



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

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Date 29 March 2016

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

CABINET

Date: Wednesday 6 April 2016
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 "Bruce Lang".

BRUCE LANG
Proper Officer

CABINET

Meeting to be held on 6 April 2016 at 4.30 pm

Council Chamber, Williton

AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Cabinet held on 2 March 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 May 2016 – **SEE ATTACHED.**

6. **Cabinet Action Plan**

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

7. **Empty Homes in West Somerset and the Draft Empty Homes Strategy Review of the Empty Homes Coordinator**

To consider Report No. WSC 55/16, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

The purpose of the report is to consider the issue of empty homes. Empty homes are a particular concern for West Somerset. We have some of the

highest levels of long term empty homes in England. This report seeks to quantify this problem and the reasons for it. It then introduces the various initiatives that are seeking to address the problem of bringing empty homes back in to use.

8. Freehold Transfer of Land at Mill Street, Watchet to Watchet Town Council

To consider Report No. WSC 51/16, 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 transfer of an area of land at Mill Street Watchet to the Watchet Town Council.

9. Planning Obligations Allocation – Mineral Line Poetry Pin

To consider Report No. WSC 53/16, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of the report is to agree the allocation of £3,000 to West Somerset Arts Consortium (ARTLife) for the Mineral Line Poetry Pin.

10. Hinkley Point C Section 106 Agreement – Allocations of Housing Fund

To consider Report No. WSC 54/16, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing.

In April 2015 Full Council agreed to allocate £302,236 of the Hinkley Point C Housing Fund towards the delivery of 37 units creating 142 bed spaces in Monmouth Street, Bridgwater. This decision was subject to a number of conditions. Since April 2015 officers at West Somerset and Sedgemoor have been discussing the detail of the scheme and in particular the agreement between the Councils and the proposed developer. This report seeks Cabinet's recommendation on whether or not to accept the details of the scheme which have emerged during discussion. Cabinet's recommendations will need to be presented to Full Council as the scheme as currently proposed does not meet the conditions which Full Council imposed on the proposed allocation.

11. Community Asset Transfer Policy

To consider Report No. WSC 56/16, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of the report is to provide Members with details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer Policy.

12. Exclusion of the Press and Public

To consider excluding the press and public during consideration of Item 10 Appendix C, Item 11 Appendix B and Item 13 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:

Item 10 Appendix C, Item 11 Appendix B and Item 13 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 proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. Freehold Disposal of Barnsclose Industrial Estate, Dulverton

To consider Report No. WSC 52/16, 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 freehold disposal of Barnsclose Industrial Estate at Dulverton.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

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

Councillor M Chilcott Deputy Leader

Councillor M Dewdney
Councillor D J Westcott

Councillor K Turner

Members in Attendance:Councillor I Aldridge
Councillor B Heywood
Councillor N ThwaitesCouncillor A P Hadley
Councillor P H Murphy
Councillor R Woods**Officers in Attendance:**Director of Operations/Section 151 Officer (S Adams)
Assistant Chief Executive (B Lang)
Finance Manager (S Plenty)
Corporate Strategy and Performance Manager (P Harding)
CIM Fund Manager (L Redston)
Housing & Community Project Lead (A Summers)
Housing and Community Project Officer (C Gale)
Parking and Community Safety Manager (T Biss)
Media and Communications Officer (D Rundle)
Meeting Administrator (K Kowalewska)**CAB97 Apologies for Absence**

Apologies for absence were received from Councillors K Mills, C Morgan, S Pugsley and A Trollope-Bellew.

CAB98 Minutes of the Meeting held on 3 February 2016

(Minutes of the Meeting of Cabinet held on 3 February 2016 - circulated with the Agenda.)

RESOLVED that, subject to amending 'The Lead Member proposed....' to 'The Leader proposed...' within Minute Nos. CAB95 and CAB96, the Minutes of the Meeting of Cabinet held on 3 February 2016 be confirmed as a correct record.

CAB99 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 K Turner	All	Brompton Ralph	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor I Aldridge	All	Williton	Spoke
Councillor P Murphy	All	Watchet	Spoke
Councillor N Thwaites	All	Dulverton	Spoke

CAB100 Public Participation

Agenda Item 8 – HPC Planning Obligations Board – Allocation of CIM Funding

Molly Quint, Joint Chair of Watchet Arts Group, spoke of the Group's disappointment at the POB's recommendation to refuse their application, but was pleased and grateful for their kind comments and understood the Board's concerns that the project was not value for money. Members were informed that Watchet Arts Group had now engaged a well-known Watchet artist and Mrs Quint hoped that a future submission for the Watchet Industrial Heritage Murals would be more successful.

CAB101 Forward Plan

(Copy of the Forward Plan for the month of April 2016 – circulated with the Agenda.)

The purpose of this item was to approve the Forward Plan. It was noted that the following reports would be deferred due to the extension of the date for public consultation: (i) Closure and Disposal of Blue Anchor Public Conveniences; and (ii) Disposal of Church Street Public Conveniences, Dunster.

RESOLVED that the Forward Plan for the month of April 2016, as amended, be approved.

CAB9102 Quarter 3 2015/16 Performance

(Report No. WSC 21/16 – circulated with the Agenda.)

The purpose of the report was to provide Members with key performance management data up to the end of quarter 3 2015/16, to assist in monitoring the Council's performance.

In the absence of the Leader of Council, the Lead Member for Housing, Health and Wellbeing presented the report, advising that out of the 62 measures reported on, only 2 were identified as red and not achieving their targets. He then went on to provide further detail concerning these measures. The Lead Member articulated particular concerns regarding the status of the Housing Enabling Schemes project within the Energy Infrastructure Programme highlight summary and hoped that the issue would improve by the filling of the Housing Implementation Officer post which had been vacant for some time.

The Lead Member proposed the recommendation of the report which was seconded by Councillor M Dewdney.

The Corporate Strategy and Performance Manager informed Members that full statistical information on staff sickness based on actuals at year end (after Quarter 4) would be provided, to include comparative information for other districts and a similar organisation; as well as setting the context of the Council's workforce and staff demographic. He confirmed that the Council had strict sickness policies and procedures in place.

Reference was made to what was the correlation between the fact that there were fewer number of households making homeless applications but there was a projected overspend relating to bed and breakfast temporary homeless accommodation costs (as detailed in Report no. WSC 29/16, Agenda Item 7), and the Lead Member for Housing, Health and Wellbeing explained it was because the Council now rented less homes from private landlords for homeless families and bed and breakfast accommodation was being used more in the short-term.

RESOLVED that the Council's performance be noted.

CAB103 Financial Monitoring – Quarter 3 2015/16

(Report No. WSC 29/16 – circulated with the Agenda.)

The purpose of the report was to provide Members with an update on the projected outturn financial position of the Council for the financial year 2015/16 (as at 31 December 2015).

The Lead Member for Resources and Central Support presented the item and outlined the contents of the report, advising that the report provided an indication of the forecast outturn for the year and any significant variances to the budget.

The Finance Manager provided Members with an update on figures pertaining to the Business Rates Smoothing Reserve. The Lead Member pointed out that the biggest financial risk facing the Council at the moment was around the business rate reviews and appeals. There was a rateable value of about £14 million worth of appeals still outstanding, the consequence of which was still unknown.

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

In response to a question, the Finance Manager explained how the Council was managing the Hinkley Point B refund.

In response to a further question, the Director of Operations/Section 151 Officer confirmed that the increase in the recommended minimum level of General Reserves (£600,000) came into force immediately following full Council's decision at its meeting held on 24 February 2016.

The Director of Operations/Section 151 Officer agreed to produce a summary paper with key figures on what level of appeals had been lodged and if enough interest was expressed the briefing session on business rate retention would be re-run to fully inform Members on the subject. She clarified that the business rates smoothing reserve dealt with the risk of the Council not achieving the level of business rate that was being budgeted for and therefore not connected with the level of appeals.

A query was raised relating to the earmarked reserve account for District Elections as it indicated that it had not been spent despite there being an election in 2015, and the Assistant Chief Executive agreed to investigate the matter and report back.

RESOLVED (1) that the Council's financial performance as at the end of Quarter 3 with the estimated position at the end of the financial year be noted.

RESOLVED (2) that it be recommended to Council to transfer £50,000 of the predicted underspend to the Business Rates Smoothing Reserve.

RESOLVED (3) that it be recommended to Council to transfer £50,000 of the projected underspend to the Sustainability Reserve.

CAB104 HPC Planning Obligations Board – Allocation of CIM Funding

(Report No. WSC 28/16 - circulated with the Agenda.)

The purpose of the report was to present the recommendations of the Hinkley Point C Planning Obligations Board, 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 report and provided Members with the background information relating to the two applications submitted for consideration by the HPC Planning Obligations Board (POB) for CIM funding.

She pointed out that the Watchet Arts Group would have a second opportunity to resubmit a revised application, with the assistance of the CIM Fund Manager and having taken on board the POB comments; and during the debate it was hoped that this would be successful as it very important to Watchet community that the project moved forward.

On consideration of the application from Otterhampton Parish Council, both the Lead Member and the CIM Fund Manager explained how the different 'pots' of CIM funding worked and advised that this project would be funded from the 1st Annual CIM Fund payment which was a Somerset-wide pot.

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

RESOLVED (1) that the recommendations of the Hinkley C Planning Obligations Board be endorsed, as follows:

- (i) That the application for £19,850 from Watchet Arts Group should be refused on the basis that it did not sufficiently meet the value for money criteria.

RESOLVED (2) that it be recommended to Council to endorse the recommendations of the Hinkley Point C Planning Obligations Board for projects applying for over £25,000, as follows:

- (i) To release £37,820 from the CIM Fund 1st Annual Payment to Otterhampton Parish Council for the Recreation Ground Enhancement Project.

CAB105 Corporate Equality Objectives 2016 – 2019

(Report No. WSC 31/16 - circulated prior to the Meeting.)

The purpose of the report was to present to Cabinet the Corporate Equality Objectives 2016 - 2019 which set the council's aims on how to meet its statutory duties with regard to the Equality Act 2010 and the public sector equality duty 2011 toward its service users, members and employees; and to promote equality and eliminate all forms of direct and indirect discrimination.

The Lead Member for Customer and Community presented the report and advised that WSC was required by statute to review and establish organisational equality objectives. The Council's existing objectives were due to end in April 2016 and as there was a requirement to update these every four years, a refreshed set of objectives were proposed for approval and endorsement. He informed that the objectives aimed to improve the lives for the residents in West Somerset, and also supported the Council's legal requirements identified through the Equality Act 2010 and our public sector equality duty 2011.

The Lead Member further advised that the report had been presented to the Community PAG for discussion, where it was suggested to include the addition of rurality and low income characteristics in the Corporate Equality Objectives, and therefore it was agreed to amend the last sentence in paragraph 4.2 of the report to read:

“The Corporate Equality Objectives will also consider issues specific to rurality, low incomes, carers and military personnel and their families.”

The Lead Member proposed the recommendations of the report, as amended, which were seconded by Councillor K Turner.

RESOLVED (1) that the Corporate Equality Objectives 2016-2019, as detailed in paragraph 4.4 of the report; the Action Plan, as attached at Appendix A to the report; and the Interpreting and Translation Policy, as attached at Appendix B to the report, be endorsed.

RESOLVED (2) that the British Sign Language Charter for Somerset, as attached at Appendix C to the report, be noted.

RESOLVED (3) that the Corporate Equality Objectives would also consider issues specific to rurality, low incomes, carers and military personnel and their families.

CAB106 Dulverton Off-Street Parking Fees and Charges

(Report No. WSC 19/16 - circulated with the Agenda.)

The purpose of the report was to set out proposals to be considered for the increase in off-street parking fees and permits for WSC car parks located within Dulverton as requested by Dulverton Town Council in the support of traffic management of tourist industry by seeking to influence driver behaviour with the following outcomes:

- Provision of additional short stay parking bays for tourist
- Continue investment in parking assets.

The report also identified the ongoing investment needs to improve the assets, the customers experience and convenience.

In the absence of the Lead Member for Regeneration and Economic Growth, the Lead Member for Environment introduced the item and highlighted the key points from the report. He went on to propose the recommendations which were duly seconded by Councillor K Turner.

In response to a question as to what criteria had been used to set the car park charges, the Parking and Community Safety Manager advised that the tariffs were set at the request of Dulverton Town Council as stipulated in the current licence and management agreement between WSC and the Town Council.

RESOLVED (1) that it be recommended to Council to approve an increase in off-street parking fees.

RESOLVED (2) that it be recommended to Council to approve an increase to six months and yearly permits.

CAB107 Tarr Steps Off-Street Parking Fees and Charges

(Report No. WSC 20/16 - circulated with the Agenda.)

The purpose of the report was to set out a proposal to be considered for the increase in off-street parking fees and charges for Tarr Steps car park as requested by Exmoor National Park to support continued investment in the parking asset.

In the absence of the Lead Member for Regeneration and Economic Growth, the Lead Member for Environment introduced the item and provided background information. He went on to propose the recommendations which were duly seconded by Councillor M Chilcott.

RESOLVED that it be recommended to Council to approve to increase the Tarr Steps car park tariff as requested by Exmoor National Park.

The meeting closed at 6.17 pm.

9
Cabinet Forward Plan - May 2016

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/16/5/01 02/09/2015	18 May 2016	Title: Cabinet Appointments on Outside Bodies Decision: to appoint representatives to serve on outside bodies for the period to the Annual Meeting in 2017 (except where specific periods are stated)	No exempt / confidential information anticipated	Bruce Lang, Assistant Chief Executive 01984 635200
FP/16/5/02 02/09/2015	18 May 2016 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/16/5/03 21/01/2016	18 May 2016 By Lead Member for Housing, Health and Wellbeing	Title: Homefinder Somerset Common Allocations Policy Decision: To note the changes to the policy as required by changes in legislation	No exempt / confidential information anticipated	Mark Leeman Strategy & Partnerships Lead 01823 356411

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, R Lillis, D Archer, G S Dowding, B Maitland-Walker, J Parbrook, R Clifford, R Woods and A Behan.

CABINET ACTION PLAN

3 FEBRUARY 2016	
Minute Number	CAB44 Draft Corporate Strategy 2016/20
Action Required	RESOLVED that it be recommended to Council to support the adoption of the Corporate Strategy, subject to the amendment as set out in paragraph 6.9 of the report.
Action Taken	At the Council meeting on 24 February 2016 it was RESOLVED that the Corporate Strategy 2016/20 be adopted.
Minute Number	CAB95 Draft Capital Programme 2016/17
Action Required	RESOLVED (1) that it be recommended to Council to approve the 2016/17 Capital Programme Budget totalling £258,500, funded through a combination of capital receipts reserves and external grant funding. RESOLVED (2) that it be recommended to Council to delegate authority to the Section 151 Officer to approve adjustments to the 2016/17 Disabled Facilities Grant Capital Budget to reflect the grant funding received from the Better Care Fund. RESOLVED (3) that a Supplementary Estimate be approved to increase the 2015/16 Capital Programme by £15,000 to accurately reflect total asset disposal costs of land in Minehead.
Action Taken	At the Council meeting on 24 February 2016 it was RESOLVED (1) that the 2016/17 Capital Programme Budget totalling £375,000, funded through a combination of capital receipts reserves and external grant funding, be approved. RESOLVED (2) that a Supplementary Estimate to increase the 2015/16 Capital Programme by £15,000 to accurately reflect total asset disposal costs of land in Minehead be approved.
Minute Number	CAB96 Annual Budget and Council Tax Setting 2016/17
Action Required	RESOLVED (2) that it be recommended to Council the implementation of a three year MRP “holiday” from 2015/16 to 2017/18, and recommends a transfer of £225,300 from the MRP Budget to General Reserves in 2015/16. RESOLVED (3) that it be recommended to Council to transfer £51,500 to General Reserves in 2015/16 comprising surplus earmarked reserves of £39,384 plus surplus income of £12,116. RESOLVED (4) that it be recommended to Council to transfer £200,000 from General Reserves to the Business Rates Smoothing Reserve in 2015/16. RESOLVED (5) that it be recommended to Council to approve the Draft 2016/17 Budget. RESOLVED (6) that it be recommended to Council to approve a 2016/17 Council Tax increase of 3.56%, increasing the Band D basic tax rate by £5 to £145.56 per year. RESOLVED (7) that it be recommended to Council to approve a further 2016/17 one-off Council Tax increase of 1.25% in respect of funding for the Somerset Rivers Authority, adding £1.76 to a Band D tax charge per year. RESOLVED (8) that it be recommended to Council to approve the minimum reserves level at £600,000.

Action Taken

RESOLVED (9) that it be recommended to Council to approve the transfer of £166,456 from General Reserves to the JMASS Reserve to set aside funds to support transformation.

RESOLVED (10) that it be recommended to Council to delegate a decision to the Leader, Lead Member for Resources and the Section 151 Officer regarding acceptance of a four year settlement provided it is in the Council's interest to do so.

RESOLVED (11) that further to resolution (2) it be recommended to Council the setting side of £429,300 of capital receipts as reported in the Draft Capital Programme 2016/17 Report, to prudently mitigate the effect of the 3-year MRP holiday (3 x £143,100).

RESOLVED (12) that it be recommended to Council to transfer £50,000 from General Reserves to a Planning Service earmarked reserve.

At the Council meeting on 24 February 2016 it was

RESOLVED (1) that the forecast Medium Term Financial Plan and Reserves position be noted, and the S151 Officer's Robustness Statement as set out in Appendix A of the report be noted.

RESOLVED (2) that the use of £429,300 from capital receipts reserves to fund the annual Minimum Revenue Provision (MRP) of £143,100 from 2015/16 to 2017/18, thus reducing the revenue budget requirement for MRP to £0 from 2015/16 to 2017/18 be approved, and to further note that the Medium Term Financial Plan included a revenue budget requirement for MRP of £143,100 in 2018/19 and subsequent financial years.

RESOLVED (3) that the following reserve transfers be approved:

- a) £225,300 saving from the 2015/16 MRP Budget to General Reserves
- b) £51,500 to General Reserves in 2015/16 comprising surplus earmarked reserves of £39,384 plus surplus income of £12,116
- c) £200,000 from General Reserves to the Business Rates Smoothing Reserve in 2015/16
- d) £50,000 from General Reserves to a Planning Service Earmarked Reserve in 2016/17
- e) £166,456 from General Reserves to the JMASS Reserve to set aside funds to support transformation
- f) £22,302 from Final Settlement additional funding to the Sustainability Reserve in 2016/17 to help support invest to save schemes and other measures to help smooth the transition as the Council implements change
- g) £139,882 from Final Settlement additional funding to Business Rate Smoothing Reserve in 2016/17, with a further £79,168 to be reflected in the MTFP in 2017/18 to mitigate the new risks around business rates that could be in excess of £300k more than our current estimate of possible business rates refunds.

RESOLVED (4) (a) that the 2016/17 Revenue Budget be approved, including the total budget saving of £259,000 in 2016/17; and **(b)** a further budget saving of £122,000 in 2017/18.

RESOLVED (5) that a 2016/17 Council Tax increase of 3.56%, increasing the Band D basic tax rate by £5 to £145.56 per year be approved.

RESOLVED (6) that a further 2016/17 one-off Council Tax increase of 1.25% in respect of funding for the Somerset Rivers Authority, adding £1.76 to a Band D tax charge per year be approved.

	<p>RESOLVED (7)¹³ that the minimum reserves level at £600,000 be approved.</p> <p>RESOLVED (8) that a decision be delegated to the Leader, Lead Member for Resources and the S151 Officer, subject to appropriate scrutiny, regarding acceptance of a four year settlement provided it is in the Council's interests to do so.</p>
2 MARCH 2016	
Minute Number	CAB103 Financial Monitoring – Quarter 3 2015/16
Action Required	<p>RESOLVED (2) that it be recommended to Council to transfer £50,000 of the predicted underspend to the Business Rates Smoothing Reserve.</p> <p>RESOLVED (3) that it be recommended to Council to transfer £50,000 of the projected underspend to the Sustainability Reserve.</p>
Action Taken	<p>At the Council meeting on 16 March 2016 it was</p> <p>RESOLVED (1) that the transfer of £50,000 of the projected underspend to the Business Rates Smoothing Reserve be approved.</p> <p>RESOLVED (2) that the transfer of £50,000 of the projected underspend to the Sustainability Reserve be approved.</p>
Minute Number	CAB104 HPC Planning Obligations Board – Allocation of CIM Funding
Action Required	<p>RESOLVED (2) that it be recommended to Council to endorse the recommendations of the Hinkley Point C Planning Obligations Board for projects applying for over £25,000, as follows:</p> <p>(i) To release £37,820 from the CIM Fund 1st Annual Payment to Otterhampton Parish Council for the Recreation Ground Enhancement Project.</p>
Action Taken	<p>At the Council meeting on 16 March 2016 it was</p> <p>RESOLVED (1) that the decision of West Somerset Cabinet to refuse the application for £19,850 from Watchet Arts Group on the basis that it did not sufficiently meet the value for money criteria be noted.</p> <p>RESOLVED (2) that the recommendation of the Hinkley C Planning Obligations Board and West Somerset Cabinet to release £37,820 from the CIM Fund 1st Annual Payment to Otterhampton Parish Council for the Recreation Ground Enhancement Project be endorsed.</p>
Minute Number	CAB106 Dulverton Off-Street Parking Fees and Charges
Action Required	<p>RESOLVED (1) that it be recommended to Council to approve an increase in off-street parking fees.</p> <p>RESOLVED (2) that it be recommended to Council to approve an increase to six months and yearly permits.</p>
Action Taken	<p>At the Council meeting on 16 March 2016 it was</p> <p>RESOLVED (1) that an increase in off-street parking fees be approved.</p> <p>RESOLVED (2) that an increase to six months and yearly permits be approved.</p>
Minute Number	CAB107 Tarr Steps Off-Street Parking Fees and Charges

Action Required	RESOLVED that it be recommended to Council to approve to increase the Tarr Steps car park tariff as requested by Exmoor National Park.
Action Taken	At the Council meeting on 16 March 2016 it was RESOLVED that the increase to the Tarr Steps car park tariff as requested by the Exmoor National Park Authority be approved.

