



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

Our Ref DS/KK
Your Ref

Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk
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Date 29 August 2017

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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Dear Councillor

I hereby give you notice to attend the following meeting:

CABINET

Date: Wednesday 6 September 2017
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

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

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Yours sincerely

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

BRUCE LANG
Proper Officer

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CABINET

Meeting to be held on Wednesday 6 September 2017 at 4.30 pm

Council Chamber, Williton

AGENDA**1. Apologies for Absence****2. Minutes**

Minutes of the Meeting of Cabinet held on 21 July 2017 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 November 2017 – **SEE ATTACHED.**

6. West Somerset Council Representation on Minehead Business Improvement District Steering Group

To agree the appointment of the Regeneration Portfolio Holder as the Council's representative on the Steering Group for Minehead Business Improvement District – **SEE ATTACHED.**

7. **Proposed Business Rates Revaluation Relief Scheme**

To consider Report No. WSC 94/17, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of this report is to consider amending the Discretionary Rate Relief policy to include the new relief for revaluation from 1 April 2017.

8. **HPC Planning Obligations Board – Allocation of CIM Funding**

To consider Report No. WSC 92/17, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of this report is 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.

9. **West Somerset Opportunity Area**

To consider Report No. WSC 93/17, to be presented by Councillor M Chilcott, Lead Member for Resources and Central Support – **SEE ATTACHED**.

The purpose of the report is to inform members about the implementation and activity to date of the Department for Education's West Somerset Opportunity Area Programme.

10. **Seaward Way, Minehead - Development Proposals for Mixed Uses: Residential and Employment**

To consider Report No. WSC 72/17, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED**.

The purpose of the report is to seek Cabinet's endorsement of the business case and recommendations for proceeding with a viable investment and development of a mixed use scheme creating new affordable homes and essential employment units in Minehead.

The second part of the report contains **confidential** information.

11. Exclusion of the Press and Public

To consider excluding the press and public during consideration of Item 11 Seaward Way, Minehead Development Proposals Part 2 on the grounds that, if the press and public were present during this item, 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:

Part 2 of Report No. WSC 72/17 contains 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.

12. Seaward Way, Minehead - Development Proposals for Mixed Uses: Residential and Employment – Part 2

To consider Confidential Report No. WSC 72/17 Seaward Way, Minehead Development Proposals Part 2.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

CABINET**MINUTES OF THE MEETING HELD ON 21 JULY 2017****AT 2.30 PM****IN THE COUNCIL CHAMBER, WILLITON****Present:**

Councillor A Trollope-Bellew Leader

Councillor M Chilcott
Councillor A Hadley
Councillor K TurnerCouncillor M Dewdney
Councillor S Pugsley
Councillor D J Westcott**Members in Attendance:**Councillor I Aldridge
Councillor P MurphyCouncillor B Heywood
Councillor P Pilkington**Officers in Attendance:**Assistant Director - Place and Energy Infrastructure (A Goodchild)
Corporate Strategy and Performance Officer (R Doyle)
Finance Manager (J Nacey)
Community and Housing Lead (HPC) – Energy Infrastructure (L Redston)
Housing & Community Project Lead (A Summers)
Meeting Administrator (K Kowalewska)**Also in Attendance:**

Andy Ridgewell, Somerset Community Foundation

CAB11 Apologies for Absence

An apology for absence was received from Councillor C Morgan.

CAB12 Minutes

(Minutes of the Meeting of Cabinet held on 17 May 2017 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 17 May 2017 be confirmed as a correct record.**CAB13 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
Cllr M Chilcott	All	SCC	Spoke and voted
Cllr A Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K Turner	All	Brompton Ralph	Spoke and voted
Cllr D Westcott	All	Watchet	Spoke and voted
Cllr I Aldridge	All	Williton	Spoke
Cllr P Murphy	All	Watchet	Spoke
Cllr P Pilkington	All	Timberscombe	Spoke

CAB14 Public Participation

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

CAB15 Forward Plan

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

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

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

CAB16 Future Management of Voluntary and Community Sector Grant Funds

(Report No. WSC 71/17 – circulated with the Agenda.)

The purpose of the report was to provide a proposal for the future management of the grant funds allocated to the Voluntary and Community Sector (CVS) in West Somerset.

The Lead Member for Community and Customer presented the report, giving reasons for the need to establish a cross-party Grants Panel for the fair distribution of local community funds generated from the Somerset West Lottery and the Big Energy Switch. Reference was made to the fact that all the monies raised in West Somerset would only be allocated to projects in West Somerset. Andy Ridgewell from the Somerset Community Foundation went on to provide further information on how the grant procedure would work.

The Lead Member proposed the recommendations of the report which were duly seconded by Councillor M Chilcott.

Members were fully supportive of the creation of a cross-party Grants Panel, and the following main points were made:

- The initiative was extremely positive for the area and it was hoped that over a period of time the funding generated would grow.

- Many good causes would benefit and Councillors were encouraged to promote the lottery so that as much money as possible could be raised to help the local community.
- Members were confident that the mechanism put forward by the Somerset Community Foundation to run the Grants Panel would be successful.
- In response to a query relating to whether Members could sit on the Grants Panel if they also took part in the lottery, the Housing and Community Project Lead drew attention to the Declarations of Interest section in the Terms of Reference which stated the Panel would have to adhere to the guidance set out in the Council's Code of Conduct.

RESOLVED (1) that the formation of a cross party Grants Panel as outlined in Appendix A to the report to discuss applications and make recommendations to the Lead Member for Community and Customer be approved.

RESOLVED (2) that the Grants Panel will consider applications for Somerset West Lottery Local Community Fund and Big Energy Switch Fund.

RESOLVED (3) that the Somerset West Lottery Local Community Fund and the Big Energy Switch Fund be managed by Somerset Community Foundation (SCF) for 2017/18.

RESOLVED (4) that the design of the final application form, guidance notes and report be agreed between officers and the SCF and signed off by the Lead Member for Community and Customer.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

CAB17 Quarter 4 2016/17 Performance Report

(Report No. WSC 59/17 – circulated with the Agenda.)

The purpose of the report was to provide Members with key performance management data up to the end of quarter 4 2016/17, to assist in monitoring the Council's performance.

The Leader of Council presented the report and drew attention to the main areas of concern. Full explanations of the failing indicators were provided and it was noted that KPI TH2 would no longer be monitored due to the Council having little control or influence over the outcome of the results.

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

Following concerns raised at a recent Scrutiny Committee meeting regarding KPI 5 and 6 and the fact that, with the introduction of Universal Credit, Housing Benefit/Council Tax Rebate claims were taking at least 38 days to process due to having to wait to receive information from the Department of Work and Pensions (DWP), the Chairman of Scrutiny thanked the Revenues and Benefits Manager for providing the Members' Briefing Note (detailed at Appendix B to the report). Claimants having to wait a considerable time to receive their entitlement was deemed totally unacceptable and the Scrutiny Chairman requested that Cabinet engage with and lobby DWP and government in this regard. It was felt that more pressure should be put on the DWP to ensure claims are processed quicker.

The Corporate Strategy and Performance Officer provided further clarification and stated that the delays were mainly due to the DWP's significant backlog. He confirmed that the Council's liaison officer had regular meetings with the DWP to try to address and improve the situation. Members' concerns would be reported back to the Revenues and Benefits Manager to ascertain whether more could be done to improve matters.

Various questions were asked as to the possibility of the Scrutiny Committee providing further influence and calling in the DWP to answer questions; and whether some of the delays could be due to difficulties experienced by claimants in completing and returning the paperwork. The Corporate Strategy and Performance Officer explained the procedure in more detail and advised that further clarification would be sought from the Revenues and Benefits Manager in relation to staff capacity and whether the process could be speeded up any further.

The Leader agreed to write to the Secretary of State to make him aware of the situation, with a copy of the letter to be sent to the Bridgwater and West Somerset MP requesting his assistance.

RESOLVED that the Council's performance be noted.

