concept of pre-application charging had been discussed in the past, although charging was not deemed justified in terms of the planning team's ability to meet performance standards. However, there were no concerns now as the performance of the current team was very good. He confirmed that there was no standard charge or approach to charging amongst the authorities who do charge and WSC's approach to charging would be to be as cost effective as possible. He drew Members' attention to the budget position regarding two vacant positions within the planning team and the increased income anticipated from the charging scheme which was consistent with the Medium Term Financial Plan.

Councillor C Morgan proposed the recommendation in the report subject to the inclusion of a further recommendation that the effectiveness of the policy to charge for providing pre-application advice, if approved, be reviewed by Council in December 2013.

The Section 151 Officer commented that at this current time when the Council was seeking income, the full cost of providing this non-statutory service should be covered - it would be a contribution to the Council's fixed overheads and she advised that the Council was not allowed to make a profit.

The Planning Manager recognised the potential implications of officer time and ill-conceived applications. He reported that the guidance provided to customers would make it clear that if advice was sought and followed and if an issue arose during the application process, officers would do their best to try and resolve it before determination. A caveat would also be included which stated that the Planning Committee were not bound to follow officer recommendations and in some cases made decisions that differed in opinion, although he did point out that this did not happen regularly.

Members were supportive of the scheme.

**RESOLVED (1)** that it be recommended to Council that the charge for providing pre-application advice be in accordance with the charging schedule as set out in Appendix A to the report.

**RESOLVED (2)** that the effectiveness of the policy to charge for providing pre-application advice, if approved, be reviewed by Council in December 2013.

**CAB114      Late Urgent Item – Non Domestic Rate (Business Rates) Write Off Request**

(Report No. WSC 33.13, circulated prior to the Meeting.)

The purpose of the report was to seek Cabinet approval in accordance with the Financial Regulations to authorise individual write offs in excess of £5,000.

**RESOLVED** that one Non Domestic Rate (Business Rates) debt totalling £12,257.46 be agreed to be written off as recovery avenues had been exhausted therefore the debt was deemed uncollectable.

**NOTE:** Having regard to the special circumstances pertaining in relation to this item – namely that the issue needed to be determined before the end of the financial year, the Leader of Council 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.

The meeting closed at 6.25 pm

9  
Weekly version of Forward Plan published on 19 March 2013

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/5/01 15/01/13	8 May 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Somerset Major Sports Facilities Strategy and Playing Pitch Assessment  Decision: To approve the Somerset Major Sports Facilities Strategy		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/5/02 19/03/13	8 May 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/5/03 25/09/2012	8 May 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Implementing Value for Money Strategy  Decision: to agree way forward to implement Value for Money Strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/6/01 25/09/2012	5 June 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Cabinet Appointments on Outside Bodies</b>  Decision: to appoint representatives to serve on outside bodies for the period to the Annual Meeting in 2014 (except where specific periods are stated).		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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FP/13/6/02  13/02/2013	5 June 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/01  25/09/2012	3 July 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 1</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/7/02  25/09/2012	3 July 2013  By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2012-13 – Quarter 4</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/03  25/09/2012	3 July 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Review of Financial Regulations [FR2]</b>  Decision: to offer comment on the Financial Regulations.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/7/04 25/09/2012	3 July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Medium Term Financial Plan Update</b>  Decision: to present the updated Medium Term Financial Plan.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/7/05 13/02/2013	3 July 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/06 25/09/2012	3 July 2013 By Councillor D J Westcott – Lead Member Community and Customer	Title: Review of Customer Access  Decision: to review customer access.		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/7/07 25/09/2012	3 July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Budget Strategy Update  Decision: to advise members of the progress to date in formulating a new budget strategy to succeed the current strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/8/01 13/02/2013	7 August 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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FP/13/9/01  13/02/2013	4 September 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/10/01  25/09/2012	2 October 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 2</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/10/02  25/09/2012	2 October 2013  By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2013-14 – Quarter 1</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/10/03  13/02/2013	2 October 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/11/01 13/02/2013	6 November 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12/01 23/11/2012	4 December 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Review of Financial Regulations [FR2]</b>  Decision: to offer comment on the Financial Regulations.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12/02 23/11/2012	4 December 2013  By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2013-14 – Quarter 2</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12/03 13/02/2013	4 December 2013  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/1/01 18/01/2013	8 January 2014  By Councillor K V Kravis – Lead Member Resources & Central	Title: <b>Fees and Charges</b>  Decision: to propose levels of fees and charges for the period 1 April 2014 to 31 March 2015 (in		No exempt / confidential information anticipated	Section 151 Officer

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	Support	some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).			
FP/14/1/02 18/01/2013	8 January 2014  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 3</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/14/1/03 18/01/2013	8 January 2014  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Draft Capital Programme 2013-14 and Capital Strategy</b>  Decision: to present the draft Capital Programme 2013/14 and draft Capital Strategy for recommendation to Council.		No exempt / confidential information anticipated	Section 151 Officer
FP/14/1/04 13/02/2013	8 January 2014  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/2/01 18/01/2013	5 February 2014  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Annual Budget &amp; Council Tax Setting 2014-15</b>  Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2014/15 for		No exempt / confidential information anticipated	Section 151 Officer

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
		recommendation to Council.			
FP/14/2/02 18/01/2013	5 February 2014 By Councillor T Taylor – Leader of Council	Title: <b>Draft Corporate Plan for 2014-15</b>  Decision: to introduce the draft West Somerset Council Corporate Plan 2014/15 for recommendation to Council.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/14/2/03 13/02/2013	5 February 2014 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/3/01 1/03/2013	5 March 2014 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2013-14 – Quarter 3</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/3/02 19/03/2013	5 March 2014 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/4/01 19/03/2013	2 April 2014 By Councillor K V Kravis	Title: <b>Allocation of Section 106 funds held – Quarter 4</b>		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	– Lead Member Resources & Central Support	Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.			01984 635271
FP/14/4/02  19/03/2013	2 April 2014  By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Note (1) – Items in bold type are regular cyclical items.

Note (2) – All Consultation Implications are referred to in individual reports.

The Cabinet comprises the following: Councillors T Taylor, C Morgan, K V Kravis, S J Pugsley, D J Sanders, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors K J Ross, R Lillis, M J Chilcott, M O A Dewdney, G S Dowding, J Freeman, P N Grierson, B Heywood and D D Ross.





*Report Number:* WSC 40/13  
*Presented by:* Cllr D Westcott, Lead Member for Community & Customer  
*Author of the Report:* Bruce Lang, Corporate Director  
*Contact Details:*  
     *Tel. No. Direct Line* 01984 635200  
     *Email:* [bdlang@westsomeset.gov.uk](mailto:bdlang@westsomeset.gov.uk)  
  
*Report to a Meeting of:* Cabinet  
*To be Held on:* 3 April 2013  
*Date Entered on Executive Forward Plan* 13/02/2013  
*Or Agreement for Urgency Granted:*

## CONSIDERATION OF NOMINATIONS RECEIVED TO LIST ASSETS OF COMMUNITY VALUE UNDER THE COMMUNITY RIGHT TO BID LEGISLATION

### 1. PURPOSE OF REPORT

- 1.1 To review nominations received and the recommendations from CMT under the Localism Act 2011 Part 5 – The Community Right to Bid.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Whilst the subject of this report does not specifically relate to either of the council's corporate priorities, the council has a duty to comply with the requirements of the Localism Act 2011.

### 3. RECOMMENDATIONS

- 3.1 It is recommended that Cabinet:
- 3.1.1 Accept the nomination [ACV018] for The Bicknoller Inn to be listed as an Asset of Community Value, received 15.2.13.
- 3.1.2 Accept the nomination [ACV020] for Summerland Place Public Convenience, Minehead as an Asset of Community Value, received 15.2.13.
- 3.1.3 Accept the nomination [ACV021] for Quay West Public Convenience, Minehead as an Asset of Community Value, received 15.2.13.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is reputational in that the council considered not to have dealt with the matter appropriately	3	3	9

<i>Approved processes in place. CMT considering the nomination and Cabinet determining the nomination. Scrutiny to undertake any internal reviews requested by the land/building owner</i>	1	3	3
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## 5. **BACKGROUND INFORMATION**

The Localism Act 2011 places requirements on the council to maintain a list of land/buildings in its area that it considers land of community value. The Community Right to Bid provides the right to nominate land/buildings as Assets of Community Value.

Nominations are initially evaluated by the Corporate Management Team (CMT) who makes a recommendation for Cabinet to determine. The Chief Executive is excluded from this process to enable this officer to support any review process in accordance with the requirements of the legislation. This process must be completed within 8 weeks of the nomination being received. CMT considered the nomination that is the subject of this report on 11 March 2013.

- 5.1 Under the relevant regulations it is clear that if a land/building is in the local authority's area, is nominated by a 'relevant body', is not an excluded land/building type and meets the definition of community value then the local authority must list it and inform the interested parties.
- 5.2 A 'relevant body' is defined as a parish council, a voluntary/community body, a neighbourhood forum or a community group with 21+ local members.
- 5.3 An excluded land/building type is defined as a wholly residential property including associated land and a residential caravan park.
- 5.4 If the asset is accepted for nomination, the owner has the right to request an internal review by the council. If the owners remain in disagreement with the listing following the review, they have a right to appeal to an independent tribunal
- If an asset that is owned by a local authority is accepted for listing there is no right to request a review.
- 5.5 Once an asset has been listed nothing further happens until the owner decides to sell the land/building unless an exemption applies. The owner will only be able to dispose of the asset after 6 weeks unless an expression of interest is received from a community group to be treated as a potential bidder. If the council receives an expression of interest, then the full 6 months moratorium applies, providing the community with time to prepare a bid.
- 5.6 If a planning application is submitted regarding a land/building that has been listed as an asset of community value, the listing will be a material consideration when the planning authority determines the application.
- 5.7 The decision to list a building or land as an asset of community value must be based on section 88 of the legislation, *'In the opinion of the authority':- The actual current use of the building or other land that is not ancillary use further the social well-being or social interest of the local community and it is realistic to think that there can continue to be use of the*

*building/land which further the social well-being or social interest of the local community (whether or not in the same way). Or*

*There is time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social well-being or social interest of the local community and it is realistic to think that in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way) the social well-being or social interest of the local community.*

*Social interests includes (in particular) each of the following:–*

- (a) cultural interests*
- (b) recreational interests*
- (c) sporting interests*

#### 5.8 Listing Nomination for **The Bicknoller Inn, Bicknoller**

Two nomination applications have been received to list The Bicknoller Inn as an Asset of Community Value. Notwithstanding the number of applications received, a building will only be listed once. The information submitted by both applicants has been considered when determining the nomination request.

Both nomination applications were from a relevant body, one from Bicknoller parish council and another from a community group consisting of 21+ local members. The Bicknoller Inn, as a public house, is not in any of the excluded categories.

The information submitted supports the definition as an asset of community value, furthering the social wellbeing or social interest of the local community and it is therefore recommended that The Bicknoller Inn be listed as such.

See [Appendix A] for supporting information provided by the parish council.

In accordance with the procedure, the owners of the property have been notified of the nomination. Under section 91 of the Act, these persons/bodies will also be notified of the decision reached by cabinet.

#### 5.9 Listing Nomination for **Summerland Place Public Convenience, Minehead**

A nomination application has been received to list the Summerland Place Public Convenience at Minehead as an Asset of Community Value.

The nomination was received from a relevant body - Minehead Town Council. Summerland Place Public Conveniences as public toilets is not in any of the excluded categories.

The information submitted is considered to support the definition as an asset of community value, furthering the social wellbeing or social interest of the local community and it is therefore recommended that the Summerland Place Public Conveniences be listed as such.

#### Summary to inform the recommendation/decision

- The public toilets provide visitors to the town the opportunity to stay in Minehead and enjoy the commercial and social activities available

*Public Conveniences - given that the Act talks about assets which promote social interests (in particular, sporting, recreational and cultural interests), a public convenience could well be said to facilitate access to the same. But as ever this is a matter for you at the local level.*

- Public toilets do not specifically fit into the social wellbeing, cultural, recreational, sporting definition; it is their value to provide a supporting facility to other community facilities in the vicinity that is considered of value.

See [Appendix B] for supporting information provided by the parish council.

Listing land/buildings as an asset of community value proves community groups and town/parish councils with the right to bid for an asset and provides 6 months to prepare and submit that bid. It does not provide a 'right to buy' nor 'first refusal'.

This nomination if accepted, does not entitle the town council to have first refusal to take over the running of the toilets with the freehold transfer as referred to in their supporting information provided.

In accordance with the procedure, the owners of the property have been notified of the nomination. Under section 91 of the Act, these persons/bodies will also be notified of the decision reached by cabinet.

#### 5.10 Listing Nomination for **Quay West Public Convenience, Minehead**

A nomination application has been received to list the Quay West Public Convenience at Minehead as an Asset of Community Value.

The nomination was received from a relevant body - Minehead Town Council. Quay West Public Conveniences as public toilets is not in any of the excluded categories.

The information submitted is considered to support the definition as an asset of community value, furthering the social wellbeing or social interest of the local community and it is therefore recommended that the Quay West Public Conveniences be listed as such.

#### Summary to inform the recommendation/decision

- The public toilets provide visitors to the town the opportunity to stay in Minehead and enjoy the commercial and social activities available

*Public Conveniences - given that the Act talks about assets which promote social interests (in particular, sporting, recreational and cultural interests), a public convenience could well be said to facilitate access to the same. But as ever this is a matter for you at the local level.*

- Public toilets do not specifically fit into the social wellbeing, cultural, recreational, sporting definition; it is their value to provide a supporting facility to other community facilities in the vicinity that is considered of value.

See [Appendix B] for supporting information provided by the parish council.

Listing land/buildings as an asset of community value proves community groups and town/parish councils with the right to bid for an asset and provides 6 months to prepare and submit that bid. It does not provide a 'right to buy' nor 'first refusal'.

This nomination if accepted, does not entitle the town council to have first refusal to take over the running of the toilets with the freehold transfer as referred to in their supporting information provided.

In accordance with the procedure, the owners of the property have been notified of the nomination. Under section 91 of the Act, these persons/bodies will also be notified of the decision reached by cabinet.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 If the asset is accepted for listing, the council need to register the restriction with the Land Registry, the costs associated with this is estimated at £50 per property.
- 6.2 If the Building/land is put up for sale and the Assets of Community Value moratorium applies, the owner can make a claim to the council for compensation. The council are liable for compensation costs up to £20,000 in any financial year; this can be from a number of small claims or a single large claim. Any compensation costs over the £20,000 will be covered by DCLG.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 A sum of £20,000 to cover potential compensation claims has been included in the draft Medium Term Financial Plan in accordance with the Council's request.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The Assets of Community Value policy offers greater opportunities for community involvement in the consideration of community assets, potentially leading to increased community benefit.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None in respect of this report.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 In accordance with the requirements of the Localism Act 2011- Part 5 and the council's agreed process, the owner of the property being nominated and the local parish council are given notice of the nomination application. The council will also notify the relevant member/s, whose ward the property being nominated is within.
- 10.2 The council will notify the relevant body that submitted the nomination, the owner, parish council and ward member/s of the decision to list the property as an asset of community value. If the nomination is unsuccessful, the council must provide the relevant body that made the nomination with the council's reasons for its decision.
- 10.3 In accordance with the requirements of the Localism Act 2011- Part 5, the council must maintain a list of assets of community value and a list of assets nominated unsuccessfully. These lists will be published on the council's website and made available for free inspection by any person at the council's offices in Williton and Minehead.

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 None specific to the nominations being considered in this report.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None in respect of this report.

**13. LEGAL IMPLICATIONS**

13.1 This report arises from the council needing to put in place processes to ensure that it fulfils its obligations under the provisions of the Localism Act 2011.

### Section 3 - SUPPORTING INFORMATION FOR THE NOMINATION

**3. What are the reasons for nomination this land/building for consideration as an asset of community value?**

**Please provide as much information as possible, including how the asset furthers the social well-being or social interests (including cultural, recreational, sporting interests) of the community.**

This application has been prepared by a local group of residents (The Community Body) in support of a like application from the Bicknoller Parish Council.

