



Members of the Cabinet
(Councillors A H Trollope-Bellew (Leader), M J Chilcott (Deputy
Leader), M O A Dewdney, K M Mills, C Morgan, S J Pugsley,
K H Turner and D J Westcott)

Our Ref DS/KK
Your Ref

Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk
Extension 01984 635307
Date 21 December 2016

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

CABINET

Date: Wednesday 4 January 2017
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01984 635307.

Yours sincerely

A handwritten signature in black ink, appearing to read "B. Lang".

BRUCE LANG
Proper Officer

1
CABINET

Meeting to be held on 4 January 2017 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of Cabinet held on 2 November 2016 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 for the month of February 2017 – **SEE ATTACHED.**

6. Cabinet Action Plan

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

7. Transfer of Public Conveniences

To consider Report No. WSC 1/17, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to consider the options for public convenience buildings on and after 1st April 2017. To include where possible transfer to Town, Parish Councils or Community Groups and to also consider alternative

options, if transfers are not progressed, of commercial disposal, development, demolition or alternative use.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

CABINET**MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2016****AT 4.30 PM****IN THE COUNCIL CHAMBER, WILLITON****Present:**

Councillor A Trollope-Bellew Leader

Councillor M Chilcott
Councillor K Mills
Councillor S Pugsley
Councillor D J WestcottCouncillor M Dewdney
Councillor C Morgan
Councillor K Turner**Members in Attendance:**Councillor I Aldridge
Councillor S Goss
Councillor B Heywood
Councillor P MurphyCouncillor G S Dowding
Councillor A Hadley
Councillor B Maitland-Walker
Councillor N Thwaites**Officers in Attendance:**Director of Operations (S Adam)
Assistant Chief Executive (B Lang)
Assistant Director Resources (P Fitzgerald)
Assistant Director Place and Energy Infrastructure (A Goodchild)
Community and Housing Lead – Energy Infrastructure (L Redston)
Revenues and Benefits Manager (H Tiso)
Corporate Strategy and Performance Manager (P Harding)
Senior Tourism Officer (R Downes)
Asset Manager (T Child)
Assistant Estates Officer (R Mulcaire)
Senior Debt and Recovery Officer (S Perkins)
Partnership Manager, Somerset West Private Sector Housing Partnership (C Trevelyan)
Meeting Administrator (K Kowalewska)**CAB30 Apologies for Absence**

No apologies for absence were received.

CAB31 Minutes of the Meeting held on 8 September 2016

(Minutes of the Meeting of Cabinet held on 8 September 2016 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 8 September 2016 be confirmed as a correct record.

CAB32 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor C Morgan	All	Stogursey	Spoke and voted
Councillor A Trollope-Bellew	All	Crowcombe	Spoke and voted
Councillor K Turner	All	Brompton Ralph	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor I Aldridge	All	Williton	Spoke
Councillor S Goss	All	Stogursey	Spoke
Councillor B Maitland-Walker	All	Carhampton	Spoke
Councillor P Murphy	All	Watchet	Spoke
Councillor N Thwaites	All	Dulverton	Spoke

In addition, the following interests were declared:

Name	Minute No.	Description of interest	Personal or Prejudicial	Action Taken
Cllr M Chilcott	CAB44	Acquainted with of one of the account holders	Prejudicial	Left the Chamber
Cllr M Chilcott	CAB46 CAB47 CAB48	Private Landlord	Prejudicial	Left the Chamber
Cllr S Pugsley	CAB46 CAB47 CAB48	Private Landlord	Prejudicial	Left the Chamber
Cllr A Trollope-Bellew	CAB46 CAB47 CAB48	Private Landlord	Prejudicial	Left the Chamber
Cllr K Turner	CAB46 CAB47 CAB48	Private Landlord	Prejudicial	Left the Chamber
Cllr D Westcott	CAB46 CAB47 CAB48	Private Landlord	Prejudicial	Left the Chamber

CAB33 Public Participation

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

CAB34 Forward Plan

(Copy of the Forward Plan for the month of January 2017 – circulated with the Agenda.)

The purpose of this item was to approve the Forward Plan.

RESOLVED that the Forward Plan for the month of January 2017 be approved.

CAB35 Cabinet Action Plan

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

RESOLVED that CAB28 HPC Planning Obligations Board – Allocations of CIM Funding be deleted as actioned.

CAB36 HPC Planning Obligations Board – Allocations of CIM Funding

(Report No. WSC 124/16 – circulated with the Agenda.)

The purpose of the report was to present the recommendations of the Hinkley Point C Planning Obligations Board (HPC POB) for the allocation of monies from the Community Impact Mitigation (CIM) Fund secured through the Section 106 legal agreement for the Site Preparation Works at Hinkley Point.