West Somerset Council Report No. WSC 55/16

Cabinet – 6th April 2016

Empty Homes in West Somerset and the Draft Empty Homes Strategy Review of the Empty Homes Coordinator Post

This matter is the responsibility of Councillor Keith Turner, Lead Member for Housing, Health and Wellbeing

Report Author: Mark Leeman

1. EXECUTIVE SUMMARY / PURPOSE OF REPORT

1.1 This report considers the issue of empty homes. Empty homes are a particular concern for West Somerset. We have some of the highest levels of long term empty homes in England. This report seeks to quantify this problem and the reasons for it. It then introduces the various initiatives that are seeking to address the problem of bringing empty homes back in to use. This includes:

- Empty Homes Strategy (Draft) 2015 - 2018
- Projects that are currently being prepared / delivered to bring empty homes back in to use

The report considers the financial benefits of bringing empty homes back in to use. The report also reviews the effectiveness of the Empty Homes Coordinator post and provides a business case for the continued (temporary) employment of this post (the current contract ends in July 2016).

2. RECOMMENDATIONS

2.1 It is recommended that Cabinet:

- Considers the content of the Draft Empty Homes Strategy and provides their approval subject to any recommended changes
- Approves a two year extension to the contract for the Empty Homes Coordinator on the basis of 3 days per week (i.e. as existing: 1 day for West Somerset and 2 days for Taunton Deane) funded from the surplus Housing Benefit / Council Tax Reduction Admin Grant

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Note: 'After mitigation' is shown in italics

Description	Likelihood	Impact	Overall
New Homes Bonus may not be maximised due to lack of resources	4	4	16
<i>The Empty Homes Coordinator is having a positive impact</i>	3	3	9
We may be inefficient in our use of time and resources (and miss out on New Homes Bonus) by concentrating on the 'difficult to shift' empty properties	3	4	12

<i>The Empty Homes Strategy establishes priorities for the type of empty properties to tackled</i>	2	3	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 and after the mitigation measures have been actioned.

4. BACKGROUND AND FULL DETAILS OF THE REPORT

4.1 Tackling “Empty Homes” is a national, regional and local priority.

Laying the Foundations – A Housing Strategy for England (November 2011)

4.2 This national strategy for housing in England sets out the government’s key areas of action to ensure a thriving, active but stable housing market is in place that offers choice, flexibility and affordable housing given how critical this is to our economic and social wellbeing. The Strategy contains four priorities, one of which is to ‘tackle empty homes’.

Somerset Strategic Housing Framework (2013)

4.3 The Strategic Housing Framework contains three priorities. Priority 2 seeks to ‘make the best use of the sub-regions existing housing stock’. A key area of focus is to ‘bring empty homes back in to use and utilise them for those in housing need’. The framework notes that (during 2010-2011) there were 7,837 empty homes in Somerset with almost 90% of these in the private sector and 36% of them being empty for more than six months. The Framework goes on to state: ‘This is a wasted resource that can be brought back in to use to help combat the shortage in housing’.

Current Empty Homes Strategy

4.4 The Council’s existing local Empty Homes Strategy was developed during 2009/10. This strategy is no longer fit for purpose. Legislation has changed and so too has the financial incentives. In addition, Hinkley C will have a significant impact. The context has completely changed requiring the development of a new strategy.

Revenue implications

4.5 Bringing long term empty homes (LTE) back in to use has revenue implications for local authorities. For each LTE that is brought back in to use, West Somerset Council would receive approx. £7k through New Homes Bonus (NHB) based on receiving NHB for 6 years. The Government is currently carrying out a consultation on NHB and the MTFP reflects a reduction in the number of years NHB would be received down to 4 years from 6. West Somerset would receive approx. £5k from NHB based on 4 years. However, if the number of LTE goes up (from one year to the next) then this number is deducted from the number of newly constructed properties from which NHB is also claimed. So there is a ‘carrot and stick’ financial approach to bringing LTE back in to use – New Homes Bonus is calculated on the *net change* in the number of empty homes each year.

Local Context – Setting the Scene

4.6 Homes from Empty Homes (the national campaigning charity) recently published Empty Homes in England (Autumn 2015).

4.7 This excellent report can be viewed here:

<http://www.emptyhomes.com/wp-content/uploads/2011/05/Empty-homes-in-England.pdf>

4.8 The report uses Council Tax Base returns to central Government to map a picture of empty homes across England. It shows that local authorities with a higher proportion of empty dwellings tend to be in the North, but also along some coastal places (see map on page 5). The report acknowledges that there is, of course, a need for some empty properties – housing markets need empty properties to function. However, the principle concern of this report is with properties that have been vacant for six months or more. These are Long Term Empty (LTE) properties and can often prove difficult to reoccupy without some form of intervention. The majority of local authorities with the highest percentage of LTE are mostly in the north. There are only a few in the south and only two in the South West, including West Somerset (see the map on page 9).

4.9 The report goes on to explore the reasons why homes are long term empty, the relationships between deprivation/house prices and concentrations of LTE (although this does not explain the situation in West Somerset which is somewhat unique), as well as ways of tackling the problem.

4.10 The report contains a number of recommendations (page 22) including the need for local authorities to develop empty homes strategies and to employ dedicated resources to undertake case work.

4.11 The issues raised in this report are explored further in the sections below.

EMPTY HOMES STRATEGY (DRAFT)

Introduction

4.12 The draft Empty Homes Strategy for 2015-2018 is attached at Appendix A. This has been prepared by the Somerset West Private Sector Housing Partnership (SWPSHP). It therefore applies to three local authority areas: Sedgemoor, Taunton Deane and West Somerset.

Content

4.13 The draft strategy discusses the following themes

- Why do homes become empty?
- What problems do they cause?
- The benefits of bringing a home back in to use
- How to bring homes back in to use
- National & local context
- Numbers

- 4.14 The draft strategy has two key priorities:
- To provide encouragement and support to owners of empty homes to bring them back in to use
 - To use appropriate enforcement action to bring empty homes back in to use
- 4.15 To achieve these priorities, the Partnership will take into account the following key elements:
- The length of time the property has been empty, with officers focussing on those empty for more than 6 months;
 - If the property is having a negative impact on the area; and
 - If the owner is taking steps to deal with the problems and return the property back into occupation
- 4.16 The strategy identifies how these priorities will be delivered through
- Identifying empty homes
 - Advice and assistance
 - Enforcement options
- 4.17 The draft strategy concludes with an Action Plan together with targets and arrangements for monitoring and review.
- 4.18 The draft Strategy was considered by WS Scrutiny on 15th October 2015. Scrutiny agreed to 'support the draft Strategy in principle'. However, it is important to note that there has been a change to the Strategy since consideration by Scrutiny. This concerns the issue of enforcement. We have had to introduce caveats regarding the use of enforcement for both Taunton Deane and West Somerset Councils. Ultimately enforcement is expensive in both time and money. We have to acknowledge that enforcement will be a matter of last resort and that any desire to proceed with enforcement requires a decision of the relevant Cabinet member. This is now reflected in the wording of the draft Strategy.
- 4.19 A consultation period commenced in the early New Year and ended on 29th February 2016. The strategy was posted on the SWPHSP website and interested parties (e.g. Registered Social landlords, private landlords, communities etc) were invited to respond to select questions. In total 45 responses were received, all supportive. Specific comments related to the availability of grant funding and the use of enforcement powers.
- 4.20 Members are requested to consider and approve the content of the draft Strategy. The draft Strategy will also require the formal consideration and approval of Sedgemoor District Council and Taunton Deane Borough Council before final adoption.

EMPTY HOMES IN WEST SOMERSET / NEW HOMES BONUS

- 4.21 Through the One Team, Taunton Deane and West Somerset councils appointed an Empty Homes Coordinator on a one-year fixed term contract from 1st July. The postholder works three days per week (33% funding coming from WS). He is based in the Revenues and Benefits Service. The role is to:
- Maintain and develop the empty homes property database
 - Ensure that the Council Tax register is clean and accurate

- Provide information, advice and guidance (IAG) to empty home owners to assist them in bringing properties back into use. This includes signposting owners to help available in the form of grants and loan; and
- Provide accurate numbers i.e. number of empties and those brought back in to use – and to use these to inform our claim for New Homes Bonus (NHB)

4.22 The Coordinator works closely with the Council's Housing Enabling Lead. Together they are able to provide an accurate picture of the number of empty homes in West Somerset, with an understanding of why properties may remain empty for long periods.

Empty Homes in West Somerset

4.23 The stock of Long Term Empty (LTE) properties as at October 2014 was 224 for West Somerset. Records show that as of October 2015 we had 202 LTE properties – 55 of these had been empty in excess of 2 years.

4.24 65 (27.5%) of these were empty as the result of a death and are in various stages of awaiting Probate: Probate having been granted and the 6 month exemption having expired, on the market for sale, etc.

4.25 41 are currently undergoing works, have undergone works, are uninhabitable or were classed as uninhabitable and the 12 month exemption has now expired.

4.26 5 are new-build properties awaiting sale or new owner information.

4.27 The remainder of properties are a real mixture. Some have been empty since they were sold and are probably undergoing some form of work, although this has never been confirmed, some are between tenants, and some have owners with whom we have tried (unsuccessfully – through lack of interest/concern on their part) to engage.

4.28 There are undoubtedly properties on the empty homes list which shouldn't be there, either because they are occupied but no-one has confirmed this or because they require some form of re-classification. The Empty Homes Coordinator has a key role here i.e. carrying out a canvas of properties to update our records for the October Council Tax Return (see below). Our focus at the moment has to be desk top monitoring, which has its limitations. Ideally, the EHC would undertake validation visits to all properties once a year, particularly close to NHB return. However, this is just not feasible, given insufficient resources. Accordingly, our records will always be slightly inaccurate. However, the EHC will undertake as many visits as possible, as we recognise that there are potentially significant financial gains. To support the validation process, from 1 April 2016 we will be applying a £70 penalty if, without good reason, an owner fails to provide information we ask for (i.e. the completion of the review form) within 21 days of our request. This should encourage owners to complete the review form in a timely manner.

New Homes Bonus

4.29 New Homes Bonus (NHB) is a grant funding system through which councils are rewarded for the housing growth. The system rewards councils in an equal way for homes provided through bringing empty homes back into use and for newly built

homes. The system provides two incentives for bringing empty homes into use. Firstly, the council receives funding for empty homes that are returned to use, and secondly, an increase in empty homes numbers will reduce funding.

- 4.30 The system does not differentiate between homes the council was actively involved in providing and those that it was not. It simply rewards the annual net increase in homes in the council's area. This means that if the number of empty homes increases the council could lose out on rewards it might have otherwise received for newly built homes. For example, if 100 new homes were built, but there had been a net increase of 25 empty homes during the year, the council would be rewarded for the net increase of 75 homes.
- 4.31 The amount of reward the council receives is calculated based on the council tax banding of each property brought into use, and gives the council the national average council tax figure for the band of each property involved x 80%. This payment is made for each of the six years after the new home is created. Of course, in addition, the council is due to receive the actual council tax from the taxpayer as well. An affordable housing supplement of £280 (£350 x 80%) also runs for each of the 6 years, and that amount does not vary for different bands of property.
- 4.32 The Government is currently consulting on changes to NHB which are likely to reduce the amount the council can keep from 6 to 4 years.
- 4.33 The reward paid to councils is not ring fenced, and can be used for whatever is a local priority. For this Council the NHB grant is essentially fully allocated to support the annual budget for services – although in 2015/16 the Council was able to be used to support the Capital Programme. Projections for future NHB funding are incorporated in the Council's Medium Term Financial Plan.
- 4.34 West Somerset reported 202 LTE on the CTB1 return for 5th October 2015. This is a reduction of 22 on the number for the previous year.

PROJECTS

- 4.35 There are several projects that seek to bring empty homes back in to use. This includes various forms of financial assistance (see the draft EH Strategy – para 7.4).

Hinkley/EDF funded projects

- 4.36 The Housing Funding Strategy (for West Somerset & Sedgemoor) is attached at Appendix B. This provides the details of three empty homes related projects. A summary of progress is given below:
- Empty Homes Grant (value = £45k). Provider: Somerset Care & Repair. Project has been running for one month and no grant has yet been issued
 - Empty Homes Loans (value = £30k). Provider SWPSHP. Proposal at Wimbleball currently being considered (but yet to be agreed). Currently being assessed by technical officers
 - Living Over the Shop (value = £45k). Provider: Somerset Care & Repair. Currently negotiating a scheme at Williton (High Street) that would bring back 2 x 1 bed units.

- 4.37 In addition, local authority partners are keen to take advantage of other external funding opportunities. When required, we shall establish new partnerships with the voluntary and private sectors. For example, we have recently been made aware of new funding provided by the Nationwide Foundation (ref hyperlink below). This is a good example of the type of grant that we need to be bidding for. However, resources and capacity are always an issue.

<http://www.grin.coop/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=230&cntnt01returnid=61>

- 4.38 We also have to be alert to funding that is made available through the Homes and Community Agency (HCA).

REVIEW OF THE EMPTY HOMES COORDINATOR POST

- 4.39 As noted above (paras 4.21 and 4.22) the Councils started employing an Empty Homes Coordinator (EHC) on 1 July 2015. The Job Description is provided at Appendix C. This was a 12 month contract and it is now time to review this post and to make a decision on whether to extend the contract.
- 4.40 The initial activity of the EHC was to carry out a review of all long term empty (LTE) properties (those that had been empty for more than 6 months) plus those properties that would be classed as LTE on the 5 October 2015 if they remained empty.
- 4.41 The review consisted of sending a questionnaire to the owner of the empty property to confirm the current situation with the property, their intentions for the property and whether or not they would like further information and guidance about the help available to owners about bringing the property back into use.
- 4.42 We issued 233 review forms (West Somerset). 123 reviews were returned of which 77 confirmed the property remained empty. 46 reviews were returned from owners stating their property was either occupied or furnished and were reclassified so that they no longer counted as LTE.
- 4.43 On 5 October 2015, we reported 202 LTE properties on the CTB return, compared to 224 in 2014, a reduction of 22. This resulted in an extra £22,686 claimed in New Homes Bonus.

Lessons learnt

- 4.44 The review exercise highlighted the effect the 'Technical Reforms to Council Tax' had had on customers' behaviour for reporting changes of circumstance since their introduction in 2013.
- 4.45 Prior to the technical forms, customers received a 10% discount on their empty property after the initial exemption period (i.e. 100% for the first 6 months) expired. If owners occupied their property, they had a reason to notify us, i.e. they were no longer entitled to that discount.
- 4.46 Since 2013, once the exemption period (now 1 month within WS) expires, they receive no discount – in other words, their Council Tax charge is the same, whether

they occupy the property or not. This may explain why some customers may not have reported changes in circumstances (i.e. occupying their property or furnishing their property) on the belief that it wouldn't change their bill, but unaware of the effect it has on the classification of the property for the purposes of New Homes Bonus.

- 4.47 As a result, the Revenues and Benefits Service is committed to repeating the review exercise of LTE homes each year, taking place in the 3 months leading up to the submission of the CTB return in October. It is also creating an Empty Homes Flyer which will accompany Council Tax bills sent to owners at the point their 1 month exemption ends. The flyer will give details of the help available to bring properties back into use, but will also remind LTE home owners of their responsibility to report changes in circumstances, in particular, reoccupations, sales, re-lets and if the property becomes furnished.

Activities of the Empty Homes Coordinator since October 2015

- 4.48 Since October 2015 the EHC has:

- Become a 'focus point' for communication
- Continued to update the Empty Homes database
- Established contacts with estate and letting agents, and auctioneers
- Made contacts with internal contacts in Planning, Building Control and Environmental Health
- Established a relationship with the national empty homes organisation 'Homes from Empty Homes'.
- Taking referrals and complaints from both members and the public.

Case Study: Long term empty property reported to councillors. Empty Homes Coordinator intervenes. Meets resident, chases property owner. Outcome: Outside gardens cleaned up and planning application submitted to bring property back into use. Unlikely this would have happened so quickly without direct intervention.

- 4.49 Providing information, advice and guidance is the primary intervention of the EHC – this can be proactive or reactive. Some people ask for help and advice, others may show some interest after receiving appropriate promotional literature. Currently we signpost owners to loans available to bring their homes back into use and also a scheme provided by Somerset Care and Repair
- 4.50 When it comes to LTEs where the owners avoid offers of help and their home is causing an issue for neighbours or the community, we should be carrying out enforcement action. We call these LTEs 'complex' as they are the most resource intensive for little gain.
- 4.51 There are legal interventions that can be made under, for example: housing, planning, building control and environmental health law. The EHC does not have the necessary knowledge or resources to instigate such enforcement.
- 4.52 Enforcement activity is resource intensive – staff and money primarily.
- 4.53 In some cases where the EHC has been contacted by a member of the public concerned about the neglect of an adjoining LTE property, he has been unable to

make any progress due to the lack of a coordinated approach and available resources to deliver enforcement. This can be a very frustrating experience from the customer's perspective.

4.54 Analysis of the LTE homes currently on our database suggests 5% of the homes on the database potentially require enforcement action, based on previous interventions, knowledge and the length of time they have been LTE.

4.55 Of the remaining 95%:

- Approximately 25% require little or no resource to bring them back into use either because they are on the market for rental or sale or because we know that resource input is unlikely to make any difference to the speed they are resolved.
- The remaining 70% are properties we know little about and require some investigation. Some may be on the market. Some may require investigation and end up needing intervention or (ideally – in a small number of cases) enforcement. It is this 70% that the EHC needs to concentrate on going forward and to avoid getting 'pulled' to work on the 'complex' LTEs.

4.56 Ultimately, by concentrating on the '70%' we believe that the intervention of the EHC to encourage and signpost owners to assistance and resources will deliver significant benefits to the local authority through NHB. It will only take the bringing back in to use of 5 LTEs (across WS and TD) to cover the cost of this post. This will be easily achievable.

4.57 Measuring the success of the EHC post needs careful consideration. It is not as simple as merely taking the baseline figure of the CTB1 returns as a measure of success, and this is significantly impacted by new empty homes / LTEs being recorded (e.g. empty new homes on new build housing site). A smarter set of indicators is required based on the recording of direct interventions and the resulting success rate. Such performance indicators will be developed in due course.

4.58 Accordingly, it is proposed to extend the contract of the EHC post on the following basis

- Maintain the existing job description and salary
- The post to continue to be based in the Revenues and Benefits service
- 3 days per week (1 day for West Somerset and 2 days for Taunton Deane)
- Two year fixed term contract to June 30th 2018 (before which a further review will be undertaken)

4.59 Funding to be provided as follows:

- SCC: 20%
- Of the remainder: 33% WSC, 67% TDBC

4.60 Cabinet are asked to approve this proposal.

5. LINKS TO CORPORATE AIMS / PRIORITIES

- 5.1 This topic relates directly to Objective 5 that seeks to increase the supply of housing in West Somerset in order to mitigate the impact of extra demands associated with Hinkley Point C. It also relates to Objective 2 concerning income generation and financial sustainability. West Somerset Council will receive between £5k and £7k approx. for each long term empty home that is reoccupied depending on the number of years NHB is received.

6.0 FINANCE / RESOURCE IMPLICATIONS

- 6.1 As described in this report, bringing empty homes back into use has a positive impact on the Council's funding as well as improving housing supply. The Council has invested in 0.2FTE of an Empty Homes Co-ordinator post for one year – funded from earmarked underspends in the last financial year (together with a contribution from the County Council as SCC also receives New Homes Bonus grant from Government based on net housing growth). The cost to WSC for the post for one year is £5.5k. This post is funded through to June 2016, and there is no provision in the Medium Term Financial Plan (MTFP) for this resource beyond this point. The report recommends a two year extension of the post which will cost WSC £11k for the two year period. The funding from this post will come from the surplus Housing Benefit / Council Tax Reduction Admin Grant.
- 6.2 It is evident that the work undertaken so far by the Empty Homes Co-ordinator has had a positive impact on the empty homes position – and is expected to continue to do so – and this should be reflected in the New Homes Bonus settlement figures in respect of Council Tax Base returns in October 2015 and October 2016. As an indication (using 2016/17 grant calculation figures), for each empty home brought back into use the Council should attract New Homes Bonus Grant as follows:

Council Tax Band	2015/16 Average Council Tax Rate (nearest £)	One Year NHB Grant allocation to WSC per property (x 80%) £	NHB Due over 6 Years for each home brought back into use £	NHB Due over 4 Years for each home brought back into use £
A	991	792	4,752	3,168
B	1,156	924	5,544	3,696
C	1,322	1,057	6,342	4,228
D	1,487	1,189	7,134	4,756
E	1,817	1,453	8,718	5,812
F	2,148	1,718	10,308	6,872
G	2,478	1,982	11,892	7,928
H	2,974	2,379	14,274	9,516

- 6.3 The Council's MTFP currently includes projected NHB grant funding as summarised in the table below. The achievement of these levels of grant funding will be subject to the net increase in housing supply including a net reduction in empty homes. If the NHB allocations fall below the sums below this will have an adverse impact on the Budget Gap – increasing the scale of financial challenge faced by the Council. Similarly, exceeding these sums will have a positive impact in reducing the Budget Gap. Provisional grant allocations are usually confirmed in December each year alongside the annual Funding Assessment.

New Homes Bonus Forecast in the MTFP

	2015/16 £	2016/17 £	2017/18 £	2018/19 £	2019/20 £	2020/21 £
Confirmed Grant:						
2011/12 Allocation	91,342	91,342	0	0	0	0
2012/13 Allocation	147,213	147,213	147,213	0	0	0
2013/14 Allocation	145,401	145,401	145,401	0	0	0
2014/15 Allocation	59,688	59,688	59,688	0	0	0
2015/16 Allocation	127,371	127,371	127,371	127,371	0	0
2016/17 Allocation	0	145,045	142,516	142,516	142,516	0
Estimates:						
2017/18 Allocation	0	0	146,216	146,216	146,216	146,216
2018/19 Allocation	0	0	0	63,437	63,437	63,437
2019/20 Allocation	0	0	0	0	50,000	50,000
2020/21 Allocation	0	0	0	0	0	50,000
Totals	571,015	716,060	768,405	479,540	402,169	309,653

- 6.4 With reference to paragraph 4.42 (above) and the CTB1 return of 202 empty dwellings. By just changing the empty homes figure in the MTFP calculation of NHB and leaving everything else as previously forecast that increases the annual grant from £139,053 to £161,739 and the total grant received from £710,068 to £732,754 a change of £22,686.
- 6.5 The cost of delivering the Empty Homes Strategy will be through the following resources:
- Empty Property Coordinator
 - Hinkley CIM funding (Housing Implementation Officer and various grants)
 - Any external grants that may be applied for
 - Housing Standards Officers: staff time should enforcement action need to be considered.
- 6.6 Any enforcement action would be on a case by case basis. This is difficult to quantify as it will depend on the case, intensity etc. However, the Council can recover the costs associated with formal action. In practice it is unlikely that the Council will have the resources or finances to pursue enforcement action and as previously stated our focus will be very much on 'advice and guidance' for the 70% where we can make a difference.