Many residents of Bicknoller are concerned that there should be no further loss of local village amenities following the loss of the postal service in Bicknoller some four years ago.

The Bicknoller Inn has been an integral element of the village community from Victorian times if not earlier. It is at the heart of the village and is an asset enjoyed by both villagers and visitors, in particular many walkers on the Quantocks. It is not, as far as residents are aware, up for sale or closure but many villagers are mindful of the alarming rate at which pubs are closing nationally (250 in Somerset alone over the last 10 years) and of recent changes in the locality including the closure of the Shurton Inn, the Notley Arms and most recently the Royal Oak at Luxborough. These closures, in certain cases associated with attempts to secure approval for change of use, have given Bicknoller residents real concern. The aim of the Community body is to ensure as far as possible that the Bicknoller Inn remains a pub and a vibrant part of the Community for food, refreshment and social gathering.

It is recognised that Palmers, the brewery, only acquired the pub in recent years and there has been no intimation that they have any intention to attempt actions such as those taken by the owner of the Notley Arms where he has sought closure and change to residential use. Accordingly, there should be no concern by Palmers at this requested nomination. It merely ensures that no unilateral action such as sale, closure, and/or application for change of use would occur without advice to the Parish Council and Community Body.

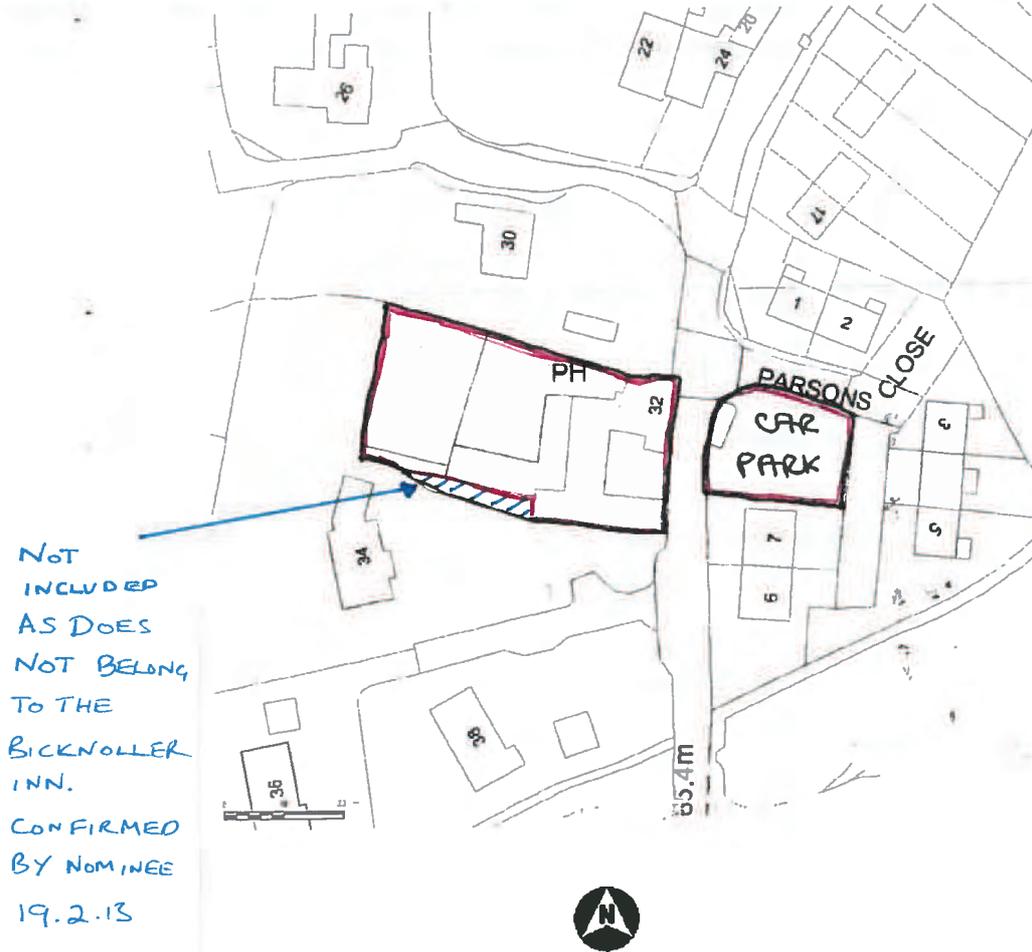
In this regard, it is recognised that West Somerset District Council will not wish to be required to give multiple notices. The reason for this separate application is to demonstrate concerted support to the Parish Council and express the village residents' depth of feeling that the Bicknoller Inn should always remain a Community Asset in the form of a public house and restaurant. Thus the Community Body that has supported this nomination form is content that following registration, any communication from the District Council can be sent to the Parish Council, who in turn can advise members of the Community Body.

While it is acknowledged that the names of individual members of the Community Body are not required, it is considered useful to append a list of all that have so far asked to be included in order that the depth of feeling in this village can be seen.



**SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250**

**CENTRE COORDINATES: 310986, 139278**



NOT INCLUDED AS DOES NOT BELONG TO THE BICKNOLLER INN. CONFIRMED BY NOMINEE 19.2.13

Supplied by Streetwise Maps Ltd  
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30/01/2013 11:43

**Public Conveniences at Summerland Place and Quay West Minehead  
ACV 020 & 021**

[Appendix B]

**Section 3 - SUPPORTING INFORMATION FOR THE NOMINATION**

**3. What are the reasons for nomination this land/building for consideration as an asset of community value?**

**Please provide as much information as possible, including how the asset furthers the social well-being or social interests (including cultural, recreational, sporting interests) of the community.**

At a Meeting of the Full Council on Tuesday, February 19<sup>th</sup> 2013 the Council resolved to apply to West Somerset Council for the public toilets at Summerland Place and Quay West are nominated as an Asset of Community Value.

The Town Council recognises that the public toilets are a necessity for residents and visitors alike and vital to the tourist economy of the town centre. Many residents and visitors are elderly and consider the public toilets essential and central to the social well-being of the community.

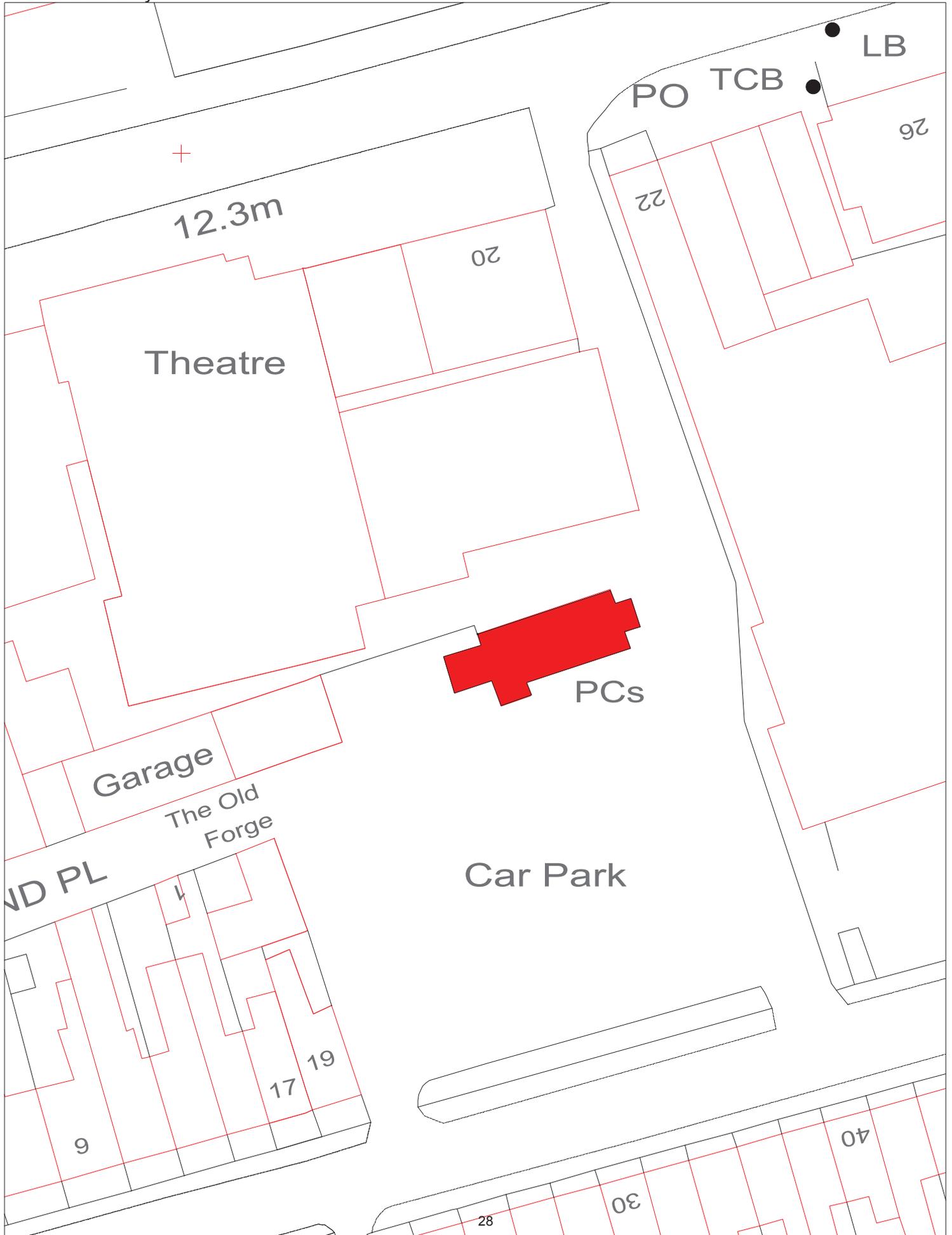
The public toilets at Summerland Place and Quay West are used throughout the year and are crucial to the economy of businesses near both the sites.

Therefore the Town Council would like to nominate these toilets as an Asset of Community Value and have first refusal to take over the running of the toilets with the free hold transfer.

The Town Council have allocated £50,000 in an earmarked reserve towards the upgrading and necessary maintenance of these toilets.

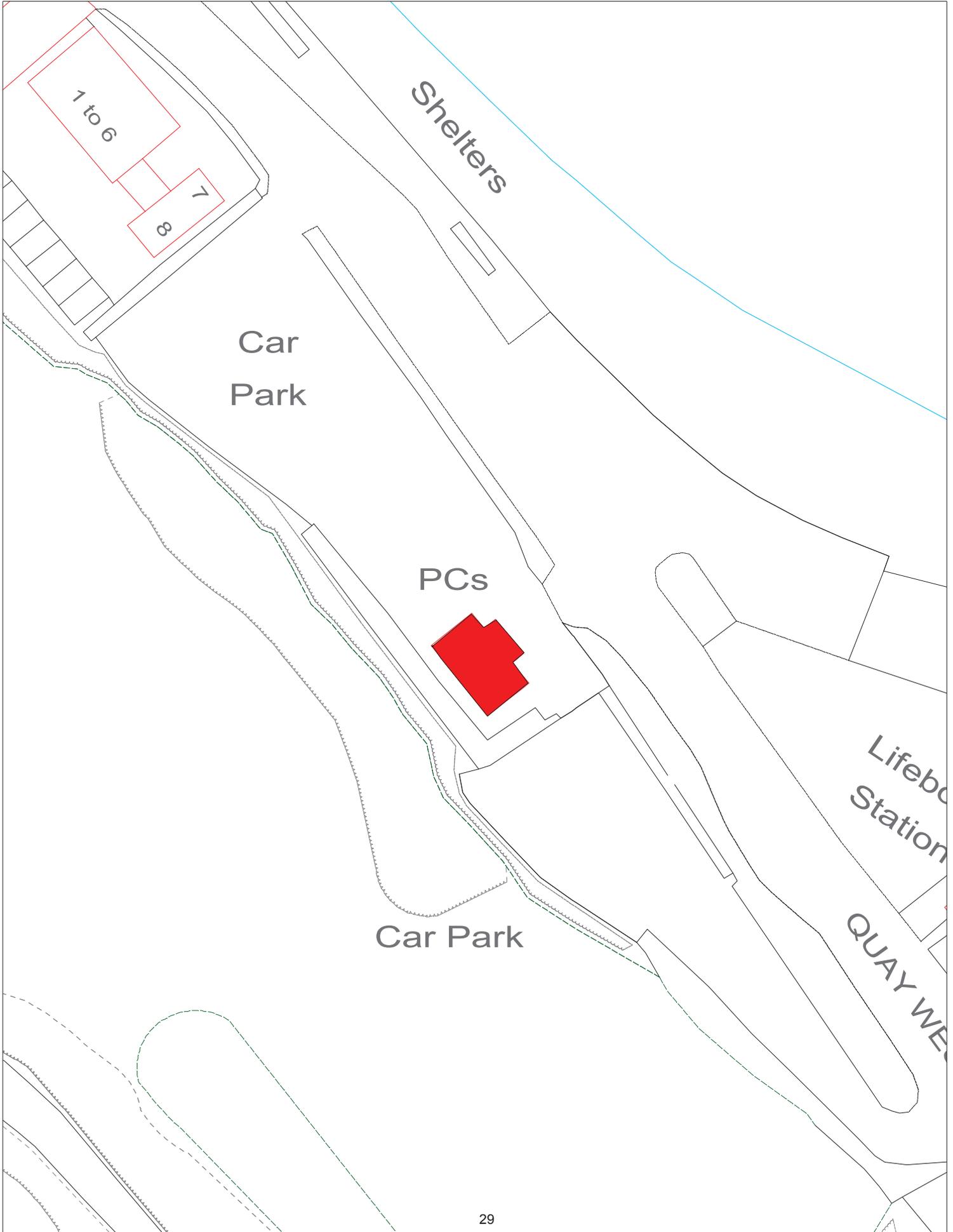


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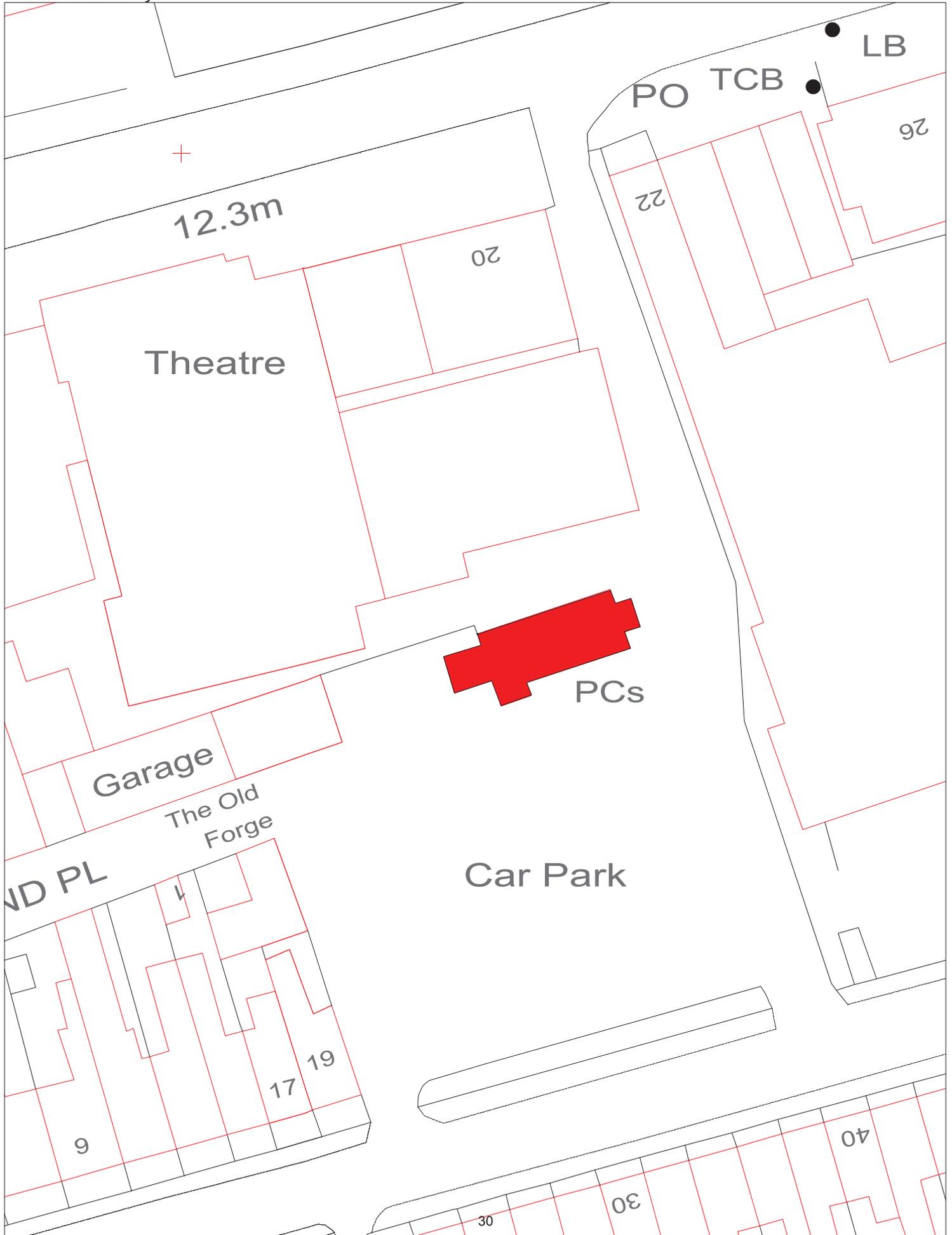