The Lead Member for Resources and Central Support presented the item and provided a brief explanation of the application which had been considered by the HPC POB. She drew Members' attention to the comments received by the HPC Education, Employment and Skills Operations Group (EESOG) who unanimously supported the project. The Lead Member went on to state that the Beach Hotel and the work of the YMCA were a great asset to the community of West Somerset with the building being utilised by numerous groups and she believed it to be one of the most successful projects running in the area, changing the lives of local young people.

The Lead Member for Resources and Central Support proposed the recommendation which was duly seconded by Councillor D Westcott.

Members were supportive of the Beach Hotel Kitchen Theatre project and wished it every success. This provided an excellent educational training opportunity for young people interested in catering.

The Assistant Director Place and Energy Infrastructure provided further clarification on the work of EESOG; and in response to a further question relating to the relaunch of the CIM Fund, the Lead Member for Resources and Central Support advised that there were several streams of work being carried out and a number of funds would be launched at the same time, namely the Somerset Fund and the Somerset Community Foundation Fund. A clear public message would be communicated to avoid any confusion as regards to the criteria for applying to the different funds.

RESOLVED that the recommendations of the Hinkley Point C Planning Obligations Board be endorsed as follows:

- To release £12,500 to the YMCA Somerset Coast from the CIM fund ring-fenced for West Somerset towards the Beach Hotel Theatre project subject to conditions specified by the Planning Obligations Board.

CAB37 Review of Council Tax Rebate Scheme for 2017/18

(Report No. WSC 122/16 - circulated with the Agenda.)

The purpose of the report was to provide Cabinet with information on the existing Council Tax Rebate scheme.

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

Members confirmed they had read and understood the report prior to voting.

RESOLVED (1) that, having regard to the recommendations from the Scrutiny Committee, the consultation response and the Equality Impact, it be recommended to Council to amend the current CTR scheme to that illustrated in Model 11. This will implement a combination of Options 2 and 4 and will:

- (a) Reduce the maximum CTR available to people of working age to 80%; and
- (b) Align the CTR scheme for 2017/18 with changes made by the Government to other welfare benefits with the exception that applicants aged 18-21 would continue to be eligible for CTR.

RESOLVED (2) that it be recommended to Council to approve the 2017/18 Council Tax Rebate Scheme for 2017/18 only.

CAB38 Hinkley Point C Project Update

(Report No. WSC 119/16 - circulated with the Agenda.)

The purpose of the report was to provide a general update to Members on recent activity in relation to the project; to publish the recent Annual Review of the project alongside the Q2 Performance Report; to provide an update on staffing matters and to seek approval for some changes to the governance arrangements to enable West Somerset Council to provide input and take decisions on aspects of the project going forwards.

The Lead Member for Energy Infrastructure presented the report and highlighted the key points contained within. He proposed the recommendations of the report which were seconded by Councillor K Mills.

The Leader stated that now that the work on the Hinkley Point C project was able to continue, it would give certainty to local businesses. He raised an issue concerning a future funding problem which would need to be addressed in relation to being able to continue supporting the project longer term, and confirmed he had written a letter to the Minister, Baroness Neville Rolfe raising this issue and was awaiting a response.

During the discussion the following main points were raised:

- It was confirmed that the Community Fund had not yet been set up to receive bids. However, if community groups had good ideas for projects it was advised that these should be directed to the CIM Fund as the aims and objectives of the two funds were the same. A lot of officer help and advice was available and groups were encouraged to contact the Community and Housing Lead – Energy Infrastructure officer for further information and to ascertain eligibility.
- Populating the vacant posts within the Energy Infrastructure Team was on track and it was aimed to utilise the services of experienced officers to save money wherever possible.
- It was important to note and understand the financial position contained within the Annual Statement as WSC was the responsible authority, and the table detailing the breakdown and the range of funding was very useful.
- The Somerset Community Foundation Fund criteria and the process for accessing the fund would be made available in due course, once detailed discussion had been held with the relevant parties.
- The legal agreement for the Hinkley Housing Fund had been signed and West Somerset Council was now in control of the money which was agreed at the May 2016 full Council meeting.
- Members were encouraged to visit the Hinkley Point sites to gain a better understanding and to become familiar with the area.
- It was confirmed that the Wessex Regional Flood Committee were responsible for the Stolford Area Flood Fund and the Environment Agency would deliver the project.
- It was noted that reference to the funding awarded to 'Croft House in Williton' within paragraph 4.2 of the Financial Report related to the former Croft House, and a request was made for the wording to be amended to avoid further confusion.

RESOLVED (1) that the recent progress on the Hinkley Point C project be noted.

RESOLVED (2) that the recent changes to the Energy Infrastructure Team be noted.

RESOLVED (3) that the content of the Annual Statement be noted.

CAB39 Financial Monitoring 2016/17 as at 31 August 2016

(Report No. WSC 123/16 - circulated with the Agenda.)

The purpose of the report was to provide an update on the projected “outturn” – end of year – financial position of the Council for the financial year 2016/17 (as at 31 August 2016).