CAB18 Revenue and Capital Outturn 2016/17

(Report No. WSC 69/17 – circulated with the Agenda.)

The purpose of the report was to provide Members with details of the Council's financial outturn position for both revenue and capital budgets, together with information regarding end of year reserve balances

The Lead Member for Resources and Central Support presented the item and highlighted the key points from report. She proposed the recommendations of the report which were duly seconded by Councillor D Westcott.

During the debate the following main points were made:

- The Member Services underspend was emphasised and it was evident that the majority of Members did not claim their full entitlement.

- It was advised that the Council had to account for the Disabled Facilities Grant and all expenditure would be committed. The Grant was held in an earmarked reserve and classed as a capital spend. Further clarification would be provided following the meeting.
- The Sustainability Fund earmarked reserve was welcomed.
- A written explanation on car park expenditure within the budget setting process was requested.
- It was noted that the report did not accurately reflect the debate which took place at the recent Scrutiny Committee and a request was made by the Scrutiny Chairman that more information as to what was discussed be included in the report in order to further assist Cabinet in their debate. The Finance Manager apologised and agreed to incorporate the views of Scrutiny in the report being presented to the full Council meeting in August.
- Cabinet valued the input from the Scrutiny Committee and welcomed detailed comments to be incorporated in the report.
- The Finance Manager advised that there were valid reasons for keeping the Revenue and Capital Outturn report and the Medium Term Financial Plan report separate but appreciated there was an overlap of information between the two. Comprehensive and necessary information was provided in each of the reports in order for Council to make an informed decision
- A request was made that consideration be given for future reports to be presented over two meetings.

RESOLVED (1) that the Council's reported General Fund Revenue Budget underspend of £270,890 for the financial year 2016/17, which takes into account proposed earmarked reserve transfers including budget carry forwards, be noted.

RESOLVED (2) that it be recommended to Council to allocate £170,000 from the 2016/17 underspend as follows:

- a) £100,000 to the Business Rates Smoothing Reserve to mitigate budget risk for reductions in business rates funding;
- b) £70,000 to the Sustainability Fund earmarked reserve to help fund opportunities such as "invest to save" plans to support the financial sustainability of the Council.

RESOLVED (3) that it be recommended to Council to approve the net Earmarked Reserve transfers as set out in **Table 4** and **Appendix B** of the report, including recommended Budget Carry Forward of 2016/17 underspends for specific service costs in 2017/18 totalling £247,189.

RESOLVED (4) that it be recommended to Council to approve the proposed Capital Programme Budget Carry Forwards totalling £1,788,064 for general schemes to be funded using capital receipts, capital grant and S106 contributions (as set out in **Appendix D** of this report).

RESOLVED (5) that it be recommended to Council to approve the proposed Capital Programme Budget Carry Forwards totalling £2,123,121 for Hinkley S106-funded schemes (as set out in **Appendix D** of this report).

RESOLVED (6) that the residual net overspend of £250 in relation to the Capital Programme for general schemes in 2016/17 be noted.

Note: With the agreement of the Leader, Report Nos. WSC 69/17 and WSC 70/17 were taken and debated together.

CAB19 **Initial Medium Term Financial Plan 2018/19**

(Report No. WSC 70/17 – circulated with the Agenda.)

The purpose of the report was to present Councillors with the proposed Medium Term Financial Strategy (MTFS) for 2018/19 onwards, including an updated set of estimates and assumptions contained with the initial draft of the Council's Medium Term Financial Plan (MTFP).

The Lead Member for Resources and Central Support presented the item and highlighted the key points from report. The Lead Member proposed the recommendations which were duly seconded by Councillor D Westcott.

RESOLVED (1) that the revised estimates, and in particular the ongoing risks and uncertainty, within the Medium Term Financial Plan be noted and that the proposed financial strategy that seeks to deliver a balanced budget prior to the formation of a new council be supported.

RESOLVED (2) that it be recommended to Council to approve a Revised Budget for 2017/18 with the following changes:

- a) Revise the Collection Fund Business Rates Surplus/Deficit budget from a deficit of £223,546 to a surplus of £480,635 – a net increase in funding of £704,181.
- b) A transfer to the Business Rates Smoothing Reserve of £704,181 to mitigate budget risk from business rates funding volatility.
- c) Revise the 2017/18 Business Rates Retention estimates by an additional £30,700 in respect of S31 Grant, with a related transfer to General Reserves.

RESOLVED (3) that it be recommended to Council to agree in principle to a further transfer to the Business Rates Smoothing Reserve in 2018/19 to mitigate the increased budget risk in respect of business rates funding volatility as reflected in the updated MTFP estimates.

Note: With the agreement of the Leader, Report Nos. WSC 69/17 and WSC 70/17 were taken and debated together.

CAB20 HPC Planning Obligations Board – Allocations of CIM Funding

(Report No. WSC 68/17 – 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 detailed information on the three applications submitted for CIM Funding. She went on to propose the recommendation which was seconded by Councillor A Hadley.

Discussion centred around the Enterprising Minehead project which would enhance the visitor experience and transform the Sea Front. In addition, the Salvation Army (Bridgwater) was commended on its Youth Space project.

Members then asked a series of questions relating to alternative travel routes to Minehead and the need to improve directional road signage to encourage visitors to take different routes into the area.

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

- a) To approve the release of £19,745 from the 1st Annual Payment to the Salvation Army (Bridgwater) for the Youth Space project, with the condition that the requirement to monitor outcomes for young people are included in the terms and conditions of the grant.
- b) To recommend to West Somerset Full Council that the application from Lower Lakes CIC for the Bridgwater Oasis project is not approved as it did not sufficiently meet the funding criteria.
- c) To recommend to West Somerset Full Council that £501,688 is released from the CIM fund ring-fenced for West Somerset to West Somerset Council for the Enterprising Minehead project.

The meeting closed at 4.45 pm.

Cabinet Forward Plan – 1 and 30 November 2017

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/17/11/02 19/01/2017	1 November 2017 By Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held Purpose: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position	No exempt / confidential information anticipated	Tim Burton, Assistant Director Planning and Environment 01823 358403
FP/17/11/03 19/01/2017	1 November 2017 By Lead Member Resources & Central Support	Title: Allocation of Hinkley Point C Community Impact Mitigation Funding Purpose: to present the recommendations of the HPC Planning Obligations Board for the allocation of monies from the CIM Fund	No exempt / confidential information anticipated	Lisa Redston, CIM Fund Manager 01984 635218
FP/17/11/04 19/01/2017	1 November 2017 By Lead Member for Energy Infrastructure	Title: Hinkley Point Purpose: to consider any key issues that arise relating to Hinkley Point	No exempt / confidential information anticipated	Andrew Goodchild, Assistant Director Energy Infrastructure 01984 635245
FP/17/11/05 04/06/2015	1 November 2017 By Lead Member Resources & Central Support	Title: Review of Financial Regulations [FR2] Purpose: to recommend to Council to approve updated Financial Regulations	No exempt / confidential information anticipated	Paul Fitzgerald, Assistant Director Resources 01823 358680
FP/17/11/06 26/04/2017	1 November 2017 By Lead Member for Community and Customer	Title: Review of the Council Tax Rebate Scheme for 2018/19 Purpose: to review the Council Tax Rebate Scheme 2018/19 for recommendation to Council	No exempt / confidential information anticipated	Heather Tiso, Revenues and Benefits Manager 01823 356541
FP/17/11/06 19/04/2017	30 November 2017 By Lead Member Resources & Central Support	Title: Medium Term Financial Plan Update and Initial Budget Options Purpose: to present the updated Medium Term Financial Plan position and consider initial budget options for 2018/19 budget setting	No exempt / confidential information anticipated	Jo Nacey, Financial Services Manager / Deputy S151 01823 356537

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/17/11/07 19/04/2017	30 November 2017 By Lead Member Resources & Central Support	Title: Fees and charges 2018/19 Purpose: To recommend proposed fees and charges to Full Council for approval	No exempt / confidential information anticipated	Jo Nacey, Financial Services Manager / Deputy S151 01823 356537
FP/17/11/08 19/04/2017	30 November 2017 By Lead Member Resources & Central Support	Title: Review of Earmarked Reserves Purpose: to consider review undertaken to ensure earmarked reserves continue to be required for their intended purpose and to return any surplus reserves to general balances	No exempt / confidential information anticipated	Jo Nacey, Financial Services Manager / Deputy S151 01823 356537

West Somerset Council Representation on Minehead Business Improvement District Steering Group

Purpose of this Paper

To outline the stages of development for the Business Improvement District Proposals for Minehead and explain how West Somerset Council can be appropriately represented within its governance.