COMMENTS ON BEHALF OF SECTION 151 OFFICER

- 6.7 New Homes Bonus is a fundamental source of funding for the Council. Measures that optimise this funding are essential to the over-arching priority of achieving ongoing financial resilience for the Council. Members will need to ensure the costs of the implementing the proposed strategy is understood and affordable, and recognise the clear links with delivering NHB funding over the medium term.

7.0 LEGAL IMPLICATIONS

- 7.1 Comments of the Strategy & Partnerships Lead Officer: The principal legal implications are through any enforcement action. Enforcement (e.g. EDMOs) is

complex and very time consuming. We have very limited staff resources. As a consequence, enforcement will always be a measure of last resort.

8.0 ENVIRONMENTAL IMPACT IMPLICATIONS

- 8.1 Potential negative impact on the quality of the built environment if we do not adopt the EHS strategy and commit ourselves to action.

9.0 SAFEGUARDING AND / OR COMMUNITY SAFETY IMPLICATIONS

- 9.0 It is in everyone's interest to bring empty homes back into use to prevent neglect, blight and vandalism. If we do not do this it will leave us with a legacy of neighbourhoods with deteriorating housing stock for the future which will reduce house prices, impact negatively on the quality of the built environment, and attract crime.

- 9.1 As the EHC will be undertaking home visits, the post holder will be required to attend Safeguarding training at the next available opportunity.

10.0 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 are:

- 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

- 10.1 An Equality Impact Assessment has been undertaken in support of the development of the draft EHS. This is included at Appendix D. To avoid potential discrimination (particularly relating to age, disability and gender) and to promote equality of opportunity, the EIA identifies a range of actions including monitoring to inform decision making, staff training, ensure effective communications etc

11.0 SOCIAL VALUE IMPLICATIONS

- 11.1 None

12.0 PARTNERSHIP IMPLICATIONS

- 12.1 The collaborative working set out in the report will reduce the risk of a postcode lottery in the way in which owners with empty homes are approached. The report sets out how the local authorities can use limited resources to best effect to tackle the most problematic homes that have been left empty for over six months or more. An example of this is through the work undertaken by the Empty Homes Coordinator whose work is invaluable in Taunton Deane and West Somerset in contacting and signposting empty home owners to agencies who can assist the owner in taking positive action. Another example is the emergence of the New Nuclear project at Hinkley. The funding from the EDFe Section 106 for Sedgemoor

and West Somerset has been made available to local authorities for increasing the number of housing bed spaces as a result of potential displacement of local people caused by new Hinkley workers looking for accommodation in the area. Further funding will be made available through the DCO for Sedgemoor, Taunton Deane and West Somerset. It is important to be consistent in how that spending will be achieved. Clear policies and staffing resources for delivery will achieve those aims coupled with close monitoring.

13.0 HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 The delivery of housing is critical to the overall health and wellbeing of the population. This is recognised within the Health and Wellbeing Strategy where 'housing' is a key priority. Bringing empty properties back in to use (particularly as affordable accommodation wherever possible) has a key role to play.

14.0 ASSET MANAGEMENT IMPLICATIONS

14.1 None

15.0 CONSULTATION IMPLICATIONS

15.1 Public consultation commenced in the New Year and closed on February 29th 2016. We received 45 responses, all of them supportive. We have made a few minor amends to the strategy. More detail is provided at paragraph 4.19.

16.0 SCRUTINY COMMENTS / RECOMMENDATIONS (if any)

16.1 Scrutiny considered the Empty Homes Strategy on 15th October 2015

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

- The figures of long term empty properties went from 235 on 1st September to 202
- Empty homes were identified using the council tax database
- There was still an ongoing review of the Strategic Housing Framework
- Issues around empty homes largely involved private sector housing
- The empty homes coordinator had been appointed for 12 months, it was confirmed that the current resource was sufficient to meet the existing workload
- Members requested for work to be done to alleviate the number of empty homes and mitigate the impact of housing demand around Hinkley Point site
- The first quarter's performance figures for empty homes were due out in December.

Scrutiny Resolved that the draft Empty Homes Strategy be supported in principle.

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Empty Homes Strategy

Foreword

I have pleasure in introducing the Somerset West Private Sector Housing Partnership's (SWPSHP) Empty Homes Strategy 2015 – 2018.

The SWPSHP is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver private sector housing services. In addition to empty properties, the service also embraces Disabled Facilities Grants, low interest loans for essential repairs, energy efficiency and landlord and tenant services through SWeLT (The Somerset West Landlord and Tenant Services) for instance housing standards and landlord accreditation.

This Strategy sets out a clear direction and action plan for tackling empty properties, which are a blight on our communities, often an eyesore and adversely affect the neighbourhood. The Empty Homes Strategy, alongside the partner Council's Housing Strategies, demonstrates our commitment to providing sustainable and thriving communities across our districts.

It is crucial with the new nuclear project and the development of Hinkley C that working with partners such as EDF we are making best use of the available stock, bringing these valuable properties back into use to house members of our community and Hinkley workers.

The Strategy builds on the work undertaken in the last three years across the three districts to proactively reduce empty properties. It also sets out the partnership's approach and commitment to tackling empty properties. The Councils aim to bring up to 130 empty properties back into general use and 180 for affordable housing over the five year period. This could generate valuable income to the authorities in the form of New Homes Bonus.

I commend this Strategy and look forward to reporting its success and achievements in the future.

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2.0 How do homes become empty and remain that way?

3.0 What problems do empty homes cause?

4.0 The benefits of bringing empty homes into use again

5.0 How empty homes are brought back into use

6.0 Empty homes in the partnership area – the local context

7.0 Delivery of the Strategy

7.1 Previous approach and success

7.2 First Approach: To provide encouragement and support to owners of empty homes to bring them back into use

7.3 Second Approach: To use appropriate enforcement action to bring empty homes back into use.

7.4 Resources

7.5 Monitoring and review

8.0 Appendix 1: Action Plan for Empty Homes: 2015-2018

Appendix 2: Local Authority Enforcement Powers (Homes from Empty Homes)

Appendix 3: Assistance in the private rented sector

Appendix 4: Case study

1.0 Introduction

Importance to the political agenda in recent years

The coalition Government set out their aim in the Housing Strategy for England (Laying the Foundations: A Housing Strategy for England 2014) to increase the number of empty homes brought back into use as a sustainable way of increasing the overall supply of housing, and to reduce blight on neighbourhoods. The Government made a commitment to put in place the right incentives and levers, both practical and financial to support local authorities, housing providers and community and voluntary groups. An example of this is match funding Council Tax on long-term empties for the following six years.

Strain of housing demand and how empty homes are a wasted resource

At best empty properties are a waste of valuable resources but often empty properties can have devastating effects on neighbourhoods and their environment.

For example, the Royal Institution of Chartered Surveyors (RICS) states that an empty property reduces the market value of adjoining properties by up to 18%.

The basis of the strategy is to focus on the long term empty homes; those properties which have been left empty for six months or more. There is less emphasis on properties empty for less than six months as they have a tendency to be in probate or on the housing market. Registered Social Landlords (RSL's) are outside of the scope of the strategy as RSL's are administrated by the Homes and Communities Agency, and commercial properties are dealt with by the respective district council.

There are various strategic drivers which underpin the strategy; including partner housing strategies. All three Councils recognise these are difficult and unprecedented times with increasing numbers of households seeking decent and affordable housing across the range of tenures. The situation is exacerbated by benefit reforms and, in Sedgemoor and West Somerset in particular, the influx of new workers at Hinkley C who will undoubtedly put further pressure on the local housing market.

It is part of the Council's strategic housing role to make effective use of empty homes. In consequence, the various partner housing strategies include actions on ensuring the most efficient use of housing resources, by bringing empty properties back into occupation.

All three Strategies prioritise improving the standards in the private sector housing stock, especially rented accommodation and all three commit to tackling long-term empty homes.

There are 'income incentives' for local authorities to bring empty homes back into use in the form of the New Homes Bonus and the ability to charge 150% Council Tax for owning a long term empty home. This can be vital to the Council's ability to balance budgets as the General Revenue Support Grant from Central Government is reduced year on year.

There are currently 610,000 empty homes in England with 205,821 long-term vacant dwellings (that is homes unoccupied for over six months); (Homes from Empty Homes 2015). In Somerset there were approximately 2,049 long term empty properties reported in October 2014. At 1.02% of the

total homes, this proportion was marginally below the regional and national averages. The picture since 2004 is:

District	Year										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Mendip	360	461	468	434	486	530	473	445	485	470	439
Sedgemoor	921	989	814	399	473	528	488	415	470	390	277
South Somerset	809	787	905	922	1,138	1,124	1,029	1,103	1,016	470	636
Taunton Deane	292	331	445	395	345	443	540	495	429	428	473
West Somerset	206	248	287	290	295	303	324	239	209	211	224
Totals	2,588	2,816	2,919	2,440	2,737	2,928	2,854	2,697	2,609	1,969	2,049
Total in England	318,642	313,616	314,719	314,285	326,954	316,251	299,999	277,529	254,059	216,050	205,821

- Source: Department for Communities and Local Government; Live tables updated as at 25th September 2015

The partnership's Empty Homes Strategy 2015 – 2018 sets out a clear direction and action plan to reduce the number of empty properties, which will help to tackle the issues associated with these properties.

2.0 How do homes become empty and remain that way?

One of the commonest questions asked about empty homes is "Why are they empty?" There are many reasons that can vary over time from place to place. The most common reasons are:

Individual factors	Property factors	Housing market factors
<ul style="list-style-type: none"> • Unresolved ownership usually following the death of an owner • Bankruptcy of owner • Relationship breakdown • Owner may be institutionalised – admitted into hospital, prison etc. • Lack of expertise in property and tenancy management • The owner is reluctant to take any action 	<ul style="list-style-type: none"> • The property acquired solely for speculative investment purposes • The owner may not fully appreciate the financial benefits of bringing the empty property back into use • Poor property condition, costs of bringing the property back into use may be prohibitive relative to income generation • Repossession 	<ul style="list-style-type: none"> • Low demand • Housing market collapse – repossession, negative equity • Over supply of certain property types • Area regeneration may result in properties being empty pending renovation or demolition • Slow property sales

3.0 What problems do empty homes cause?

Empty homes can have a negative and sometimes divisive effect on a community. These include:

- Increased dereliction, vandalism, litter and other anti-social behaviour;
- Reduced market values in neighbouring properties, contributing to a spiral of decline;
- Reduced demand for goods and services in the area; and
- Waste of useful and much needed units of accommodation;
- Wasted financial resources for the Council and also for the owners.

4.0 The benefits of bringing empty homes into use again

The re-use of empty homes brings financial and social rewards to the Council, private owners and the community in the following ways:

Council	Community
<ul style="list-style-type: none"> • Provides greater housing choice, whether this be through housing sales or rental • Improves/restores older buildings and homes to modern standards • Provides a range of good quality homes for people in need of rented property • Generates additional revenue through Council Tax • Prevents properties from falling into disrepair and becoming a focus of vandalism and anti-social behaviour • Reduces the need to build new dwellings on Greenfield sites 	<ul style="list-style-type: none"> • Prevents empty properties becoming the focus of anti-social behaviour • Improves market values in neighbouring properties and the local area by reducing a spiral of decline

For the purpose of the strategy, efforts will principally be focused on the problematic properties which are usually those houses which are inactive in the housing market, often in poor condition and empty for six months or more. This definition usually allows enough time for market forces to return an empty home back into use without intervention from an external agency.

5.0 How empty homes are brought back into use

The partnership's primary approach in tackling the issue of empty homes is to work with the owners to encourage them to bring the property back into use voluntarily. Partnership staff provide advice and support, on a one-to-one basis, where each case is assessed on its merits. The partnership offers low interest loans through our preferred loan provider Wessex Resolutions CIC. The partnership's

Private Sector Renewal Policy provides more information on the loan types available and the eligibility.

Letting schemes are another option whereby landlords lease properties to a management company for a set period of time. Other offers include a deposit guarantee paid on behalf of the tenants and advice to landlords and tenants on tenancy issues. Social Enterprise Schemes to provide education, training and employment opportunities in construction skills to vulnerable people are encouraged through organisations involved in the refurbishment of empty property.

Local Authorities can use enforcement action for problematic longer term empties. Such powers include:

- **Enforced sale:** allows the local authority to force the sale of a property to recover debts. Debts may be secured either against a property or person.
- **Compulsory Purchase Order:** Allows local authorities to apply to the Secretary of State for the purchase of properties that have been empty for a minimum of 6 months.
- **Empty Dwelling Management Orders (EDMO):** Allows local authorities to secure occupation and responsible management of privately owned houses and flats.

6.0 National and local context

National context

Bringing homes back into use links into wider Government objectives including; creating sustainable communities, tackling low demand and market failure, tackling anti-social behaviour, the provision of affordable homes and ensuring that homes meet a decent standard. This is reflected in the Governments document 'Laying the Foundations a Housing Strategy for England 2011 (Strategy 2011).

In May 2010 the Coalition Government set out a commitment to look at a range of measures to bring empty homes back into use. It was recognised that potential empty homes could meet pressing housing need, if brought back into use.

The Government 'are committed to bringing empty homes back into use, as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities.'

Laying the Foundations: A Housing Strategy for England 2011 outlined a number of objectives including:

- Award of the New Homes Bonus to encourage local authorities to increase housing stock;
- Providing information and advice to deal with empty homes, investing £100million to enable Registered Providers to support local authorities to bring over 3,000 empty homes back into use as low cost housing;
- Consultation on Council premium for long term empty homes;

- Proposing changes to EDMO's to tackle the worst long-term empty homes.

Housing Act 2004

The Housing Act 2004 provides local authorities with powers to tackle long term empty homes. It introduced Empty Dwelling Management Orders to enable local authorities to take over the rights and responsibilities of the owner and to refurbish and rent out the property without becoming the legal owner.

The Act also introduced the Housing Health & Safety Rating System (HHSRS) to assess hazards in dwellings and a new power of selective licensing to target areas suffering from low demand and/or high levels of anti-social behaviour.

Local Government Act 2003

This legislation allows information to be obtained from council tax records to be used for;

- a) Identifying vacant dwellings;
- b) Taking steps to bring vacant dwellings back into use.

The Act also allows local authorities to reduce or remove entirely discounts for homes that have been empty for over 6 months.

Council Tax reform

Recent reforms of the council tax legislation gave discretion over the relief from council tax available in respect to some empty properties.

- Replacing exemption Class A and exemption Class C with discounts, the amount of which would be for billing authorities to determine.
- Abolishing class L exemption and making mortgagees in possession of empty dwellings liable to council tax in respect of them.
- Allowing billing authorities to levy an 'empty homes premium.'

National Planning Policy Framework 2012

The National Planning Policy Framework 2012 states that "Local planning authorities should identify and bring back into residential use, empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate."

Empty Homes - Local context

The partnership covers the Districts of Sedgemoor, Taunton Deane and West Somerset, which is approximately 1,805 square kilometres with an estimated population of approximately 258,379. The partnership area is a mixture of urban and rural hamlets. There are various market towns including the County town of Taunton, Bridgwater, Wellington, as well as coastal towns such as Burnham on Sea and Minehead. Exmoor National Park provides a large rural location with small hamlets such as Porlock and Timberscombe. Sedgemoor accommodates 21% of the population of Somerset, West Somerset is the smallest district council in Somerset and according to the Office for National Statistics 2014, has the oldest average population in the United Kingdom at 52. The average house price was £180,000 as at 2014.

Table One below shows the partner Councils' empty homes statistics as at October 2014 for the Council Tax (CTB1) return to central government:

Table One: CTB1 Return for each partner Council, October 2015 excluding Council owned properties

Council	Total private sector dwellings	Total number of empty homes	Percentage of empty homes	Number of homes empty six months or more	Percentage of homes empty six months or more #
Sedgemoor District Council	48,000 (At 2012)	1336	2.78%	209	15.64%
Taunton Deane Borough Council	51,153	1,378	2.69%	464	33.67%
West Somerset Council	17,739	350	1.97%	202	57.71%

Number of homes empty six months or more compared to overall empty homes expressed as a percentage.

7.0 Delivery of the Strategy

7.1 Aim

The aim of the strategy is to bring empty homes back into use. To achieve this we have identified two key approaches:

- To provide encouragement and support to owners of empty homes to bring them back into use; and
- To use appropriate enforcement action.

To achieve the aim, the partnership will take into account the following key elements:

- The length of time the property has been empty, with officers focusing on those empty for more than 6 months;
- If the property is having a negative impact on the area; and
- If the owner is taking steps to deal with the problems and return the property back into occupation.

As mentioned in 2.0 above, there are many reasons why properties become empty. It is important therefore, for the partnership to be able to offer solutions to suit the individual circumstances. This flexible approach is shown in the procedure flow chart for dealing with empty homes – see appendix 2. Initially advice will be provided prior to taking enforcement action unless there is a serious safety issue.

7.2 First Approach: To provide encouragement and support to owners of empty homes to bring them back into use

- Knowledge of empty homes

The partnership may become aware of the existence of empty homes through various routes including:

- ✓ Council tax records;
- ✓ Complaints usually from residents;
- ✓ Residents associations active in an area;
- ✓ Council Officers working in the partnership area; and/or
- ✓ Owners/landlords requesting help or advice.
- ✓ Parish Councils
- ✓ Local volunteer groups such as the Village Agents

It is essential to maintain a good knowledge of the location and type of empty homes in the area. Whilst the partner Council's use the council tax records to update information held on problematic properties, the partnership recognise that these may not be fully precise enough for the purpose. The partnership will use the APP database to register empty homes against which partnership Officers are taking action. This enables officers to keep up to date records of the property and possible reasons why the property is empty and of works being undertaken.

- Awareness raising

It is appreciated that there is a need to raise awareness of issues and problems associated with long-term empty homes and provide more publicity about the strategy and our approach to tackling empty homes.

Through raising awareness and encouraging home owners to think about the future of their empty properties the partnership will seek to ensure that home owners make decisions leading to the re-use of the property rather than leaving them empty.

- Advice and assistance

Where owners of long term empty homes ask for help, officers will provide advice and assistance.

The partnership maintains a comprehensive section on the website www.SWPSHP.org for issues relating to housing. The site is updated with changes in legislation, topical issues and has direct links to specialist sites. Additional and relevant information concerning empty homes will be posted on the web page and kept updated.

Officers currently write to owners of empty homes which have been included on our database as being the subject of complaint and offer appropriate advice and assistance. Taunton Deane and West Somerset are currently sending out a questionnaire to all owners of long term vacant homes to find out what the owner's intentions are so that advice can be suitable to the issues facing the them.

In some cases owners are not able to deal with the property and the partnership will provide advice to help owners to sell their properties. In particular where the owner wishes, they can be referred to Sedgemoor or West Somerset's preferred provider for them to improve and manage the property on the owners' behalf. The empty homes service that is provided will be actively promoted through various media including the landlords' forums, and the database of accredited landlords.

Where an owner requires assistance in finding building contractors that meet minimum legal standards, the partnership can provide advice through the Home Improvement Agency.

7.3 Second Approach: To use appropriate enforcement action to bring empty homes back into use.

Whilst, whenever possible, voluntary measures will be used to encourage owners to bring properties back into use, it must be recognised that in some cases owners will refuse to co-operate and enforcement action will be necessary.

The statutory action that can be taken will depend upon the condition and location of a property and the circumstances of the owner. Properties in a poor condition which are a hazard to the health and safety of the public will be a priority for enforcement action.

The available options for enforcement are:

- Building Act 1984 Section 77
- Building Act 1984 Section 78
- Building Act 1984 Section 79
- Environmental Protection Act 1990 Sections 78-81
- Housing Act 1985 Section 17
- Housing Act 1985 Part 9
- Housing Act 2004 Part 1
- Housing Act 2004 Section 132-138
- Law of Property Act 1925
- Council Tax (Administration and Enforcement) Regulations 1992
- Local Government (Miscellaneous Provisions) Act 1982 Section 29
- Town and Country Planning Act 1990 Section 215
- Town & Country Planning Act 1990 Section 226 (as amended by Section 99 Planning and Compulsory Act 2004)

More details on the legislation can be found in Appendix 2.

- Longer Term Empty Homes

It is important that the partnership distinguishes that the properties that have been empty for two years or more are targeted as these properties are most likely to lead to a complaint from neighbours and the community, in disrepair and attracting anti-social behaviour.

The partnership aims to make contact with all owners of empty homes, empty for 2 years or more and write to them indicating any issues or complaints and providing advice in bringing their property back into use. It is however acknowledged that if a home owner has refused to engage with the Council in the preceding 2 years then it is very unlikely that they will accept advice and return their

empty property back into use. It is therefore anticipated that in these circumstances, enforcement action under the relevant legislation outlined above will be taken, **each case being assessed on its own merit.**

7.4 Resources

- Staff

The key resource available to deliver the strategy is staff within the partnership. The lead positions and staffing levels are indicated in the action plan. The overall responsibility for overseeing the implementation of the strategy will be the Partnership Manager.

- Budget

Staff time will be met from the Revenue budget. The three partner Councils are offering various forms of financial assistance and these are listed in the table below.

Assistance type	Council		
	Sedgemoor	Taunton Deane	West Somerset
New Homes Bonus Loan: A loan up to £30,000 from 0% - 4%	✓	X	X
Loan up to £15,000 at 4%	✓	✓	✓
Non-Means tested grant of up to £15,000	✓	X	✓
Low interest loan of up to £30,000 at 4%	✓	X	✓
Living over the shops grant up to £15,000	✓	X	✓
Voluntary Landlord Accreditation Scheme grant	✓	X	✓

The majority of the assistance types are being supported by the Section 106 funds provided by EDFe as part of the Hinkley Power Station construction project. **It is anticipated that Taunton Deane will have access to EDFe funding later in 2016 as part of the DCO scheme.**

As highlighted in the action plan the Council will wherever possible seek to work in partnership with appropriate agencies to maximise knowledge and capability. Where opportunities arise the partnership will seek to establish appropriate partnerships and make funding bids. The use of funding through EDFe, as part of the section 106 planning agreement, is a good example .