The Lead Member for Resources and Central Support presented the report, advising that the predicted revenue outturn figures could change throughout the year.

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

In response to a question concerning the creation of the new council and the spending of ring-fenced funds and its associated impacts, the Director of Operations advised that if there were any legal obligations associated with WSC or TDBC earmarked reserves, the obligation would be passed on to the new council and therefore protected.

RESOLVED that the Council’s forecast financial performance as at 31 August 2016 with the estimated position at the end of the financial year be noted.

CAB40 Quarter 2 (month 5) 2016/17 Performance Report

(Report No. WSC 121/16 - circulated with the Agenda.)

The purpose of the report was to provide Members with key performance management data up to the end of month 5 Quarter 2 2016/17, to assist in monitoring the Council’s performance.

The Leader presented the report and drew Members’ attention to the detailed explanations of the red measures. Further training would be undertaken to improve the situation with regards to performance indicator KPI 123 – Customer Complaints, and TH14a – Timeliness of draft minutes of committee minutes would be addressed.

The Leader proposed the recommendation of the report which was seconded by Councillor K Turner.

The Corporate Strategy and Performance Manager confirmed that following a request made at the recent Scrutiny Committee, he had circulated comparative data on sickness to Members.

In response to concerns raised regarding public toilet complaints, the Corporate Strategy and Performance Manager reported that it was more of a problem concerning the closing of the complaints process rather than officers not dealing with the enquiries or their complexity, and training would be provided to improve the procedure.

RESOLVED that the Council's performance be noted.

CAB41 **Allocation of Hinkley Point C Section 106 Tourist Information Centre Funds**

(Report No. WSC 125/16 - circulated with the Agenda.)

The purpose of the report is to consult with Cabinet on a suggested approach for allocating Hinkley Point C Section 106 funds for Tourist Information Centres during 2016-18; and to consult with Cabinet on a suggested approach for commissioning tourist information services in Watchet.

The Lead Member for Regeneration and Economic Growth presented the report, focussing on the funding to the West Somerset tourist information services. She drew attention to the rationale for allocating the monies, as well as the roles and responsibilities of the Tourist Information Centres (TICs) that would receive the money. The Lead Member provided clarification that the funding levels were proportional to the work the TICs would be performing as set out in the report. She also stated that as the Watchet Boat Museum, funded from the CIM Fund, was now operational, this would be a good opportunity to commission a more robust visitor information service for the town – visitor numbers had significantly increased and it was felt to be the appropriate way forward.

The Lead Member proposed the recommendations which were duly seconded by Councillor M Dewdney.

In response to a question as to whether there would be money available over the extended funding period to continue to support the tourist information services, the Senior Tourism Officer explained how the allocations of funding were to be spent and confirmed that support would be provided for quite some time. Work was due to be undertaken with the TICs in terms of helping them become more sustainable.

Measuring the impacts of the Hinkley project on tourism was vitally important, and it was questioned what work was being undertaken to share the impacts with the Exmoor National Park Authority (ENPA). It was confirmed all information was being disseminated to ENPA and vice versa in this regard.

RESOLVED (1) that it be recommended to Council to approve the allocation of £71,000 from HPC S106 allocations for tourist information centres. This includes the remaining funds of £60,649.33 from the Site Preparation Works agreement, and part of the funds of £10,350.67 from the first Development Consent Order Works agreement. Staggered payments would be made in line with service level agreements with centres, which total:

(a) £48,000 to West Somerset Council for the purposes of supporting Minehead, Porlock and Watchet tourist information services for two financial years in 2016/17 and 2017/18.

(b) £23,000 to Sedgemoor District Council for the purposes of supporting Burnham-on-Sea, Cheddar and Bridgwater tourist information services in 2016/17.

RESOLVED (2) that a service provider for tourism information services to the community of Watchet be advertised and to delegate the commissioning of the service to the Lead Member for Economic Regeneration and Economic Development and the Economic Regeneration Manager in line with a provider satisfying the requirements of the service level agreement as detailed in paragraph 4.2 of the report.

RESOLVED (3) that Somerset County Council be advised that their proposed allocation of £10,000 set aside from the 2015/16 approval process will revert to the Hinkley Tourism Action Partnership fund, unless claimed by 31 March 2017.

CAB42 Exclusion of the Press and Public

RESOLVED that the press and public be excluded during consideration of Items CAB43 and CAB44 on the grounds that, if the press and public were present during these items, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended as follows:

The items contain information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding that information). It is therefore agreed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CAB43 Lease of 25 Brunel Way, Minehead

(Report No. WSC 126/16 - circulated with the Agenda.)

The purpose of the report was to consider the lease of 25 Brunel Way, Minehead.

The Lead Member for Resources and Central Support presented the report and proposed the recommendations which were seconded by Councillor C Morgan.

RESOLVED (1) that the lease of 25 Brunel Way, Minehead to Party B on a 15 year term at £6,250 per annum be approved.