Recommendation

To agree the appointment of the Regeneration Portfolio Holder as the Council's representative on the Steering Group for Minehead Business Improvement District.

Background

A Feasibility Study was carried out in Jan / Feb 2017 to establish the appetite within the business community for setting up a Business Improvement District (BID) in Minehead. The feasibility work indicated very strong support for this project.

Following the feasibility work, the plans to establish the BID were included in the 'Enterprising Minehead' proposals. In August 2017 West Somerset Council approved funds through a CIM fund application to assist in covering the costs for the development of Minehead's BID.

Since funds were approved in early August, professional expertise has now been engaged to take forward the next stages of the process which will include detailed consultation with businesses in the BID area to develop a five-year business plan for the BID. The BID plan will be subjected to a ballot which is likely to be scheduled for April/May 2018.

At this stage, the process requires appropriate representation on a new BID Steering Group. This will be set up after the official launch of the scheme on 6th Sept 2017. The purpose of this group will be to support the BID, act as ambassadors for the scheme and to help steer the proposals through the process of consultation, development and final ballot.

West Somerset Council Representation on the BID Steering Group

Representation on the Steering Group will be invited from business leaders within Minehead. West Somerset Council is also invited to join the Steering Group because of its key role as a strategic delivery partner in terms of economic development. In addition the Council has a role as being legally responsible for making arrangements for the ballot, monitoring the process and for the revenue collection of the levy from businesses.

Future Governance of the BID

At a later stage, and in the event of the BID being given a mandate by businesses, a registered BID company will set up; its Board of Directors BID will be legally and financially responsible for the BID. An appropriate BID governance structure is to become a company limited by guarantee (CLG) or a community interest company (CIC). This will be determined when the business plan is finalised.

Overview of Business Improvement Districts

Business Improvement Districts (BIDS) are business led partnerships which are created through a ballot process to deliver additional service to local businesses. They can be a powerful tool for directly involving businesses in local activities and encouraging the business community and local authorities to work together to improve the local trading environment.

A Business Improvement District is a defined area in which a levy is charged on all eligible business ratepayers, but invoiced separately from the business rates bill. This levy is ring-fenced and used by the BID Company to deliver projects set out in the agreed BID business plan which will benefit businesses in the local area. There is no limit on what projects or services can be provided. The only requirement is that they should be **additional to services** provided by the statutory authorities. Improvements may include, but are not limited to, extra safety/security, marketing, events activity, cleansing and environmental measures.

To be legally binding, the process of setting up a Business Improvement District must follow the requirements set out in the Local Government Act 2003 and subsequent statutory instruments in 2004 and any later amendments to the Act.

The process of setting up a BID involves:

- Extensive consultation with local businesses within a prescribed area to identify issues, priorities and projects
- Development of a BID business plan setting out the projects and services that will address the identified priorities
- Businesses in that area are then invited, through a formal, anonymous ballot to vote on the business plan; if a majority of turnout, (51%) by number and rateable value vote in favour, all the businesses in that proposed BID area pay an annual levy that is ring-fenced for the delivery of the BID business plan
- All eligible business ratepayers in the BID area will pay the levy if the vote is successful, regardless of how they voted
- The levy becomes a statutory charge on upon the premises for the lifetime of the BID, a maximum of 5 years

Research in Feb 2017 concluded that a BID for Minehead is a viable proposition, based on the draft BID area outlined in the report, at a levy rate of 1.5%. This would provide a sufficiently large fund (approx £110k per year or £560,000 over 5 years) to deliver change well beyond what is possible within current resources available.

Further detail on the phases of development of a BID have been clearly set out within the Enterprising Minehead Business Plan (pages 27 to 31)

<https://www.westsomersetonline.gov.uk/getattachment/Business/Regeneration-and-Development-Projects/Enterprising-Minehead---Business-Plan-FINAL.pdf.aspx>

Gordon Dwyer, Senior Economic Development Officer

11/08/2017

Report Number: WSC 94/17

West Somerset Council

Cabinet: 6 September 2017

Proposed Business Rates Revaluation Relief Scheme

This matter is the responsibility of Councillor Mandy Chilcott

Report Author: Dean Emery, Principal Revenues & Debt Recovery Officer

1 Executive Summary

- 1.1 Cabinet is asked to consider amending the Discretionary Rate Relief policy to include the new relief for revaluation from 1 April 2017. The inclusion of this additional relief will require approval by Full Council.
- 1.2 In the Budget on 8 March, the Chancellor announced that the Government would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Local government is best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need
- 1.3 The total funding available to support local authority's discretionary relief schemes is:

2017/18	2018/19	2019/20	2020/21
175	85	35	5

2 Recommendations

- 2.1 Cabinet is asked to support the use of Council's local discount powers from 1 April 2017 to award Revaluation Relief to those organisations that face significant increases in their business rates bills following revaluation.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
There is a risk any reduction in Discretionary Rate Relief could result in a number of enterprises and organisations going out of business and ceasing to exist.	2	3	6
<i>Regular monitoring of use and effectiveness of discretionary rate relief and continued emphasis on supporting those that meet the policy objectives. Flexible policy that can be reviewed readily</i>	1	2	3

continued overleaf...

Risk Matrix

Description	Likelihood	Impact	Overall
Expenditure on Discretionary Rate Relief exceeds finance available through Medium Term Plan	2	4	8
<i>Close monitoring of expenditure and review policy where appropriate</i>	1	2	3
Changes to future Government funding	3	3	9
None	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%

- 3.1 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

- 4.1 A range of Mandatory and Discretionary Rate Reliefs reduce (in some cases to Nil) the amount of Non-Domestic Rates (commonly known as business rates) a business or organisation has to pay. The qualifying rules and levels of relief for Mandatory Reliefs are set by Government and are the same throughout the country. The rules and levels of award for Discretionary Rate reliefs are set by each Council and as such may vary from Council to Council. A full review and updating of the policy was undertaken in 2015 with the policy coming in to effect from 1 April 2016.

- 4.2 The Local Government Finance Bill 2012 introduced the Business Rates Retention Scheme. The scheme is designed to help achieve two of Government's key priorities: economic growth and localism. The scheme enables the retention of a proportion of the business rates revenue generated in a local area by the relevant local authorities. Business rates retention is intended to provide incentives for local authorities to drive economic growth, as the authorities will be able to retain a share of the growth that is generated in business rates revenue in their areas, as opposed to the previous system where all business rates revenues were held centrally. The share to be paid to central government from business rates collected is 50%, while the remaining 50% of business rates is retained locally (40% District, 9% County, 1% Fire authorities).
- 4.3 Under the former arrangements, the Government met the cost of Mandatory Relief in full on the basis that local authorities had no choice but to award it under set criteria. The costs of discretionary relief had to be met in full or in part, by the local authorities as awards were decided upon based on the Council's own criteria. Under the new rules West Somerset Council has to contribute 40% towards the cost of most relief - even those that it has no choice about awarding. Therefore it is important to recognise the financial risk of applying reliefs when considering any changes to our policy. The financing of reliefs need to be both affordable and balance the needs of the business and those of the local tax payer.
- 4.4 A Business Rates Revaluation normally takes place every five years. A revaluation was originally due to take effect from 1 April 2015 but Government delayed it by two years. Therefore the new rating List comes in to effect on 1 April 2017.
- 4.5 Each rating list has a Transitional Relief Scheme which is designed to phase in both the increases and decreases in the amount of business rates payable following revaluation. This phasing can last for between one and five years depending on the level of increase or decrease in rateable values.
- 4.6 However, Transitional Relief does not provide support for changes in Business Rate Reliefs. Despite the increase in the threshold for eligibility to Small Business Rate Relief, some ratepayers will no longer be eligible to receive it due to an increase in their rateable value. This situation may also apply to current recipients of Rural Rate Relief.
- 4.7 The Chancellor announced in the Spring Budget a number of measures to provide support to these ratepayers, along with support for pubs and businesses facing the largest increases