Where significant financial resources are required or compulsory purchase/enforced sale are recommended by officers then the case will be reported through the relevant council's financial mechanism's **and Portfolio Holder for a decision to proceed**. As it can be costly to take action, whether by default or legal proceedings, council's will seek to keep costs to a minimum level and reclaim costs incurred from home owners.

7.5 Monitoring and Review

The partnership monitors the number of private sector empty homes that are brought back into use or demolished during the year as a direct result of action by the Local Authority.

Council	Number of empty homes brought back into use by year			
	2012/13	2013/14	2014/15	2015/16 (estimated)
Sedgemoor District Council	55	45	40	40
Taunton Deane Borough Council	55	38	35	30
West Somerset Council	55	54	40	20

The Council identifies the need to consider empty homes in the form of those empty for more than 6 months and longer term empty homes which have been vacant for more than 2 years.

The partnership aims to bring 130 empty properties back into use each year over the next 3 years. 50 in Sedgemoor, 50 in Taunton Deane and 30 in West Somerset. These targets will contribute to the Council's overall CTB1 returns. The methods to achieve the targets will be a mixture of advice and financial incentives as listed in 7.4 above.

Progress against targets is reported within the SWeLT meetings and through the partnership's monitoring system Covalent.

This strategy will be reviewed after 12 months to ensure that the approach and policies adopted are appropriate. A full review leading to the production of a new strategy will be undertaken in 2018.

Appendix 1

ACTION PLANS**1. Encourage owners to bring empty homes back into use**

Action	Target date	Lead section	Resources	Measurable outcome
Maintain an accurate database of empty homes	Ongoing	Partnership	Excel database/Accreditation Coordinator	Successful CB1 return in October of each year.
Hold publicity campaigns to promote available services	Annually; July to August	Partnership	Officer time and funding	Annual checks to ensure information is accurate and useful
Develop a procedure for dealing with empty homes	March 2016	Partnership	Officer time - Partnership Manager/Strategy and Development	Adoption of procedure
Bring 130 empty homes back into use annually through advice and assistance; <ul style="list-style-type: none"> • 50 in SDC • 50 in TDBC • 30 in WSC 	31 st October every year	Partnership	Officer time and financial assistance in the form of capital – Partnership staff and Council Tax	Annually reduce the number of empty homes.

2. Bring problematic empty homes back into use through enforcement action

Action	Target date	Lead section	Resources	Measurable outcome
Adopt the Partnership Empty Property Enforcement Policy	April 2016	Partnership	Existing procedure Input from officers of the Partnership and other services/agencies	Create procedure and adopt policy
Identify problematic empty homes for appropriate enforcement action	Ongoing	Partnership	Officer time – close working with internal departments, database analysis and street surveys.	Six-monthly review
Set up procedure and template documents for CPO, EDMO and enforced sale	May 2016	Partnership	Officer time - Partnership and Partnership Manager	Confirm with District Solicitors. Adoption of procedure
Establish a working group with other relevant departments to oversee the enforcement action	May 2016	Partnership	Officer time – Partnership and Partnership Manager along with Officers from other relevant services	Check progress annually

3. Devise and explore new and innovative ways to bring empty homes back into use and increase the housing options across the three Districts.

Action	Target date	Lead section	Resources	Measurable outcome
Explore other solutions and set up relevant policies	Ongoing	Partnership	Officer time – Partnership and Partnership Manager along with Officers from other relevant services	Implement and monitor each scheme throughout its duration in line with the new policy.
To promote options available for bringing empty homes back into use	Ongoing	Partnership	Officer time – Council Press Officers and funding	Two landlord events per year and website advert every six months
Review the current Grant Policy for empty homes		Partnership, Partnership Manager and Implementation Officers for Sedgemoor and West Somerset	Officer time – current policy	Review, amend the current policy to include the EDFe project.

4. Develop a co-ordinated approach to help identify and tackle empty homes

Action	Target date	Lead section	Resources	Measurable outcome
Create a communication channel with relevant departments and external bodies	Ongoing	Partnership Manager	Officer time – Partnership and Partnership Manager along with officers from other relevant services	Agree periodic referrals with four meetings per year
Develop a protocol for a referral mechanism		Partnership	Officer time – Partnership and Partnership Manager along with Officers from within the Councils and relevant agencies	Agreed protocol
Set up a proactive program to help identify empty homes		Partnership staff	Officer time – current policy	Monitor additional properties identified every six months
Undertake a foot survey of empty homes in the districts		Partnership	Officer time – Partnership staff	Once a year

Appendix 2

Enforcement Powers

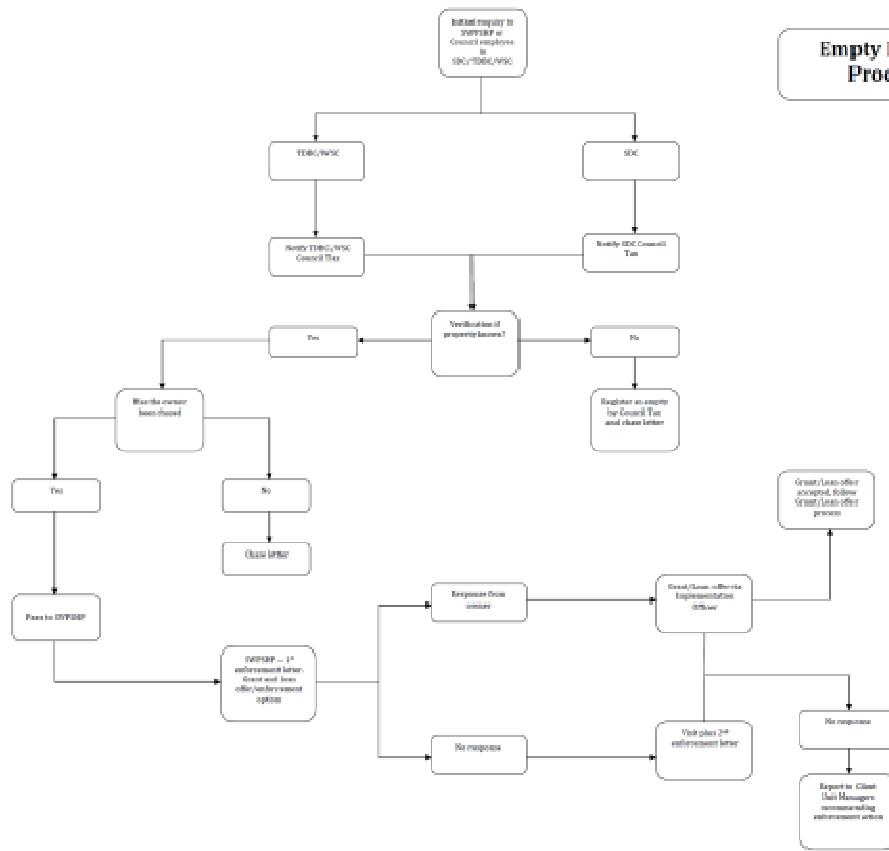
- Building Act 1984 Section 77 – enables the council to deal with buildings that it considers to be dangerous. It can apply to a Magistrate’s Court for an order requiring the owner to make the building safe or demolish it.
- Building Act 1984 Section 78 – allows the council to deal with buildings that pose an immediate danger. This emergency measure allows the local authority to carry out remedial works itself without the duty to seek permission from the owner. The council is only entitled to carry out works that remove the danger.
- Building Act 1984 Section 79 – This empowers the council to deal with ruinous and dilapidated buildings or structures and neglected sites and if necessary carry out work in default.
- Environmental Protection Act 1990 Sections 78-81 – allows the council to require the abatement of statutory nuisances. The term statutory nuisance applies to a range of problems that might arise from empty homes, including accumulations of rubbish or dampness affecting neighbouring properties. The council can serve an abatement notice on the owner of the premises requiring works to abate the nuisance and if the notice is not complied with can carry out works in default.
- Housing Act 1985 Section 17 – allows the council to acquire under-used or ineffectively used property/land etc. for residential purposes if there is a general housing need in the area through compulsory purchase.
- Compulsory Purchase is perhaps the strongest power available to tackle empty homes. It is not, however, a power that rests with the council and it must apply to the Secretary of State for an order to be made. The whole process is drawn out, complex and resource intensive as the council will need to demonstrate that there is a compelling case in the public interest for the property to be compulsorily purchased, and that other methods of returning the property to use have been tried and have failed. In addition, the council will need to show that it has clear intentions for the use of the property/land and be able to show that it has the necessary resources available to go through with the Compulsory Purchase Order. This means that compulsory purchase will be a method of last resort.

- Housing Act 1985 Part 9 – gives the council powers to make Demolition Orders and Slum Clearance Areas to require the demolition of individual or groups of unsafe houses where that is the most satisfactory course of action.
- Housing Act 2004 Part 1 – requires the council to serve a notice to deal with category one hazards to which a member of the public may be exposed to.
- Housing Act 2004 Section 132 – 138 – allows the council to take over the management of an empty home, undertake works, let out the property and collect rent. The council must notify the owners of its proposal and try to work voluntarily to find an acceptable solution. Only if no agreement can be reached can the council seek approval to make an Interim Empty Dwelling Management Order initially for 12 months. If agreement is still not possible, a final order, which can last for 7 years, can be made. The process is time consuming and will require the council to prepare a plan as to how it intends to manage any property throughout the duration of the Order.

The council will develop a process for using such orders and consult with partners to determine the most practical way of carrying out and delivering the management of a scheme. It is anticipated that providers will competitively tender to manage such properties on a one to one basis ensuring value for money in terms of management costs and that any particular issues with the property are considered on an individual basis.

- Law of Property Act 1925 – the council can force the sale of an empty property where abatement notices have been served and the work has been carried out in default by the council. An enforced sale can only be pursued if the cost of the default works is comparable with the market value of the property.
- Council tax (Administration and Enforcement) Regulations 1992 – the council can also force the sale of an empty home where council tax debt is owed. The council can apply for a charging order then force the sale of the property to recover the debt.
- Local Government (Miscellaneous Provisions) Act 1982 Section 29 – allows the council to carry out works to an unoccupied building to prevent unauthorised entry or to prevent it from becoming a danger to public health. 48 hours' notice is needed unless the works are required immediately.
- Town and Country Planning Act 1990 Section 215 – allows the council to deal with unsightly land or the external appearance of property.
- Town and Country Planning Act 1990 Section 226 (as amended by Section 99 Planning and Compulsory Act 2004) - allows the council to acquire land or buildings if acquisition will allow improvements or redevelopment to take place provided the improvement, development, or redevelopment will contribute to the promotion or improvement or economic, social or environmental wellbeing. This power can be used to acquire empty properties that adversely affect the street scene because of the dilapidated condition.

Empty Homes Process



Appendix 3

Assistance Within The Private Rented Sector

The Private Sector Housing Renewal Policy aims to assist across all tenures within the partnership area. This includes services relating to empty properties, housing standards and the Voluntary Landlord Accreditation Scheme.

There is going to be an increased pressure on the availability of quality rented properties with the emergence of the Hinkley Power station construction project. A certain number of the construction workers will be housed in temporary accommodation or campuses. The remainder will be housed in the private rented sector, predominantly in Sedgemoor and West Somerset. This may cause a displacement of existing tenants in those areas into Taunton Deane which currently has limited capacity for additional tenancies. This will be felt over the next two years as the construction begins.

The partner Councils have made provision in the policy to provide for a contribution towards the 1,742 bed spaces required by EDFe and to maintain the existing stock.

a) Advice

Somerset West Lettings and Tenancies Services (SWeLT) provides a comprehensive advice service to landlords and tenants in the private rented sector. An important part of this role is the dissemination of information to new and existing landlords on the current housing legislation and minimum standards. Privately rented accommodation provides homes for many residents who are unable, or choose not to enter into social housing or owner occupation. It is therefore essential to work with landlords to ensure the accommodation does not pose a health risk to the occupiers.

b) Accredited Landlords in Somerset Scheme

The Accredited Landlords in Somerset Scheme plays a vital part in maintaining standards in the private rented sector and encourages landlords to understand the management regulations in respect of private sector renting. It is a voluntary self-certifying scheme aimed at encouraging landlords to comply with the Decent Homes Standard. It also recognises and awards good management. In return Landlords receive:

- A Membership certificate indicating that their property is up to the Accredited standard
- Use of the Accredited logo to use on tenancy agreements, letter heads, empty let adverts etc.
- Access to the Bond Guarantee Scheme
- Access to a Management Service
- An offer of tenants from the Housing Needs Register
- Advertising empty lets on the Somerset Homelets Website, a new website set up between the three partner Council's and North Somerset Council dedicated to advertising private sector lets

- Support and advice from the partner agencies in SWeLT, such as on management, which is above that provided for landlords outside of the scheme
- Small grant incentives to help with minor decent homes upgrades
- Low cost loans offered by Wessex Home Improvement Loans up to £15k
- A website which provides up to date legislation and information for landlords
- Regular email updates keeping landlords informed

These are examples of just some of the offers which landlords receive. The advantages of Accreditation for the partnership is the safe knowledge that tenants from the Housing Needs Register are going to be housed in good quality, well managed accommodation. The support which Accreditation offers will also reduce the risk of tenants being evicted as safeguards will be in place to improve the relationships and understandings between landlords and tenants.

c) Enforcement

The partnership has duties under the Housing Act 2004 to take action on properties with serious hazards (Category One) and license certain types of Houses in Multiple Occupation. A copy of the Enforcement Policy can be provided on request. On average the team receive over 200 complaints a year on housing conditions. The complaints initially come through the SWeLT telephone number and are then allocated to the Officers in the Housing Standards Team.

d) Empty Properties

The partnership has an aim to bring back into use empty properties. The partnership has an agreed target set by the partner Councils. The partnership contributes to the Council's general aims for access and choice in housing which can be summarised as;

“To continually assess housing and support needs across all tenures, ensuring there are enough homes to meet demand now and in the future; and to provide a high quality housing service to minimise homelessness.”

Unused properties within the district are a valuable resource; the partnership will work within the guidance of the Empty Homes Procedures and in conjunction with private sector landlords and Registered Partners (Social Landlords) to provide much needed affordable housing for our local residents. There are many households seeking this accommodation type.

The policy provides for the following assistance;

- Sedgemoor District Council area; a loan of up to £30,000 with varying interest rates from 0% – 4% to encourage landlords to bring their properties back into use, maximising the number of units within the property and taking people from the Council's Housing Needs Register. This type of assistance is called the New Homes Bonus loan as the funds to operate the scheme are from Sedgemoor's New Homes Bonus award. The New Homes Bonus is a grant

given to a Council each year as an award for the number of new build and empty homes brought back into use.

- Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council; a loan of up to £15,000 fixed at 4% to encourage landlords to bring their properties back into use. A condition of the loan is to take people from the Council's Housing Needs Register. The only down side of this scheme is there is no mechanism to encourage the maximisation of units within the property.

All the loan products are dependent on the landlords' track record, and how the property is to be let.

On completion of the loan, the newly created accommodation must comply with the Decent Homes Standard.

In addition, via funding from the Section 106 Agreement for the Hinkley project, Sedgemoor and West Somerset are offering the following products for empty properties in the priority areas;

- A non-means tested grant of up to £15,000 towards the cost of eligible works to bring an empty property back into use.
- A low interest loan of up to £30,000 at 4% through the Council's preferred loan provider Wessex Home Improvement loans.

The grant is subject to the conditions that the owner works with our nominated Partner Agency who will manage the property on a minimum seven year leasing agreement. The terms and conditions of which will be determined between the landlord and the Partner Agency. The Council would also look to foster relationships between the landlord, Partner Agency and other agencies such as the Probation service as part of a social enterprise project. This would involve ex-offenders assisting with the refurbishment of the properties and their time managed by the agencies. The property will also be accredited.

- Living Over the Shops grant of up to £15,000. The grant is aimed at owners of empty flats above shops as an incentive to assist towards essential repairs to bring the flat up to a decent standard to rent. Many of the empty flats are in key areas of the high street, and with a little assistance would improve the street scene.

e) Financial Assistance to Landlords

The Voluntary Landlord Accreditation Scheme offers small grants to landlords to help bring their properties up to the minimum Decent Homes standard. The grant is subject to availability and is capped at £1,000 per landlord for each district.

The Loan product from Wessex Home Improvement Loans is available from £1k to £15k at an interest rate of 4% which is a competitive rate compared to high street rates. In addition;

- There is no arrangement fees
- There is a fixed one off £40 Land Registry Fee
- There is no early repayment charges

Appendix 4

Case Study

An empty property was creating problems for neighbours. The house had been lying empty for at least two years after being inherited. The owner was not living on the premises and the property fell into disrepair. The Council was alerted and made aware of the problems the house was creating for the neighbours.

The garden was badly overgrown and the house was insecure. The officer contacted the owner and, through liaison with the team arranged for security fencing and garden clearance. The owner agreed the property should be sold and estate agents were appointed. Contracts were exchanged and the new owners renovated the property.

The Council monitored the house and kept in close touch with the owners and agents to ensure the property could be brought back into use to the satisfaction of all concerned. Importantly, neighbours were delighted with the outcome. The Council received additional New Homes Bonus.

Appendix B: Housing Funding Strategy⁵³



HOUSING FUNDING STRATEGY

Summary of Joint Bids by West Somerset Council and Sedgemoor District Council

The Housing Fund of £4m was secured to provide finance to deliver additional housing capacity to mitigate any potential adverse effects on the local private rented and low cost housing market that might arise from the Hinkley Point C development. The fund is provided under the Section 106 Agreement in relation to the Site Preparation Works, with a further £3.5m to be made available when EDF Energy elect to Transition to the Development Consent Order (minimum of £1m for SDC and £500,000 for WSC).

Sedgemoor District Council and West Somerset Council have been working together to agree principles and the general shape of initial proposed bids to the Housing Fund. A range of inter-dependant initiatives has been developed, designed to alleviate pressures on all sectors of the local housing markets.

The estimated costs may vary as the initiatives are progressed, and other bids will be made, jointly and separately, as further proposals are developed

Contact details:

Dave Baxter MSc MCIEH MCIH: david.baxter@sedgemoor.gov.uk; Tel: 01278 435496
Tracy Vernon, MSc, FCIH: tracy.vernon@sedgemoor.gov.uk; Tel: 01278 435531

Housing Fund - Summary of Costs of Proposals

Initiative	What it is?	Total no of b/s over 2 yrs		Initial costs		Total joint costs over 2 years	Cost per b/s	5% admin.	Other resources
		SDC	WSC	SDC	WSC				
Landlord & Tenant Services S106 Initiatives: 3.2.1; 3.2.2; 3.2.4;	1. Somerset Home Let	1000 b/s	200 b/s	£10,700	£5,100	£15,800 + EDF £4,000*			SDC £4200 WSC £1600
	2. Flexible Rent Support	50 b/s	20 b/s	£70,000	£32,000	£102,000			Current LA, schemes, HB, LHA, DHP: £30,000
	3. Minor Improvements Fund - including	130 b/s	60 b/s	£185,000	£75,000	£260,000			Recyclable loans; WHIL Loan Pot £20,000
	4. Rent a Room Scheme								
	5. Sustainable Management Service	60 b/s	40 b/s	£96,000	£64,000	£160,000			Ch1 TAH
	6. Landlord Accreditation – Landlord Training	5 Training Sessions	5 Training Sessions	£5,000	£5,000	£10,000			Fire Service, NLA, staff;
	7. Furniture package	30 packages	15 packages	£20,000	£10,000	£30,000			Credit Unions, £2,000
	8. Tenant Ready Scheme	40 tenants	20 tenants	£30,000	£15,000	£45,000			YMCA, Probation, Hsg Options; £17k
Landlord & Tenant Total		1240	320	£416,700	£206,100	£626,800* / 1560b/s	£402	£31,340	As above £74,800
Empty Property Regeneration S106:3.2.3	9. Empty Homes Grant Inc “Help Yourself” Social Enterprise	6 properties i.e. 15 b/s	3 properties i.e. 8 b/s	£90,000	£45,000	£135,000 + “Help Yourself” £50,000			<£1.4m HCA NEHP funding; subject to successful bid
	10. DIY Empty Homes Loans	5 properties i.e. 12 b/s	2 properties i.e. 5 b/s	£75,000	£30,000	£105,000			<£166,218 WHIL Recyclable loans
Empty Property Regeneration Total		27	13	£165,000	£75,000	£290,000 / 40 b/s	£7,250	£14,500	<£1,566,218
Living over the Shop S106:3.2.3	11. LOTS Grant – SDC Pilot	10 properties 30 b/s	3 properties 8 b/s	£150,000	£45,000	£195,000 / 38 b/s	£5,132	£9,750	NEHP funding tbc
Equity Loans; S106: 3.2.5, 3.2.6	12. WHIL First Time Buyer Loans for Tenants	5 properties 12 b/s	5 properties 12 b/s	£50,000	£50,000	£100,000	£4,167	£5,000	Personal Savings; Recyclable loans; tbc
OVERALL PRIVATE SECTOR TOTAL		1309	353	£781,700	£376,100	£1,211,800/1662b/s	£729	£60,590	tbc
Under-occupation S106:3.2.7	13. Home Moves Plus Pilot - WSC	n/a	80	n/a	£60k pa	£60,000 / 80 b/s	£750	£3,000	MWS £27k pa
PS & HOME MOVES TOTAL		1309	433	£781,700	£376,700	£1,271,800/1742	£730	£63,590	£54,000
Enabling Fund: S106: 3.2.8, 3.2.9, 3.2.10		To be confirmed – S106 Agreement maximum				<£1,750,000			LA & HA AHP; S106
Other: 3.2.11, 3.2.12, 3.2.13		Keep under review – housing market monitoring				<£914,690 (inc admin fees)			tbc

*Note that £54,000 of Initiatives at 1 (£4,000 Local Pad licence fees on behalf of EDF) and 9 (£50,000 for “Help Yourself” scheme) are not apportioned between the LAs



Job Description

Job Title: Empty Property Co-ordinator

Hours of Work: 3 days per week

Contract: Fixed term for 12 months

Responsible to: Revenue & Benefits Performance Manager

Responsible for:

Delivery of interventions to bring empty properties back into use that will have a direct impact on the New Homes Bonus.