RESOLVED (2) that all other terms and conditions of the lease to be agreed by the Asset Manager in consultation with the Lead Member for Resources and Central Support.

CAB44 Business Rates Write Offs Over £5,000

(Report No. WSC 118/16 - circulated with the Agenda.)

The purpose of the report was to seek cabinet approval in accordance with the Financial Regulations to authorise the write off of any irrecoverable Non Domestic Rates (Business Rates) which has an individual value greater than £5,000.

In the absence of the Lead Member for Resources and Central Support, the Leader introduced the item and the Senior Debt and Recovery Officer presented, outlining the key points from his report. In addition, he provided further clarification on questions raised by Members at the recent Cabinet Agenda Setting meeting.

The Leader proposed the recommendation which was seconded by Councillor D Westcott.

RESOLVED that the write off of £34,835.23 in respect of irrecoverable Business Rates be approved.

CAB45 Readmittance of the Press and Public

RESOLVED that the Press and Public be readmitted to the meeting.

CAB46 Appointment of Chairman for the remainder of meeting

At this point the Leader left the meeting.

RESOLVED that Councillor K Mills chair the remainder of the meeting.

CAB47 Amendment to the Private Sector Renewal Policy – Disabled Facilities Grants and Repairs Assistance

(Report No. WSC 116/16 - circulated with the Agenda.)

The purpose of the report was to seek Member approval for an amendment to the Somerset West Private Sector Housing Renewal Policy to include new prevention grant and equipment provisions to assist applicants applying for disabled adaptations and to assist with essential modifications to housing or repairs for owner occupiers and tenants with repairing obligations in order to prevent accidents or ill-health.

In the absence of the Lead Member for Housing, Health and Wellbeing, the Lead Member for Regeneration and Economic Growth presented the report and proposed the recommendation which was duly seconded by Councillor M Dewdney.

During the discussion of this item, it was noted the Equalities Impact Assessment had not been included with the report.

With agreement from the Chair, the meeting was adjourned for 5 minutes to allow Cabinet Members time to read the Equalities Impact Assessments which had been omitted from both reports relating to Agenda Item 17 – ‘Amendment to the Private Sector Renewal Policy – Disabled Facilities Grants and Repairs Assistance’, and Item 18 – ‘Housing Enforcement Policy’. During which time it was advised that the full versions of the Equalities Impact Assessments were unavailable to be presented. Cabinet accepted that the information contained within Section 10 of the reports which summarised in detail the equality and diversity implications was sufficient and the meeting resumed.

RESOLVED that the amendments to the Somerset West Private Sector Housing Renewal Policy be approved.

CAB48 **Housing Enforcement Policy**

(Report No. WSC 117/16 - circulated with the Agenda.)

The purpose of the report was to seek Member approval for the Somerset West Housing Standards Policy. The policy has been developed with the assistance of the Council’s partners which include; Sedgemoor District Council, Taunton Deane Borough Council, private sector landlords, tenants, Taunton Association for the Homeless, Bridgwater YMCA, and Somerset Care and Repair. It is a three year policy detailing how the partnership will regulate standards in private sector housing in Sedgemoor, Taunton Deane and West Somerset.

In the absence of the Lead Member for Housing, Health and Wellbeing, the Lead Member for Regeneration and Economic Growth presented the report and proposed the recommendation which was duly seconded by Councillor M Dewdney.

RESOLVED that the Somerset West Private Sector Housing Partnership Housing Standards Policy and charges be approved.

CAB49 Harassment and Unlawful Evictions Policy

(Report No. WSC 120/16 - circulated with the Agenda.)

The purpose of the report was to seek Member approval for the Somerset West Housing Harassment and Unlawful Evictions Policy.

In the absence of the Lead Member for Housing, Health and Wellbeing, the Lead Member for Regeneration and Economic Growth presented the report and proposed the recommendation which was duly seconded by Councillor C Morgan.

RESOLVED that the Somerset West Private Sector Housing Partnership Harassment and Unlawful Evictions Policy be approved.

The meeting closed at 6.30 pm.

15
Cabinet Forward Plan – February 2017

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	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/17/2/01 02/08/2016	8 February 2017 By Lead Member Resources & Central Support	Title: Annual Budget & Council Tax Setting 2017-18 Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2017/18 for recommendation to Council	No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/17/2/02 02/08/2016	8 February 2017 By Lead Member for Energy Infrastructure	Title: Hinkley Point Decision: to consider key issues relating to Hinkley Point	No exempt / confidential information anticipated	Andrew Goodchild, Assistant Director Energy Infrastructure 01984 635245
FP/17/2/03 02/08/2016	8 February 2017 By Lead Member Resources & Central Support	Title: Draft Capital Programme 2017-18 Decision: to present the draft Capital Programme 2017/18 for recommendation to Council.	No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/17/2/04 02/11/2016	8 February 2017 By Lead Member Resources & Central Support	Title: Hinkley Point C Housing Fund Strategy Decision: to recommend to Council to approve the HPC Housing Fund Strategy	No exempt / confidential information anticipated	Lisa Redston, CIM Fund Manager 01984 635218
FP/17/2/05 09/12/2016	8 February 2017 By Lead Member Regeneration and Economic Development	Title: HPC Development Consent Obligation Section 106 – Business Support Initiatives Decision: to recommend to Council to agree the allocation of funding in the HPC S106 DCO for the initiatives set out in the report	No exempt / confidential information anticipated	Gordon Dwyer, Senior Economic Development Officer 01984 635219