5 Proposed Policy Changes for 2017/18 - Discretionary Revaluation Relief

- 5.1 The Government has announced the establishment of a £300m discretionary fund over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the 2017 revaluation

- 5.2 The intention is that every billing authority in England will be provided with a share of the £300m to support their local businesses. Billing authorities will be expected to use their share of the funding to develop their own discretionary relief schemes to deliver targeted support to the most hard-pressed ratepayers. The £300m will cover the four years from 2017/18:
- £175m in 2017/18
 - £85m in 2018/19
 - £35m in 2019/20
 - £5m in 2020/21
- 5.3 The DCLG published a consultation on the design of the discretionary relief on 9 March, seeking views on the allocation of the fund, arrangements for compensation for local authorities, and the operation of local schemes. This can be accessed at: <https://www.gov.uk/government/consultations/discretionary-business-rates-relief-scheme>. West Somerset Council's proposed share of the £300m is as follows:
- 2017/18 - £148k Estimate of Relief £97,664 Reserves £50,336(see 7.1)
 - 2018/19 - £72k
 - 2019/20 - £30k
 - 2020/21 - £4k
- 5.4 As Members will see from Appendix A, we have designed a Discretionary Revaluation Relief Policy that is based on the following criteria:
- Relief will only be granted where the rateable value is less than £200,000 as at 01 April 2017 & the gross rates increase is greater than 5%
 - Reductions if awarded will be to further increase the Transitional Relief that is phasing in the increased charge. Each year will be less and less over 4 years.
 - The scheme is designed solely to assist ratepayers who have seen a significant increase in bills due to revaluation
 - Relief will only be granted for premises which are occupied
 - Relief will not be awarded where mandatory relief has been granted
 - Taxpayers will be invited to apply
 - All relief awarded is subject to state aid €200,000 (de-minimis)
 - Relief will be targeted to local businesses, not national or multi-national in nature. Local businesses are, for the purpose of the scheme, those which have premise's wholly in the Council's area

The Council will consider every application for Discretionary Revaluation Relief on its merits

- 5.5 We will invite applications from taxpayers to confirm their "state aid" position as we will be unable to award relief to any business that has already received more than €200,000 in state aid (de-minimis level).
- 5.6 There is no statutory right of appeal against any award of Discretionary Revaluation Relief, although as with any decision by a public authority, this could be challenged by Judicial Review. The authority will however, upon request, review decisions made.

6 Links to Corporate Aims / Priorities

6.1 This report is most closely linked with Key Theme 2 – Business & Enterprise.

7 Finance / Resource Implications

7.1 The use of the Council's local discount powers to grant Revaluation Relief will be reimbursed in full by Government through s31 grant funding. In year one 2017/18 it is estimated that the relief granted from modelling will be £97,664. A reserve of £50,336 will be used to award relief from for late or ad hoc applications. Where funding remains there will be supplementary payments to those that are in occupation and receiving revaluation relief as at 15/03/2018. Current funding rules will not allow for a carried forward amount.

8 Legal Implications

8.1 There are no direct legal implications associated with this report

9 Environmental Impact Implications

9.1 There are no environmental implications associated with this report.

10 Safeguarding and/or Community Safety Implications

10.1 Safeguarding and community safety implications have been considered, and there are not expected to be any implications relating to this report.

11 Equality and Diversity Implications

11.1 Members need to demonstrate they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for:

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

11.2 The public sector equality duty, as set out in section 149 of the 2010 Equality Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic.

11.3 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

11.4 A full Equalities Impact Assessment was carried out as part of the original policy review approved by Full Council on 21 October 2015. There are no further implications associated with the proposed policy revisions.

12 Social Value Implications

12.1 There are no social value implications associated with this report.

13 Partnership Implications

13.1 There are no Partnership implications associated with this report.

14 Health and Wellbeing Implications

14.1 There are no Health and Wellbeing implications associated with this report.

15 Asset Management Implications

15.1 There are no asset management implications associated with this report.

16 Consultation Implications

16.1 The grant determination states that a condition of the funding is that a consultation is undertaken with 'relevant authorities'. The relevant authorities for the purpose of this scheme are any major precepting authority and any combined authority. We have consulted the major precepting authorities of Somerset County Council and Devon and Fire and Rescue Service. Both have replied with formal consent no changes required.

17 Scrutiny Comments / Recommendation(s)

17.1 Not applicable

Democratic Path:

- **Scrutiny Committee - Yes**
- **Cabinet - Yes**
- **Full Council - Yes**

Reporting Frequency: Ad hoc

List of Appendices (delete if not applicable)

Appendix A Draft Discretionary Revelation Relief Policy

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Policy for the granting of the Revaluation Relief

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Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	May 2017	LM	Policy
2	May 2017	DA	Revisions
4	July 2017	LM	Amendments
5	July 2017	DA	Sign off
6	July 2017	LM	Amendments DE

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Council's area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme;
 - The Council's general policy for granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs;
 - European Union requirements including provisions for State Aid; and
 - The Council's Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1st April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded.
- 2.5 The Council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority’s area. There is no statutory appeal process or Tribunal against any decision made by the Council, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
- a. Discretionary Relief – Charities who already receive mandatory relief;
 - b. Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts **or** premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - c. Discretionary Relief – Granted under the Localism Act 2011 provisions;
 - d. Local Newspaper Relief (from 1st April 2017 for a period of two years);
 - e. Local Public House Relief (from April 2017 for a one year period);
 - f. Supporting Small Businesses Relief (from 1st April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and
 - g. Discretionary Business Rates Relief Scheme (from 1st April 2017 for a period of up to four years).
- 2.7 This policy document purely covers the granting of awards under the Discretionary Business Rates Relief Scheme (g. above) which covers a period from 1st April 2017 for up to four years. The decision to grant or not to grant discretionary relief is a matter purely for the Council. The Council’s policy for granting other reliefs can be found on the Councils website www.westsomersetonline.gov.uk.

The Council's general approach to granting Discretionary Relief

- 2.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- a. That any award should support business, organisations and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
 - b. It should help and encourage business, organisations, groups and communities to become self-reliant;
 - c. Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
 - d. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
 - e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which, without granting discretionary relief they would be unable to do;
 - f. To assist the Council in delivering services which could not be provided otherwise;
 - g. To assist the Council to meet its priorities; and
 - h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it.
- 2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988(Hardship Relief) where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The Council's approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to

the Council using a particular methodology, but it has been keen to point out that this should have **no** bearing on the actual scheme adopted by the Council.

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3.0 Effect on the Council's Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council, 9% by Somerset County Council and 1% by Devon and Somerset Fire and Rescue Service. This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to the Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies.
- 3.7 The funding of £300m is not provided equally over the four-year period but in the following approximate proportions:
- Year 1 (2017/18) 58%
- Year 2 (2018/19) 28%
- Year 3 (2019/20) 12%
- Year 4 (2020/21) 2%

- 3.8 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government is unclear at this stage as to whether any underspend can be 'vired' from one year to the next although their initial guidance is that any underspend will be returned to Treasury¹.
- 3.9 A key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.
- 3.10 The financial effects to the Council of the Discretionary Business Rates Relief Scheme are shown in the following table

Amount of discretionary fund awarded (£000s) - West Somerset District Council			
2017-18	2018-19	2019-20	2020-21
148	72	30	4

- 3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 50% borne by Central Government, 40% by the Council, 9% by Somerset County Council and 1% by Devon and Somerset Fire and Rescue Service.