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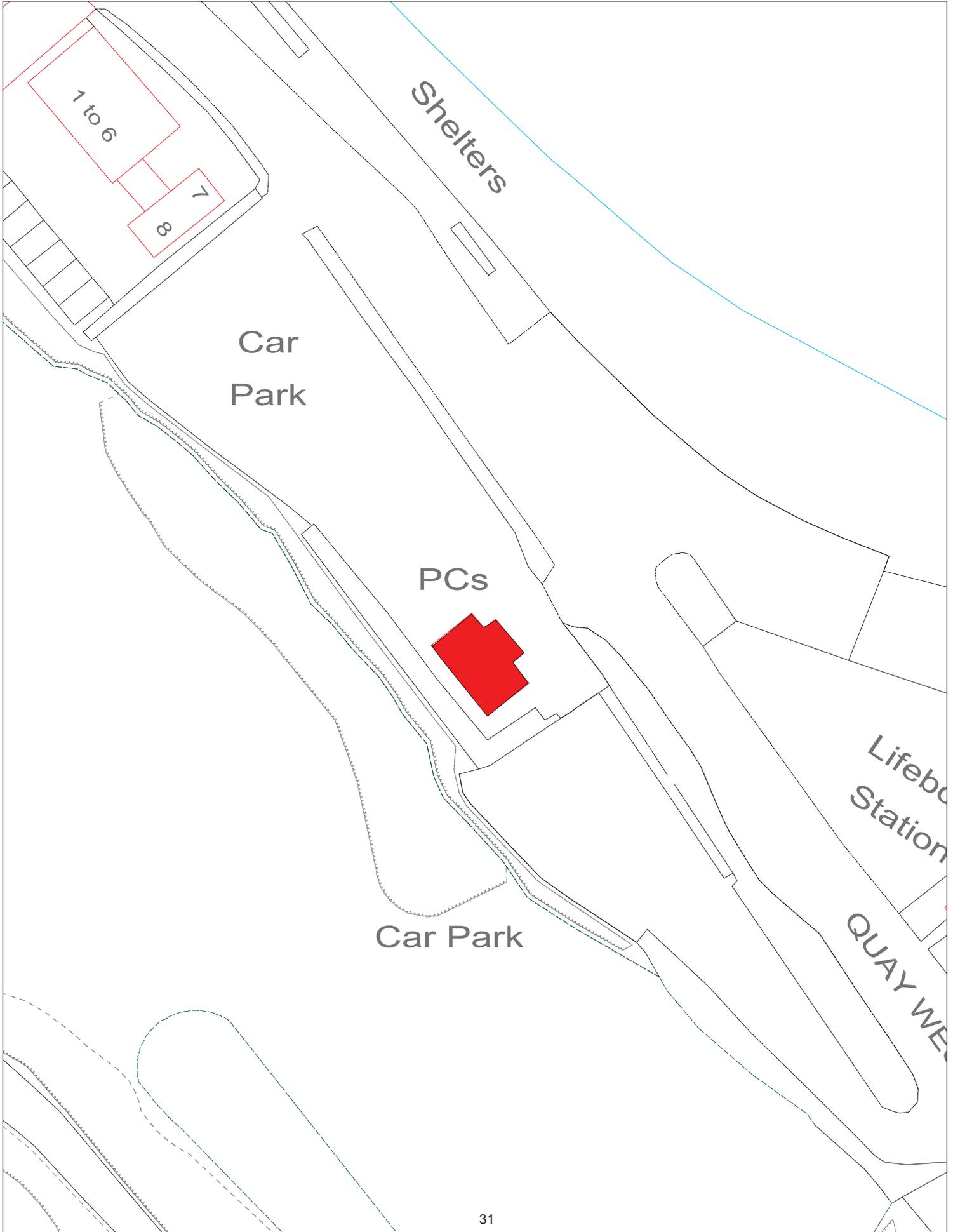


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*Report Number:* WSC 38/13  
*Presented by:* Cllr K Kravis  
*Author of the Report:* Ian Timms Corporate Manager Housing, Welfare and Economy  
*Contact Details:*  
*Tel. No. Direct Line* 01984 635271  
*Email:* itimms@westsomerset.gov.uk  
  
*Report to a Meeting of:* Cabinet  
*To be Held on:* Wednesday April 3<sup>rd</sup> 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 25 September 2012

## REQUEST FOR ALLOCATION OF PLANNING OBLIGATIONS FUNDING

### 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to make proposals for the allocation of capital monies secured through planning obligations to individual schemes.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 No links identified in association with this report

### 3. RECOMMENDATIONS

- 3.1 Cabinet agree to the allocation of £10,000 for the Minehead hub project
- 3.2 Cabinet agree to the allocation £10,000 for the Minehead EYE bouldering wall project
- 3.3 Cabinet agree to the allocation of £2,980 to provide signage in Minehead
- 3.4 Cabinet agree to the allocation of £2,500 for Crowcombe play equipment
- 3.5 Cabinet agree to the allocation of £4000 of the £7500 Hinkley Point Community Outreach Operational budget to support the transport of individuals to employment and training opportunities.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	3	4	12
<i>The Proposals within the report are matched to the legal agreements and monies available in that area</i>	1	4	4

Failure to spend monies before date required in any legal agreements and trigger a requirement to repay	2	3	6
<i>The recommended projects use funds that are available and in date requirements</i>	1	3	3
Projects do not progress in accordance with plan and therefore money remains unspent	2	2	4
<i>Set timescale for delivery of project. Reallocate money if required</i>	1	2	2

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## 5. **BACKGROUND INFORMATION**

- 5.1 The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authority's priorities. This mechanism has now also begun to identify projects that may be funded through new development.
- 5.2 Proposals are considered by the internal planning obligations group against priorities, appropriate strategies and any identified local priorities to create recommendations for Cabinet to consider on a quarterly basis. Any individual proposals beyond £25,000 require approval by full Council. Proposals are considered against set criteria as a part of the formal consideration of projects to allow allocation of funds and subsequent release of monies.
- 5.3 The available and allocated funds relating to general planning obligations are described and attached as appendix A of this report. As previously reported each planning obligations agreement has individual requirements and must be carefully matched to any project that is suggested. Any project must meet those requirements and be "relevant and related" to mitigating the effects of the development that provides the funding.
- 5.4 Four Proposals has been received this quarter for schemes. The Planning Obligations Group considered them and agreed the following should be recommended for approval:

- **Minehead - The Hub**

The application relates to a request for funding of **£10,000** to create to create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space for children, young people and their families. The applicant is Minehead Baptist church. The application was considered in detail by the group with one key concern being the need to ensure that it was not duplicating existing provision. The applicant has consulted widely and the group was reassured that this facility would not duplicate what already existed in Minehead. There are further details in section 10 of this report outlining consultation that was carried out. The other key concern was the length of building lease, which has now been extended to five years with a five-year option at the end of that period.

It should be noted that the applicant has secured match funding from the following organisations:

Restore Hope West Somerset £32,000  
 South West Baptist Association £20,833.33  
 Somerset County Council £1,500.00

This application therefore requests £10,000 to finalise the funding package setting up the facility. The applicant will generate the ongoing running costs so there will be no further

cost to the authority. This application matches the available sums in the area and is a suitable use of the funds so has been recommended for approval.

- **Minehead Eye - Boulder Room**

This application relates to a request for funding of **£9998.45** for the provision of a bouldering room at Minehead EYE. This is a form of low level climbing which is accessible for all ages and represents the addition of another facility at the EYE increasing the range of activity. The group considered the activity and it's suitability for funding concluding that it was a suitable use for the available funds. In considering the application the council has used it's section151 officer to examine and scrutinise the accounts as the application referred to the facility increasing the viability of the EYE. The section 151 officers comments are outlined in section 7 of this report. The Governance arrangements have also been reviewed.

In terms of the overall funding package the following has been secured from the Community – via a Crowdfunding campaign run through Spacehive:

[www.spacehive.com/boulderatmineheadeye](http://www.spacehive.com/boulderatmineheadeye) - £5,000

Clearly the applicant will also need to seek additional match funding from another source. It has been suggested that this may be sought through Seaside Strategy Funding although this would represent double funding from the authority and is therefore unlikely to be successful. The total project costs are estimated at £19996.90. For the purposes of this report an allocation of **£10,000** is suggested as this rounds up the request by 55 pence.

- **Minehead Town Centre Signage**

The lack of provision of clear directional business signage in the town centre has been a running concern for the Minehead Chamber of Commerce and other bodies within the town. This now has become a much more urgent priority with the proposals to regulate A boards within the town being well advanced. Four signs are proposed with further work to be done on exact locations and format. The broad intention though is that they will match existing colour schemes in Minehead and be easy to maintain. The chamber will carry out ongoing maintenance. The signs will require advert consent with the cost of this being incorporated into the project budget. In terms of the project the specific agreement that will be used references the vitality of the town centre. The retail centre work that has been carried out to support the local plan has been used to identify that 8% of businesses are outside the town centre so an element of the funding for the project must be match funded. Minehead chamber have pledged £500 to the project. The request therefore is for **£2,980** towards the total project costs of £3,480.

- **Crowcombe Play Equipment**

The current play area caters mainly for children over the age of 8 and does not include equipment suitable for toddlers and children with special needs. Recent consultations with parents and associated children's and young people's groups in the village have indicated a strong need for this new equipment to ensure that our play area allows all children of all ages and abilities to have a safe and suitable space to play. The aim is to fund provision of an extra wide slide and basket swing for toddlers and children with special needs. This project also includes redesigning the landscaping to provide a more creative and imaginative play space that compliments and enhances the natural surroundings. Providing mounds and dips enhances the children's play space as well as their learning environment as the new landscaping will encourage more natural flora and fauna from the surroundings.

It should be noted that the applicant has secured match funding from the following organisation:

The Co-Operative Group - £2,000

Crowcombe Parish Council - £9,000 – remaining funds from previously delivered phases of the play area development

Crowcombe Parish Council will also continue to maintain the play area. The group felt this application matched the available sums and is a proper use for the sums in Crowcombe.

- **HPC Community Outreach Operational Budget**

This funding is an element of the Hinkley point preliminary works agreement and is linked to the work of the Community outreach officer. The total budget is £7,500 and must be used to support employment and skills outreach activity. The key barriers of transport and work wear have been identified as preventing individuals attending courses. We therefore intend to use **£4,000** of this budget to enable attendance of individuals at courses. In line with the Hinkley point agreement this needs allocation needs to be approved by cabinet.

5.5 Another application was considered and it was agreed that Asset management group should re-consider the application prior to it being considered fully by cabinet or council:

- **Morrisons Footpath Lighting**

This has been a considerable saga, which now has some clear proposals and costs attached to it thanks to considerable work by the community team that will enable decisions to be made with regards to the path and lighting. There are three options to be considered which are:

1. Replace existing nine bollards with six LED street lights using existing cabling – represents an enhanced and different form of lighting which meets S106 requirements.
2. Install six LED lighting using Western Power Distribution cabling which would meet the standards for adoption by SCC - £18,900 – represents an enhanced and different form of lighting which meets Section106 requirements. This proposal is to western power standards.
3. In addition to 2 bring the footpath to adoptable cycle path standards. This creates additional costs of circa £25,000.

The group considered option 2 but due to the extent of potential expenditure felt that this should be the limit of monies used through the Section106 agreement. The decision was made to refer the application back to asset management group for a view on whether the full costs of £43,000 could be allocated to bring the path and lights to adoptable standard. This would represent a solution that completed the work. Option 2 would create a safe environment in terms of lighting but not allow the path to be adopted.

5.6 General updates on a range of existing projects are:

- **Play area Picnic Tables – Watchet Town Council**

A Photo shoot will be delayed until the Liddymore project is completed.

- **Minehead Allotments Car Park**

Photo shoot took place on 20.3.13, photos in free press

- **Stogumber – Slade Close Play Area**

Further work is being done on design with visits have been undertaken to a similar BMX track in Exeter. Work is ongoing to complete the project and draw down the funding.

- **Minehead Cricket Club**

The Pavilion project is on target and within budget, although members will recall that the WSC contribution was limited. It is estimated that the building will be finished by mid-late April and it will take another month to fit it out with soft goods such as carpet. MCC are aiming to open for the new season in May/June.

- **Minehead Rugby Club**

Tendering had occurred with the rugby club hoping to appoint for a start in early April. A grant of £55,000 from the RFU completes the funding package as described in the previous reports to council.

5.7 Members should note that submission deadlines for new bids for the remainder of the calendar year as are advertised on the council's web pages are:

- 20 May 2013
- 12 August 2013
- 18 November 2013

<http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Bidding--for-Planning-Obligation-Funds/Planning-Obligation-funding-available>

5.8 Members will recall from previous reports that the council had been reviewing historic payments that were outstanding and had been triggered by developments. Members requested an update of this position at the time of the last planning obligations report.

5.9 The main outstanding amount in Watchet has been subject to negotiation. A proposal has been made to the Planning team who are now progressing towards an agreed course of action. In terms of other smaller amounts those on payment plans are continuing to add to the accounts. There are 4 outstanding amounts of £1000, which are being pursued by the Planning enforcement officer.

## 6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 The proposed sums will need to be allocated from holding accounts into the Council's capital programme. The current total within the holding accounts is £ **£501,735** of which **£217,038** remains to be allocated (appendix A).

6.2 The four projects recommended for funding from general obligations holding accounts represent a commitment of **£22, 980**. Three are in Minehead with the planning applications to be used:

- Minehead Hub: 3/21/10/036 (£1,000);3/21/10/044 (£1,000);3/21/10/045 (£1,000);3/21/10/048 (£3,000);3/21/10/049 (£1,000); 3/21/06/085 (£3,000) leaving £3,250 in this pot Total: **£10,000**

- Minehead Eye Boulder Room - £9275 will come from: -3/21/11/123 (£3, 500) 3/21/08/106 (£1000), 3/21/09/044 (£3, 000); 3/21/09/076 (£1,000), 3/21/09/017 (£1,000) Total: **£10,000**

- Minehead Town Centre Signage from 3/21/09/042 - **£2,980**

The fourth project:

- Crowcombe Play Equipment is taken from 3/07/11/016 - **£2,500**.

- 6.3 The remaining amounts for allocation in Minehead is **£158,746** so these amounts if agreed would leave a balance of **£135,766** of which **£123,455.98** relates to 3/21/09/042
- 6.4 The sum of **£4,000** from the community outreach operational budget is an element of the Hinkley Point preliminary works obligation. This is a revenue sum and may be used in that context.
- 6.5 Planning obligations sums by their nature can only be spent once so these sums once committed will reduce the amounts available for new projects.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 In accordance with Financial Regulations, a virement in excess of £10,000 (but below £25,000) needs to be authorised by Cabinet, to demonstrate proper processes are being followed in the management of budgets. The sum within the report therefore require approval by cabinet in common with all sums allocated by the council to projects derived from planning obligations agreements.
- 7.2 An assessment of the accounts of Minehead Eye show that they are making losses year on year and they have negative funds (i.e. their income and expenditure deficit exceeds their uncommitted reserves). As such I have reservations about their financial viability.