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 A H Trollope-Bellew, M Chilcott, M Dewdney, K M Mills, C Morgan S J Pugsley, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors P H Murphy, N Thwaites, R Clifford, G S Dowding, B Leaker, B Maitland-Walker, J Parbrook, R Woods and I Aldridge.

CABINET ACTION PLAN

2 NOVEMBER 2016	
Minute Number	CAB37 Review of Council Tax Rebate Scheme for 2017/18
Action Required	<p>RESOLVED (1) that, having regard to the recommendations from the Scrutiny Committee, the consultation response and the Equality Impact, it be recommended to Council to amend the current CTR scheme to that illustrated in Model 11. This will implement a combination of Options 2 and 4 and will:</p> <p>(a) Reduce the maximum CTR available to people of working age to 80%; and</p> <p>(b) Align the CTR scheme for 2017/18 with changes made by the Government to other welfare benefits with the exception that applicants aged 18-21 would continue to be eligible for CTR.</p> <p>RESOLVED (2) that it be recommended to Council to approve the 2017/18 Council Tax Rebate Scheme for 2017/18 only.</p>
Action Taken	<p>At the Council meeting on 23 November 2016 it was</p> <p>RESOLVED (1) that having regard to the consultation response and the Equality Impact Assessment (EIA - see Appendix 4 of the report), the recommendation from Cabinet to amend the current CTR scheme to that shown in Appendix 1 of the report (illustrated in Model 11) be agreed. This will revise our CTR scheme for 2017/18 to:</p> <p>(a) Reduce the maximum CTR available to people of working age to 80%; and</p> <p>(b) Align the CTR scheme for 2017/18 with changes made by the Government to other welfare benefits with the exception that applicants aged 18-21 would continue to be eligible for CTR.</p> <p>RESOLVED (2) that the 2017/18 Council Tax Rebate scheme be approved for 2017/18 only.</p>

<p>Minute Number</p>	<p>CAB41 Allocation of Hinkley Point C Section 106 Tourist Information Centre Funds</p>
<p>Action Required</p>	<p><u>RESOLVED (1)</u> that it be recommended to Council to approve the allocation of £71,000 from HPC S106 allocations for tourist information centres. This includes the remaining funds of £60,649.33 from the Site Preparation Works agreement, and part of the funds of £10,350.67 from the first Development Consent Order Works agreement. Staggered payments would be made in line with service level agreements with centres, which total:</p> <p>(a) £48,000 to West Somerset Council for the purposes of supporting Minehead, Porlock and Watchet tourist information services for two financial years in 2016/17 and 2017/18.</p> <p>(b) £23,000 to Sedgemoor District Council for the purposes of supporting Burnham-on-Sea, Cheddar and Bridgwater tourist information services in 2016/17.</p> <p><u>RESOLVED (2)</u> that a service provider for tourism information services to the community of Watchet be advertised and to delegate the commissioning of the service to the Lead Member for Economic Regeneration and Economic Development and the Economic Regeneration Manager in line with a provider satisfying the requirements of the service level agreement as detailed in paragraph 4.2 of the report.</p> <p><u>RESOLVED (3)</u> that Somerset County Council be advised that their proposed allocation of £10,000 set aside from the 2015/16 approval process will revert to the Hinkley Tourism Action Partnership fund, unless claimed by 31 March 2017.</p>
<p>Action Taken</p>	<p>At the Council meeting on 23 November 2016 it was</p> <p><u>RESOLVED (1)</u> that the allocation of £71,000 from HPC S106 allocations for tourist information centres be approved. This includes the remaining funds of £60,649.33 from the Site Preparation Works agreement, and part of the funds of £10,350.67 from the first Development Consent Order Works agreement. Staggered payments would be made in line with service level agreements with centres, which total:-</p> <p>(a) £48,000 to West Somerset Council for the purposes of supporting Minehead, Porlock and Watchet tourist information services for two financial years in 2016/17 and 2017/18.</p> <p>(b) £23,000 to Sedgemoor District Council for the purposes of supporting Burnham-on-Sea, Cheddar and Bridgwater tourist information services in 2016/17.</p> <p><u>RESOLVED (2)</u> that it be approved to advertise to the community of Watchet for a service provider for tourism information services and to delegate the commissioning of the service to the Lead Member for Economic Regeneration & Tourism and the Economic Regeneration Manager in line with a provider satisfying the requirements of the service level agreement as detailed in paragraph 4.2 of the report.</p> <p><u>RESOLVED (3)</u> that Somerset County Council be advised that their proposed allocation of £10,000 set aside from the 2015/16 approval process will revert to the Hinkley Tourism Action Partnership fund, unless claimed by 31 March 2017.</p>

Report Number: WSC 1/17

West Somerset Council

Cabinet Committee – 4th January 2016

Transfer of Public Conveniences

This matter is the responsibility of Cllr Mandy Chilcott, Lead Member for Resources.