¹ DCLG Letter 27th April 2017 – Discretionary Rates Relief Scheme – Payment of Section 31 grant to reimburse cost of relief

4.0 Discretionary Relief - EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)². The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 4.4 Where the relief to any one business is greater than the De Minimis level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide the Council with sufficient information to determine whether these provisions are applicable in their case.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

5.0 Administration of Discretionary Relief – General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation³

Applications and Evidence

- 5.2 In the case of this relief, the Council will invite businesses to apply. Application forms are produced by the Council both in hard copy and electronic format. The relevant application form is included within Appendix A of this policy. The Council will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues and Benefits Section and will be determined in accordance with this policy.
- 5.5 **The Council will provide this service and guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties.**

Granting of relief

- 5.6 In all cases, the Council will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end;
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).

³The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main be granted from 1st April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year ~~or~~ at such time-period as the Council determines.

Variation of a decision

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
 - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time, however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 When the application has been returned complete with state aid declaration and officer will process the form and apply an award of relief as appropriate. The relief will be first approved by the Senior Revenues Officer or the Principal Revenues and Debt Recovery Officer. When first approvals are complete, the application will be sent to s151 for final approval. The above follows current policy.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council or executive member as appropriate.
- 6.5 The monitoring of the amount granted will be monitored monthly by the Principal Revenues Officer or the Senior Revenues Officer.

Appeals

- 6.6 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Principal Revenues and Debt Recovery Officer or the Senior Revenues Officer. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.7 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the Revenues and Benefits Manager for review. Where appropriate, cases of this nature may also be referred to the Executive member as appropriate. All appeals will test whether the policy has been applied correctly.
- 6.8 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Consultation

- 7.1 The Council has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31/3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
 - b. Any combined authority.
- 7.3 In the case of the Council only the major precepting authorities have been consulted namely:
- a. Somerset County Council;
 - b. Avon and Somerset Police and Crime Commissioner; and
 - c. Devon and Somerset Fire and Rescue Service.

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8.0 Decisions by the Council under this scheme

- 8.1 Decisions by the Council are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of the Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of the Council whether to award any relief under this scheme **cannot not take account** of the level of any funding.

Discretionary Business Rate Relief Scheme- the Council's policy for granting discretionary relief.

Applications for relief under this scheme

- 8.3 The Council is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 The Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed **solely** to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
 - b. Relief will not be awarded where mandatory relief is granted and in line with legislative requirements, no relief can be granted to any precepting authority;
 - c. Relief will only be granted to those hereditaments whose rateable value at 1st April 2017 of the hereditament less than £200,000 and where the increase calculated in 8.4(d) is greater than 5%;
 - d. In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
 - i. The rate liability of the ratepayer at 31st March 2017 for the 2016/17 financial year after any reliefs and reductions; and
 - ii. The rate liability of the ratepayer at 1st April 2017 for the 2017/18 financial year taking into account any transitional relief or discretionary relief granted under any other provision;
 - e. Relief will only be given to premises which are liable for occupied rates. **No relief within this scheme will be granted for unoccupied premises** or where the premises becomes re-occupied;
 - f. Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017. Relief will cease at any point the hereditament becomes unoccupied and will not be re-granted;
 - g. Ratepayers (including previous ratepayers) taking up occupation after the 1st April 2017 will **not** be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- h. Relief will be targeted to local businesses and not those business that are national or multi-national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in the Councils area;
- i. Relief may be awarded for more than one premises as long as **all** other criteria are met;
- j. Relief (or further relief) will **not** be awarded where the hereditament has an increase in Rateable Value after the 1st April 2017 which increases the rate charge above the 1st April 2017 value.
- k. Where a ratepayer is in receipt of any award under this policy, the authority will **not** consider any application for relief under Section 44A of the Local Government Finance Act 1988 for the same hereditament.

Applications for relief under this scheme

- 8.5 The Council is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application

Amount of Relief

- 8.6 The amount of relief is tapered and will be calculated as follows:
- 2017/18**
Where the increase in rates payable as calculated in 8.4d is greater than 5%, the award shall reduce the increase to 5%
- 2018/19**
Award = 2017/18 award x 50% (for clarity this will be half of the relief awarded in 2017/18)
- 2019/20**
Award = 2018/19 award x 50% (for clarity this will be half of the relief awarded in 2018/19)
- 2020/21**
Award = 2019/20 award x 10% (for clarity this will be 10% of the relief awarded in 2019/20)
- 8.7 In exceptional circumstances, the authority shall consider applications on a case by case basis where the ratepayer falls outside of the criteria detailed in paragraph 8.4 but where the ratepayer can demonstrate that they are experiencing severe financial difficulties due to the revaluation on 1st April 2017.

Variation and amendment of relief under the scheme

- 8.8 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. In effect, relief is calculated on a daily basis in line with the ratepayer's liability on that day. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.
- 8.9 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or

variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

DRAFT

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, the Council will require **any** changes in circumstances which may affect the relief to be reported as soon as possible and in any event not more than 21 days from the happening of the event. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.
- 9.3 Where a change in circumstances is not reported and it is subsequently identified that it would have reduced the relief awarded, the Council reserve the right to remove any award completely.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

DRAFT

Appendix A

Application Form for the Discretionary Business Rate Relief Scheme.

DRAFT

Report Number: WSC 92/17

West Somerset Council

Cabinet – 6th September 2017

HPC Planning Obligations Board – Allocation of CIM Funding

This matter is the responsibility of Cllr M Chilcott, Lead Member for Resources and Central Support.

Report Author: Lisa Redston, CIM Fund Manager

1 Purpose of the Report

- 1.1 The purpose of this report is 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.

2 Recommendations

- 2.1 That Cabinet endorses the recommendations of the Hinkley Point C Planning Obligations Board as follows:
 - 2.1.1 To recommend to West Somerset Full Council that a total of £79,289 is released from the 1st Annual payment to the Bridgwater Chamber of Commerce for the Supply the Supplier Business Engagement project with the following conditions:
 - That 50% of the funding should be released to enable the employment of relevant project staff when a formal Memorandum of Understanding between the Bridgwater Chamber of Commerce and Somerset Chamber of Commerce is agreed, signed and in place before the start of the project.
 - That the remaining 50% of the funding should be released when a range of Key Performance Indicators that measure outputs and outcomes of the project with targets are developed and submitted by Bridgwater Chamber of Commerce and agreed by the Planning Obligations Board within 3 months of the start date of the project staff and a plan for financial sustainability of the project after the initial 2 years is developed by Bridgwater Chamber of Commerce and reported to the Board within 6 months of the start date of the project staff.

3 Risk Assessment

Risk Description	Current Score	Existing and planned control measures	Target Score after control
Lack of quality approvable bids to the CIM Fund due to communities not having the means (skills/resources) to make quality bids and deliver projects resulting in a lack of effective impact mitigation projects	Medium (12)	Community development officers in post in WSC/TDBC and Sedgemoor District councils and Engage WS contracted to support communities in WS in making bids and project delivery. Risk remains feasible as capacity of community development officers is limited.	Medium (9)
Risk of future community impacts not being mitigated due to early demand for funding exceeding available budget resulting an inability to respond to future or unknown impacts.	Medium (12)	Annual contribution payments (2015 and 2016) will ensure a budget is available to respond to future demand. Planning Obligations Board to continue to develop funding strategy that includes mechanisms for review and reprioritisation and trigger points for release of funding to reflect changes in circumstances and impacts.	Low (8)
Failure of the Planning Obligations Board to allocate CIM fund by April 2019 resulting in continued requirement for staff resource to manage application/decision making process, finances and to support community.	Medium (9)	Planning Obligations Board to continue to develop funding strategy to provide direction for release of funding.	Low (4)
Failure of the Planning Obligations Board to monitor the actual and potential impacts of the development due to the lack of a defined impact monitoring procedure resulting in the inability of the Planning Obligations Board to apply funding to achieve maximum mitigation of impacts.	Medium (16)	Planning Obligations Board to develop process and procedures for monitoring the impact and potential impact of the development and reflect this in the funding strategy.	Low (8)

- 3.1 The scoring of the risks identified in the above table has been based on the WSC and TDBC council's risk assessment scoring matrix. Only those risks that score medium or high are detailed in this report. The full risk assessment is available on request from the CIM Fund Manager.