Key Responsibilities:

- Create/ run the monthly report in order to obtain information on empty properties across both the District Councils.
- Update, monitor and review the Empty Property Database regularly by:
 - Identifying and resolving discrepancies on the Database.
 - Validating and verifying all entries on the Database, seeking to be proactive and utilising the expertise of Critical Partners such as: Legal, Planning, Environmental Health, Housing, Valuation/ Estates, Town Centre Management, Finance, local Letting Agents, Housing Associations and Councillors.
 - Validation and verification through site visits by Critical Partners, surveys and gathering of information about the properties and the reasons it remains empty.
- Initiate and maintain contact with Empty Property owners/ agents/ developers, providing information, advice and guidance when sought, either independently or through Critical Partners.
 - The advice, assistance and information should include methods to bring them back into use independently or through the expertise of Critical Partners.
- To deal with enquiries and complaints concerning potential empty properties from the public and where necessary, refer them to the appropriate Critical Partner/ organisation.
- To seek from Critical Partners and to assist in developing and implementing innovative and creative solutions and best practice to firstly, reduce the numbers on the database and secondly, to effectively bring empty properties back into use.

- To be aware of, and to assist owners in accessing funding opportunities in order to maximise financial resources available to enable properties to be brought back into use.
- Engage effectively Critical Partners, establishing positive relationships and securing active involvement and ongoing support.
 - To continually update the list of Critical Partners.
 - To arrange monthly meetings with Critical Partners in order to establish a 'one team' approach.
- Liaise with and work co-operatively with Hinkley funded Housing Implementations Officer and the agencies.
- Maintain accurate records, undertake statistical analysis and provide satisfactory data for the completion of government returns.
- Contribute to the setting of the targets for the number of empty properties brought back into use each year, and ensure these targets are achieved.
- Assist and contribute to the refresh of the Empty Property Strategy.
- To improve on the Empty Property Database accordingly.
- To undertake appropriate training as required, and maintain a knowledge of current housing and empty property legislation/ guidance sufficient to undertake duties and responsibilities of the post.
- Ability to monitor own caseload, work to and deliver on targets, assessing and reviewing own workload priorities.
- Discharge other reasonable duties appropriate to the appointment and grading of the post.

APPENDIX D

EQUALITY IMPACT ASSESSMENTS

- **Empty Homes Strategy**

Equality Impact Assessment – Empty Homes Strategy

Responsible person	<i>Christian Trevelyan</i>	Job Title: Partnership Manager – Somerset West Private Sector Housing Partnership
Why are you completing the Equality Impact Assessment? (Please mark as appropriate)	Proposed new policy or service	
	Change to Policy or Service	√
	Budget/Financial decision – MTFP	
	Part of timetable	
What are you completing the Equality Impact Assessment on (which policy, service, MTFP proposal)	The Council has reviewed and updated the Empty Homes Strategy.	
Section One – Scope of the assessment		
What are the main purposes/aims of the policy?	<p><i>The strategic objectives of private sector housing work are to: improve the health and wellbeing of vulnerable people; reduce fuel poverty; bring empty properties back into use; increase the supply and affordability of good quality private rented accommodation; reduce the number of households with preventable ill health and housing inequalities; improve housing conditions; deal with inadequate energy efficiency and carbon emissions ratings; and ensure local people have sufficient choices of housing to meet their needs, at a standard and price they can afford, where they want to live.</i></p> <p><i>The Strategy aims to fulfil the Council’s strategic housing role in tackling empty homes and making effective use of them to meet housing need. The strategy sets out the various tools available to the Council to enable this to happen, such as informal advice, financial incentives in the form of low interest loans and through enforcement.</i></p>	
Which protected groups are targeted by the policy?	<p><i>The Strategy is primarily aimed at owners of empty homes and prospective purchasers. It may also be useful to tenants or prospective tenants who are considering renting from a landlord who has brought the property back into use or is considering purchasing one. An owner of an empty home or tenant could be anyone of the protected groups including: Age; Disability. Gender Reassignment; Pregnancy and Maternity; Race; Religion or belief; Sex; Sexual Orientation; Marriage and civil partnership.</i></p>	
What evidence has been used in the assessment - data, engagement	<p>Evidence and Data used for assessment</p> <ul style="list-style-type: none"> • Private Sector housing staff performance data • Joint Strategic Needs Assessment 2013/14 	

<p>undertaken – please list each source that has been used</p>	<ul style="list-style-type: none"> • CTB1 returns to Central Government • ONS data 2014.
<p>The information can be found on....</p>	<p>The Joint Strategic Needs Assessment (JSNA) was updated for Somerset in 2014. The JSNA sets out the demographics of the population in Somerset and by district level. The data includes information around the housing stock and tenure.</p> <p>Homes from Empty Homes 2015 states that there are 610,000 empty homes in England with 205,821 long-term vacant dwellings. In Somerset there were 2,049 long term empty homes recorded in October 2014. At 1.02% of the total homes, this proportion was marginally lower than the regional and national averages. Taunton Deane recorded the highest number of empties at 473 with Sedgemoor recording 277 and West Somerset 224.</p> <p>The average house price in Taunton Deane as in 2013 was £174,500 and in West Somerset £175,000. 2.73 per 1,000 households were homeless in Taunton Deane and 2.35 per 1,000 households in West Somerset.</p> <p>Data suggests that there are approximately 111,660 people aged over 65 resident in Somerset. This is 21% of the County's population. 29.1% are in the West Somerset area and 20% in Taunton Deane, larger than the regional and national average for both districts. 47.3% of residents living in Minehead are over 65 and 34.6% of the population in Taunton are aged over 65. The number of older people in the Housing Market Area is expected to increase by 41.1% in the next 20 years in Taunton and by 36% in West Somerset. The Sustainable Community Strategy underlines the housing and support needs of Taunton's older population. It states that Taunton Deane has a higher than average dependency ratio due to there being proportionately more pensioners, and fewer 15 - 44 year olds. The dependency ratio is a measure of the proportion of a population who are too young or too old to work. A rising dependency ratio is a concern in Taunton Deane and West Somerset both facing an ageing population, since it becomes difficult for pension and social security systems to provide for a significantly older, non-working population. In West Somerset the ratio of older people to younger persons is proportionally higher than the national average. This means that there is very little house movement with households staying put. Proportionally, there is a higher number of single young persons than young households, which are seeking single bedroom accommodation. There will also be increased demand from Hinkley workers seeking accommodation during the build of Hinkley C. Funding is being provided by EDFe to mitigate the effects of the influx of workers. The capital will be used to finance the scheme options such as the loans.</p>

Section two – Conclusion drawn about the impact of service/policy/function/change on different groups highlighting negative impact, unequal outcomes or missed opportunities for promoting equality	

All Groups:

With limited resources, there is the need to prioritise which empty homes to tackle. There are two key approaches in the strategy:

- To provide encouragement and support to owners of empty homes to bring them back into use; and
- To use appropriate enforcement action.

To achieve the aim, the Partnership will take into account the following key elements:

- The length of time the property has been empty, with officers focusing on those empty for more than 6 months;
- If the property is having a negative impact on the area; and
- If the owner is taking steps to deal with the problems and return the property back into occupation.

It is hoped that most engagement will be made through the informal approach. This will provide a flexible approach to finding solutions to meet individual circumstances. Examples include advice, financial assistance in the form of a loan or possibility of a management solution should the owner not want to manage the property themselves. The Partnership will recognise properties through council tax records, raising awareness, approaches by the owners for advice or assistance and through complaints by neighbours.

The method should ensure consistency across all protected groups as the focus is on the property being empty and the individual's circumstances are not known. Language barriers can be overcome through an interpreter if requested and literature is offered in braille.

The solutions are designed to achieve positive outcomes for owners as it is in everyone's interest to bring the property back into use to prevent neglect, blight and vandalism. If we do not do this it will leave us with a legacy of neighbourhoods with deteriorating housing stock for the future which will reduce house prices and attract crime. With a shortage of available affordable homes, it is imperative that the number of empty properties brought back into use is maximised.

The previous Home Finder Lettings Review has seen that priority awarded to those with medical conditions has increased, resulting in more people being able to qualify for a 'gold band' status, alongside other vulnerable applicants who are unable to remain in their homes. The Localism Act 2011 also allows the council to house vulnerable people (such as homeless applicants) into the private rented sector with one offer of accommodation. If adequate funding is not provided to improve private sector housing standards to meet at least decent homes levels, legal challenges to the council on homelessness housing suitability grounds will almost certainly increase. Cuts elsewhere to housing support funding will also significantly affect vulnerable adults via reductions in floating support services. Combined with housing and benefit changes, financial hardship in this sector is likely to increase the number of vulnerable applicants applying to the council for housing assistance and advice. This makes the importance of available, affordable, decent homes imperative.

The information used to inform the strategy was partly obtained through the Council working with owners and agencies on current projects. Information was also captured through daily working with individuals. The anticipated main impacts on specific groups are:

Age:

A further reduction by agencies providing essential proactive services to help vulnerable private sector housing residents will have an adverse impact on independence, health and well-being which will, in turn, increase the need for care and support services. By increasing the supply of private sector rented properties by bringing them back into use can help to facilitate independent living, energy efficiency, better housing conditions, and housing functionality, allowing vulnerable people to live more meaningful lives in their own homes – and thus for housing standards in this sector to move closer to those in the social housing sector, leading to a more balanced housing market.

Understanding people's position in the housing market is important: There is considerable demand for single bedroom accommodation in Taunton Deane and West Somerset for younger people.

Disability:

The Council can adjust to an owners requirements to access the service regardless of their disability. The challenge is in evolving the private sector stock to meet an ever changing population and its needs, which can sometimes be complex. There is a larger call on housing with supported need to maintain independence. Empty homes can provide this flexibility as whilst empty, they can be redesigned to meet the needs of a disabled person. For example, wheelchair access and bathing.

Race:

It is important to be culturally sensitive when providing private sector housing services, and statutory and/or enforcement interventions are not always appropriate in achieving equitable equality outcomes, particularly for owners for whom English is not their first language. For example, the Council's enforcement responsibility could inadvertently discriminate against minority ethnic groups such as Black and Minority Ethnic (BME) owners. It is therefore important to ensure consistency and transparency in any enforcement decisions.

Sex:

No obvious direct impact identified although it is recognised that women generally have longer life expectancy than men and may therefore be a group which benefit most from the interventions outlined above and any reduction in funding for these interventions could disproportionately impact more female than males.

I have concluded that there is/should be:

No major change - no adverse equality impact identified	
Adjust the policy	Actions will be identified that will help mitigate the impacts identified above.
Continue with the policy	
Stop and remove the policy	

Reasons and documentation to support conclusions
 Actions will be put in place to limit the actions as far as possible.

Section four – Implementation – timescale for implementation

Empty Homes Strategy - This will involve quarterly monitoring of: performance against budget; key service measures; and service outcomes.

Section Five – Sign off	
Responsible officer: Christian Trevelyan Date:	Management Team Date
Section six – Publication and monitoring	
Published on	
Next review date	Date logged on Covalent

Action Planning

The table should be completed with all actions identified to mitigate the effects concluded.

Actions table					
Service area	Strategy		Date	2013/14	
Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
General discrimination when targeting empty homes.	<p>Need to ensure choice of property to target is based solely on a property by property type basis.</p> <ul style="list-style-type: none"> Properties identified through council tax and determined by the length of time empty. The negative impact on the surrounding neighbourhood. 	Partnership Manager	From when the Strategy is agreed by the various members of the partnership Council's.	Somerset West Private Sector Housing Board quarterly reports	<p>Increase in the number of properties brought back into use.</p> <p>Increases the revenue of Councils through the New Homes Bonus and council tax revenue.</p> <p>Services maintained for vulnerable private sector residents in future by providing suitable affordable accommodation.</p>

Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
	<ul style="list-style-type: none"> If the owner is taking steps to deal with the problems and return the property back into occupation. 				Effective, lower cost private sector housing interventions in quantitative terms (property conditions and living standards) and qualitative terms (how satisfied residents are in this sector).
Significance of age, disability, race and sex equality groups in private sector housing activities	<p>Raise awareness of characteristics of all these protected groups in relation to local housing market.</p> <p>Close monitoring of informal and formal action on empty home owners, and ensure managers and councillors are kept apprised of any impact.</p>	Partnership Manager	Ongoing	Scrutiny and information reports, staff briefings and housing briefings	Easily understood and accessible data and information on protected groups and specific characteristics in private housing
Ensure consistency, accessibility and equality of all advice and assistance given by council staff to private sector housing residents	Induction process for all new staff (including any temporary/agency staff); clear written procedures; effective staff supervision; and regularly reviewing all customer satisfaction returns and comments	Partnership Manager	Ongoing	Quarterly Housing Partnership Board reports	Private sector housing residents receive the same level and quality of advice and assistance, irrespective of who they are, where they live, and who they deal with.
The strategic need for the council to intervene in and	Critically assessing affordability, choices of housing, the varied housing needs of local residents,	Partnership Manager	Ongoing	Executive, Scrutiny and Partnership	A greater understanding and shaping of the local housing market .

Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
influence the local housing market and thus ensure better private sector housing conditions, costs, and choices for local people in need	and housing conditions, in the context of changing housing market conditions, public funding, and national housing policy			Board reports	
Ensure effective communications, monitoring and equality protocols with relevant partner organisations	Regular meetings with relevant partner organisations; a common understanding of priorities and pressures; initiatives to utilise complimentary work skills and experience; joint awareness and information exchange sessions	Partnership Manager	Ongoing	Partnership Board	More effective joint working and focus on priorities, better use of limited resources and consensual, co-operative approach to challenges in private sector housing
The specific needs of younger/older home owners in the local housing market	Evaluation of housing needs and choices for younger/older people, which is affordable.	Partnership Manager	Ongoing	Executive, Scrutiny and Partnership Board reports	Ensure regular monitoring is made of the housing stock demands in relation to need.

Report Number: WSC 51/16

West Somerset Council

Cabinet – 6th April 2016

Freehold Transfer of Land at Mill Street, Watchet to Watchet Town Council

This matter is the responsibility of Cllr Mandy Chilcott, Lead Member for Resources & Central Services

Report Author: Rachel Mulcaire, Assistant Estates Officer

1. Executive Summary/Purpose of the Report

- 1.1 To consider the transfer of an area of land at Mill Street Watchet to the Watchet Town Council, the extent of which is shown hatched and marked with an 'X' on the attached plan (Appendix A).

2. Recommendations

- 1.2 That Cabinet recommend to Council to approve:
- The freehold transfer of an area of land at Mill Street Watchet for a nominal £1 consideration.
 - All other terms and conditions of the transfer to be agreed by the Assistant Director for Property and Development in association with the Lead Member.

3. Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
The Parish Council propose to use the area for other uses	Unlikely (2)	Moderate (3)	Low (6)
The land is to be sold at £1 consideration with a covenant limiting its use to that of a shrub area only in perpetuity, and in the event of planning consent being obtained for a more valuable use, the Council to be entitled to receive an overage payment as a share of the net increase in value.	Unlikely (2)	Minor (2)	Low (4)

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 This piece of land is predominantly full of shrubs and is maintained by the Council's grounds maintenance team on an annual basis. The area is of triangular shape circa 19m x 24m x 12m (See Appendix A) and is located directly in front of three properties 7 – 9 Mill Street, Watchet.
- 4.2 The Town Council have advised the District that they receive regular complaints from the property owners in Mill Street about the condition of this shrub bed and have requested on several occasions since 2012 to take over the ownership of this land.
- 4.3 In 2011 an adjacent owner also requested to purchase this piece of land.
- 4.4 Due to the fact that the location of the shrub bed is directly in front of all three houses, it is not considered appropriate to offer all of the land to any one property in isolation.

- 4.5 The Town Council's request to take ownership of the land was considered and supported by the Asset Management Group on the 19th August 2015. It was recommended that the freehold of the land was transferred at a nominal consideration but for Watchet Town Council to pay fifty percent of the WSDC officer/legal time costs which were estimated at £1,500.
- 4.6 This offer was put to the Town Council who considered this at its Environment and Planning Committee meeting. Following this meeting the Town Council requested that each party pay for their own legal costs otherwise the Town Council would be faced with excessive charges.
- 4.7 This was put before the Asset Management Group on the 19th October 2015 where it was recommended that the District Council proceeded on the basis of each party paying their own legal costs on the provision that the Town Council's solicitor draws up all the relevant legal documentation. This was agreed by the Town Council at their meeting held on the 19th November 2015.
- 4.8 Under S123(2) of the Local Government Act 1972 a disposal must be for the best consideration reasonably obtainable unless the Secretary of State consents to the disposal. Circular 06/03: Local Government Act 1972 General Disposal Consent (England) 2003 gives authorities consent to dispose of land in circumstances where it considers: -
- a) 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 objects in respect of the whole or any part of its area, or of all or any persons resident or present in its 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 value (i.e. the best price reasonably obtainable for the property on terms that are intended to maximise the consideration) of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
- 4.9 It is considered that this disposal of land to the Town Council complies with these requirements.

5. Links to Corporate Aims/Priorities

- 5.1 The transfer of this area of land will reduce ongoing maintenance liabilities for the Council which will assist in establishing a resilient operating model.

6. Finance/Resource Implications

- 6.1 The land is to be sold at £1 consideration with a covenant limiting its use to that of a shrub area only in perpetuity. In the event of planning consent being obtained for a more valuable use, the Council to be entitled to receive a share of the net increase in value through an overage payment.

7. Legal Implications

- 7.1 Each party is to pay their own legal costs but it has been agreed that Watchet Town Council's solicitors will draw up all the relevant legal paperwork to reduce the hours spent on this transfer by District Council's solicitors.

8. Environmental Impact Implications

- 8.1 None

9. Safeguarding and/or Community Safety Implications

- 9.1 None

10. Equality and Diversity Implications

- 10.1 None

11. Social Value Implications

- 11.1 None

12. Partnership Implications

- 12.1 None

13. Health and Wellbeing Implications

- 13.1 None

14. Asset Management Implications

- 14.1 The Council's ongoing property maintenance liabilities will be reduced.

15. Consultation Implications

- 15.1 Due to the fact that the location of the shrub bed is directly in front of all three houses, it is not considered appropriate to offer all of the land to any one property in isolation.

- 15.2 The Town Council is acting on behalf of complaints from local residents and the Town Council have expressed a wish to maintain the area themselves to bring it to a higher standard for residents, property owners in Mill Street and visitors to the town.

16. Scrutiny Comments/Recommendation(s) (if any)

- 16.1 This report went to the Scrutiny Committee on 10th March 2016 where they agreed with the recommendations.

Democratic Path:

- **Scrutiny/Corporate Governance or Audit Committees – Yes**
- **Cabinet/Executive – Yes**
- **Full Council – Yes**

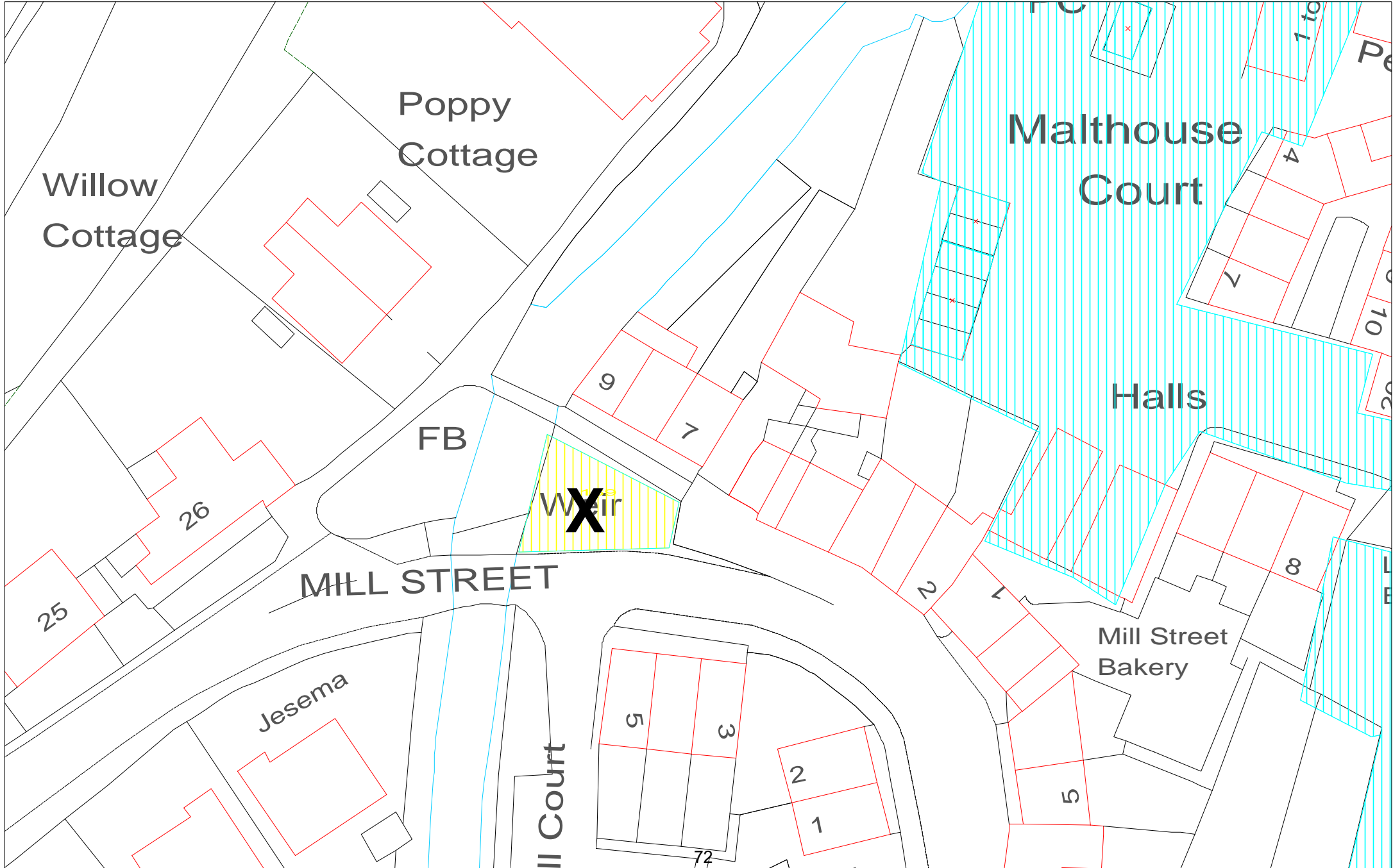
Reporting Frequency: **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices

Appendix A	Plan of land at Mill Street, Watchet
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Contact Officers

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Report Number: WSC 53/16

West Somerset Council

Cabinet 6th April 2016

Planning Obligations Allocation- Mineral Line Poetry Pin

This matter is the responsibility of Cabinet Member: Councillor M. Chilcott

Report Author: Tim Burton: Assistant Director Planning and Environment

Executive Summary / Purpose of the Report

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

1 Recommendations

- 1.1 Cabinet agree the allocation of £3000 to West Somerset Arts Consortium (ARTLife) for the Mineral Line Poetry Pin.