Report Author: Tim Child – Asset Manager, Chris Hall – Assistant Director.

1 Executive Summary / Purpose of the Report

- 1.1 This report is to consider the options for public convenience buildings on and after 1st April 2017. To include where possible transfer to Town, Parish Councils or Community Groups and to also consider alternative options, if transfers are not progressed, of commercial disposal, development, demolition or alternative use.
- 1.2 Scrutiny at its meeting of 24 November 2016 supported a proposal for the Lead Member for Resources to agree a ring-fence of capital receipts in a Capital Sustainability Reserve to add to the funding available in the Revenue Sustainability Reserve.
- 1.3 This report also seeks formal approval of the approach to managing and allocating the capital and revenue sustainability funds as set out in appendix A.

2 Recommendations:-

It is recommended that Cabinet considers the comments of Scrutiny committee and approve:

- 2.1 The transfer of the public conveniences listed in section 4.5 to Town, Parish Councils or Community Groups either freehold at £1 or leasehold at £1 per annum (if demanded).
- 2.2 All other terms and conditions of the transfers to be agreed by the Asset Manager with the approval of the Lead Member for Resources.
- 2.3 If sites are not transferred as in recommendation 2.1, then alternative options are to be progressed of commercial freehold or leasehold disposal, development, demolition or alternative use to be agreed by the Asset Manager with the approval of the Lead Member for Resources.
- 2.4 The use of the sustainability reserve as set out in appendix A.

- 2.5 A recommendation to Full Council to formally approve the addition of £43,200 to the Capital Programme to create the Capital Sustainability Fund expenditure budget which will be funded from ring-fenced capital receipts.
- 2.6 Delegated authority to Assistant Director - Chris Hall, Assistant Director - Terry May in consultation with Lead Member to review bids to the sustainability reserve and allocate resources.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Transfer of public conveniences to other parties is not completed by the 31 st March 2017.	Possible (3)	Major (4)	Medium (12)
<i>Officer time has been prioritised to this transfer work.</i>	Unlikely (2)	Major (4)	Medium (8)
Town and Parish Councils do not wish to progress the transfers.	Possible (3)	Moderate (3)	Medium (9)
<i>Sites will close on the 31st March 2017 and alternative options for disposal or other of these buildings will be considered.</i>	Possible (3)	Minor (2)	Low (6)

Risk Scoring Matrix

Likelihood	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
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
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%

4 Background and Full details of the Report

- 4.1 In February 2016 Council agreed, as part of ongoing savings, to seek to transfer ownership and / or management of public conveniences facilities to other organisations by April 2017, thus ceasing the cost liability of the Council.
- 4.2 Initial discussions and work was overseen by Cllr Dewdney as the Environment Portfolio Holder responsible for operational issues. As the work has progressed with the Towns and Parishes, there are also now financial and asset management considerations, which fall within Cllr Chilcott's area of responsibility.
- 4.3 The aim of the Council is to endeavour to ensure these facilities remain open to continue to serve the public. Although a date of 16th December 2016 was stated in the initial correspondence to Town and Parish Councils for agreement of Heads of Terms, the Council remain committed to work with each party to ensure transfers are progressed in a timely manner to meet the March 2017 deadline. This 16th December 2016 deadline for agreeing Heads of Terms has been extended to 20th January 2017 to allow for the Sustainability Fund Grant applications to be determined prior to this date.
- 4.4 The extent of the premises to be transferred is limited to the building only in which the public conveniences are located. Where part of the building is currently let out to a third party (dual use), that part of the property will also be included in the transfer. The Town, Parish Council or Community Group wishing to take on responsibilities will be the immediate landlord and will retain any rental income currently received.
- 4.5 The public convenience sites concerned are:
- Warren Road, Minehead
 Blenheim Gardens, Minehead
 Summerland, Minehead
 Quay West, Minehead
 Doverhay, Porlock
 Central Car Park, Porlock
 Market Street, Watchet
 Harbour Road, Watchet
 Killick Way, Williton
 Blue Anchor
 Dunster Steep, Dunster
 Lion Stables, Dulverton
- 4.6 If transfers are not progressed, Asset Management will consider alternative options for the sites of commercial disposal, development, demolition or alternative use.
- 4.7 In taking the decision to cease financial interest in the facilities it was evident that some

one off support would be needed for future operators. A sustainability reserve was established, the current available recourses within the fund are £40,000.