Minehead Eye have responded that they expect to break even this year and that the bouldering room will give them additional revenue to improve their finances. They state that they all work extremely hard to ensure that the financial position is monitored and addressed.

- 7.3 A review of the accounts of the other applicants has been carried out and we are satisfied that they have adequate and healthy reserves.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The applications in this report are positive in addressing youth issues so do have some impact on the protected characteristic of age.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 The proposal for the Minehead EYE would enhance facilities for young people in the town providing an additional positive activity.
- 9.2 The Hub proposal whilst focused on soft play and younger people will provide a place where families and youths can use the facilities. It is felt this would be positive in terms of activity related to prevention of crime

## **10. CONSULTATION IMPLICATIONS**

### **10.1 Minehead Hub**

- This application has letters of support from Minehead Town Council and Homestart West Somerset. As part of the pre-application work The Hub have been made aware of the need not to become a competitor with other valued youth & community provider charities. The Hub team have met with staff from other local churches, The Minehead Eye, Home-Start and the Alcombe Children's Centre, and advise they are committed to working with them. The Hub has also liased with Minehead EYE to ensure this facility does not duplicate existing provision.
- In working on the Hub application three play equipment provider companies have been asked to propose schemes and artwork. These designs were made available online with a feedback form to the church [www.minehead-baptist.com/thehub](http://www.minehead-baptist.com/thehub). A youth consultation evening was carried out on 06.02.13. An Open Afternoon for the general public was held at The Hub, on Saturday 23<sup>rd</sup> February where ideas will be exhibited with feedback forms. The plans were also be exhibited in the entrance foyer at Minehead Middle School for one week commencing Monday 18<sup>th</sup> February.

### **10.2 Minehead Eye Boulder Room**

- This application has been considered by Minehead Town council and has their support. The community is supporting the application, which is clearly evidenced by the amount of money pledged to the Crowd funding campaign. The Minehead Vision Group has added this project to their action plan and are broadly supportive of the concept.

### **10.3 Minehead Town Centre Signage**

The application has been developed in conjunction with the chamber of Trade and the Town Council. The appropriate agencies such as Highways and our own Planning team have been involved in developing the proposal and will all be involved in finalising it.

### **10.4 Community Outreach funding**

This has been developed in consultation with the individuals and organisations that attend and run training respectively. EDFE are happy with the use of the funds for this purpose.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 None identified for the council in this report

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None identified for the council in this report.

## **13. LEGAL IMPLICATIONS**

13.1 The proposed allocations are in line with the requirements of the legal agreement in Minehead and Crowcombe.



## PLANNING OBLIGATIONS

19-Mar-13

## Summary of monies received, allocated to projects &amp; released

**Brompton Ralph**

PI. Ref No: 3/02/06/012

<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00
Stage 1: £1,000.00	24/09/2012		

**Detail of agreed works:**

Improving recreational facilities in Brompton Ralph. Profile basis of payment. Third on commencement of work, third 6 months after commencement & final third upon completion.

Payment plan agreed by K Taylor. £100 pd 24/08/12, £50 pd 24/09/12, 150.00 pd 04/02/13.

**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£300**TOTAL Remaining:** £300.00  
Available for allocation

BROMPTON RALPH

**To Be Used By:** 5 Years after intial payment

Developer: Mr &amp; Mrs Sloley

**Cost Centre:** 31077**Total Released** £0.00

PI. Ref No: 3/02/09/011

<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£1,000.00
Stage 1: £1,000.00	29/06/2011		

**Detail of agreed works:**

provison and/or enhancement of community recreational provision in the parish of Brompton Ralph or adjoining parishes. (previous permission 3/02/09/004).

**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**TOTAL Remaining:** £0.00  
Available for allocation**Applicant:** Brompton Ralph Cricket Club £1,000.00

New changing room facilities

AWAITING INVOICES

WINTER'S LANE

LYDEARD ST LAWRE

**To Be Used By:** No expiry date

Developer: MR JOHN SCOTT

**Cost Centre:** 31059**Total Released** £0.00**In the parish of : Brompton Ralph**

Amount owing to WSC - active planning obligations £2,000

Amount received by WSC: £1,300

Amount allocated to projects by WSC: £1,000

**Total remaining available for allocation: £300**

## Crowcombe

<b>PI. Ref No:</b> 3/07/10/010	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE	£1,000.00
<b>Detail of agreed works:</b>	Stage 1: £1,000.00	09/08/2012			Crowcombe - Play Equipment Project	
Towards the provision of community recreational facilities in the vicinity of the land. (no commencement as of 12/9/11). Commencement occurred - Write letter requesting payment.	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>TOTAL Remaining:</b>	£1,000.00	Friends of Crowcombe Play Area	
	£1,000	£1,000	Available for allocation			
Crowcombe			<b>To Be Used By:</b>	No expiry date		
Developer: Mr Christopher Lock	<b>Cost Centre:</b> 31073		<b>Total Released</b>	£0.00		

<b>PI. Ref No:</b> 3/07/11/016	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE	£2,500.00
<b>Detail of agreed works:</b>	Stage 1: £2,500.00	20/02/2013			Crowcombe - Play Equipment Project	
£2,500 towards the provision and/or improvement of community infrastructure within the parish of Crowcombe.	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>TOTAL Remaining:</b>	£2,500.00	Friends of Crowcombe Play Area	
	£2,500	£2,500	Available for allocation			
The Council covenants with the Owner that it will pay to the Owner such amount of any payment made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed within five years of the date of receipt by the Council of such payment together with interest at the Barclays Bank PLC base rate from time to time for the period from the date of payment to the date of refund .			<b>To Be Used By:</b>	within 5 years of the date of payment.		
Crowcombe			<b>Total Released</b>	£0.00		
Developer: Falcon Rural Housing Ltd	<b>Cost Centre:</b> 31084					

### In the parish of : Crowcombe

Amount owing to WSC - active planning obligations	£3,500
Amount received by WSC:	£3,500
Amount allocated to projects by WSC:	£0
<b>Total remaining available for allocation:</b>	<b>£3,500</b>

## Minehead

<b>PI. Ref No:</b> 3/21/05/038	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £10,625.00	>	<b>Applicant:</b> Sustrans Cycle W.S. Project	£10,625.00
<b>Detail of agreed works:</b> Towards improvements being carried out to cycling and walking facilities in the Alcombe area as part of the Local Transport Plan Programme.	Stage 1: £20,000.0	06/02/2006	<b>TOTAL Remaining:</b> £9,375.00		COMPLETED 2006/07	
ALCOMBE ROAD MINEHEAD	<b>TOTAL DUE:</b> £20,000	<b>TOTAL Rec'vd</b> £20,000	<b>Available for allocation</b>		ALL COMPLETED 2006/07	
Developer: Churchill Property Group / Abbey National	<b>Cost Centre:</b> 31004		<b>To Be Used By:</b> No expiry date			
			<b>Total Released</b> £10,625.00			
<b>PI. Ref No:</b> 3/21/06/050	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £4,517.50	>	<b>Applicant:</b> St Michael's C of E 1st School PTA	£4,517.50
<b>Detail of agreed works:</b> Contribution towards recreation and conversion works as a contribution towards the provision of community facilities in the vicinity of the land - PARK STREET. POG agreed on 19/12/11 that £4,517.50 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £4,517.50	08/12/2008	<b>TOTAL Remaining:</b> £0.00		New swimming pool with enhanced access - Agreed £14,000	
PARK STREET MINEHEAD	<b>TOTAL DUE:</b> £4,518	<b>TOTAL Rec'vd</b> £4,518	<b>Available for allocation</b>		AWAITING INVOICES	
Developer: Mr Maitland-Walker & Ms Coles	<b>Cost Centre:</b> 31029		<b>To Be Used By:</b> No expiry date		Total cost of project ex VAT £59,000. Awaiting invoices	
			<b>Total Released</b>			
<b>PI. Ref No:</b> 3/21/06/057	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £4,867.60	>	<b>Applicant:</b> St Michael's C of E 1st School PTA	£4,867.60
<b>Detail of agreed works:</b> £3,000 contribution towards recreation. A sum equivalent to 1% of the contract price of conversion works (£1, 867.50) as a contribution towards the provision of community facilities in the vicinity of the land - BAMPTON STREET. POG agreed on 19/12/11 that £4867.60 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £4,867.60	07/12/2010	<b>TOTAL Remaining:</b> £0.00		New swimming pool with enhanced access - Agreed £14,000	
BAMPTON STREET MINEHEAD	<b>TOTAL DUE:</b> £4,868	<b>TOTAL Rec'vd</b> £4,868	<b>Available for allocation</b>		AWAITING INVOICES	
Developer: Mr J Maitland-Walker	<b>Cost Centre:</b> 31049		<b>To Be Used By:</b> No expiry date		Total cost of project ex VAT £59,000. Awaiting invoices	
			<b>Total Released</b>			

<b>PI. Ref No:</b> 3/21/06/072	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £2,000.00	<b>Applicant:</b> St Michael's C of E 1st School PTA £2,000.00
<b>Detail of agreed works:</b> Provision and/or enhancement of Recreation Facilities within the Parish of Minehead. POG agreed on 19/12/11 that £2,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.	Stage 1: £2,000.00	14/01/2009	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000
GLENMORE ROAD MINEHEAD	<b>TOTAL DUE:</b> £2,000	<b>TOTAL Rec'vd</b> £2,000	<b>Available for allocation</b>	AWAITING INVOICES Total cost of project ex VAT £59,000. Awaiting invoices
Developer: Mr Howard	<b>Cost Centre:</b> 31031		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b>	
<b>PI. Ref No:</b> 3/21/06/085	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £0.00	<b>Applicant:</b> POG PROPOSE Hub Project, Softplay Centre (Minehead Baptist Church) £3,000.00
<b>Detail of agreed works:</b> Towards the provision and/or enhancement of recreational facilities within the Parish of Minehead.	Stage 1: £6,250.00	26/11/2007	<b>TOTAL Remaining:</b> £6,250.00	Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space
BLLENHEIM ROAD MINEHEAD	<b>TOTAL DUE:</b> £6,250	<b>TOTAL Rec'vd</b> £6,250	<b>Available for allocation</b>	POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.
Developer: Country Manor Homes	<b>Cost Centre:</b> 31020		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b> £0.00	
<b>PI. Ref No:</b> 3/21/06/139	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £1,000.00	<b>Applicant:</b> St Michael's C of E 1st School PTA £1,000.00
<b>Detail of agreed works:</b> The improvement or provision of Recreational facilities in Minehead.	Stage 1: £1,000.00	01/01/2020	<b>TOTAL Remaining:</b> £0.00	New swimming pool with enhanced access - Agreed £14,000
MIDDLE STREET MINEHEAD	<b>TOTAL DUE:</b> £1,000	<b>TOTAL Rec'vd</b> £1,000	<b>Available for allocation</b>	AWAITING INVOICES Total cost of project ex VAT £59,000. Awaiting invoices
Developer: Mr B Coutts	<b>Cost Centre:</b> 31038		<b>To Be Used By:</b> No expiry date	
			<b>Total Released</b>	

**PI. Ref No:** 3/21/07/027**Amount Due to WSC****Date received****Total Allocated to projects:** £1,000.00**Applicant:** St Michael's C of E 1st School PTA £1,000.00**Detail of agreed works:**

A Unilateral Undertaking providing for the payment of £1,000 towards community recreational provision and/or enhancement within Minehead will require to be completed and submitted to the LPA in order to satisfy the requirements of Condition 2 above. Such monies will be payable to the LPA prior to the first commencement of the change of use hereby permitted. POG agreed on 19/12/11 that £1,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

Stage 1: £1,000.00

22/08/2011

**TOTAL Remaining:** £0.00

New swimming pool with enhanced access - Agreed £14,000

**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**AWAITING INVOICES  
Total cost of project ex VAT £59,000. Awaiting invoices

SELBOURNE PLACE

MINEHEAD

**To Be Used By:** No Expiry date.

Developer:

**Cost Centre:** 31062**Total Released****PI. Ref No:** 3/21/07/106**Amount Due to WSC****Date received****Total Allocated to projects:** £614.90**Applicant:** St Michael's C of E 1st School PTA £614.90**Detail of agreed works:**

No U U agreement in place as of 20/9/11. Contribution towards recreational facilities. Unilateral received dated 28/9/2011. POG agreed on 19/12/11 that £1,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

Stage 1: £1,000.00

30/09/2011

**TOTAL Remaining:** £385.10

New swimming pool with enhanced access - Agreed £14,000

**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**AWAITING INVOICES  
Total cost of project ex VAT £59,000. Awaiting invoices

LOWER MEADOW ROAD

ALCOMBE

**To Be Used By:** No expiry date

Developer: Mr &amp; Mrs K Gould(applicant)new develop

**Cost Centre:** 31065**Total Released**

**PI. Ref No:** 3/21/08/106

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £0.00

**Applicant:** POG PROPOSE £775.00

**Detail of agreed works:**

Stage 1: £1,000.00

04/09/2012

**TOTAL Remaining:** £800.00

Minehead EYE  
Community Interest  
Company, Boulder Room

Contribution towards recreational provision in Minehead. Condition 5 send letter. A Unilateral Undertaking has been signed and submitted, and an agreement of the monies to be paid in 5 instalments of £200.

**TOTAL DUE:**  
£1,000

**TOTAL Rec'vd**  
£800

**Available for allocation**

Would like to add a bouldering room to its facilities, transforming balcony space into exciting & challenging terrain

1st payment (4/9/12),

POG 4.3.13 - POG would support this project and it could proceed to Cabinet.

QUIRKE STREET

MINEHEAD

**To Be Used By:** No expiry date.

Developer: Mr C Cooper

**Cost Centre:** 31076

**Total Released** £0.00

PI. Ref No: 3/21/09/042

**Detail of agreed works:**

- 1, Enhancing footpath and/or cycle way links between the Land and the town centre including the cost of any associated lighting, street furniture, signage, or information boards together with the future maintenance of any such works carried out.
- 2, Such improvements or enhancements within the town of Minehead which the district Council considers will improve or maintain the viability and/or vitality of the Town Centre together with any future maintenance of any such works carried out.

VULCAN ROAD

MINEHEAD

**Amount Due to WSC**

Stage 1: £150,000.

**TOTAL DUE:**  
£150,000

**Date received**

13/04/2010

**TOTAL Rec'vd**  
£150,000

**Total Allocated to projects:**

£23,564.02 >

**TOTAL Remaining:** £126,435.98  
**Available for allocation**

**To Be Used By:** 12/04/2015 - within  
5 years of the date  
of payment

**Applicant:** West Somerset Council £3,394.77

COMPLETED - Minehead Coach Park - PAID  
30/4/2012

ALL PAID/COMPLETED On website Project 7 -  
<http://www.westsomersetonline.gov.uk/Home/News/New-Visitor-Coach-Park-Completed-at-Minehead>

**Applicant:** West Somerset Council - £3,506.75  
CM

Minehead Trail: PAID Mkt stalls £3506.75, Ent. Pk  
signage £1162.50, Empty shop £400, Trail  
£6956.97, flagpole £533.95

AWAITING INVOICES

£12,559.42 PAID SO FAR as at 11/3/13  
Mhd Market Stalls £3506.75 paid 16.6.12  
(although £6,000 was allocated)

Enterprise Pk signage PAID 3/10/12 £1162.50  
+ Empty Shop Campaign PAID 8.10.12 £400  
Mhd Trail paid 1.12.12 £6956.97

Flagpole/signage PAID 11.3.13 £533.95

AWAITING INVOICES

Lights?

**Applicant:** West Somerset Council - £1,162.50  
CM

Minehead Trail: PAID Mkt stalls £3506.75, Ent. Pk  
signage £1162.50, Empty shop £400, Trail  
£6956.97, flagpole £533.95

AWAITING INVOICES

£12,559.42 PAID SO FAR as at 11/3/13  
Mhd Market Stalls £3506.75 paid 16.6.12  
(although £6,000 was allocated)

Enterprise Pk signage PAID 3/10/12 £1162.50  
+ Empty Shop Campaign PAID 8.10.12 £400  
Mhd Trail paid 1.12.12 £6956.97

Flagpole/signage PAID 11.3.13 £533.95

AWAITING INVOICES

Lights?