2 Risk Assessment (if appropriate)

Risk Matrix

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

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%

3 Background and Full details of the Report

- 3.1 Danesfield, St Peter's, Old Cleeve and Knights Templar schools and Pebbles Poetry group, will work with Christopher Jelley to create a walking trail of geo-located poetry along the West Somerset Mineral Line between Washford and Watchet – in similar vein to www.poetrypin/info at Hinkley Point. This funding is sought to cover workshop fees and installation of the poetry trail.
- 3.2 During 13 on-site and indoor workshops, participants will generate poems to be sited 'virtually' along the trail in specific places. These poems, about the place, its history, what people can see, how the poets feel about it, will be accessible through smart phones, be free at the point of access and work off grid (no mobile signal required). The poems can only be read in location, creating a need to hunt out the words posted along the trail. This process creates a twofold connection. Primarily it requires time from the authors to visit, research and write, as a collective inter-generational activity; and secondly the reader must visit this location to reveal the poems. Each of these visits strengthens the individual to the location, the landscape, and therefore the community.
- 3.3 Around 150 participants will learn the skills to create something new for their community; celebrating their connection to, and the heritage of, this unique asset. The project is

designed to provide creative literacy input for pupils; develop their citizenship, confidence and connection to each other and their communities; bring schools and community groups to work on a project together; and create a new tourism activity for the area that adds to the existing offer by West Somerset Mineral Line Association

- 3.4 The West Somerset Mineral Line Association is supportive of the plans and it is anticipated that the project will increase usage of this amenity and add to the tourism offer. Watchet, especially, is identified as an area of need in terms of tourism and community impact mitigation related to Hinkley C. The Mineral Line is also included in the Steam Coast Trail project and this project will add value to that initiative and ARTLife are collaborating with the project officer
- 3.5 The whole Landscape Art Programme (funded through the s106 agreement associated with the Hinkley Point C Site Preparation Works) was designed to be totally funded within the scheme, with zero drain on long term resources. The Mineral Line project web-space will be part of the existing Poetry Pin host site (poetrypin.info) and be maintained into the future as a growing group of projects, each new project budget including an element for upgrade and maintenance of the host site. Based on existing Landscape Art installations along the Coleridge Way and Hinkley Point Poetry Pin trails, signage will remain functional and not require any maintenance for at least three years, at which point a review of the whole trail and its usage would be sensible
- 3.6 £3000 is being requested from a total scheme cost of £9520. The proposal was considered and supported by the Planning Obligations Group at its meeting on 1st March 2016.

4 Links to Corporate Aims / Priorities

5 Finance / Resource Implications

- 5.1 This £3000 represents the final part of the £80,000 allocated to the Hinkley Landscape Art Scheme

6 Legal Implications (if any)

- 6.1 None

7 Environmental Impact Implications (if any)

- 7.1 No adverse impacts

8 Safeguarding and/or Community Safety Implications (if any)

- 8.1 None

9 Partnership Implications (if any)

- 9.1 None

10 Health and Wellbeing Implications (if any)

- 10.1 None

11 Asset Management Implications (if any)

11.1 None

Contact Officers

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Report Number: WSC 54/16

West Somerset Council

Cabinet – 6th April 2016

HINKLEY POINT C SECTION 106 AGREEMENT – ALLOCATIONS OF HOUSING FUND

This matter is the responsibility of Cllr Keith Turner, Lead Member for Housing, Health and Wellbeing

Report Author: Andrew Goodchild, Assistant Director Energy Infrastructure

1 Executive Summary / Purpose of the Report

- 1.1 In April 2015 Full Council agreed to allocate £302,236 of the Hinkley Point C Housing Fund towards the delivery of 37 units creating 142 bed spaces in Monmouth Street, Bridgwater. This decision was subject to a number of conditions.
- 1.2 Since April 2015 officers at West Somerset and Sedgemoor have been discussing the detail of the scheme and in particular the agreement between the Councils and the proposed developer
- 1.3 This report seeks Cabinet's recommendation on whether or not to accept the details of the scheme which have emerged during discussion. Cabinet's recommendations will need to be presented to Full Council as the scheme as currently proposed does not meet the conditions which Full Council imposed on the proposed allocation.

2 Recommendations

- 2.1 That Cabinet consider the merits of the scheme as currently proposed and **either**:
 - 2.1.1 Recommend to Full Council that the scheme as currently proposed is accepted and that £302,236 is granted to Bridgwater Homes Limited subject to the following conditions:
 - a. Sedgemoor District Council provide a copy of the variation to the Section 106 agreement to enable the delivery of the scheme as currently proposed prior to the release of funding;
 - b. That any variation, to the extent that the development costs less than predicted within the proposal for funding, is returned to West Somerset Council so that it can be returned to the Hinkley Point C Housing Fund up to the value of the grant amount;
 - c. That a Funding Agreement, the content of which shall have been approved by Director of Operations and the Assistant Director Energy Infrastructure, is in place

between Sedgemoor District Council and Bridgwater Homes Limited which includes (amongst other things):

- i. a payment schedule which identifies that 15 units shall be completed before £150,000 is released, 25 units shall be completed before a further £75,000 is released and 37 units shall be completed before the final payment of £76,736 is released;
- ii. a timetable for the delivery of the development;
- iii. provision for Sedgemoor District Council to retain formal nomination rights in terms of vacancies for 10 years

Or

- 2.1.2 Recommend that Full Council does not support the Monmouth Street, Bridgwater scheme as currently proposed and that the allocation of £302,236 is refused and returned to the Hinkley Point C Housing Fund

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
That the effectiveness of the Housing Contribution is not maximised resulting in those in housing need being adversely affected by the Hinkley Point C project	3	4	12
<i>That proposals which develop bed space provision in line with the approved Housing Funding Strategy are brought forward in a timely manner</i>	2	4	8
That decisions on how to apply the Housing Contribution are taken without due regard to either the principles relating to the contribution or the obligations placed on West Somerset Council within the Section 106 agreement	2	5	10
<i>That firstly the Planning Obligations Board and then Cabinet and Council take decisions having carefully considered the principles set out within the Section 106 agreement and West Somerset Council takes account of its obligations pursuant to paragraph 3.3 of Schedule 2 of the Section 106 agreement</i>	1	5	5

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)
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	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
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Likelihood of risk occurring	Indicator	Description (chance of occurrence)
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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 The scheme at Monmouth Street was originally presented to Cabinet in March 2015 following discussion at the Planning Obligations Board. At the March 2015 meeting Cabinet recommended that the scheme should be refused. In light of that recommendation officers of both Councils and representatives of the developer met to discuss the scheme and a revised proposal was presented to Members at Cabinet in April 2015. These revised proposals were supported and Full Council approved the allocation of funds (subject to a number of conditions) in April 2015.

4.2 In March 2015 Cabinet's reasons for recommending refusal of the scheme were:

...concerns were raised regarding the affordable housing on the... Monmouth Street site. The Lead Member reported on the main issues of concern, namely it was felt that neither of these two schemes delivered value for money and the concept of only providing affordable housing for ten years, with the properties then reverting back to the open market, was not acceptable as it was at this time when it was felt that there would be even more of a demand for affordable housing. He further expressed that he did not think the balance was right and wanted to see affordable bed spaces for the long term to ensure a lasting legacy of the housing enabling fund.

The main points raised during the discussion included:

- There was seen to be a considerable profit element to the private developer.

- It was important to maximise the effectiveness of the housing contribution and there should be further negotiations with the developer and the landowner to negotiate the land value, to extend the term of affordable housing, or even to lengthen it to perpetuity.
- The abnormal land conditions should be reflected in the land value.
- The mix of units did not match the profile of the Hinkley workforce.
- Concerns were expressed in terms of setting a precedent relating to other projects.

4.3 Discussions between officers after the March 2015 Cabinet meeting revealed the following:

- Those abnormal development and infrastructure costs have been taken into account when the applicant has arranged an option to purchase the Monmouth Street site for an agreed price;
- The detail of the viability appraisal was discussed at length and officers are comfortable that the assessment is sound and does not identify any anomalies and does not indicate that any underlying assumptions are either too high or too low;
- Officers can confirm on this basis that, in their view, the price paid for the land and the profit levels derived by the applicant are not unreasonable;
- LV Property Rentals Ltd and SDC are clear that the intention for the projects to start on site during August 2015 forms an integral part of the proposed bids. Should the projects not start on site during August 2015, LV Property Rentals Ltd and SDC are of the view that any money allocated to these projects could be returned to the Housing Contribution and could be applied to other projects in Sedgemoor and West Somerset; and
- LV Property Rentals Ltd are providing the necessary information to enable SDC to complete the Homes and Communities Agency's Due Diligence process, the outcomes of which will be shared with WSC.

4.4 Of relevance to this report was the confirmation that the rental arrangements for units provided on the scheme would be on an affordable rented basis (capped at 80% of the prevailing market rent) for 10 years and then for a minimum period of 20 years will be provided with rents capped at the Local Housing Allowance which will mean rents will be below the prevailing market rent for a comparable property and will enable those in receipt of housing benefits to occupy the units without any additional assistance / financial expenditure.

4.5 In light of the above, Cabinet recommended and Full Council approved the allocation in April 2015 subject to the following conditions:

- That Full planning permission for each scheme must be in place;
- That the S106 agreement between the developer and Sedgemoor District Council must reflect the number and tenure of affordable housing units and a mechanism for review as stated in the proposals for funding;
- That any variation, to the extent that the development costs less than predicted within the proposal for funding, is returned to the Housing Contribution Fund up to the value of the grant amount;
- An agreement must be in place between WSC, SDC and LV Property Rentals Ltd (for Paragon Laundry and Monmouth Street schemes) to agree key milestones including a start on site in August 2015 with scheme completion in

November 2016 and performance measures with clauses to include the repayment of grant if key milestones are not met;

- That the financial Due Diligence exercise is completed and its results are presented to the Director of Operations and Assistant Director Energy Infrastructure for approval prior to the release of funds;
- That the draft funding agreements confirm the rental arrangements described in paragraph 5.14 of the report and includes provision for SDC to retain formal nomination rights in terms of vacancies for the initial 10 year period following completion of the schemes; and
- That the results of the financial Due Diligence exercise inform the content of funding agreements (which have been presented in draft form) between SDC and LV Property Rentals Ltd which are completed and presented for approval by the Director of Operations and Assistant Director Energy Infrastructure prior to the release of funding.

The current proposal

- 4.6 Despite working with the developer since April 2015 the funding agreement between the Councils and the developer has yet to be completed and the scheme has not commenced. In late January 2016 a draft of the funding agreement was provided by Sedgemoor to WSC and the developer 'for approval' which - apart from the delivery timetable which had 'slipped' - was in accordance with the recommendation and conditions imposed by Full Council. WSC Officers confirmed their acceptance of the contents of the funding agreement on 11th February.
- 4.7 Since then the developer has confirmed that they are unable to enter into the agreement and WSC received a letter from Sedgemoor on 24th February which is attached at Appendix A. In essence the developer is unable to commit to the 20 years of rents capped at the Local Housing Allowance which was originally due to be the case between years 11-30 of the scheme.
- 4.8 A more detailed explanation of the issue is set out in a note prepared by Sedgemoor provided on 3rd March attached at Appendix B and more detail is provided in a note received 24th March and attached at Appendix C (confidential).
- 4.9 Importantly, Sedgemoor in Appendix C, have sought in the note to demonstrate why the scheme which was presented 12 months ago is no longer viable. The note highlights that changes in Government's approach to rent and benefits more generally has increased the difference between Local Authority Housing Allowance rate and market rental values, to the extent that the scheme presented last year with the level of grant proposed is not something which the developer can obtain finance for.
- 4.10 In exploring options, the note from Sedgemoor advises that a grant of £1m would be sufficient to secure 30 years of affordable rent which would equate to £8,500 per bedspace and would utilise more than 50% of the fund which both Councils have to bring forward housing enabling schemes. On this basis it is recommended that the scheme is not something which ought to be considered positively.
- 4.11 For ease of use a comparison between the approved scheme and the current proposal is set out in the table below:

	April 2015 Approved Scheme	Current Proposal
Developer	LV Properties Limited	Bridgwater Homes Limited (nb. LV Properties were a subsidiary of Bridgwater Homes Limited)
Amount of grant sought	£302,236	£302,236
Rent arrangements	10 years of affordable rent followed by 20 years of rent capped at affordable housing allowance. Uncontrolled thereafter	10 years of affordable rent. Uncontrolled thereafter
Delivery Timescale	August 2015 to November 2016	April 2016 to June 2017

- 4.12 On the wider issue of housing delivery, it is fair to say that delivering housing, especially affordable housing is proving extremely difficult. In West Somerset many approaches have been made to housing partners (private and registered providers) in an attempt to develop schemes but to date only the Knightstone scheme at Croft House, Williton has come forward. No other schemes using the Hinkley Point C Housing Contribution are currently being discussed – despite the continued efforts of the Lead Member, Assistant Director and Housing Enabling Team. The note at Appendix B indicates that the position is similar in Sedgemoor and discussion indicates that this is true across the South West.
- 4.13 In considering whether to support the current proposal or to reject the scheme, Sedgemoor have advanced the argument that the location of this scheme, which is on a main transport route to be used by Hinkley Point C traffic; alongside the positive regeneration of a central Bridgwater site; and provides affordable housing for the period when the impacts of the Hinkley Point C workforce being located in the local area will be most keenly felt in the housing market. Sedgemoor is satisfied that the project will achieve a suitable legacy.
- 4.14 If a positive decision in favour of the current proposal is taken, it will be important to be clear that this does not set the ‘standard’ for schemes seeking to utilise the Hinkley Point C Housing Fund i.e. that schemes seeking to develop market units only need to deliver affordable housing rent levels for a period of 10 years.
- 4.15 The criteria that have to be taken into account in making decisions on housing schemes are set out in paragraphs 7.1, 7.2 and 7.3 below. None of these criteria ‘have’ to be met, many of them are ones where subjective judgements are required and it is clear that some of them will not be met by this proposal.
- 4.16 On the basis of the above information and the detailed position set out in Appendix B, Cabinet are requested to make a recommendation to Full Council.

5 Links to Corporate Aims / Priorities

- 5.1 Key Issue (a) of Key Theme 1 (Our Communities) of the West Somerset Corporate Strategy 2016-2020 states that the Council will aim to increase the availability and affordability of homes for local people – to both buy and rent
- 5.2 Key Issue (e) of Key Theme 3 (Our Place and Infrastructure) of the West Somerset

Corporate Strategy 2016-2020 states that the Council will aim to mitigate negative impacts on the community from the construction phase of Hinkley Point C

6 Finance / Resource Implications

- 6.1 The funding for the delivery of the Housing Strategy is from the s106 agreement for Site Preparation Works at Hinkley Point C, not the Council's own resources. However, we must be able to demonstrate to our stakeholders that we have maximised the benefit from this fund in terms of mitigating of the impact of Hinkley Point C on West Somerset and Sedgemoor, as well as taking due care of these public funds.
- 6.2 In addition, Schedule 19 paragraph 1.2 of the Section 106 agreement does obligate West Somerset Council not to spend the housing contribution "other than for the purposes specified" within the agreement. It is appropriate therefore, that the Councils collectively ensure that risks are appropriately managed via the funding agreement with the developer to ensure that there is no risk that the Council might be required to either step or to repay contributions back to the housing fund should the development not proceed after monies have been paid.
- 6.3 Within the Housing schedule set out in the s106 agreement, WSC on behalf of West Somerset and Sedgemoor District Councils received £4.004m for the delivery of housing schemes, making this the largest single contribution received under the agreement. Within the agreement, there is a further restriction. The Councils can only spend a total of up to £2m on schemes other than Private Sector Initiatives and Social Housing services (except for Accreditation of landlords). We will need to monitor what we spend on these areas to avoid breaching this limit. At present the uncommitted balance of the Housing Fund is £2,440,303.
- 6.4 Whilst the funding agreement has yet to be completed, the payment profile set out in the 'for approval' draft is sufficient to mitigate any risk to West Somerset Council as payments will only be made once units have been completed. Clearly Members will need to consider whether or not they are content that the current proposal for 10 years of affordable housing only represents value for money which is a requirement of the legal agreement.

7 Legal Implications

- 7.1 Schedule 1 of the Section 106 agreement for Site Preparation Works sets out very clearly the principles which apply to the administration of the Housing Contribution. Those principles which apply to the Housing Contribution are as follows:

In relation to the Housing Contribution, the Board shall recognise the degree of actual or potential impact on the immediate local housing market across the geography of the administrative areas of West Somerset Council and Sedgemoor Council only and that the application of funds from the Housing Contribution will reflect this (paragraph 4.1.10).

Priority will be given to those schemes, measures and projects that (paragraph 4.1.12):

- a. have been identified as priorities to the communities within Parish or Community Plans as applicable;
- b. are aligned to approved policies or plans of the West Somerset Council, Sedgemoor Council and the County Council as applicable;

- c. can demonstrate the greatest potential to achieve mitigation of impacts, taking into account value for money;
- d. can demonstrate the greatest potential to address need arising from the Development and other elements of the Project (if permitted), taking into account value for money;
- e. can demonstrate overall value for money in terms of cost and effectiveness;
- f. can demonstrate a contribution to developing and maintaining sustainable communities throughout the areas of impact; and
- g. complement other measures committed in this Deed or practised by the parties.

7.2 The Section 106 agreement (paragraph 4.1.16) goes on to set out that the following principles will be applied just to the Housing Contribution:

Bids for funding from the Board from the Housing Contribution will be submitted on a model application form for consideration and to allow for consideration by the Board *inter alia* against the criteria outlined below (project meaning the relevant mitigation project or measure):

- a. Priority impact zones – priority shall be given in accordance with paragraph 4.1.10;
- b. Extent of benefit – the Board shall recognise that the principal purpose of the contribution is to mitigate potential adverse effects on the availability of accommodation to local residents, particularly those on lower incomes;
- c. Sustainability – to what extent has the applicant demonstrated that the project will contribute to the wider goal of achieving sustainable communities, contributing to regeneration objectives and achieving higher standards of environmental sustainability;
- d. Community support – to what extent is there demonstrable local community and/or business support for the project;
- e. Partner support – where relevant, to what extent is there demonstrable local partner support for the project;
- f. Alignment to relevant housing strategies – to what extent does the proposal align with developing or approved housing strategies for the appropriate administrative area/s;
- g. Governance – can the applicant demonstrate good governance arrangements are in place, including financial and project management to ensure deliverability; and
- h. Value for money – can the applicant demonstrate value for money and that reasonable efforts have been made to maximise the impact of any investment? Has match funding been secured where appropriate.

Bids will not be required to meet all criteria but all criteria will be taken into account and the provisions and limitations of this Deed in relation to the Housing Contribution shall apply. (para. 4.1.17)

7.3 Members will recall that the POB makes recommendations to West Somerset Council for final approval. In the case of the Housing Contribution, paragraph 3.3 of Schedule 2 of the Section 106 agreement legally obligates West Somerset Council to do the following:

When considering how to apply the Housing Contribution, West Somerset Council shall take into account the recommendations of the Board and the extent to which the relevant initiative:

- gives priority to localities within the administrative areas of West Somerset Council and Sedgemoor Council where the impacts of the Development are most likely to be felt;
- would maximise the cost effectiveness of the Housing Contribution;
- addresses both direct and indirect accommodation demands;
- would be responsive to changes in the housing market; and
- offers the potential for recycling the Housing Contribution so that it can be reinvested in other housing initiatives, as far as reasonably practicable and **PROVIDED THAT** any recycled monies are not considered as unspent parts of the Housing Contribution.

8 Environmental Impact Implications

- 8.1 There are no direct implications of approving the Housing allocations. However, there are obviously environmental impacts associated with the wider proposed development of Hinkley Point C. These have been assessed within the Environmental Statement submitted by NNB GenCo with the application to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037) and mitigation measures have been secured.

9 Safeguarding and/or Community Safety Implications

- 9.1 All housing developments should be designed to minimise the potential for crime and disorder. The Housing Fund proposals are designed to mitigate the impact of HPC workers on accommodation in the district, by meeting the needs and aspirations of the local community, improving the quality of housing across the district, increasing housing supply and housing options, so could be expected to have a positive impact on crime and disorder.

10 Equality and Diversity Implications

- 10.1 The Hinkley Housing Funding Strategy complies with recommendations that the Council should maximise all opportunities to monitor and measure responses and outcomes against diversity criteria to help plan future housing provision in a way that reflects the needs of all groups within the community. The proposals are intended to increase the supply of accommodation available to all, with measures to assist vulnerable local residents to access housing across West Somerset and Sedgemoor. All actions should be in compliance with the Human Rights Act.

11 Social Value Implications

- 11.1 Not applicable

12 Partnership Implications

- 12.1 The partnership between WSC and Sedgemoor is important in the context of the delivery of housing units and both Councils need to operate in accordance with the legal

agreement.

13 Health and Wellbeing Implications

13.1 The Housing Fund proposals are designed to mitigate the impact of HPC workers on accommodation in the district, by meeting the needs and aspirations of the local community, improving the quality of housing across the district, increasing housing supply and housing options, so could be expected to have a positive impact on health and wellbeing.

14 Asset Management Implications

14.1 Not applicable

15 Consultation Implications

15.1 All the various housing initiatives were originally discussed with and have been developed in consultation with Somerset West Private Sector Housing Partnership (SWPSHP), Somerset West Landlord & Tenant Services (SWELT), private sector landlords, the West Somerset Affordable Housing Group, and the West Somerset Housing Forum.

16 Scrutiny Comments / Recommendation(s) (if any)

16.1 Not applicable

Democratic Path:

- **Scrutiny – No**
- **Cabinet – Yes**
- **Full Council – Yes**

List of Appendices (delete if not applicable)

Appendix A	Letter from Sedgemoor District Council
Appendix B	Note from Sedgemoor District Council

Contact Officers

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E-mail: Phillip.adams@sedgemoor.gov.uk
Date: 23 February 2016

Dear Andrew,

Monmouth Street, Bridgwater

Following discussion with Bridgwater Homes on their proposed development at Monmouth Street, I have been asked to formally write on their behalf regarding the conditions of their grant.