- 4.8 It has been agreed that the first call on the fund will be to pay a transfer amount of £1,000 per toilet block transferred to support the future operators, whilst there is no restriction on how this money should be used each party will be responsible for its own legal costs.
- 4.9 In addition to the current fund value it is proposed to add the net proceeds from the sale of the toilet at Church Street in Dunster. If approved this will add a further £43,200 to this fund.

5 Links to Corporate Aims / Priorities

- 5.1 The disposal of these facilities will assist the Council in establishing a resilient operating model that is financially sustainable, as its ongoing liabilities for these buildings will be removed.

6 Finance / Resource Implications

- 6.1 At Council in February 2016, as part of the Annual Budget and Council Tax Setting paper Council approved ongoing savings from 2017/18 which included £107,000 through seeking to transfer ownership and / or management of public conveniences facilities to other organisations by April 2017, thus ceasing the cost liability of the Council. This decision to progress with the budget savings is therefore reflected in the Council's Medium Term Financial Plan and budget estimates for 2017/18. Progressing with the disposal of these assets will contribute to the achievement of these savings.
- 6.2 Costs to the Council for the disposal of these assets arises through utilising existing officer time and the service level agreement with SHAPE legal services partnership.
- 6.3 In the event the assets are not transferred, there will be additional costs for commercial disposal. It is likely these will be offset against the related capital receipt, but costs incurred that do not lead to a completed disposal would be treated as a revenue cost charged to the asset management budget.
- 6.4 Transfers of the assets (sale or lease) at peppercorn results in the Council potentially foregoing the value that the assets might attract if sold on the open market. However, this is recognised as the "opportunity cost" of pursuing the preferred option of establishing alternative future arrangements for the continued provision of public conveniences in the area. The main financial benefit to the Council will be the secure delivery of the financial savings agreed by Council in February 2016.
- 6.5 VAT - Any receipts from the disposal of toilets would be classified as an exempt supply for VAT purposes and therefore the Council would have to include any VAT reclaimed on expenditure related to the provision of public conveniences in the partial exemption calculation. In recent years the partial exemption percentage has been averaging 2.4% so comfortably within the 5% limit. Based on the total 15/16 expenditure for public conveniences if this had all been included in the calculation then the partial exemption rate would have been approximately 4%. If the toilets are sold or transferred for a peppercorn rate and no actual money is received then we would not have to include the

public conveniences in the partial exemption calculation because no exempt supply has taken place.

- 6.6 Insurance – the buildings are covered by the Council's general properties policy and any toilets that are sold or transferred would be deleted from the policy which will be renegotiated to accommodate these changes.
- 6.7 Budget approval – in order to comply with the Council's financial regulations the report includes a recommendation to Full Council to add £43,200 to the Capital Programme, providing the formal budget permission to incur the expenditure, utilising the ringfenced capital receipts from the sale of the former public conveniences premises in Dunster. Assuming Cabinet approves the ring-fencing of the capital receipt this effectively allocates the funding therefore the budget approval effectively formalises the commitment to spend the funding for its intended purpose.

7 Legal Implications

- 7.1 The provision and maintenance of toilets in public places is a discretionary function of local authorities under Section 87 of the Public Health Act 1936. There is no duty to provide public conveniences. It is for each local authority to balance a competing local demand for a broad range of public services.
- 7.2 Local authorities are given powers under the Local Government Act 1972 to dispose of land in any manner they wish, including sale of their freehold interest or granting a lease. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies) unless the Secretary of State consents to the disposal.
- 7.2 Where the undervalue is below £2,000,000, specific consent is not required for the disposal of any interest in land which the Council considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Where applicable, the Council should also have regard to its community strategy.
- 7.3 In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the Council should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue.
- 7.4 For those buildings which are registered as Assets of Community Value, the Council will need to comply with the requirements of Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- 7.5 In disposing of its public conveniences, the Council must have due regard to the General Equality Duties set out in Section 149 of the Equality Act 2010. In particular, the Council should identify any potentially adverse impacts on people with protected characteristics and consider how such impacts can be mitigated or justified.
- 7.6 If approved the capital receipt from the sale of Church Street toilets would be ring fenced

to bids under the Sustainability Reserve process.

8 Scrutiny comments

- 8.1 This report was considered by the scrutiny committee on 15th December, there was considerable debate over the time periods that town and Parish Councils have available to them to make a sustainability fund bid. The Lead Member has agreed to revise the timeline for bid submissions to 10th January 2017
- 8.2 Scrutiny Committee requested that for an additional option of a licence be added to recommendation 2.1 A licence would not be the preferred method of transfer as it does not allow for exclusive possession of the building, however the Asset Manager and Lead Member will consider this as an option on a case by case basis and where special circumstances can be identified.
- 8.3 Scrutiny was not supportive of recommendation 2.3 of this report.
- 8.4 The committee were supportive of recommendation 2.4 with the following amendments, that the statement of community / end user consultation be removed, and that the time limit of 23rd December be removed. – The Lead Member stated her support for the removal of the statement of community / end user consultation during the meeting and the appendix has been updated to reflect this change. As noted above the timeline has also been changed.