4 Background

- 4.1 Applications to the CIM Fund are considered by the Planning Obligations Board against nine criteria outlined in the Section 106 legal agreement for the Site Preparation Works at Hinkley Point. A recommendation is subsequently made to West Somerset Council's Cabinet. Any proposals above £25,000 also require approval by West Somerset's Full Council.

Criteria	Evaluation Criterion
Priority Impact Zones	<p>Priority shall be given to those areas that are anticipated in the Environmental Statement to experience or which actually experience the greatest adverse impact from the project in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> 1) Directly adjacent to the site 2) Directly adjacent to the main transport routes to and from the site within West Somerset, Sedgemoor and Somerset 3) Within West Somerset and/or Sedgemoor and directly affected by adverse impacts of the project 4) In Somerset but beyond West Somerset and Sedgemoor and experiencing the next greatest degree of adverse impact, with projects which benefit West Somerset and Sedgemoor as well as its immediate area 5) In Somerset and experiencing indirect adverse impacts or in relation to a measure which benefits West Somerset and/or Sedgemoor.
Quality of Life	The principal purpose of the contribution shall be to enhance the quality of life of communities affected/potentially affected by the Project.
Sustainability	To what extent will the project contribute to achieving sustainable communities, contribute to regeneration objectives and raising environmental sustainability?
Extent of benefit	To what extent has the applicant demonstrated that the project will ensure a positive benefit and/or legacy to an adequate proportion of people within that community?
Community Need	To what extent has the applicant demonstrated a need for the project
Community Support	To what extent is there demonstrable local community and and/or business support for the project?
Partner Support	To what extent is there demonstrable local partner support for the project?
Governance	Demonstrate that good governance arrangements are in place, including financial and project management to ensure deliverability?
Value for Money	Can the applicant demonstrate value for money and that reasonable effort has been made to maximise the impact of any investment? Has match funding been secured where appropriate?

5 CIM Applications considered by the HPC Planning Obligations Board

- 5.1 The HPC Planning Obligations Board considered on applications to the CIM Fund on 3rd August 2017. The Board considered the application against each of the nine funding criteria.

- 5.2 Where an application is seeking funding to mitigate impacts or to benefit from opportunities in relation to education, skills, training or employment the Planning Obligations Board seeks the view of the Hinkley Point C Education, Employment and Skills Operations Group (EESOG). EESOG includes representatives from the District and County Council, EDFE, Department of Work and Pensions, and a range of Education and Training providers. The views of EESOG in relation to applications are included in the application summary where appropriate.
- 5.3 Where an application is seeking funding to mitigate impacts or to benefit from opportunities in relation to the promotion of tourism the Planning Obligations Board seeks the view of the Hinkley Point C Tourism Action Partnership (HTAP). The view of HTAP in relation to the application is included in the application summary where appropriate.
- 5.4 All applications have been subject to financial viability checks, any concerns in relation to the viability of an organisation or project are highlighted within the summary.
- 5.5 Cabinet is asked to consider the following application for CIM Funding.

5.6

Project Name:	Supply the Supplier – Business Engagement Plan
Expression of Interest Ref No:	203
Organisation Applying:	Bridgwater Chamber of Commerce
Summary of Project:	The project aims to provide support to SME's and Microbusinesses in Bridgwater helping them to link with and access the Hinkley supply chain and indirect opportunities created as a result of the HPC project. The project will set up and run a brokerage service and funding will pay for staff, overheads, marketing and events for 2 years.
Impacts mitigated as stated in application:	Indirect issues of disruption to the transport routes, reduced footfall and revenue for local businesses, and loss of workers to the HPC project. Increased risk to SME's. Lack of resources within SME's to engage local opportunities within the expanding supply chain.
Start Date: Dec 2017	Total Project Costs: £114,289
Completion Date: Jan 2020	Amount applied for: £79,289
EESOG comments:	
<p>EESOG were generally supportive of the application. EESOG recognises the need for very small enterprises in the Town being supported by a trusted organisation, to access mainly secondary activity associated with the HPC project. Businesses that would not necessarily see themselves as engaging with the larger work packages that the Hinkley Point Supply Chain (HPSC) are picking up.</p> <p>It was also acknowledged that Bridgwater businesses are currently being impacted by the project. EESOG agreed that there are a vast array of opportunities both large and small offered by HPC – and the HPSC however these prioritised working where higher levels of outcome and output can be determined, this project could support SME's that are not able to access these opportunities. EESOG made the following suggestions:</p> <p>There needs to be an on-going relationship with the Somerset Chamber and HPSC to ensure that there is no duplication of activity</p> <p>That the Bridgwater Chamber provide regular and consistent information / intelligence to the District Council as to the businesses they are working with / skills needs / recruitment</p>	

opportunities / displacement to the HPC project etc. So that can be fed back to the work of EESOG in terms of the jobs service / social value activity etc.

That the Bridgwater Chamber networks not only with the Somerset Chamber, but other business organisations / Chambers within the locality including those operating in West Somerset, to share information / good practice etc.

CIM Fund Manager Comments:

The project is well placed to provide support for local SME's and Microbusinesses in Bridgwater through the provision of a brokerage service that enables businesses to links with larger projects and the Hinkley Point Supply Chain.

The application scored 'Green' for Community Need. At present, 90% of businesses in Bridgwater are SMEs and only 11% of businesses currently access the HPC supply chain portal. The Chamber has established need for the project mainly through conversations with local businesses. No further evidence or data was provided with the application as data on revenue, footfall and employee retention is not yet collected and recorded by the Chamber.

The application does not include specific plans or financial projections to ensure the project will be financially sustainable after the 2 year funded period. Therefore the application has scored 'Red' against this criteria.

The application scored 'Amber' for Governance. There are clear accountability arrangements in place through the Chambers formal structure, promotional activity has been planned to ensure effective take-up of the brokerage and the Chamber is well placed to engage with local businesses. Further work needs to be done on developing performance indicators to measure the outcomes of the project and to set targets for delivery.

The application scored particularly well for both Community and Partner support with evidenced by a number of letters and emails of support.

The costs of the project and plans for expenditure are reasonable and match funding is in place from Sedgemoor District Council.

Due Diligence test/Financial commentary - No significant concerns. Accounts show a significant increase in Turnover and Admin Expenses over the past two years, this may have a slight impact on cash flow but not of any particular concern.

POB Comments:

The Board recognised the need for the project in relation to the impact of HPC on SME's in Bridgwater and the potential for SME's to take advantage of opportunities directly and indirectly related to Hinkley Point C.

The Board also recognised that Bridgwater Chamber were well placed to deliver services directly to local businesses.

The Board had some concerns over the lack of measurable outputs and outcomes and the lack of targets within the application.

The Board accepted that the Chamber did not currently have the capacity to develop these measures and that funding would need to be agreed and appropriate project staff in place before this work could commence.

The Board accepted this was also the case for the development of a financial sustainability plan for the project.

The Board agreed that they would wish to consider any measures that were developed within 3 months and a financial sustainability plan within 6 months of the start date of the project staff and that funding should be released in stages and on condition that the Board were satisfied with measures and plan developed.

The Board raised some concerns around the clarity of roles and responsibilities between the Bridgwater and Somerset Chambers of Commerce and the Hinkley Point Supply Chain.