As you know, POB awarded Bridgwater Homes a grant of £302,236 from the EDF Accommodation Fund in April 2015 to bring forward 37 units on their site in the centre of Bridgwater. The funding was agreed on the basis that the project provide ten years of affordable provision on site covering all 37 units, followed by a further 20 years of market rent. We have been working intensively over the past few weeks upon the resultant legal agreement on this basis.

Following a discussion earlier this week however, the developer has made it clear that whilst they are willing to commit to the ten year affordable product on the site, and all other conditions and drafting in the agreement, they are unable to commit to the further 20 years. Having discussed this in detail with them, we understand that the project's financial backers are at the heart of this decision, having informed the developer that they will not agree to the units being tied up for the full 30 year period. They strongly feel that to do so would artificially prejudice any future disposal and represents an unreasonable expectation given the relatively low level of funding involved.

This leaves Sedgemoor in a difficult position given current West Somerset expectations. As the effective recipient of grant funding in this instance, we are clearly unable to agree to any such request unilaterally, with no ability nor mandate to negotiate the terms upon which the grant was awarded.

It was highlighted to us that in doing so that technically the 20 year provision is an additional requirement that wasn't captured in the 4 conditions outlined in the minutes of the West Somerset 1 April meeting. We are very aware however that the issue was emotive at the time and is likely to lead to a rejection of any legal agreement we as SDC may put together. As such, Sedgemoor has effectively exhausted its ability to move this project forward.



Given this, the applicant has formally written to ~~us~~⁸⁸ requesting we write to West Somerset as the grant provider to raise the issue directly and seek clarification. They have been clear that should the answer be no, they will withdraw from the process and seek alternative approaches. Clearly however this would not be their preferred solution.

For our part, lack of delivery is clearly a paramount issue at present and we would prefer to proceed if at all possible. The project is clearly a strong strategic fit and meets with the requirements of the Preliminary Works S106. However, as debated at length during the grant awarding process, Sedgemoor is bound within the conditions set.

Given the nature and background involved with this case, I have also taken wider soundings on how the Council would prefer to proceed. In response, Sedgemoor District Council's position is as follows:

- The issue of tenure and the detail of the agreement to facilitate a deliverable scheme must be a matter for Sedgemoor District Council and its members as the planning and housing authority.
- We consider that the primary issue is that of enabling advanced accommodation to avoid and reduce effects on the wider housing market.
- The ten year period agreed for affordable accommodation effectively does mitigate the impacts on the housing market during the construction period.
- The housing tenure thereafter is not a key issue, as the legacy for the area is the regeneration of a site and the new units of accommodation.
- We would therefore request that West Somerset urgently reconsiders it's conditionality of the funding which is now proving to be a block on delivery.

We are happy to meet to discuss this matter, but we will wish to have a written response to this request as a formal record for any audit and to inform our annual monitoring report.

Given the content of this letter, I have copied in and discussed in advance with Claire, Doug and Allison Griffin on our side, who have the respective lead roles. I have also copied in Toni Hammick, who is representing the developer in this instance.

We look forward to your response.

Yours Sincerely



Phill Adams
Service Manager, Economy and Housing Development



Update on Hinkley Housing Development **Monmouth Street, Bridgwater**

1) Overview

- 1.1 This paper sets out a brief overview of progress made on the approved Hinkley housing mitigation project at Monmouth Street in Bridgwater.
- 1.2 It details activity to date on the project; a recent request for change of conditions from the applicant and the background rationale for doing so; and Sedgemoor's strong preference to proceed with amended conditions. .

2) Background

- 2.1 Monmouth Street is a privately developed housing project located within central Bridgwater. The project, which will deliver 37 units (equivalent to 142 bedspaces), was awarded gap funding of £302,236 from the S106 Preliminary Work Housing Enabling Fund in April 2015. The gap funding was agreed on the principle that the properties be secured for 10 years as an affordable rented product before transferring to a further 20-year period of controlled rents.
- 2.2 At the time of approval, the following detailed conditions were imposed:
 - 1) That full planning permission for each scheme must be in place;
 - 2) That the S106 agreement between the developer and Sedgemoor District Council must reflect the number and tenure of affordable housing units and a mechanism for review as stated in the proposals for funding;
 - 3) That any variation, to the extent that the development costs are less than predicted within the proposal for funding, is returned to the Housing Contribution Fund up to the value of the grant amount;
 - 4) An agreement must be place between WSC, SDC and LV Property Rentals Ltd (For Monmouth Street) to agree Milestones in including the start on site in August 2015 with scheme completion in November 2016 and performance measures with clauses to include the repayment of grant if key milestones are not met;
 - 5) That the financial due diligence exercise is completed and its results are presented to the Director of Operations and Assistant Director, Energy Infrastructure for approval prior to the release of funds;
 - 6) That the draft funding agreement confirm the rental arrangements described in paragraph 5.14 of the report and included provision for SDC to retain formal nomination rights in terms of vacancies for the initial 10-year period following completion of the scheme; and
 - 7) That the results of the financial due diligence exercise inform the content of the funding agreements (which have been presented in draft form) between SDC and LV Property Rentals Limited which are completed and presented for

approval by the Director of Operations and Assistant Director, Energy Infrastructure prior to the release of funding.

3) Current Status and Issues

3.1 Since the approval of the Monmouth Street project in April 2015, officers in Sedgemoor and West Somerset have been working intensively to bring forward the final legal agreement. This process has been protracted due to a range of negotiations over conditionality. However, as of the end of January 2016, the following had been achieved against the 7 required conditions:

- 1 and 2) Planning permission and the S106 for the development were signed off on the 31 March 2015.
- 3) Repayment clauses have been agreed through the funding agreement and will be in place on signature.
- 4) Milestones have been agreed through the funding agreement for the project in line with the conditions outlined. To ensure that these weren't missed as the legal agreement were finalised, early clearance work and site preparation was also carried out by the developer at risk on site.
- 5) Significant additional due diligence, including two separately viability studies, were undertaken on the project during mid-2015, with results shared with relevant leads. The project was agreed in principle in early Autumn 2015, subject to final legal agreement.
- 7) Following the outcome of the due diligence study work, a testing payment profile was put forward based on payment on delivery. Though phased, the profile agrees no payment before completion of relevant units. To cover related borrowing cost linked to this approach, and facilitate agreement between the three parties, Sedgemoor has unilaterally offered to assist with a small contribution (£25,000) to site preparation works from its own funds. West Somerset has indicated it is happy with this approach.

3.2 This progress has left a single condition (Condition 6) outstanding over the tenure mix and longevity. Discussion in the past month however have revealed this final issue to be a sticking point. Whilst the scheme promoter is still happy to offer up the ten years affordable rented product in the first instance, they have indicated that their financial backers will not now support a further 20-year period of controlled rents on the units. In part, this is as they consider the amount of grant being proposed inadequate to cover their potential loss over a 30-year period on the units, as well as reducing future options for disposal.

3.3 In particular, the developer has highlighted that this condition is a significant additional burden above and beyond the original S106 treatment, which would have only required the sacrifice of 4 units of the 37 on offer. The offer of 100% affordable for ten years is in effect a massive over provision when compared with the base

case. This is an issue Sedgemoor had already effectively conceded upon, with the S106 to be modified anyway to allow for the overprovision as part of the adoption of the funding agreement.

- 3.4 Given the impasse reached, Sedgemoor has undertaken a range of discussions with the developer on this condition over recent weeks, attempting to unlock the project and finally bring forward the units involved. Whilst the developer has been willing to discuss all other matters, this element is a fundamental financial sticking point for the investors and developers involved.
- 3.5 This leaves Sedgemoor unable to proceed at this time without further guidance from West Somerset Council. As Members will be aware, and as set out, the grant involved is subject to decision making and conditionality from West Somerset, with no ability for Sedgemoor to act unilaterally in this instance.

4) **Appraisal and Recommendation**

- 4.1 Sedgemoor has carefully considered the extant issue involved and believe that, for a range of reasons, it would be unacceptable to lose the project at this time. A brief overview of the rationale for this approach is set out below:

- **Wider Housing Market Conditions** – As Members will be aware, the past twelve months have seen a dramatic decrease in the appetite of housing partners to build, particularly amongst social housing providers. The announcement by the Chancellor in the July Budget statement to cap social rent levels for 4 years has led to a national drop off in build rates amongst RSL providers, with all but the most unavoidable schemes being mothballed. In both Sedgemoor and West Somerset, key partners are focused upon delivering those projects which are subject of unavoidable commitments, but are not currently seeking to add to portfolios.

This position is clearly of significant concern to partner authorities in the Hinkley impact area, with a national slowdown in social housing in a period of enhanced need extremely difficult. Sedgemoor has felt the direct impact of this in terms of S106 projects, with the Withycutter project currently stalled in the face of a significantly weakened viability case. It is hoped however that this project can be repackaged shortly to allow it to proceed.

Sedgemoor, West Somerset and Taunton are currently working closely with the Homes and Communities Agency on this matter given the pronounced case of need.

- **Development conditions in Bridgwater and surrounding areas** – Over the past six months, Sedgemoor and surrounding areas have experienced a significant shift in the local property and development market. Whilst development of employment sites and wider facilities have accelerated as FID transition has nominally approached, the opposite has been the case on housing provision, with individual developers seeking to land bank in preparation for a future uplift in prices. This has also seen price expectations increase, with land which nominally had limited resale value two years now being offered up at 25%

margins on previous residential value. This is despite there being limited evidence that any land uplift will occur for many of the sites involved over the next decade and only marginal appetite in building out.

The net effect of this approach however has been to depress the volumes of units under development further in the Hinkley Impact area. Landowners are reluctant to commit to sales today which crystallise lower land prices in an environment in which there is an expectation of future value. Whilst not unexpected (in fact very much as anticipated in council papers of April 2015), this reluctance to build is proving a significant barrier in an environment in which significant additional rented and social housing is likely to be required in short order.

This issue has also already had a direct impact on S106 delivery, with two of the previous POB projects approved having been effectively withdrawn by their respective developers in favour of future opportunities. Efforts continue to reinvigorate these schemes, but it anticipated that these will not proceed in time to meet early worker demand

- **S106 Delivery Requirements** – Whilst authorities are still waiting on a FID decision from EDF, partners are aware that a decision is imminent and that it will entail an extremely steep recruitment curve likely to be pursued in the absence (for a year at least) of accommodation campuses. This will place a significant and growing pressure on the local market which we currently will be unable to address.

In a similar vein, the Councils are also under an obligation to spend the contribution received from EDF Energy and that to date this hasn't been met. Councils are mindful that no single housing enabling scheme supported by EDF funding has yet to reach delivery. Whilst the reasons behind this are fully understood, it does not change the challenge involved. The collective focus and priority for the Councils is to deliver advanced mitigation that is affordable accommodation, prior to the full mobilisation of the project which will result in increased housing demands and potential negative impacts on our more vulnerable residents.

- 4.2 Given the above, particularly the relative paucity of housing delivery due to local and national factors over the past twelve months, and the immediacy of need post FID, Sedgemoor feel that every practicable effort is now needed to ensure that this scheme proceeds. In practise, this requires a relaxing of the 20-year provision originally offered in order to finalise the agreement.
- 4.3 In proposing this modification, Sedgemoor has carefully considered the implications for wider obligations, in particular the treatment through the relevant S106. Technically, the developer is obligated through the current S106 to provide 4 affordable units' ad infinitum. However, Sedgemoor has previously indicated that it would be willing to concede these in favour of 37 units of affordable provision for a ten-year period, followed by a controlled rental period. Having considered the cost benefit of losing the future 20 year provision however, Sedgemoor feels that securing 10 years of provision during a period of acute need as Hinkley is constructed, would

still be of significant value when compared with the 4 units which may never be built. The units in themselves and the regeneration of a brownfield site, also represents a positive legacy that should not be under-estimated.

- 5.3 Given this, we request that West Somerset agree to a variation of conditions as outlined, Sedgemoor is comfortable to modify the relevant S106 in line with the agreed approach. This will be taken forward through a delegated approach in line with Sedgemoor's current standing orders. Internal legal capacity will also seek to expedite this process to ensure that a revised legal agreement and S106 are delivered concurrently over the next few weeks.

Sedgemoor District Council
March 2015

Report Number: WSC 56/16

West Somerset Council

Cabinet – 6th April 2016

Community Asset Transfer Policy

This matter is the responsibility of Cllr Mandy Chilcott, Lead Member for Resources & Central Services

Report Author : Tim Child, Asset Manager

1 Executive Summary / Purpose of the Report

- 1.1 This report provides Members with details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer policy.
- 1.2 On 10th March 2016 Scrutiny Committee supported the recommendation. At the request of the Committee a minor tweak was made both to the Policy and the Expression Of Interest form.

2 Recommendations

- 2.1 That Cabinet recommend to Council to approve the attached:-
- a) Community Asset Transfer Policy
 - b) Initial Expression Of Interest Form

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is that the Council fails to adopt a Community Asset Transfer policy that encourages and facilitates Community Groups where appropriate to take on leasehold or freehold ownership and management of buildings	5	3	15
The mitigation for this will be adopting a policy which is supportive and encourages engagement with Community Groups	2	3	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 Implementation of the Community Asset Transfer (CAT) policy started in July 2014.

4.2 The draft policy was sent out for consultation in August / September 2014 to local Community Groups, Parish Councils, Town Councils and made available in various libraries for comment. The result of the consultation came back with various concerns as follows:

- a) The policy was long and complicated
- b) It focused on transfers only by way of leasing out property
- c) There was no indicative timetable for progress of a CAT application
- d) It seemed to focus on the transfer of non-profitable assets and merely for community bodies to take on the cost of maintaining and running them
- e) The policy also appeared to have too much Council control with the Council being able to take back the asset if a use was found which could make it viable.
- f) It was not in the spirit of the Localism Act.

4.3 Following on from receipt of the summary of replies to the consultation process, the decision was taken to comprehensively reassess the draft policy to take into account

the issues raised in the replies along with other work already undertaken. It was also decided to look further at the CAT Policies already adopted by other Councils and also discuss with their representatives their CAT policy and factors they took into consideration when implementing their CAT policy. The Council looked at the existing CAT policies of half a dozen other Councils and spoke to a couple of Councils directly regarding their approach to how they went about finalising and implementing their policies. The result of this was that the original draft policy has been redrafted reflecting the responses to the consultation and the comments and basis of other Councils CAT policies and wider research and consideration of requirements.

- 4.4 A revised draft policy and the newly formulated Expression of Interest Form (EOI) was presented to Corporate PAG on 24th June 2015 seeking support from Corporate PAG to go out to public consultation based on that revised draft. A further report with draft policy (amended as necessary) and summary of responses would then come back to Members with a recommendation that it be adopted. Corporate PAG attendees requested a small number of amendments to the draft to be consulted on, these amendments were made and the documents re-issued to Corporate PAG attendees asking for responses within a week and by 5th November.
- 4.5 Asset Management liaised with the Council's Housing and Community Project Lead to prepare a comprehensive consultee list.
- 4.6 The final list of consultees comprised:
- a) Councillors: County, Town and Parish as well as Member of Parliament (approx. 53)
 - b) Education Organisations (approx. 1)
 - c) Faith Groups/Churches (approx. 27)
 - d) Internal Officers (approx. 7)
 - e) Partner Organisations (approx. 10)
 - f) Voluntary & Community Organisations (approx. 45)

For West Somerset Council, a total of 143 consultees were consulted by email directing them to the Council's web site.

- 4.7 The consultation questions were redrafted reflecting the responses received previously, trying to achieve a more specific and user-friendly consultation. A copy of the consultation questionnaire is attached (appendix A).
- 4.8 The consultation for the CAT policies for Taunton Deane Borough Council and West Somerset Councils ran in conjunction from 9th November 2015 to 15th January 2016, a period of just over two months. The consultations were accessed on-line on the webpages of the respective Councils, as well as in weekly/monthly/community newsletters, advertised on the council's social media and hard copies of the policies and the consultation were left in both Council offices, as well as libraries across Taunton Deane and West Somerset geographical areas. The consultation had a wide exposure, seeking to obtain representative views of the public.
- 4.9 West Somerset Council received a total of 12 responses to the Community Asset Transfer Consultation giving a response rate of 8.4%. Attached as a confidential appendix is a spreadsheet detailing all responses (CONFIDENTIAL appendix B) with a row dedicated to each response. Please note that whilst this was a joint consultation

exercise with Taunton Deane Borough Council, all statistics quoted relate only to West Somerset Council.

4.10 The consultation was answered by a variety of respondents as detailed below:

- a) (50%) Individual
- b) (8%) Voluntary Sector Organisation
- c) (17%) Social Enterprise/Not-for-profit Organisation
- d) (8%) Town/Parish Council
- e) (16%) Other

These percentages are rounded to nearest decimal point hence totalling only 99%.

4.11 The first key theme of the consultation concerned whether the consultee believed that the policy would deliver wider public benefits as part of a CAT process. 75% answered 'Yes' and 25% answered 'No'. Of those answering no, there were concerns that:

- It's not in the public interest to transfer public assets from elected and accountable bodies to unelected and unaccountable bodies such as community groups. However, management of assets at local level can be beneficial to the public and therefore in its interests. Management of an asset should not be confused with ownership of an asset. Transfer, certainly in legal terms, implies a change of ownership. There is no point in answering further questions as the policy is fundamentally wrong.
- All of the cost must not fall on local people.

4.12 The second key theme of the consultation concerned whether the consultee believed the policy achieves the Council's Corporate Aims and Values. 75% agreed, 17% disagreed and the remainder didn't answer. Of those disagreeing, reasons given were as follows:

- All areas must be treated equally.

4.13 The third key theme of the consultation concerned the Council's principles underlying the policy and as set out in section 4 of the policy, being to involve local communities, providing a pro-active asset management programme as well as giving clear transparency in decision making. Consultees were asked whether these principles would help us achieve a successful CAT policy. 83% agreed with the Council's principles, 8% disagreed and the remainder didn't answer. Of those disagreeing there were concerns that:

- The Council is "trying to have its cake and eat it".

4.14 The final key theme of the consultation concerned the application criteria detailed in Section 5 of the CAT policy. 83% agreed with the applicant criteria, 0% disagreed and the remainder didn't answer.

4.15 Other comments provided were as follows;

- This is transferring assets the Council cannot afford to other groups that cannot afford them.
- Well funded local assets managed in cooperation with local groups is a true devolvement of assets.
- Working in partnership with community groups can help the Council to achieve its outcomes set out in its corporate plan.

- An excellent idea to enable constructive and positive use of community assets.
- Discrepancy between costs to rate payers varying from parishes and towns.
- The Council must take care that full consultation has taken place by the organisation that is to take over the asset and that they have capacity to manage the asset. Those taking over an asset should demonstrate their ability to manage the asset and show that they have the financial ability to take their project to fruition.
- Whilst the principle is supported, there is a need for a clearer and more helpful approach to the practical stage of transferring assets. Recent experience has shown that decisions to transfer assets have floundered because insufficient thought had been given to the physical transfer and the manner in which they would be administered in the future.

- 4.16 It is apparent that some consultees are very supportive of the Council transferring assets, albeit perhaps concerned about ongoing liabilities and lack of ongoing support from the Council. Others believe that assets should be retained by the Council.
- 4.17 Following the consultation, a review by the Council's Professional Head of Service for Law & Governance made a number of minor suggestions which have subsequently been made to the policy. For ease of reference these are shown on the attached proposed policy in red - as tracked changes (appendix C).
- 4.18 The Initial Expression Of Interest Form attached (appendix D) is unchanged following this consultation.
- 4.19 Depending on the nature of the transfer, it is quite possible that side documents will need to sit alongside the transfer relating to any continued involvement by the Council.
- 4.20 The transfer of assets to community groups does have the potential to create opportunities for these groups to commission the One Team to support them post transfer.

5 Links to Corporate Aims / Priorities

- 5.1 See Section 3 of proposed CAT policy (attached).

6 Finance / Resource Implications

- 6.1 There are no new financial implications to be considered. Financial implications will relate to individual decisions and not the wider policy itself.

7 Legal Implications

- 7.1 Shape Law & Governance have reviewed and commented on proposed CAT policy

8 Environmental Impact Implications

- 8.1 None

9 Safeguarding and/or Community Safety Implications

- 9.1 None

10 Equality and Diversity Implications

10.1 There are no decisions in this report that require an impact assessment.

11 Social Value Implications

11.1 This proposal does not involve procurement of services.

12 Partnership Implications

12.1 None

13 Health and Wellbeing Implications

13.1 None

14 Asset Management Implications

14.1 This report originates from Asset Management

15 Consultation Implications

15.1 A thorough consultation exercise has taken place as detailed within the report which has led to the proposed CAT policy, attached

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – Yes**
- **Cabinet – Yes**
- **Full Council – Yes**

List of Appendices

Appendix A	Consultation Questionnaire
Appendix B	CONFIDENTIAL – Consultation Responses
Appendix C	Proposed CAT policy (with its own Appendix A)
Appendix D	Initial Expression Of Interest Form

Contact Officers

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APPENDIX A

Community Asset Transfer Policy Consultation

Taunton Deane Borough Council and West Somerset Council believe that Community Asset Transfer can have a significant impact on community enterprise and wider regeneration. We are committed to working with parish/town councils, the voluntary sector and community groups on community asset transfer, to encourage community ownership of and involvement in local service delivery.

Locality provides support and advice for communities about Community Asset Transfer. For more information, please visit:

<http://locality.org.uk/our-work/assets/>

We are keen to gather the views of individuals, parish/town councils, the voluntary sector and community groups in Taunton Deane and West Somerset, regarding the Councils Community Asset Transfer Policy.

Consultation timescale: Starts on Monday 9th November 2015 and closes on Friday 15th January 2016.

When picking up a copy of the Community Asset Transfer Policy Consultation, please also pick up a copy of the policy relevant to your council to assist you with the consultation.

This information will help inform the final policy which we intend to adopt early next year. The aim of the Community Asset Transfer Policy is to set out a consistent approach for consideration of the transfer of assets (land and buildings) to parish / town councils, the voluntary sector and community groups. The Councils will consider each request by reference to the policy but at the same time also taking into account the specifics of the proposed use and the asset itself.

Q1. To ensure we understand the views of individuals/groups in different areas of Taunton Deane and West Somerset, please provide your postcode.

- TA1
- TA2
- TA3
- TA4
- TA7
- TA20
- TA21
- TA22
- TA23
- TA24
- Other (please state below)

Q2. Are you responding to the survey as an individual or on behalf of an organisation/group?