9 Environmental Impact Implications

- 9.1 None in respect of this report.

10 Safeguarding and/or Community Safety Implications

- 10.1 None in respect of this report.

11 Equality and Diversity Implications

- 11.1 An Equality Impact Assessment on the closure of public conveniences was included in the Council report referred to in section 6.1.

12 Social Value Implications

- 12.1 None in respect of this report.

13 Partnership Implications

- 13.1 The impacts of the Sustainability Fund Grant Scheme are positive and provide a mechanism for future operators to bid for support funds.

14 Health and Wellbeing Implications

- 14.1 An Equality Impact Assessment on the closure of public conveniences was included in

the Council report referred to in section 6.1.

15 Asset Management Implications

15.1 The District Council's ongoing maintenance liabilities will be reduced when these premises have been transferred or sold.

16 Consultation Implications

16.1 This report was presented to Scrutiny on the 15th December 2016, at the time of printing the committee had not met, a verbal update will therefore be provided.

16.2 If approved by Cabinet, the Town and Parish Councils will be made aware of the decision to transfer the sites on either a freehold or leasehold basis.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – Yes**
- **Cabinet/Executive – Yes**
- **Full Council – Yes – for Budget Approval (this will be included in the Budget report in February 2017)**

Reporting Frequency: Once only

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Appendix A

Sustainability fund grant scheme

West Somerset Council have established a limited sustainability fund to provide support to Town and Parish Councils, or community groups where public toilets are transferred from WSC to their operation, ownership or control.

In assessing the bids, West Somerset Council will be looking to achieve the maximum community impact for the money available by funding as many facilities as possible.

This fund is restricted to the transfer of public toilets.

Salient points

Applications are accepted annually during January, whilst funds remain available.

The closing date for applications has now been extended to 10th January 2017. Decisions will be notified to the applicant by email by close of business on 12th January 2017. As you will be aware the closing date for Heads of Terms (HOTs) is the 20th January 2017. If a decision in principle to accept the HOTs has not been made by your Town or Parish Council by this time it may be prudent for Councils to convene relevant decision making meetings in between receiving notification of the grant applications and HOTs submission dates.

Applicants may be awarded up to 100% of a project cost but where match funding is required to complete a project evidence of the match funding available, or that will be applied for from other bodies, must be provided.

Once a grant is awarded applicants have up to 18 months to claim the funding. 18 months is given due to the grant scheme having the potential to act as a lever for other grants to be applied for in order to obtain enough funding for a complete project.

Funding is available in advance, however evidence of total spend will need to be provided on completion of the project, this will be limited to the amount awarded and any underspend returned to the council.

The grant payment is not proposed to cover costs associated with the transfer, a separate payment of £1,000 per toilet block transferred has been agreed for this purpose.

The transfer of public conveniences is being led by Asset Management and whilst this team may have some involvement in the assessment of bids to the fund, any decisions in respect of the grant will not impact on those Heads of Terms issued.

Timeline

All applications are considered together after 10th January 17:00 deadline, this is not a first come first served fund.

Applications are received by the Council and assessed for suitability. Decisions will be notified to the applicant by email by close of business on 12th January 2017.

Applications should contain the following information

- At least 2 quotes for the works, or 1 quote from an RICS qualified quantity surveyor or equivalent – where it has not been possible to achieve this, appropriate estimates for works can be submitted
- A statement of expected income and expenditure for the current year – this is only a requirement where the application is not made by a Town or Parish Council
- Plans of the proposal if appropriate and available
- Confirmation of any planning permission needed – a simple statement that this has been considered not the approval itself.

Return the grant application via email to :

PropertyEstatesTeam@tauntondeane.gov.uk

The application is sent to the finance team to be assessed, this would be a light touch assessment on the basis that the majority of awards would be to Town and Parish Councils who already have financial governance in place.

If accounts and project specification are both deemed to be suitable, then a report on each application is compiled and discussed with the Lead Member.

The decision on which applications to award and the amounts grants will be taken by one or more Assistant Directors in consultation with the Lead Member for Resources.

All applicants receive written confirmation of the decision and given 18 months to claim the funding, if the money is not claimed within the 18 months then it would be returned to the fund for reallocation.

Further information required

No template has been provided for bid however in addition to the points noted above the bid must answer the following:

What is the value of the bid?

How has the value been calculated?

How will the funds be spent and in what year?

Detail on the building improvements or alterations with plans if appropriate?

What will be the impact of not making these changes?

What other funding is available to you for this work?

What funding will be provided from other sources? Town or parish council funds, other bids, community fund raising etc.