POB recommendation:	<p>To release a total of £79,289 from the 1st Annual payment to the Bridgwater Chamber of Commerce for the Supply the Supplier Business Engagement project with the following conditions:</p> <p>That 50% of the funding should be released to enable the employment of relevant project staff with the following condition:</p> <ul style="list-style-type: none"> • A formal Memorandum of Understanding between the Bridgwater Chamber of Commerce and Somerset Chamber of Commerce is agreed, signed and in place before the start of the project. <p>That the remaining 50% of the funding should be released when the following conditions are met:</p> <ul style="list-style-type: none"> • A range of Key Performance Indicators that measure outputs and outcomes of the project with targets are developed and submitted by Bridgwater Chamber of Commerce and agreed by the Planning Obligations Board within 3 months of the start date of the project staff. • A plan for financial sustainability of the project after the initial 2 years is developed by Bridgwater Chamber of Commerce and reported to the Board within 6 months of the start date of the project staff.
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6 Links to Corporate Aims / Priorities

- 6.1 The allocation of these funds will enable the Council to deliver against the Corporate Priorities of '*Our Communities* - Helping our communities remain sustainable and vibrant is vital in keeping West Somerset a great place in which to live and work' and '*Our Place and Infrastructure* - West Somerset is a beautiful place to visit and in which to live and work. We want to keep West Somerset a place to be proud of and one which is well maintained and welcoming to residents, visitors and businesses alike.

7 Finance / Resource Implications

- 7.1 On 6th May 2016, EDF made the payment for the second anniversary of phase two under the Site Preparation Work agreement. Under this, the CIM fund has received £1,937,220 inclusive of inflation uplift. Bringing the total CIM Fund received to £7,424,395.
- 7.2 Financial information regarding allocated funding from the Community Impact Mitigation Fund can be found in Appendix A.
- 7.3 These proposals will not have an impact on the Council's own resources.
- 7.4 All organisations applying for funding are subject to financial viability checks to reduce risk associated with the award of grant funding.

8 Legal Implications

- 8.1 These funds have been paid by a developer (NNB Genco) due to the signing of a Section 106 legal agreement for planning permission to carry out the site preparation works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037). As part of this legal agreement West Somerset Council shall take into account the recommendations of the Planning Obligations Board when deciding how to apply those elements of the Community Impact Mitigation Contributions (Schedule 1 – General, Para. 5.3 of the S106).

9 Environmental Impact Implications

- 9.1 There are not considered to be direct implications of approving the release of these monies associated with the Community Impact Mitigation Fund. 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.
- 9.2 Applicants are encouraged to consider any environmental implications of their project and are asked to describe how their projects will promote environmental sustainability

10 Safeguarding and/or Community Safety Implications

- 10.1 Applicants are encouraged to consider the promotion of community safety and community cohesion as part of their project.
- 10.2 Applications for projects that provide facilities or services to children, young people or vulnerable adults are required to include copies of the applicants safeguarding policy and procedures.
- 10.3 The requirement for organisations to adhere to Safeguarding legislation and to ensure necessary checks are carried out to ensure the suitability of staff or volunteers involved in the project are included in the CIM Fund grant terms and conditions.

11 Equality and Diversity Implications

- 11.1 Members must demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

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

- Eliminate discrimination, harassment, victimisation

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 Organisations applying to the CIM and Stogursey Contributions Funds are required to describe how their project will promote equal opportunities and will be accessible to all people in the community regardless of background, ability or personal circumstances.

11.3 Projects that restrict membership or access to services without being able to 'objectively justify' their reasons for doing so will not be eligible to be considered for funding. Projects that wish to limit access must be able to show that the less favourable treatment contributes to a 'legitimate' aim and that it is 'proportionate.'

11.4 Organisations are required to provide a copy of their Equal Opportunity Policy with their application to demonstrate awareness of their responsibility to deliver accessible services that advance equality.

11.5 Wider community benefit and the ability of the project to promote cohesive communities are both taken into account when scoring applications and making recommendations.

12 Social Value Implications

12.1 Applications to the CIM Fund must demonstrate how they provide economic, social and or environmental benefits for the local area. Applicants are also encouraged to provide opportunities for volunteering and community involvement wherever possible.

13 Partnership Implications

13.1 The Planning Obligations Board has representative members from Sedgemoor District Council, Somerset County Council, EDF Energy and West Somerset Council.

14 Health and Wellbeing Implications

14.1 The Community Impact Contribution and Stogursey Contribution have been paid to West Somerset Council for the purpose of mitigating the impacts of the Hinkley C development on local communities through projects that promote or improve the economic, social or environmental wellbeing of local communities.

14.2 The application and scoring process has been developed to prioritise funding of projects that aim to improve the health and wellbeing of people, families and communities affected by the development.

14.3 Applications are required to evidence and demonstrate that

- The communities is taking responsibility for their own health and wellbeing;
- Projects provide benefits which empower communities to be thriving and resilient
- Projects provide benefits which support people to live independently.

15 Asset Management Implications

15.1 There are no asset management implications as a result of these recommendations.

16 Consultation Implications

- 16.1 Applications to the CIM Fund are considered Planning Obligations Board. The Board consists of representatives from EDF, Sedgemoor District Council, West Somerset District Council and Somerset County Council.
- 16.2 All applicants are required to demonstrate that they have consulted with their local and wider communities on project proposals with the aim of informing their need appraisal and to shape delivery of their project.

17 Cabinet Comments / Recommendation(s)

- 17.1 This report contains recommendations to Cabinet.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – Yes**
- **Full Council – Yes**

Reporting Frequency: Every 2 months.

List of Appendices

Appendix A	Hinkley Community Impact Mitigation Fund Approval Balances
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Contact Officers

Name	Lisa Redston, Community and Housing Lead – HPC	Name	Andrew Goodchild, Assistant Director Place and Energy
Tel	01984 635218	Tel	01984 635245
Email	lredston@westsomerset.gov.uk	Email	Agoodchild@westsomerset.gov.uk

Appendix A: HPC Community Impact Mitigation Fund Approval Balances							
	TOTAL	West Somerset	Sedgemoor	Cannington	1st Annual payment	2nd Annual Payment	Stogursey
	£	£	£	£	£	£	£
CIM Fund Received(including Inflation Uplift)	6,700,000	2,000,000	1,000,000	500,000	1,600,000	1,600,000	500,000
Inflation Uplift	724,395	134,529	67,265	33,632	151,749	337,220	33,632
TOTAL Received	7,424,395	2,134,529	1,067,265	533,632	1,751,749	1,937,220	533,632
<u>Less previously approved allocation</u>							
Stogursey Parish Council - Burgage Road Play Area	(90,373)	(90,373)					Stogursey E (2,087)
Wembdon Village Hall - New VH & Play Area	(250,000)		(250,000)				Victory Hall (200,000)
Somerset Youth & Community Sailing Association	(9,600)		(9,600)				
Tropiquaria - Relocation of primates	(40,000)	(40,000)					
Tropiquaria - Relocation of play area	(37,350)	(37,350)					
Porlock Shellfish Project	(800)	(800)					
Westfield Street Café	(110,000)		(110,000)				
Williton Bowling Club	(13,000)	(13,000)					
Kilve Cricket Club	(22,000)	(22,000)					
Onion Collective	(243,119)	(243,119)					
Williton Parish Council	(250,000)	(250,000)					
Stogursey Football Club	(750)	(750)					
North Petherton Playing Fields	(46,000)		(46,000)				
SDC - Sydenham Together	(60,000)		(60,000)				
Tropiquaria - Marketing	(1,000)	(1,000)					
Bridgwater Education Trust	(18,295)		(18,295)				
Sydenham and Bower FHWG	(200,000)		(200,000)				
Cannington Village Hall	(186,186)			(186,186)			
Victoria Park Community Centre	(14,524)		(14,524)				
Watchet War Memorial Pavilion	(7,500)	(7,500)					
Otterhampton Parish Play Area	(37,820)				(37,820)		
Bridgwater Doctors Cricket Club	(1,000)			(1,000)			
Stogursey and District Victory Hall	(400,000)	(400,000)					
Greenways and Cycle Routes Ltd	(65,000)				(65,000)		
West Somerset Council - Employments Hub	(57,036)	(57,036)					
Bridgwater Town Centre Support Scheme	(116,070)		(116,070)				
Southern Bridgwater and North Petherton Mitigation Scheme	(344,850)		(242,776)		(102,074)		
Watchet Arts Group	(1,000)	(1,000)					
YMCA SC Beach Hotel	(12,500)	(12,500)					
Steam Coast Trail (Phase 2)	(287,950)	(287,950)					
Enterprising Minehead	(501,688)	(501,688)					
Salvation Army Youth Space	(19,745)				(19,745)		
Current Committed Balance	(3,445,156)	(1,966,066)	(1,067,265)	(187,186)	(224,639)	-	(202,087)
Current Uncommitted Balance	3,979,239	168,463	-	346,446	1,527,110	1,937,220	331,545
<u>Less Requested approvals</u>							
Bridgwater Chamber of Commerce	(79,289)	(79,289)					
Uncommitted Balance if all requests were approved	3,899,950	89,174	-	346,446	1,527,110	1,937,220	331,545