**Applicant:** West Somerset Council - £6,000.00  
CM

Minehead Trail: PAID Mkt stalls £3506.75, Ent. Pk signage £1162.50, Empty shop £400, Trail £6956.97, flagpole £533.95

AWAITING INVOICES

£12,559.42 PAID SO FAR as at 11/3/13  
Mhd Market Stalls £3506.75 paid 16.6.12  
(although £6,000 was allocated)

Enterprise Pk signage PAID 3/10/12 £1162.50  
+ Empty Shop Campaign PAID 8.10.12 £400  
Mhd Trail paid 1.12.12 £6956.97

Flagpole/signage PAID 11.3.13 £533.95

AWAITING INVOICES

Lights?

**Applicant:** West Somerset Council - £9,500.00  
CM

Minehead Trail: PAID Mkt stalls £3506.75, Ent. Pk signage £1162.50, Empty shop £400, Trail £6956.97, flagpole £533.95

AWAITING INVOICES

£12,559.42 PAID SO FAR as at 11/3/13  
Mhd Market Stalls £3506.75 paid 16.6.12  
(although £6,000 was allocated)

Enterprise Pk signage PAID 3/10/12 £1162.50  
+ Empty Shop Campaign PAID 8.10.12 £400  
Mhd Trail paid 1.12.12 £6956.97

Flagpole/signage PAID 11.3.13 £533.95

AWAITING INVOICES

Lights?

**Applicant:** POG PROPOSE West £2,695.00  
Somerset Council (N  
Maclean)

Minehead Town Centre Signage

POG 4.3.13 - – POG would support this project subject to location of signs and highways being consulted with the locations. Ken explained the money would come from Planning App. 3/21/09/042.

Developer:

**Cost Centre:** 31043

**Total Released** £15,420.99

<b>PI. Ref No:</b> 3/21/09/044	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE	£3,000.00
<b>Detail of agreed works:</b> Recreational Facilities in Minehead.	Stage 1: £3,000.00	16/11/2009	<b>TOTAL Remaining:</b>	£3,000.00	Minehead EYE Community Interest Company, Boulder Room	
WESTERN LANE	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		Would like to add a bouldering room to its facilities, transforming balcony space into exciting & challenging terrain	
MINEHEAD	£3,000	£3,000	<b>To Be Used By:</b>	No expiry date	POG 4.3.13 - POG would support this project and it could proceed to Cabinet.	
Developer:	<b>Cost Centre:</b> 31041		<b>Total Released</b>	£0.00		
<b>PI. Ref No:</b> 3/21/09/076	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE	£1,000.00
<b>Detail of agreed works:</b> The developer undertakes on behalf of himself and his successors in title with the intention of binding each and every part of the land to pay the Council on the date hereof the sum of one thousand pounds (£1,000) as a contribution towards the provision/and or enhancement of community recreational provision in the parish of Minehead. Payment of the contribution shall be paid to the council prior to any works in pursuence of planning permission reference number 3/21/09/076 commencing.	Stage 1: £1,000.00	09/10/2012	<b>TOTAL Remaining:</b>	£1,000.00	Minehead EYE Community Interest Company, Boulder Room	
Northfield Road	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		Would like to add a bouldering room to its facilities, transforming balcony space into exciting & challenging terrain	
Minehead	£1,000	£1,000	<b>To Be Used By:</b>	No expiry date	POG 4.3.13 - POG would support this project and it could proceed to Cabinet.	
Developer: MR & MRS A SILLITOE	<b>Cost Centre:</b> 31079		<b>Total Released</b>	£0.00		

**PI. Ref No:** 3/21/09/117**Amount Due to WSC****Date received****Total Allocated to projects:** £0.00**Applicant:** POG PROPOSE £1,000.00  
Minehead EYE  
Community Interest  
Company, Boulder Room**Detail of agreed works:**

The developer hereby undertakes on behalf of himself and its successors in title with the intention of binding each and every part of the land to pay the Council on the date hereof the sum of one thousand pounds (£1,000) as a contribution towards provision and/or enhancement of community recreational provision in the parish of Minehead. Payment of the contribution shall be paid to the Council prior to any work commencing.

Stage 1: £1,000.00

23/10/2012

**TOTAL Remaining:** £1,000.00**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**

Would like to add a bouldering room to its facilities, transforming balcony space into exciting &amp; challenging terrain

POG 4.3.13 - POG would support this project and it could proceed to Cabinet.

THE PARADE

MINEHEAD

**To Be Used By:** No expiry date.

Developer: Mr William Barry Richards

**Cost Centre:** 31081**Total Released** £0.00**PI. Ref No:** 3/21/10/036**Amount Due to WSC****Date received****Total Allocated to projects:** £0.00**Applicant:** POG PROPOSE Hub £1,000.00  
Project, Softplay Centre  
(Minehead Baptist Church)**Detail of agreed works:**

The provision and/or enhancement of community recreational provision in the parish of Minehead.

Stage 1: £1,000.00

12/05/2010

**TOTAL Remaining:** £1,000.00**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**

Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space

POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.

MARTLETT ROAD

MINEHEAD

**To Be Used By:** No expiry date

Developer: S ESSEX

**Cost Centre:** 31044**Total Released** £0.00**PI. Ref No:** 3/21/10/044**Amount Due to WSC****Date received****Total Allocated to projects:** £0.00**Applicant:** POG PROPOSE Hub £1,000.00  
Project, Softplay Centre  
(Minehead Baptist Church)**Detail of agreed works:**

The provision and/or enhancement of community recreational provision in the parish of Minehead.

Stage 1: £1,000.00

16/06/2010

**TOTAL Remaining:** £1,000.00**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**

Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space

POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.

CHER

MINEHEAD

**To Be Used By:** No expiry date

Developer: MR JUSTIN COX

**Cost Centre:** 31046**Total Released** £0.00

<b>PI. Ref No:</b> 3/21/10/045	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE Hub £1,000.00 Project, Softplay Centre (Minehead Baptist Church)
<b>Detail of agreed works:</b> The Developer, undertakes to pay £1,000 as a contribution towards the provision and/or enhancement of community recreation in the parish of Minehead. Payment of the contribution shall be paid to the Council prior to any works in pursunant of permission 3/21/10/45 commencing.	Stage 1: £1,000.00	13/08/2012	<b>TOTAL Remaining:</b>	£1,000.00	Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.
BAMPTON STREET MINEHEAD	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
	£1,000	£1,000	<b>To Be Used By:</b>	No expiry date	
Developer: Neil Arnold, 18 Ponsford Road Minehead	<b>Cost Centre:</b> 31074		<b>Total Released</b>	£0.00	
<b>PI. Ref No:</b> 3/21/10/048	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE Hub £3,000.00 Project, Softplay Centre (Minehead Baptist Church)
<b>Detail of agreed works:</b> The provision and/or enhancement of community recreation facilities in the parish of Minehead.	Stage 1: £3,000.00	15/11/2010	<b>TOTAL Remaining:</b>	£3,000.00	Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.
THE PARKS MINEHEAD	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
	£3,000	£3,000	<b>To Be Used By:</b>	No expiry date	
Developer: Julian Henry Maitland Walker Hilary Elizab	<b>Cost Centre:</b> 31048		<b>Total Released</b>	£0.00	
<b>PI. Ref No:</b> 3/21/10/049	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00	<b>Applicant:</b> POG PROPOSE Hub £1,000.00 Project, Softplay Centre (Minehead Baptist Church)
<b>Detail of agreed works:</b> payment towards Recreational Facilities, in Minehead.	Stage 1: £1,000.00	04/01/2011	<b>TOTAL Remaining:</b>	£1,000.00	Create an indoor Soft Play Area, coffee bar, public hire space, youth club venue and versatile performance space POG 4.3.13 - POG would support this project if the lease could be extended, then project could proceed to Cabinet.
THE PARKS MINEHEAD	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>		
	£1,000	£1,000	<b>To Be Used By:</b>	No Expiry date	
Developer: Mr J Morris	<b>Cost Centre:</b> 31053		<b>Total Released</b>	£0.00	

PI. Ref No: 3/21/11/123

**Detail of agreed works:**

Community facilities contribution; On or before the Commencement Date to pay the Council the sum of £103,500 towards the cost of providing, expanding or improving community facilities (which may include the purchase and improvement of land and buildings within Minehead.

1. Community Facilities Contribution

1.1 To pay the Community Facilities Contribution into the Council's general bank account as soon as reasonably practicable following receipt of the same and to ensure that the said Community Facilities Contribution is identified under an individual code within the Council's finance system general ledger.

1.2 Not to use any part of the Community Facilities Contribution other than for the purposes for which it was paid (whether by the Council or another party).

1.3 In the event that the Community Facilities Contribution has not been spent or committed for expenditure by the Council within 5 years following the date of the receipt of the Second Tranche thereof the Council shall refund to the Owner any part of the Community Facilities Contribution which has not been spent or committed for expenditure, together with any accrued interest.

1.4 To issue the Planning Permission within seven days of the completion of this Agreement.

The Shires Minehead

Developer: Summerfield Developments

Amount Due to WSC	Date received	Total Allocated to projects:	£100,000.0
Stage 1: £103,500.	24/08/2012		
Stage 2: £103,500.			
<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>TOTAL Remaining:</b>	<b>£3,500.00</b>
£207,000	£103,500	Available for allocation	

**Applicant:** Minehead Cricket Club £50,000.00  
Pavilion

New Pavilion building Minehead Cricket Club

COMPLETED

Pd £19,013.70 (Code 31075) on 23.10.12

Pd £30,986.30 (Code 31075) on 28.11.12

**Applicant:** Minehead Rugby Club - £50,000.00  
AWAITING INVOICES

Changing room & Kitchen

AWAITING INVOICES

**Applicant:** POG PROPOSE £3,500.00  
Minehead EYE  
Community Interest  
Company, Boulder Room

Would like to add a bouldering room to its facilities, transforming balcony space into exciting & challenging terrain

POG 4.3.13 - POG would support this project and it could proceed to Cabinet.

To Be Used By: 2017

**Total Released** £0.00

**In the parish of : Minehead**

Amount owing to WSC - active planning obligations	£410,635
Amount received by WSC:	£306,935
Amount allocated to projects by WSC:	£148,189
<b>Total remaining available for allocation:</b>	<b>£158,746</b>

## Nettlecombe

PI. Ref No: 3/24/10/003

**Amount Due to WSC**    **Date received**    **Total Allocated to projects:**    £0.00  
 Stage 1:    £1,000.00    14/12/2010

**Detail of agreed works:**

Contribution of £1,000 for each newly created dwelling as a contribution towards the provision and/or enhancement of community recreational provision in the parish of Nettlecombe and adjoining Parishes. (Unit 1, completion 19/4/11, B/26/04/033F).

**TOTAL DUE:**    **TOTAL Rec'vd**    **TOTAL Remaining:**    £1,000.00  
 £1,000    £1,000    Available for allocation

BEGGEARN HUISH

WASHFORD

**To Be Used By:**    No expiry date

Developer:    Mr Oliver Reynolds

**Cost Centre:**    31052

**Total Released**    £0.00

**In the parish of : Nettlecombe**

Amount owing to WSC - active planning obligations    £1,000

Amount received by WSC:    £1,000

Amount allocated to projects by WSC:    £0

**Total remaining available for allocation:**    **£1,000**

## Old Cleeve

PI. Ref No: 3/26/07/015

**Detail of agreed works:**

£20,000 towards Local community facilities towards local community facilities in the parish of old cleave or adjoining parishes.

The legal agreement was secured via an application to argee details reserved by condition ref. 3/26/07/015).

ABBEY ROAD WASHFORD

Developer: Badcock & Everard

**Amount Due to WSC**

Stage 1: £10,000.0

Stage 2: £10,000.0

**TOTAL DUE:**

£20,000

Cost Centre: 31056

**Date received**

30/03/2011

**TOTAL Rec'vd**

£10,000

**Total Allocated to projects:** £10,000.00 >

**TOTAL Remaining:** £0.00

Available for allocation

**To Be Used By:** within 5 years of the date of receipt (of each payment)

**Total Released** £0.00

**Applicant:** Washford Village Hall - £10,000.00  
Dan Searle

Total cost of project £40,000, applied for £9,880 - POG AGREED 19/06/2012, Cabinet AGREED £10,000

AWAITING INVOICES  
POG AGREED TO FUND ON 19/06/2012 Cost Centre 31056

### In the parish of : Old Cleeve

Amount owing to WSC - active planning obligations £20,000

Amount received by WSC: £10,000

Amount allocated to projects by WSC: £10,000

**Total remaining available for allocation: £0**

## Stogumber

PI. Ref No: 3/31/08/014

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £9,000.00



**Applicant:** Stogumber Play Area Committee - AWAITING INVOICES £9,000.00

**Detail of agreed works:**

Stage 1: £9,000.00

12/05/2009

**TOTAL Remaining:** £0.00  
**Available for allocation**

Play Area at Slade Close (to create BMX track?)  
AWAITING INVOICES

As contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land.

Cabinet agreed 3/3/2010 that this money will go towards Slade Close Play Area, Stogumber

**TOTAL DUE:**  
£9,000

**TOTAL Rec'vd**  
£9,000

SLADE CLOSE

STOGUMBER

**To Be Used By:** No expiry date

Developer: Magna West Somerset

**Cost Centre:** 31035

**Total Released** £0.00

### In the parish of : Stogumber

Amount owing to WSC - active planning obligations £9,000

Amount received by WSC: £9,000

Amount allocated to projects by WSC: £9,000

**Total remaining available for allocation: £0**



## Watchet

**PI. Ref No:** 3/37/05/048

**Amount Due to WSC**

**Date received**

**Total Allocated to projects:** £0.00

**Detail of agreed works:**

Stage 1: £1,000.00

08/11/2012

The owner hereby undertakes to the Council to pay the sum of £1,000 for improving recreational facilities in Watchet after the council formerly adopts planning policy PO1 of the Local Plan within or upon commencement of work to the proposed house whichever is the latter. The monies to be repaid if not used within five years of the planning decision notice.

**TOTAL DUE:**  
£1,000

**TOTAL Rec'vd**  
£1,000

**TOTAL Remaining:** £1,000.00  
**Available for allocation**

THE ESPLANADE

WATCHET

**To Be Used By:** within 5 years of the decision date.

Developer: John Richards

**Cost Centre:**

**Total Released** £0.00

PI. Ref No: 3/37/06/007

**Detail of agreed works:**

Towards to provision and/or enhancement of off-site youth and/or adult recreation in the town and parish of Watchet.

Re: Trigger stage-19 dwelling occupied as of February 2010 - awaiting Stage 2 payment. (See PIOb.Ref 91 for Aff.Hsg details)

WEST STREET

WATCHET

**Amount Due to WSC**

Stage 1: £37,000.0

Stage 2: £37,000.0

**TOTAL DUE:**

£74,000

**Date received**

01/07/2008

**TOTAL Rec'vd**

£37,000

**Total Allocated to projects:** £37,000.00 >

**TOTAL Remaining:** £0.00

Available for allocation

**To Be Used By:** within 5 years of the date of final payment/NR final

**Applicant:** Watchet Footbridge £6,581.28

Footbridge used to fund the study that led to the allocation of funds for the bridge  
ALL COMPLETED

**Applicant:** Knights Templar pool committee, Sheila Clavey - COMPLETED £1,443.72

COMPLETED - Splashout II - PAID £15, 186

Total cost of project ex VAT £80,000. ALL PAID/COMPLETED - PHOTO SHOOT Fri 16 March.

**Applicant:** Mineral Line Railway Project paid to ENPA £27,000.00

PROJECT COMPLETED IN 2010

COMPLETED - OLD PROJECT PRIOR TO OCT '10

**Applicant:** Knights Templar Swimming Pool £1,975.00

Swimming Pool

ALL COMPLETED - OLD PROJECT PRIOR TO OCT '10

Developer: Regal Heritage

Cost Centre: 31027

**Total Released** £37,000.00

PI. Ref No: 3/37/06/041

**Detail of agreed works:**

Contribution towards the provision of the Land £2,000 per unit recreational facilities(See Hsg record 2).