- Individual
 - Community Group
 - Voluntary Sector Organisation
 - Social Enterprise/Not-for-profit Organisation
 - Town/Parish Council
 - Other (please specify below)
-

Q3. Who does your organisation/group represent?

Q4. The Community Asset Transfer Policy is aimed to help parish/town councils, the voluntary sector and community groups considering taking on the management and running of council assets. Do you believe that this policy will help deliver wider public benefits as part of a community asset transfer process?

- Yes
- No

If No, please can you explain why

Q5. Section 3 sets out our Corporate Aims and Values. Do you agree/disagree that the Community Asset Transfer Policy achieves our Corporate Aims and Values?

- Agree
- Disagree

If you disagree, please explain how this policy does not meet our Corporate Aims and Values.

Q6. Our principles underlining the Asset Transfer Policy outlined in Section 4, are aimed at involving local communities, providing a pro-active asset management programme as well as giving clear transparency in decision making. Do you believe these principles will help us achieve a successful Community Asset Transfer Policy?

- Yes
- No

If No, please can you explain how/why these principles will not help achieve a successful policy and what other principles the Council should consider?

Q7. Within the Community Asset Transfer policy, there is a list detailing the applicant criteria shown in Section 5. Do you agree/disagree with this criteria for applicants wishing to manage a Community Asset?

- Agree
- Disagree

If you disagree, please can you explain why.

Q8. Please use the space below if you have any other comments about the draft Taunton Deane Borough Council and West Somerset Council Community Asset Transfer Policy.

If you are a Parish/Town Council, a Voluntary Sector or Community Group or Not-for-profit Organisation, please DO NOT complete Questions 9 to 12.

About You:

(Optional)

Q9. Are you:

- Male
- Female
- Transgender
- Prefer not to say

Q10. Age Category:

- Under 18 years
- 18 to 25 years
- 26 to 35 years
- 36 to 45 years
- 46 to 55 years
- Over 55 years
- Prefer not to say

Q11. Do you consider yourself to have a disability?

- Yes
- No
- Prefer not to say

Q12. Please state which ethnic group you feel you belong to:

End of Survey

Thank you for taking part in the Community Asset Transfer Consultation.

If you need further information about the Councils and the services we provide, please visit: www.tauntondeane.gov.uk and www.westsomersetonline.gov.uk

If you have completed a paper copy of this survey, please return to:

Corporate Business Support
Taunton Deane Borough Council
The Deane House
Belvedere Road
TAUNTON
TA1 1HE



APPENDIX C

WEST SOMERSET COUNCIL COMMUNITY ASSET TRANSFER POLICY

1.0 INTRODUCTION

- 1.1 West Somerset Council (WSC) believes community asset transfer is about giving local people and community groups control in the future of their area. In England the idea was introduced through the Quirk Review (DCLG 2007) and now has legislative force via~~aligns neatly with~~ the provisions of the 2011 Localism Act. If local groups own or manage community buildings and land it will help foster a sense of belonging and bring together people from different backgrounds. Community ownership and management of buildings can also play a part in raising local people's aspirations, in enhancing the local economy, environment and have the capacity to strengthen the community, voluntary and social enterprise sector.

2.0 PURPOSE OF THE POLICY

- 2.1 This policy outlines the Council's approach to Community Asset Transfer (CAT). The term 'community asset transfer' relates primarily to granting long leases or passing on the freehold of property assets at potentially less than best financial consideration to voluntary, community organisations, Parish Councils, Town Councils and social enterprises (Community Groups).

2.2 **Benefits to the local community, Community Groups and the Council:**

- Devolving power to neighbourhoods or locally based Community Groups with an interest in the neighbourhood, in an effort to enable citizen involvement and community action.
- Act as a catalyst for social, environmental and economic regeneration (including the development of community enterprise).
- Stimulate the involvement of local people in shaping and regenerating their communities.
- Catalyst for local volunteering and increasing community cohesion and integration.
- Support the creation of community leaders, social capital and inspire others to improve their community.

- Enhance and promote local economic activity at a local level.
- Potential to create stronger, more sustainable Community Groups, providing financial security, recognition and management capacity.
- Ability to lever in additional resources, which would be unavailable to the Council acting independently.
- Enabling the 'up-scaling' of activities that promote social – economic wellbeing within community.
- Working in partnership with Community Groups can help the Council to achieve its outcomes set out in its Corporate Plan.
- Contribute towards efficiency savings and drive the diversification of public services in an era of austerity.
- Help to rationalise the Council portfolio and facilitate more effective and efficient use of its asset base.
- A stimulus for partnership working between Community Groups and the Council and improving the provision and accountability of services within communities.

2.3 The Council recognises the many benefits of CAT and will be proactive in using asset transfer as one of the tools at its disposal. The Council, therefore, aims to create a transparent, positive and proactive framework to enable asset transfer from the Council to Community Groups to happen and be successful in the long term.

2.4 Where the Council is to work in partnership with Community Groups post transfer, in some instances the Council might consider formalising this aspect contractually as part of any transfer.

3.0 LOCAL POLICY CONTEXT AND LINKS TO OTHER COUNCIL STRATEGIES

3.1 The operation of this Policy will need to have regard to the desired outcomes of other relevant Council policies and strategies.

The Council's Corporate Plan for 2015-16 has been developed for our staff, Councillors, residents and partners and was approved at Council on 25 February 2015.

The Plan outlines the Council's vision, priorities and the key tasks that will be undertaken over the next year providing clarity about what we aim to achieve.

3.2 **To enable people to live, work and prosper in West Somerset**
By:

- Championing and enabling the people, local organisations and communities of West Somerset
- Working with partners, both inside and outside West Somerset

West Somerset Council recognizes the importance of fair treatment and we are committed to ensuring everyone has access to our services and is treated equally and fairly.

3.3 **Our core values are that of:**

Integrity – be honest, do what is right and stick to it

Fairness – treat everyone equally, respecting his or her individual needs and abilities

Respect – always show respect for everyone

Trust – show trust in our staff and Members

4.0 **PRINCIPLES UNDERPINNING THE ASSET TRANSFER POLICY**

4.1 The CAT Policy will be underpinned by the following principles:

Commitment to a thriving Community & Voluntary Sector

- The Council recognises that community led solutions can sometimes achieve better outcomes than central initiatives.
- Use asset transfer as a means of supporting enabling Community Groups to become sustainable on a long term basis.
- CAT will require a long term partnership commitment on the part of the Council and the Community Group. This is the best way of minimising the risk of failure.
- Flexible lease terms to enable Community Groups to adapt and achieve long term sustainability or the transfer of the freehold interest.
- Measurable and accountable benefits to local people.
- The Council expects that the benefit from this Policy will encourage openness, conversation and understanding between groups and wider community.

Pro-active and strategic asset management intent

- CAT will become integrated in Council practice as an option for dealing with surplus property assets.

Clarity and transparency in decision-making

- A single gateway approach is taken, providing a clear point of contact for Community Groups with CAT enquiries.
- The Council will encourage Community Groups to consider taking on an asset.
- Community Groups will not be required to undertake a detailed feasibility work until an 'in principle' decision has been taken by the Council.

5.0 WHO CAN APPLY

- 5.1 Interest will be welcome from Community Groups which may be area based around communities of geography, identity or shared interest. Ideally, all applicants should meet the following criteria:
- Be community led and demonstrate support for the CAT and have clearly defined objectives which would be enhanced through the addition of the asset in question.
 - The primary purpose must be non-commercial or with profits invested back into local communities.
 - Must have a clear vision of the activities they wish to deliver, demonstrating positive measurable impacts.
 - Demonstrate good governance operating open and accountable processes, a constituted governing board who follow clear Terms of Reference.
 - Meet statutory requirements and demonstrate an inclusive approach in its policies and practices including a commitment to promoting community cohesion and integration.
 - Have the skills to deliver services and manage the asset to be transferred.
 - Demonstrate the asset will be run without Council subsidies or support. • A sustainable operating model for revenue requirements, use and maintenance will be needed.
 - Demonstrate how asset transfer will support the aims and priorities of the Council.

6.0 BASIS OF TRANSFER

- 6.1 Community Groups may need to provide contractual assurances to ensure that the asset is retained for community benefit. If this is not possible a detailed explanation of Memorandum and Articles of Associations should be provided. It is standard practice for the Council to place a restriction on use although there might be exceptions.
- 6.2 The Council will offer legal agreements to enable Community Groups to manage and develop the property as an asset ensuring the use of the asset as a community asset is retained by the applicant. Consideration to payment of professional fees and whether the Council seeks reimbursement for its own costs will be on a case-by-case basis.
- 6.3 The Council will pursue Freehold or Leasehold arrangements with the term being set after carefully considering the needs of the Community Group, the position of the Council, the condition of the asset and the requirements of potential funders or lenders. As a guide:
- 6.4 Freehold Transfer – will be considered if preferred. Any transfer proposal will need to make a strong case that freehold is a necessity for success and provide reassurance that community benefit will be maintained in the long term and is beneficial to the Council.

Transfer by Lease - A lease for a term of up to 35 years (a lease longer than 35 years may be granted if appropriate and if a business case demonstrates special circumstances or requirements from funders/lenders).

- 6.5 Community Groups will be expected to produce a statement of community benefit on an annual basis – annual report accompanied by accounts as appropriate will usually suffice. The benefits to be realised shall be agreed in advance and incorporated into a Service Level Agreement with the Council.
- 6.6 When there are a number of interested parties in an asset the Council will aim to encourage collaboration. When this is not possible and as a last resort a competitive process will be used to decide the organisation which will become the Council's preferred partner in the transfer process.
- 6.7 The Council will ensure that information relating to the condition of the property and running costs is passed to the applicant to support decision making.

7.0 HOW TO APPLY & HOW WE WILL ASSESS

- 7.1 Community Groups should in the first instant submit an Expression of Interest Form to the Council for an in principle decision on the proposed Transfer. The Expression of Interest Form is found here:- [Link to CAT EOI Form](#).
- 7.2 If after submitting an initial Expression of Interest, the Council deems the application to be unsuccessful the applicants will be advised directly. If successful at this initial stage the Council will then request a further detailed and more robust business case to enable the Council to make an informed decision whether to agree to the proposed Transfer. The expected content of the detailed business case is detailed below. This is only a guide and will be dependent on each particular case.
- About your organisation - Track record, current plans, partnerships and people, governance, legal structure.
 - Summary of the project - Project objectives and expected outcomes, proposed programme for delivery, proposed impact/benefits of the project to the local community, together with proposals for management and operation of the asset (staff, volunteers).
 - Market Need – what local needs will the project be responding to (who will be the beneficiaries)?
 - Pricing – what is the rationale for pricing (for services, renting space etc.)?
 - Sustainability – how the performance of the asset will contribute to sustainability through its life cycle.

- Equality, Diversity & Community Cohesion – evidence the project will meet all the relevant requirements of the Equality Act 2010 and assist the Council in promoting community cohesion.
- Resources/Financial projections - Cash flow for first year, should include budget (3-5 years), should include examination of profit and loss and capital expenditure (if capital is required to redevelop the building). The long term financial sustainability of the proposal should be clearly demonstrated along with recognition of implication of any reduction in income stream.
- Risk assessment/management/mitigation - Identification of the different risks and a description of the implications of those risks occurring. Risks should be evaluated in two ways – the likelihood that the risk item will occur and the level of impact if the risk item does occur. A description of what the organisations strategy will be to prevent the risk items from occurring, or coping with them if they do, should also be provided.
- The organisation will also be expected to submit copies of governing documents, any evidence of external advice provided, expressions of support from partners/customers, copies of accounts (where available).

8.0 KEY STAGES AND INDICATIVE TIMESCALES

- 8.1 In considering the potential for asset transfer the Council will follow the process already detailed with the following indicative timescales.
- 8.2 The Lead Member will retain an overall responsibility for Cabinet guidance to ensure a strategic decision is taken supporting community needs and Council objectives.
- 8.3 The timeline set out below is purely indicative and will vary depending upon the complexity of each application. It is also envisaged some of the points below will run concurrently with the process becoming more proficient as each application is considered. This process and timeline is further explained in Appendix A. The process of Asset Transfer takes time and therefore must be fully understood by the Council and reflected in decision making in respect of budget settlement.
- 8.4 **1. Request – from Community Group**

Submit a request for a transfer by completing an initial Expression of Interest Form. If an application is deemed unsuccessful after this stage the Council will inform the applicant of its decision and reasons. A response will be provided within three months. This decision will be made by the relevant Lead Member in consultation with others as deemed appropriate and following an Officers recommendation.

8.5 2. Preparation and consideration of Full Business Case

If the application is considered for progression then the body making the application will be asked for a Detailed Business Case. The Council will verify the credentials of the Community Group and ensure that if appropriate other parties in the area are aware, consulted and have been able to make representation. An officer recommendation will be made to the relevant Lead Member and the matter taken to Members for a decision. This step is expected to take no longer than six months. If unsuccessful the applicant will be informed. If successful then the process will move to the next step. If the market value of the asset is at or less than £25,000 (determined by Council) then a decision will be made by Cabinet then ratified by Full Council. If over £25,000 and / or contentious then a decision will be required by Full Council. In all cases the Ward Member(s) will be informed and views sought. An appeals process against a refusal to transfer a community asset will be to Full Council. If it relates to a Full Council decision (i.e. over £25,000 market value and / or contentious there will be no right of appeal.

8.6 3. Processing detailed Heads of Terms

The decision above will be 'in principle' and will be a decision to proceed and consider (if not already done so) the basis and terms of the asset transfer and determine potential level of market discount, length and condition of lease or if appropriate the transfer of the freehold interest. Concluding this step will result in completion of documentary and legal formalities.

8.7 4. Ongoing Partnership and Support

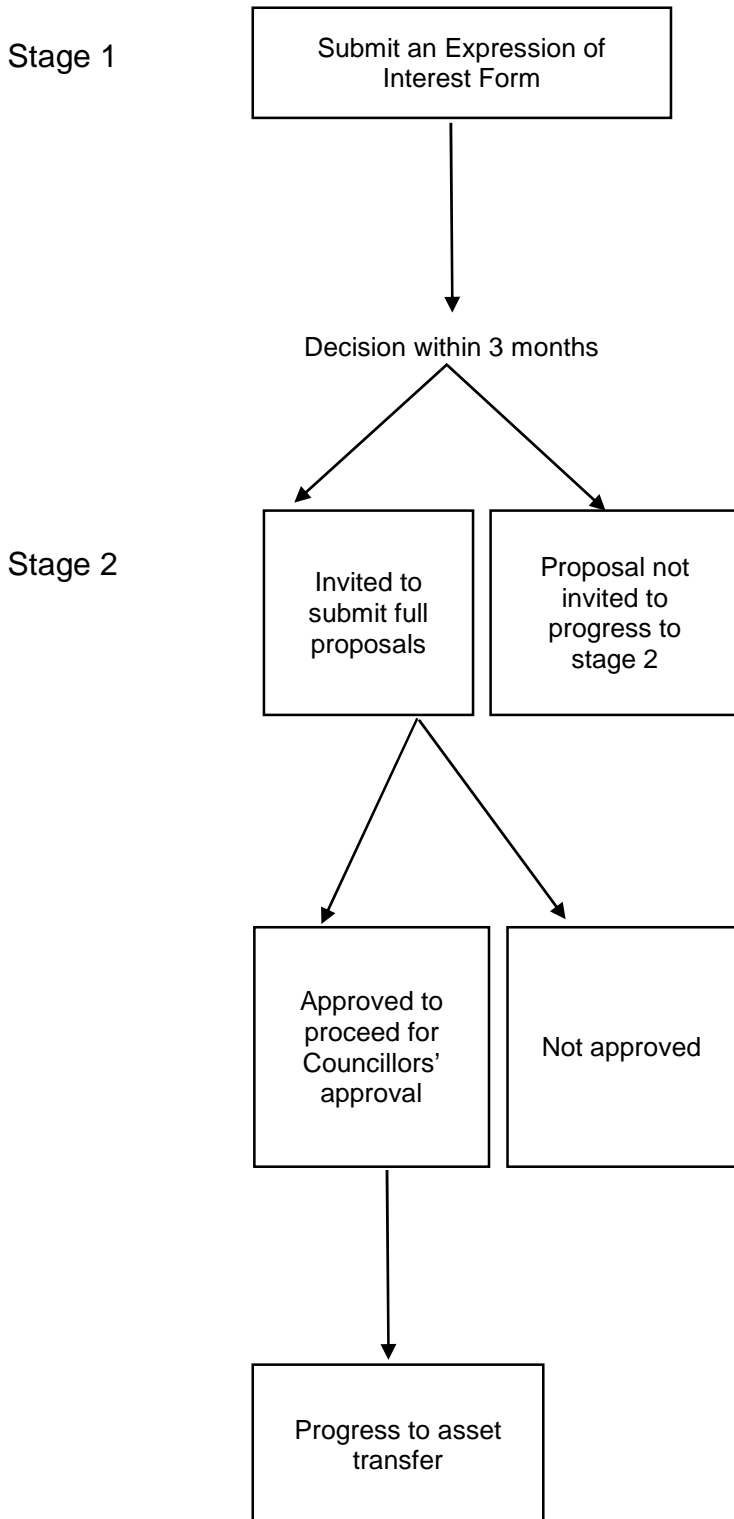
It is recognised that a pre-requisite of transfer success is an ongoing partnership between the Council and the Community Group. This may take the form of technical support and advice. It may also be a commitment to ongoing dialogue, which will last far beyond the transfer event itself.

9.0 COMMUNITY RIGHT TO CHALLENGE & COMMUNITY ASSET LIST

9.1 The Localism Act 2011 created the Community Right to Challenge, which gives community and voluntary sector organisations the right to challenge the Council by putting forward an 'expression of interest' in running their services. The Localism Act 2011 also requires local authorities to maintain a list of assets of community value within the locality Register of Community Assets which have been nominated by the local community. There is clearly a 'crossover' between both these initiatives and the Community Asset Transfer Policy. Whether delivering a service or managing/owning an asset of community value the Act does not give an automatic right to the organisation expressing an interest, nor is it guaranteed the organisation will be successful in any procurement exercise.

9.2 The Community Right to Challenge processes are separate from the Community Asset Transfer Policy process.

Appendix A- Process for progression of an application for a Community Asset Transfer



Appendix D



West Somerset House, Killick Way,
Williton, TA4 4QA

Tel : 01823-356534

West Somerset Council

Transfer of an Asset owned by the Council to a Community Group by way of Community Asset Transfer Initial Expression of Interest Form

Please fill in this Initial Expression of Interest (EOI) if you want to be considered by West Somerset Council (WSC) to take over a building or area of land owned by WSC to run a service of benefit to your community.

Before you start.....

Helpful tips:

In completing your EOI it is important for you to consider:

- the real purpose behind your activity – any benefit to the community – and not just describe the activity you want to do;
- how you will demonstrate there is real local need for what you intend to offer;
- if there are other assets within your community which already offer the same activities;
- what skills and experience you need to have to reach your goals;
- how you will raise the funds to meet your expenses.

N.B. if you do not want to run a community service from the building or land it does not mean that you will not be considered – it only changes the type of transfer which applies. (see Type of Asset Transfer below)

Please indicate the type of transfer you are considering:

The Council can transfer a building or land it owns to an individual or group in a number of ways. You can consider what would suit you best for consideration by the Council. *(it is possible to select more than one box)*

- Sale – at full market price (the “going rate”)
- Sale – at a discounted price (subject to approval and conditions)
- Lease – taking all responsibility for the building for a set period of time. A rent – on top of the running costs – may be charged.
- Hire – casual use paying only for the time occupied.
- Free Transfer, subject to conditions (also known as a Community Asset Transfer) – can be below the “going rate” or free. **Only available for community use.**

Please email this Initial Expression of Interest form to: [XXXXXXXXXXXXXXXXXX](#) or alternatively, post it to: Assistant Director – Property and Development, c/o The Deane House, Belvedere Road, Taunton, Somerset, TA1 1HE.

If you have any further questions, please call: 01823 356534

Asset Transfer - Initial Expression of Interest

1. You or Your Organisation’s name and address:

Name of group:	
Address: (include Postcode)	

2. Who is the main point of contact for this application?

Name:	
Position in group:	
Phone number:	
Email address:	
Address: (include Postcode)	

3. Your status

- Parish or Town Council
- Registered Charity
- Company Limited by Guarantee
- Community Interest Company
- Development Trust Association
- Private individual
- If other please state: _____.

4. Please provide further information to confirm that your organisation is a relevant body (e.g. company registration number or charity registered number). If your organisation is not formally constituted, please give details of the type of organisation/legal structure you intend to use and timescales involved in setting this up (N/A if proposal is from a Town or Parish Council).

5. Please outline name and location of Council asset identified?

Name and Address: (include Postcode)	
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6. Who is your local West Somerset District Councillor(s)? Have they been informed of this proposal?

7. Which Council services does your organisation support/work with:
(please provide manager name if known)

8. Why do you want this asset?

9. Please describe your vision for the future use of this asset:

10. Please explain why this asset is suitable for the intended purpose:

11. How will this benefit the local community?**12. Please describe any evidence of community need undertaken to-date:****13. How do you propose to ensure the financial sustainability of the asset:**

The information you provide in this form and any referenced supporting material will be the basis upon which the Council decides whether to progress to asking you to provide a full business case. If any information provided is beyond the scope of the information requested here, it will not be used as grounds to accept or reject your EOI and may not be considered.

- All information provided should be clear and concise.
- Responses to the questions and supporting materials can either be:
 - Inserted in the boxes below each question;
 - Attached as a Schedule to the form; or
 - A link to an embedded Word document can be inserted in each box

- All responses and supporting materials must be fully cross-referenced.
- Information and supporting materials will not be accepted on CD roms, flash drives or any other portable device.
- The Council will not accept an EOI submission by fax.
- If a possible transfer is identified as a result of completing this form, a more detailed business case will then need to be completed.

Please note: We will process all information received in accordance with the Data Protection Legislation for the purposes of administering this procedure. The Council is subject to the Freedom of Information Act 2000 and therefore any information provided by you may have to be disclosed in response to a request unless we decide that one of the statutory exemptions applies.

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that:

- The responses to the questions set out in this form and the supporting materials are accurate.
- The information provided will be used to assess your organisation's proposal to provide or assist in providing the relevant service.
- You are authorised to sign on behalf of your organisation.

Signature:		Date:	
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