ST DECUMENS ROAD

WATCHET

**Amount Due to WSC**

Stage 1: £14,000.0

**TOTAL DUE:**

£14,000

**Date received**

07/01/2009

**TOTAL Rec'vd**

£10,000

**Total Allocated to projects:** £10,000.00 >

**TOTAL Remaining:** £0.00

Available for allocation

**To Be Used By:** Agreement not on file - N/A - all money committed

**Applicant:** Watchet Sea Scouts Group £6,000.00

Refurbishment of building, fencing & roofing £10,000 FUNDING

ALL PAID/COMPLETED Sept 2010 On website Project 10 -

**Applicant:** Knights Templar Swimming Pool £4,000.00

Swimming Pool

ALL COMPLETED - OLD PROJECT PRIOR TO OCT '10

Developer: Rock Homes

Cost Centre: 31028

**Total Released** £10,000.00

**PI. Ref No:** 3/37/06/043

**Amount Due to WSC**    **Date received**    **Total Allocated to projects:**    £0.00  
 Stage 1:    £1,000.00    18/06/2012

**Detail of agreed works:**

A completed Unilateral Undertaking dated 12th January 2007 relates to this permission & requires the payment of £1,000 to the Council prior to commencement of any works on site to be used for the purposes of community recreational provision and/or enhancement within Watchet.

**TOTAL DUE:**    **TOTAL Rec'vd**    **TOTAL Remaining:**    £1,000.00  
 £1,000    £1,000    Available for allocation

Liddymore Road    Watchet

**To Be Used By:**

Developer:    Mrs J Taylor

**Cost Centre:**    31080

**Total Released**    £0.00

**PI. Ref No:** 3/37/07/030

**Amount Due to WSC**    **Date received**    **Total Allocated to projects:**    £0.00  
 Stage 1:    £1,000.00    04/11/2011

**Detail of agreed works:**

Contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land. £1,000 payable in five installments of £200. (1st Payment 13/7/030), £200 (2nd Payment 9/8/11) £200 (3rd payment 12/9/11), £200 (4th payment 12/10/11). Fifth and final payment (£200) paid on 4/11/11.

**TOTAL DUE:**    **TOTAL Rec'vd**    **TOTAL Remaining:**    £1,000.00  
 £1,000    £1,000    Available for allocation

ANCHOR STREET    WATCHET

**To Be Used By:**

Developer:    Mr & Mrs A Musgrave

**Cost Centre:**    31061

**Total Released**    £0.00

**PI. Ref No:** 3/37/07/039

**Amount Due to WSC**    **Date received**    **Total Allocated to projects:**    £960.00  
 Stage 1:    £1,000.00    06/09/2011

**Detail of agreed works:**

Contribution towards recreation facilities in Watchet. (Unilateral Undertaking has been signed).

**TOTAL DUE:**    **TOTAL Rec'vd**    **TOTAL Remaining:**    £40.00  
 £1,000    £1,000    Available for allocation

SOUTH ROAD    WATCHET

**To Be Used By:**    No Expiry date.

Developer:    D Quartley

**Cost Centre:**    31064

**Total Released**    £960.00

> **Applicant:** Watchet Town Council -    £960.00  
 Sarah Reed, Town Clerk

COMPLETED - Two picnic benches that are plastic, durable eco picnic tables enhancing area - INVOICE PAID 3/10/12

COMPLETED - AGREED £1,000 total PAID £960 ON 3/10/12 On website Project 11 -



<b>PI. Ref No:</b> 3/37/10/017	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £8,342.41	>	<b>Applicant:</b> Knights Templar pool committee, Sheila Clavey - COMPLETED	£8,342.41
<b>Detail of agreed works:</b> £32,000 index linked as a contribution towards the provision of recreational facilities in the vicinity of the land (payable in 3 stages) + See record 2. prior to commencement of development	Stage 1: £12,000.0 Stage 2:	21/02/2011	<b>TOTAL Remaining:</b> £3,657.59		COMPLETED - Splashout II - PAID £15,186	
WEST STREET	WATCHET		<b>Available for allocation</b>		Total cost of project ex VAT £80,000. ALL PAID/COMPLETED - PHOTO SHOOT Fri 16 March.	
Developer: Watchet Leisure Homes Limited	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>To Be Used By:</b> No expiry date			
	£12,000	£12,000				
	<b>Cost Centre:</b> 31054		<b>Total Released</b>			£8,342.41
<b>PI. Ref No:</b> 3/37/11/013	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b> £32,935.26	>	<b>Applicant:</b> Watchet Town Council	£10,872.00
<b>Detail of agreed works:</b> contribution to recreational facilities as detailed under the Third Schedule, Clause 1.2 of the Section 106 Agreement. This application replaced 3/37/10/006. All funds received.	Stage 1: £16,500.0 Stage 2: £16,500.0	08/06/2011 07/07/2011	<b>TOTAL Remaining:</b> £64.74		Play Equipment 2 - PROJECT PAID £10,872 on 25/11/2011	
Churchill way	WATCHET		<b>Available for allocation</b>		ALL PAID/COMPLETED. On website Project 6 - <a href="http://www.westsomersetonline.gov.uk/Home/News/New-play-equipment-for-Watchet-Memorial-Ground">http://www.westsomersetonline.gov.uk/Home/News/New-play-equipment-for-Watchet-Memorial-Ground</a>	
Developer: Summerfield Homes	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>To Be Used By:</b> 5 Yrs of date each payment 50% by 08/06/11 and		<b>Applicant:</b> Watchet Community Cinema - Anne Harrison	£7,527.26
	£33,000	£33,000			AWAITING INVOICE Watchet 2025 - to enable people to see films without the expense of travelling	
	<b>Cost Centre:</b> 31058		<b>Total Released</b>		AWAITING INVOICE FOR £702.26 left to claim. PAID £6825 on 8/10/12.	
			£17,697.00		<b>Applicant:</b> Liddymore Estate Play Equipment, WTC - COMPLETED	£14,536.00
					Enhance and provide new play equipment	
					COMPLETED. Invoice received and processed 14.3.13	
					AGREED AT POG 18/12/12.	

**In the parish of : Watchet**

Amount owing to WSC - active planning obligations	£137,000
Amount received by WSC:	£104,000
Amount allocated to projects by WSC:	£89,238
<b>Total remaining available for allocation:</b>	<b>£14,762</b>

Williton						
<b>PI. Ref No:</b> 3/39/07/033	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£3,000.00	>	<b>Applicant:</b> Williton Brownie Club - £3,000.00
<b>Detail of agreed works:</b>	Stage 1: £8,000.00	21/05/2008	<b>TOTAL Remaining:</b>	£5,000.00		COMPLETED
Contribution towards the provision or enhancement of local Recreational Facilities within the Parish of Williton & West Somerset in accordance with Policy PO/1 of the West Somerset District Local Plan(proposed modifications)	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>			Linda Sully, Improvements to Brownie HQ - PAID £10,000
HALF ACRE	£8,000	£8,000				COMPLETED
WILLITON						
Developer: Rockleaf Limited	<b>Cost Centre:</b> 31026		<b>To Be Used By:</b>	No Expiry date.		
			<b>Total Released</b>	£3,000.00		
<b>PI. Ref No:</b> 3/39/08/032	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00		
<b>Detail of agreed works:</b>	Stage 1: £2,000.00	15/09/2009	<b>TOTAL Remaining:</b>	£2,000.00		
Contributions towards local community facilities in Williton.	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>			
LONG STREET	£2,000	£2,000	<b>To Be Used By:</b>	No expiry date		
WILLITON						
Developer: Mr B Criddle	<b>Cost Centre:</b> 31039		<b>Total Released</b>	£0.00		
<b>PI. Ref No:</b> 3/39/08/034	<b>Amount Due to WSC</b>	<b>Date received</b>	<b>Total Allocated to projects:</b>	£0.00		
<b>Detail of agreed works:</b>	Stage 1: £1,000.00	10/10/2012	<b>TOTAL Remaining:</b>	£1,000.00		
2 No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.	<b>TOTAL DUE:</b>	<b>TOTAL Rec'vd</b>	<b>Available for allocation</b>			
Reason To ensure an appropriate level of community recreational provision, to accord with Policy(ies) R/4(a) and PO/1.	£1,000	£1,000				
Condition 2.			<b>To Be Used By:</b>			
HIGH STREET						
WILLITON						
Developer: Dr Louw	<b>Cost Centre:</b> 31078		<b>Total Released</b>	£0.00		

**PI. Ref No:** 3/39/08/036**Amount Due to WSC****Date received****Total Allocated to projects:** £3,270.00**Applicant:** Williton Parish Council (Trustee of Williton Mem. Rec. Ground) Claire Richards £3,270.00**Detail of agreed works:**

The developer undertakes on behalf of himself & its successors in title with the intention of binding each & every part of the land to pay £9,000 as a contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land.

Stage 1: £9,000.00

13/07/2009

**TOTAL Remaining:** £5,730.00**TOTAL DUE:**  
£9,000**TOTAL Rec'vd**  
£9,000**Available for allocation**

COMPLETED Enhance/preserve existing Rec. Ground renewing/replacing equipment.

COMPLETED  
On website Project 10 - www.

TOWNSEND

WILLITON

**To Be Used By:** No expiry date

Developer: Charter (SW) Ltd

**Cost Centre:** 31037**Total Released** £3,270.00**PI. Ref No:** 3/39/09/002**Amount Due to WSC****Date received****Total Allocated to projects:** £0.00**Detail of agreed works:**

(No paper Unilateral) Grampian Condition which states; " no commencement shall be made until a suitable mechanism to secure the relevant level of contribution towards off site community recreational provision and/or enhancement has been agreed by the LPA.

Stage 1: £1,000.00

01/01/2001

**TOTAL Remaining:** £1,000.00**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**

BRIDGE STREET

WILLITON

**To Be Used By:** No expiry date

Developer: Mr &amp; Mrs J Freeman

**Cost Centre:** 31047**Total Released** £0.00**PI. Ref No:** 3/39/10/020**Amount Due to WSC****Date received****Total Allocated to projects:** £0.00**Detail of agreed works:**

The Developer undertakes on behalf of himself and its successors in title to pay the council £1,000 for one newly created dwelling as a contribution towards the provision and/or enhancement of community recreational provision in the parish of Williton. Payment shall be made prior to works commencing.

Stage 1: £1,000.00

08/03/2011

**TOTAL Remaining:** £1,000.00**TOTAL DUE:**  
£1,000**TOTAL Rec'vd**  
£1,000**Available for allocation**

LONG STREET

WILLITON

**To Be Used By:** No expiry date

Developer: Mark Holmes

**Cost Centre:** 31055**Total Released** £0.00

PI. Ref No: 3/39/11/001

**Detail of agreed works:**

Towards the provision and/or enhancement of open space facilities. £21,000 prior to commencement + £21,000 on practical completion of the 10th dwelling. A supplemental Deed of Variation (signed 14/6/11, supersedes previous planning permission & S106 ref no. 3/3910/008).

High Street

Williton

Developer: B A Gliddon & M Gliddon + Summerfield D

Cost Centre: 31063

**Amount Due to WSC**

Stage 1: £21,000.0

Stage 2: £21,000.0

**TOTAL DUE:**

£42,000

**Date received**

15/09/2011

13/03/2013

**TOTAL Rec'vd**

£42,000

**Total Allocated to projects:** £21,000.00

**TOTAL Remaining:** £21,000.00

**Available for allocation**

**To Be Used By:** 15/09/16 - 5yrs from date of receipt of each payment

**Total Released** £21,000.00

**Applicant:** Williton Parish Council £21,000.00  
(Trustee of Williton Mem. Rec. Ground) Claire Richards

COMPLETED Enhance/preserve existing Rec. Ground renewing/replacing equipment.

COMPLETED  
On website Project 10 - www.

**In the parish of : Williton**

Amount owing to WSC - active planning obligations £64,000

Amount received by WSC: £64,000

Amount allocated to projects by WSC: £27,270

**Total remaining available for allocation: £36,730**

**ALL PARISHES TOTALS:**

Due to WSC under active Planning Obligations **£649,135**

Received by WSC: **£501,735**

Allocated to projects: **£284,697**

Total remaining available for allocation: **£217,038**



*Report Number:* WSC 27/13  
*Presented by:* Cllr. K Kravis, Lead Member for Finance & Resources  
*Author of the Report:* Adrian Dyer  
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*Report to a Meeting of:* Cabinet  
*To be Held on:* 3<sup>rd</sup> April 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 21<sup>st</sup> February 2013

## SALE OF COUNCIL OWNED LAND AT SIMONSBATH

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek member approval for the sale of Council owned land in Simonsbath.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The sale of this asset will raise a capital receipt that although does not deliver any of the corporate objectives will nevertheless contribute to the Council's future financial sustainability.

### 3. RECOMMENDATIONS

- 3.1 Cabinet recognise and agree that the sale of the site at Simonsbath for the purpose(s) referred to in the report will improve the economic well-being of the area and of the people whilst also improving the environmental well-being of the area.
- 3.2 That Cabinet approve the sale of land as outlined in **Appendix A** to Exmoor National Park Authority (ENPA) for the sum of £20,000
- 3.3 That delegated authority is granted to the Chief Executive, in consultation with the Lead Member for Finance & Resources, to agree, subject to legal advice, the covenants associated with the sale that protect the Council's decision to dispose of the site for an undervalued amount.

### RISK ASSESSMENT (IF APPLICABLE)

**Risk Matrix**

Description	Likelihood	Impact	Overall
<b>Risk</b> – That the site becomes a financial liability in that investment will be required to protect the site in general and existing buildings specifically.	Almost Certain (5)	Minor (2)	Medium (10)
<i>Mitigation - to identify and approve a supplementary revenue budget</i>	Almost Certain (5)	Minor (2)	Medium (10)
<i>Mitigation – to dispose of the asset</i>	Rare (1)	Minor (2)	Low (2)
<b>Risk</b> – That the Council's reputation is damaged as a result of owning but not maintaining a historically important asset.	Likely (4)	Moderate (3)	Medium (12)

Mitigation – (As described against the risk above)	Unlikely (2)	Moderate (3)	Low (6)
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## 5. **BACKGROUND INFORMATION**

5.1 At a meeting of Council held on 29<sup>th</sup> September 2004 notification was given (min. C 45) of an Executive Decision taken to purchase from Bristol City Council the former Bristol City Field Study site in Simonsbath. The purchase actual price paid was £100,000 plus £350 costs. The stated objective being to create an opportunity to provide affordable housing, small work spaces and other community facilities.

5.2 The site is approximately 0.48 acres in size as outlined on the plan included at **Appendix A**. It consists of what can only be described as dilapidated buildings, including a cottage, school buildings and outbuildings. A selection of photographs is included for information purposes at **Appendix 'B'**.

5.3 Since the site was purchased there have been numerous attempts, by a Unit 5<sup>1</sup> project team established at the time of purchase, to develop it along the lines originally intended. This started with a public consultation event in March 2007 and was followed up by engaging with Falcon Housing Association and the English Rural Housing Association. However, all proved to be unsuccessful.

5.4 There have subsequently been numerous attempts to dispose of the site, including:

- Attempting to sale the site on the open market through local and regional estate agents.
- Inviting expressions of interest from all members of the Affordable Housing Group.

Neither of these initiatives proved successful and the site has remained derelict since, the only work undertaken being to make the buildings as secure as was possible.

5.5 Although it is impossible to say for certain the inability to develop or dispose of the site to-date may be attributable to:

- Restricted vehicular access to any new development that would require widening works impacting upon the former stable block adjoining the site.
- Requirement for a new water supply
- Requirement for high standard sewerage treatment facilities as the adjoining watercourse is a tributary of the River Barle which has SSSI (**S**ite of **S**pecial **S**cientific Interest) status.
- A desire by ENPA to retain the historic interest of the buildings and other features on the site.

5.6 More recently and following a discussion with officers from the ENPA it became clear that some form of urgent action was required to prevent what, for the reasons described in **Appendix 'C'** are considered to be historically important buildings, falling into a complete state of disrepair. One outcome from these discussions was the emerging possibility of ENPA purchasing the site and undertaking immediate emergency conservation work to stabilise the historic building structures. Their aim in the longer term would be to apply for Heritage Lottery Funding to develop the site as a visitor facility / attraction; the restored

<sup>1</sup> A Council internal department established to deliver capital projects

buildings are close to Ashcombe car park which is linked by footpaths to other historic land/buildings<sup>2</sup> in Simonsbath and in the ownership of ENPA. Their plan would be for White Rock Cottage to form the 'centrepiece' for the interpretation of the Exmoor Forrest, a compelling story that is not currently developed at any location within the National Park.

- 5.7 In anticipation of an offer from the ENPA to purchase the site the District Valuer was instructed to carry out an official valuation of the in relation to an end use as described in paragraph 5.6 above. A summary of the contents of the valuation report is provided in paragraph 11 below.
- 5.8 An offer to purchase the site for a sum of £20,000 has subsequently been received from ENPA which it is recommended should be accepted irrespective of, but in full recognition of, the value suggested by the District Valuer. The reasoning being that, (a) the site has proved difficult to develop or sale, (b) it has significant historic importance from a local prospective and (c) the site is becoming a financial liability in that there will be a significant cost in making the site secure and protecting the buildings. As added security it is recommended that the sale is conditional on covenants being agreed limiting the end use of the site to that which is described in paragraph 5.6 above or affordable housing.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The financial implications are referred to in the body of the report but in summary members are being asked to approve the sale of this asset for £80,000 less than the cost of purchase. The three main arguments for this recommendation are referred to in paragraph 5.8 above.
- 6.2 The capital receipts that are estimated to be received during 2013/14, as approved in the budget report to Cabinet and Council did not include a sum in respect of the sale of the site at Simonsbath.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 In normal circumstances I would not be advocating the 'undervalue' sale of an asset. However, the fact that there is a real risk of the site becoming an increasing financial liability coupled with the possibility of it being developed to the benefit of the local people and area lead me to being supportive of the recommendations.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

***Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.***

*The three aims the authority must have due regard for:*

- *Eliminate discrimination, harassment, victimisation*
- *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it*

- 8.1 There are no direct implications associated with the recommendations in this report

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 A site that has been made secure will obviously be less inviting for unauthorised use

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<sup>2</sup> The Sawmill; The Pound Building; Former stables and car park; land at Ashcombe, Birchcleeve Wood, Riverside Meadow and Barle Water Meadows.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 The ENPA's Chief Executive and Land / Property Manager met with the Exmoor Parish Council in January this year to discuss the possibilities with them. Their response was apparently positive and both officers are confident that the Parish Council would be supportive of the proposals that sought to conserve White Rock Cottage and at the same time develop economic activity in the area.

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 The report by the District Valuer identified the 'market value' to be in the region of £75,000 to £100,000 although this was caveated by the comment that this is an unusual property of a type which seldom sells in the market place.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 A Restoration development of the site in line with that described in paragraph 5.6 above will have a positive impact on the local environment.

## **13. LEGAL IMPLICATIONS**

- 13.1 The DCLG circular 06/03 relates to Local Government act 1972 – General Disposal Consent 2003. Its purpose is to provide guidance for local authorities who wish to dispose of land for less than the best consideration that could be reasonably obtained.

- 13.2 The guidance recognises that there may be circumstances where an authority considers it appropriate to dispose of land at undervalue. However, the point is made that when doing so authorities must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to the local people.

- 13.3 The Secretary of State effectively gives consent to undervalue disposals providing that: -

(a) The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or any part of the area, or of all or any persons resident or present in the area:

- (i) The promotion or improvement of economic well-being
- (ii) The promotion or improvement of social well-being
- (iii) The promotion or improvement of environmental well-being

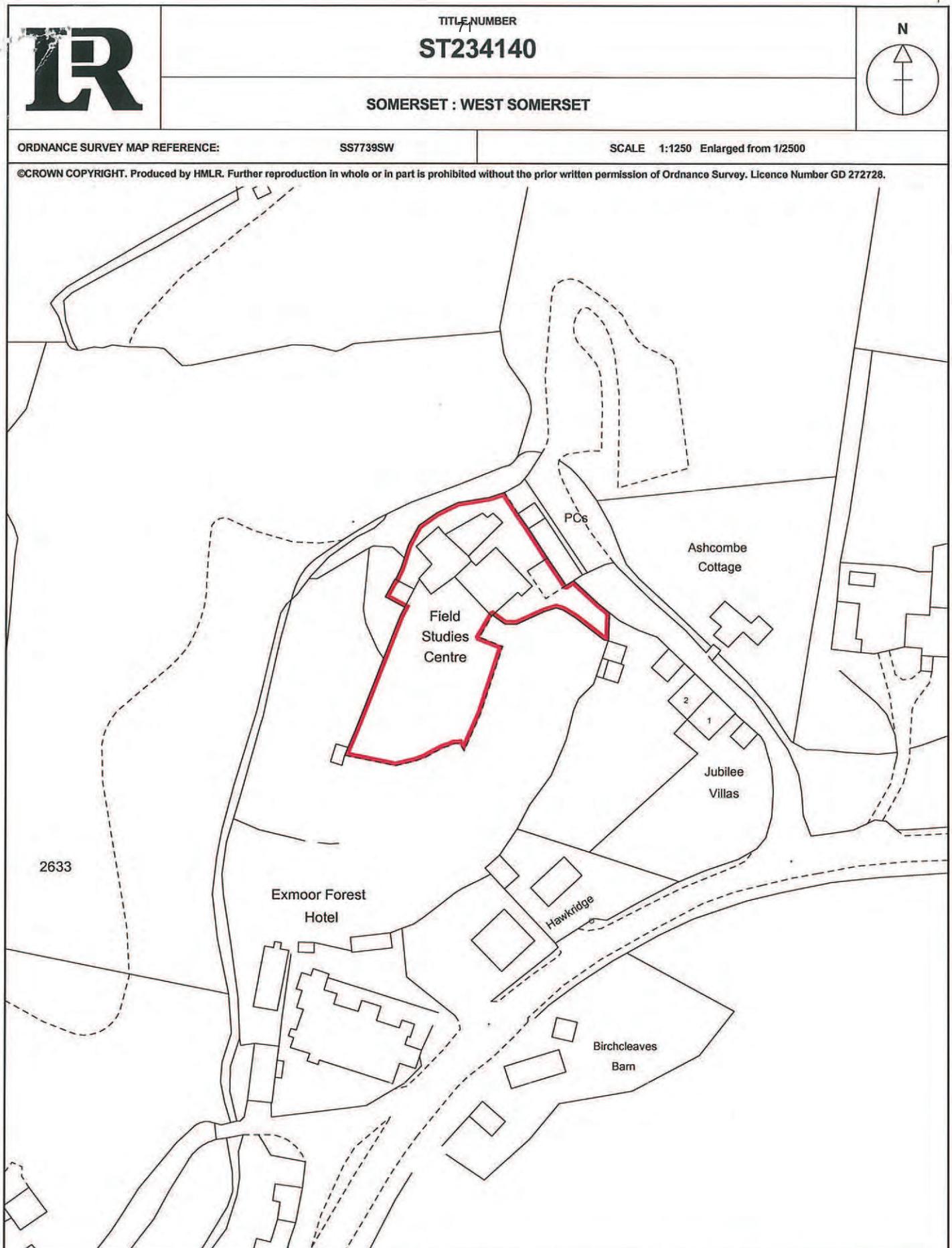
And

- (b) The difference between the unrestricted<sup>3</sup> value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.

- 13.4 In terms of the land at Simonsbath it can be argued that the proposed use will improve the economic and environmental well-being of the area. It should also be the case that the additional visitors attracted to the area will improve the economic well-being of some people resident in the area.

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<sup>3</sup> Unrestricted means the best price reasonably obtainable in expressed in capital terms or the amount which could be received where the principal aim was to maximise value. Account should be taken of whatever uses might be permitted by the local planning authority insofar as these would be reflected by the market.



This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

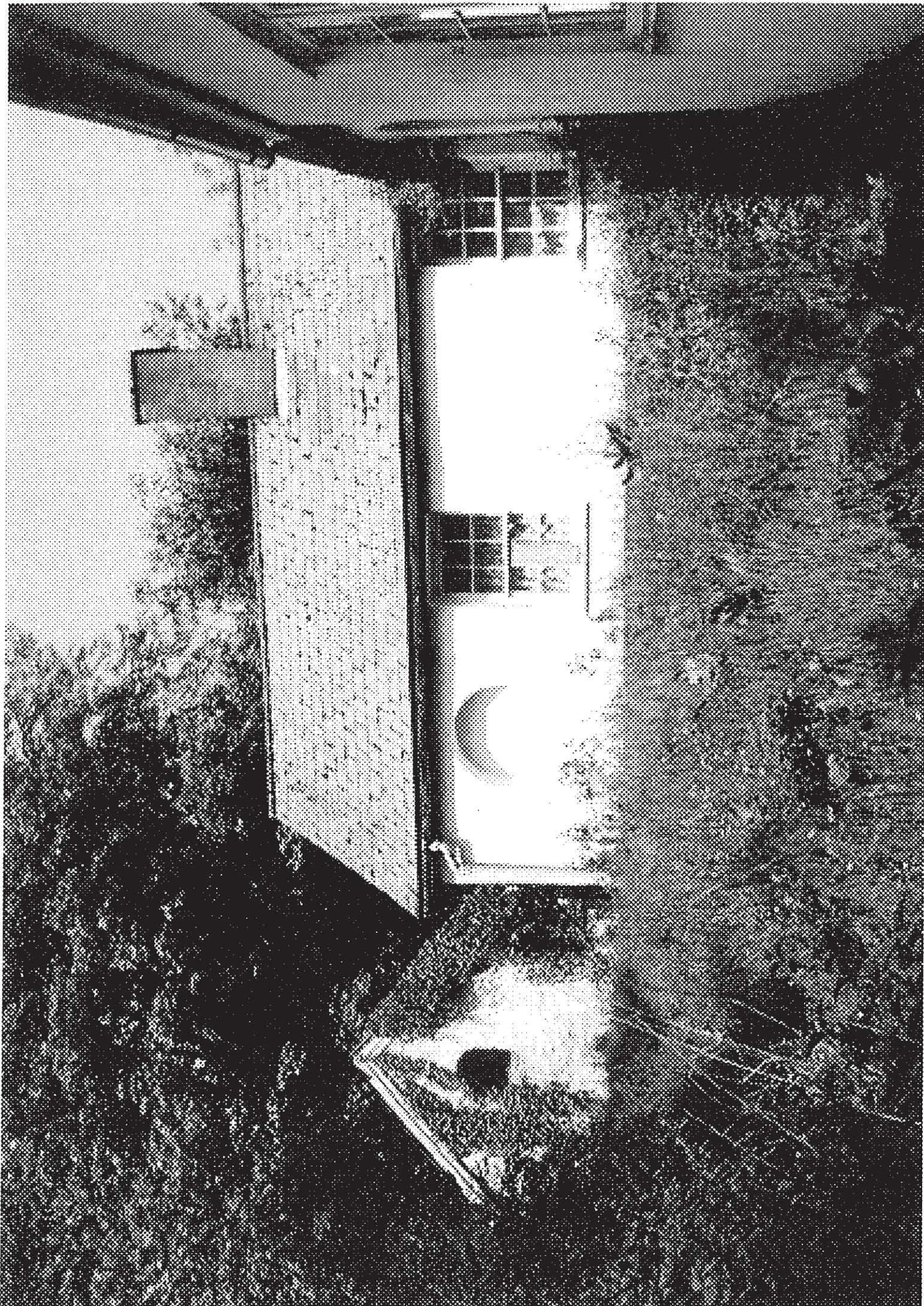
This official copy shows the state of the title plan on **3 March 2005 at 10:51:38**. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 3 March 2005.

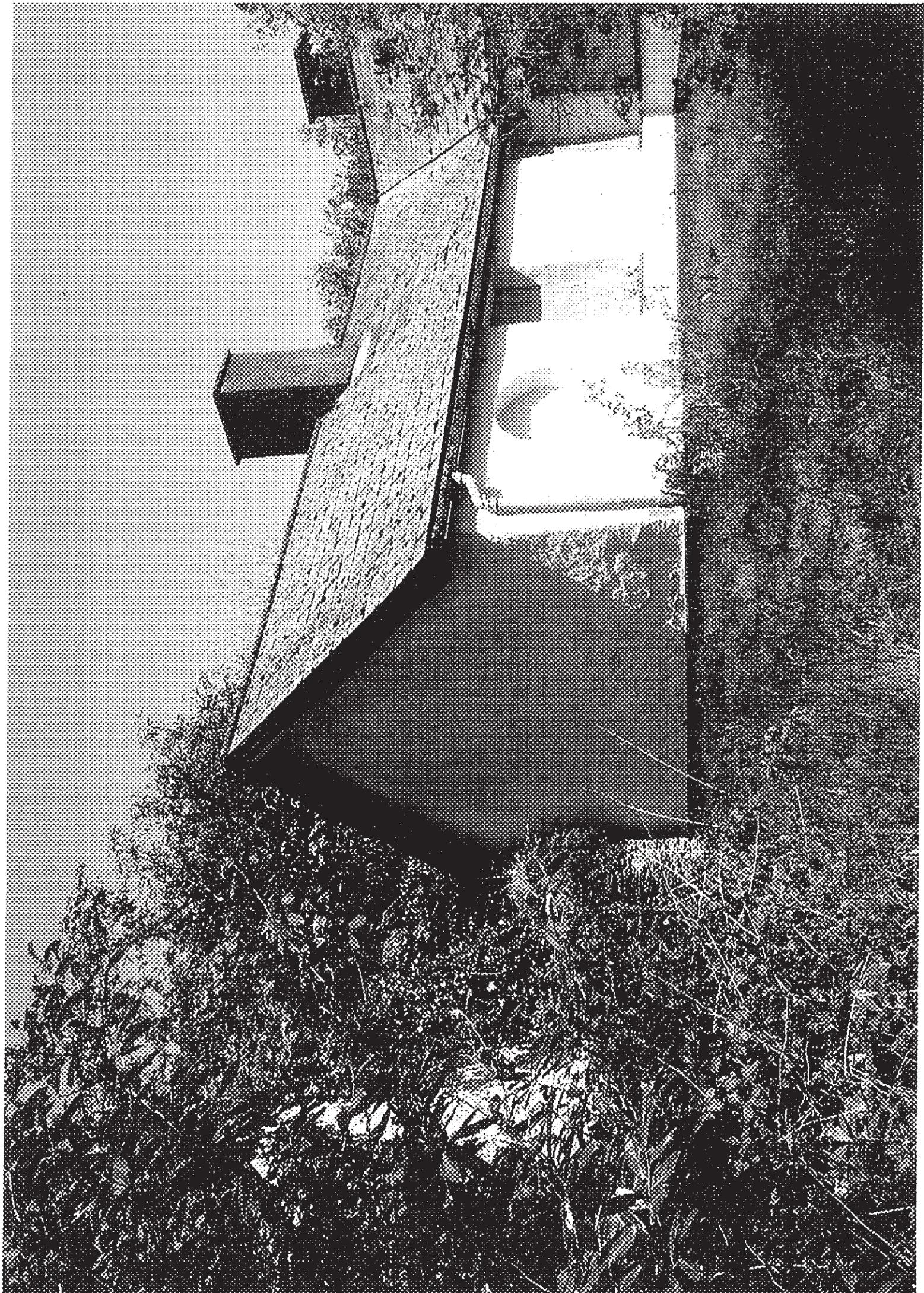
This title is dealt with by the **Plymouth District Land Registry**.

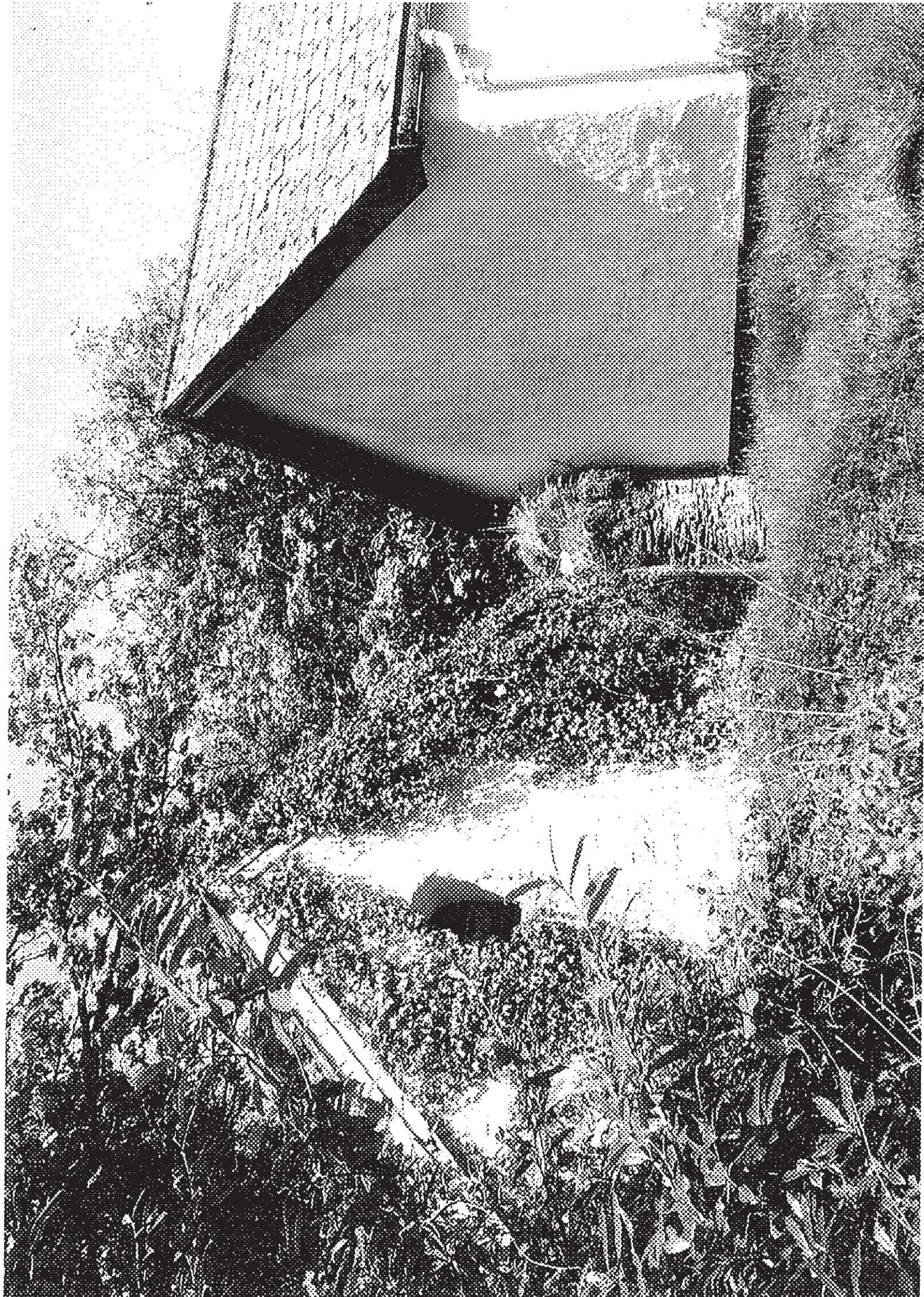
















## HISTORIC VALUE

The current disused school buildings were originally developed in the 19<sup>TH</sup> Century by the Knight family as part of their developments in the Exmoor Forest and their residence at Simonsbath House. The 'school' developed from range of buildings known as White Rock Cottage. These are highly significant, both to the history of Exmoor and that of Simonsbath itself. Under normal circumstances, a range of much-altered 19th century buildings would be of no great interest; in this instance, the wider significance of the place is threefold:

1. It is now clear that the original cottage, together with what seems to have been a grotto, formed one element in a wider picturesque landscape surrounding John Knight's nascent mansion at Simonsbath. John Knight was the son of an ironworks magnate from Worcestershire, with close relatives – the Knights of Downton Castle, Herefordshire – who were intimately involved in the Picturesque Movement. What John Knight had intended for Simonsbath remains largely unknown, as no plans or correspondence relating to the site appear to have survived. However, the close similarities between the landscape of Simonsbath and Downton Castle strongly imply John Knight had a grand scheme in mind. In the absence of documentary or cartographic evidence it is the landscape of Simonsbath itself that must provide the necessary clues, and White Rock Cottage plays an important role in that search.
2. Simonsbath was to be an estate centre housing the necessary staff to administer the Exmoor lands, along with its new roads, farms, and mineral prospection activities. As well as the school teacher, White Rock Cottage successively housed a shepherd, a land surveyor, gardeners and later a gamekeeper. These people helped to build and maintain the Knight's estate, and simultaneously performed a role within Simonsbath as expected adjuncts of a successful and profitable estate.
3. White Rock Cottage was later converted into a school for the growing settlement at Simonsbath, along with the church, 'refreshment house' and post office. As such it played an important role in the social development of the community, and, as the school only closed in 1970, it still has links with the present population.

In summary, White Rock Cottage has played an unusually important role in the development of Simonsbath, and forms an integral part of both the modern settlement and the landscape aspirations of John Knight. Structurally, White Rocks Cottage reflects the changing priorities of John and Frederic Knight in microcosm, and as such is of wider interest.



*Report Number:* WSC 28/13  
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*Report to a Meeting of:* Cabinet  
*To be Held on:* 3<sup>rd</sup> April 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 21<sup>st</sup> February 2013

## APPOINTMENT OF PROPERTY CONSULTANTS

### 1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to seek member approval for the appointment of property consultants to oversee the sale of unused assets.

### 2. RECOMMENDATIONS

- 2.1. That Cabinet approve the waiving of Contract Standing Orders relating to the tendering process for the appointment of Property Consultants to assist with the disposal of those assets referred to in paragraph 4.3.
- 2.2. That Bruton Knowles are appointed as Property Consultants to assist with the disposal of those assets referred to in paragraph 4.3. That the terms and conditions of the appointment are those included at **Appendix 'A'**
- 2.3. That in accordance with Financial Regulation FR 6 (7) a Project Team consisting of three, to be selected, members and the Chief Executive is established to monitor and oversee the three projects.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
<b>Risk</b> – That the Council do not have sufficient capital receipts to repay their loan, when due, in February 2014.	Almost Certain (5)	Major (4)	<b>Very High (20)</b>
<i>Mitigation</i> – The urgent commencement of a project to dispose of the former Aquasplash site	Unlikely (2)	Major (4)	<b>Medium (8)</b>
<b>Risk</b> – That the reduction in the cost of interest payments included in the Medium Term Financial Plan are not achieved.	Almost Certain (5)	Major (4)	<b>Very High (20)</b>
<i>Mitigation</i> – The urgent commencement of a project to dispose of the former Aquasplash site	Unlikely (2)	Major (4)	<b>Medium (8)</b>

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

#### **4. BACKGROUND INFORMATION**

- 4.1. The initial part of the current project to sale land for housing purposes in Seaward Way Minehead was to undertake an open market tendering exercise to appoint property consultants to assist in the process. The result was the signing of a contract with a company called Bruton Knowles who have subsequently worked closely and effectively with the Council's Chief Executive.
- 4.2. With regard to its current situation the Council faces a dilemma in that it has to finance its capital programme and, more importantly, the repayment of a £3.5m loan in February 2014 by disposing of unused assets but, does not have the internal capacity or expertise to successfully manage projects of this type within the necessary timescales.
- 4.3. To fill this capacity void it is considered essential that external advisors are appointed as a matter of urgency. Disregarding the need for urgency and focusing on the positive and effective manner in which Bruton Knowles have worked with the Council it is suggested that the most pragmatic way forward would be to enter into a new contract allowing them to continue to assist the Council in the possible disposal of the following Council owned under used assets:
- Former Aquasplash site Minehead
  - Former leisure site as part of New Horizons on Seaward way Minehead
  - Former Visitor Information Centre Minehead
- 4.4 Details of their proposed approach and fees are included at **Appendix 'A'**
- 4.5 It is recognised that this suggested appointment conflicts with the Council's Standing Orders for the letting of contracts in that a tendering exercise has not been undertaken. However, under Standing Order 3.3 (c) Cabinet are able to grant an exemption and waive standing orders. It is therefore recommended that due to the urgency to progress the disposal of assets and the current good working relationship that exists between the Council and Bruton Knowles the relevant Standing Orders requiring a tendering exercise to be undertaken are waived specifically and exclusively for the marketing and possible disposal of those assets referred to in paragraph 4.3 above.

#### **5. FINANCIAL/RESOURCE IMPLICATIONS**

- 5.1. The fees structure (see **Appendix 'A'**) informally agreed mean that there is a fixed fee for implementation of Stage 1 and a time based fee for implementation of Stage 2. This time based fee has a ceiling linked to the sale price that limits the Councils liability, irrespective of actual time spent on the task.
- 5.2. Because calculation of the maximum (not necessarily actual) fees payable is reliant upon the eventual sale price of each asset it is thought to be inappropriate to provide examples This is because any theoretical sale price used in the calculation could be interpreted as an indication of that expected to be realised.

## **6. SECTION 151 OFFICER COMMENTS**

- 6.1. Accounting regulations state that capital receipts may be used to meet the costs of or incidental to a disposal of an interest in land other than housing land, provided these do not exceed 4.0% of the capital receipt arising from the disposal.
- 6.2. The cost of disposal will not just include those referred to in this report, there will, in addition be legal fees for example. However, in my opinion it will be highly unlikely that the total costs associated with the sale of the former Aquasplash site will exceed 4% of the capital receipt. I am less confident former regarding the former leisure land in Seaward Way and not confident at all when it comes to the Visitor Information Centre.
- 6.3. Capital receipts from the sale of assets are crucial to the Council's future financial planning both from a capital borrowing / debt perspective but also from the perspective of forecast reductions in interest payments that have been built into the Medium Term Financial Plan.

## **7. EQUALITY & DIVERSITY IMPLICATIONS**

- 7.1. There are no implications directly associated with the recommendations in this report

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1. There are no implications directly associated with the recommendations in this report

## **9. CONSULTATION IMPLICATIONS**

- 9.1. There are no implications directly associated with the recommendations in this report

## **10. ASSET MANAGEMENT IMPLICATIONS**

- 10.1. The two land assets referred to in this report are both classed as 'being held for investment' whilst the VIIC is still classed as an operational asset.

## **11. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 11.1. There are no implications directly associated with the recommendations in this report

## **12. LEGAL IMPLICATIONS**

- 12.1. There are no implications directly associated with the recommendations in this report

## Proposed Approach

In each case we recommend a two stage approach to marketing as follows:

- **Stage 1** – initial marketing followed by submission of proposals by interested parties
- Interview/selection process leading to identification of short list/preferred bidder by WSDC
- **Stage 2** – development of bid(s) and negotiation with parties to select purchaser and enter in to conditional or unconditional approach

Stage 1 would enable all parties to put forward their proposals which would include:

- Details of the proposed development/alternative use
- Anticipated development timetable
- Proposed purchase price with conditions
- Details of funding requirements and capacity

This will enable The Council to take a view on the suitability of the proposal in planning terms, the potential economic value to the community, the likely financial value and the overall robustness of the proposal. There will doubtless be gaps in the initial submissions however the selection interviews offer the opportunity to explore these issues and establish more importantly whether the potential purchasers are likely to be able to work with the Council and vice versa.

Having selected a short list, or possibly a preferred bidder, offers a degree of confidence for both vendor and purchaser alike in entering in to more detailed discussions and the development of the ultimate contract.

Bruton Knowles have used this approach in a wide range of transactions from many similar to the scale envisaged here through to the £150 million plus initial phases of the Wolverhampton Interchange Scheme. It is essentially the approach that was used with the Land at Seaward Way and enabled the prospective purchaser to commit to what has been a long and painstaking process whilst retaining some flexibility for the Council.

This approach is particularly relevant to the Aquasplash and Leisure Land sites where a variety of proposals may come forward, with the potential for a significant variance in values in the former case. However, it may also have considerable merit in the VIC case where, notwithstanding that efforts will be made to explore these issues with the previous vendors in advance, it may be that any detailed discussions over release of restrictive covenants will have to wait until after the initial bids have been received.

## Timing

Whilst two of the sites are development land they are likely to attract interest from different markets and consequently subject to any caution from the Council in terms of political management or resourcing we see no difficulty in the three sites being offered for sale as soon as possible.

## Marketing Material

In each case marketing material would include:

- A site board
- A marketing brochure distributed on request or available by download from our website and from the various external sites with which we have links
- Details of the bidding process
- A detailed technical information pack, available for distribution by email or secure web page including setting up a unique URL address, if required

## Advertising & Promotion

There would be a focused programme of advertising in specialist property publications and regional and local publications, both traditional media and electronic listings, including:

- One advert in the Estates Gazette
- One advert in Western Daily Press
- Two adverts in Somerset County Gazette
- Two adverts in West Somerset Free Press

We would also circulate a number of press releases through our PR consultants for inclusion in property and business sections of relevant publications including regional and trade press.

### **Stage One Conclusion & Selection Process**

At the outset of Stage One details of the bidding process would be available to all interested parties. Once the date for an informal tender was established this would be circulated to all parties.

On receipt of offers BK would provide a comprehensive report to the Council summarising the offers and their various merits and identifying any particular areas requiring further clarification. This report would set out recommendations for interviews/selection and BK would then manage the Interview Process supporting Council Officers and Members as appropriate and assisting in the final short-listing process.

Bruton Knowles would then disseminate the findings to the respective bidders.

### **Stage Two**

This would involve on-going detailed discussions with the selected bidders culminating in a formal submission of an offer whether conditional on planning or unconditional either in competition in the case of a short list, or by negotiation and confirmation in the case of a preferred bidder.

However, it is also likely to include in the case of the VIC site negotiations on the Council's behalf with other interested parties to secure the release or variation of restrictive covenants.

### **Exchange and Completion**

Once Heads of Terms had been agreed BK would work with the Council's lawyers to secure exchange and completion as practicably and swiftly as possible.

### **Proposed Charges**

#### **Fees**

Reflecting the two stage approach set out above we propose the following fee structure:

#### Phase 1 – Fixed fees

- Aquasplash Site £5,000
- Leisure Land £3,000
- VIC Building £2,000

#### Phase 2 – Capped fees

Time based in accordance with the rates set out in the Table below subject to the following ceilings:

- Aquasplash Site 0.4% of the value of the eventual sale price
- Leisure Land 0.6% of the value of the eventual sale price
- VIC Building 1% of the eventual sale price or £3,000 whichever is the greater

Fees for Phase 1 would be payable on completion of the selection process.

Fees for Phase 2 would be payable on exchange of contracts and would include negotiations for the release or variation of the current restrictive covenants.

### Time Charge

Time charges for Stage 2 would be assessed in accordance with the following Table:

Personnel	Grade	Hourly Rate (£)	Daily Rate (£)
Nick Millard	Senior Partner	125	935
Robert Smith	Associate	85	635
Robert Anthony	Associate	85	635
Sarah Eastwood	Senior Surveyor	60	450
Will Bayston	Graduate Surveyor	40	300

### Marketing Costs

A detailed budget would be developed for each site however based on the specification set out in Section 2 above we anticipate marketing budgets broadly as follows:

- Aquasplash Site £3,500
- Leisure Land £2,500
- VIC £2,500

### VAT

VAT would be payable on fees and marketing expenses at the appropriate statutory rate.

### Project Team

The Project Team would be drawn principally from our Agency Team based in Gloucester which handles sales for public, private and institutional clients throughout the south-west.

The team has been expanded recently by the appointment of Robert Smith as the new Head of Commercial Agency. Robert would take the lead on marketing issues advising on presenting the sites to the market and dealing with interested parties. He would be supported by **Rob Anthony** who is an Associate in the Development Consultancy Team, **Sarah Eastwood**, Senior Surveyor and **Will Bayston**, Graduate Surveyor.

The overall project would be led by **Nick Millard** who is Chairman of the firm and Head of Strategic Consultancy. Nick has recently handled the negotiations with the purchasers and previous vendors at Seaward Way and would be involved in overseeing the project, offering strategic advice to the Council and negotiating the release of restrictive covenants as appropriate.