Report Number: WSC 93/17

West Somerset Council

Cabinet – 6th September 2017

West Somerset Opportunity Area

This matter is the responsibility of Executive Councillor / Cabinet Member Cllr Mandy Chilcott

Report Author: Corinne Matthews – Economic Regeneration & Tourism Manager

1 Executive Summary / Purpose of the Report

- 1.1 To inform members about the implementation and activity to date of the Department for Education's West Somerset Opportunity Area Programme.

2 Recommendations

- 2.1 To note the contents of the report and recommend that Scrutiny Committee are asked to consider the contents of the detailed delivery plans when these are available later in the Autumn.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall

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

- 4.1 In 2016 the Social Mobility Commission published its 'State of the Nation' Report. The Social Mobility Commission is an independent statutory body which examines what is happening to social mobility in the United Kingdom. The report assesses progress towards improving social mobility and suggests what could be done to accelerate that progress.
- 4.2 West Somerset was ranked 324th out of 324 local authority areas, against the measure that a child from a disadvantaged background will do well at school and get a good job. The Index is based on a wide range of indicators, which include; housing affordability, local wages, education before school, educational attainment at primary and secondary school and access to university. West Somerset performed poorly across all the indicators, which is why it is has been scored at the bottom. However, the area has improved on a number of measures, for example attainment at Key Stage 4, since the Index was published.
- 4.3 In October 2016 Justine Greening the Secretary of State for Education announced that a programme of Department of Education support would be implemented in the 6 worst performing areas which were called 'Opportunity Areas'. West Somerset was designated as one of these. Subsequently a further 6 have been created making 122 in total.
- 4.4 In announcing Opportunity Areas the Secretary of State said that these areas would be tasked with developing specific plans to put in place interventions which would

measurably make improvements. Funding to support this activity would be made available for a 3 year period, circa £2M pa - £6M in total. In addition to this the Department of Education has focussed many of its existing improvement programmes at OA's, activity such as the Careers Enterprise support and Teach First. It needs to be noted that the funding is not a devolved fund, but is subject to Department of Education approval for all expenditure. The local accountable body is Somerset County Council.

- 4.3 WSOA has a dedicated Department of Education WSOA Manager (Jan Downie) and has appointed a local Programme Manager (Sam Fahey) Sam is on secondment to the role from Getset, SCCs Early Help Service and is hosted by Somerset County Council having a hot desk with West Somerset Council.
- 4.4 A WSOA Board has been established which has an independent Chair (Dr Fiona MacMillan) and key stakeholders representing business, education and community. Cllr Chillcott is the WS member representative and Corinne Matthews, Officer representative. The role of the Board is to oversee implementation of the WSOA Plan.
- 4.5 The draft plan is attached, and provides detail of the priorities that have been identified to improve the life chances for young people in the District. It is a 'high level' plan which will be submitted to the Secretary of State in early September with a view to it being signed off by her and published in October. The time frame for this slipped because of the General Election, and local parties are becoming a little concerned that Year One of the three years duration started in March 2017, so time is already being lost.
- 4.6 The priorities identified in the Plan have been worked up by a series of Work Streams (Early Years / Excellence in Education / Post 16 Education and Business & Skills) Each Work Stream has a lead, and is comprised of key informed stakeholders to provide an evidence base, and then construct activity that will deliver measurable improvements.
- 4.7 The Work Streams are meeting frequently to shape proposed activity areas, and once the Plan has been published it should be possible to start to draw down funding to enable implementation of projects contained within these operational plans.
- 4.8 It is intended to present the draft operational plans to Scrutiny Committee for their input during the early Autumn.

5 Links to Corporate Aims / Priorities

- 5.1 If successfully delivered the WSOA Plan will have direct impact on key themes and issues contained in the West Somerset Council Corporate Strategy (2016-20).

Key Theme 1 Our Communities 'Helping our communities remain sustainable and vibrant'

6 Finance / Resource Implications

- 6.1 As previously mentioned in Paragraph 4.4, the funding that accompanies the WSOA is not a devolved budget, and therefore West Somerset Council will not receive any direct payments.
- 6.2 There is a staff resource implication for the Council's Economic Regeneration Manager

who participates in two of the Work Stream Groups and sits on the Partnership Board

- 6.3 West Somerset Council have been asked to provide some administrative support and a desk space for the Programme Manager for which a charge will be made to cover the Council's costs.

7 Legal Implications

- 7.1 There are no legal implications

8 Environmental Impact Implications

Not applicable

9 Safeguarding and/or Community Safety Implications

Normal policy and practice will apply to the delivery of the programme.

10 Equality and Diversity Implications

- 10.1 The aim of the programme is work with the most disadvantaged members of our local community.

11 Social Value Implications

- 11.1 The Programme will be tasked with delivering measurable social value outcomes.

12 Partnership Implications

- 12.1 The WSOA Board is a partnership of local stakeholders.

13 Health and Wellbeing Implications

- 13.1 Improving good health and well-being is at the heart of the programme.

14 Asset Management Implications

Not applicable

15 Consultation Implications

- 15.1 Meetings were held at the the beginning of the programme with an extensive range of partners. Many local organisations and individuals are still involved at Work Stream level.

16 Scrutiny Comments / Recommendation(s)

- 16.1 None.

Democratic Path:

- **Scrutiny /– Intended to follow later**
- **Cabinet/Executive – Yes**
- **Full Council – No**

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

List of Appendices (delete if not applicable)

Appendix A	Draft Plan

Contact Officers

Name	Corinne Matthews	Name	
Direct Dial	01984 635287 / 07825154735	Direct Dial	
Email	cmatthews@westsomerst.gov.uk	Email	

Name		Name	
Direct Dial		Direct Dial	
Email		Email	

Report Number: WSC 72/17

West Somerset Council

Cabinet - 6 September 2017

Seaward Way, Minehead - Proposals for Mixed Development (Part 1) and **Confidential Business Case (Part 2) - Commercially Sensitive**

This matter is the responsibility of: **Cabinet Member Cllr K Turner, Lead member Housing, Health and Wellbeing (Chair of Asset Project Group)**

Report Author: Tom Gillham – AD Asset Development Projects (Interim) & Andrew Goodchild - AD Energy, Infrastructure & Place

1 Executive Summary / Purpose of the Report

- 1.1 This report seeks Cabinet's endorsement of the business case and Asset Project Group recommendations for proceeding with a viable investment to develop a mixed use scheme, creating new affordable homes and essential employment units at Seaward Way.
- 1.2 Members already recognise that the mixed use development is aligned with achieving **West Somerset Council key priorities** including:
 - **Communities:** the proposals increase the supply of affordable homes for residents to buy and rent;
 - **Business and Enterprise:** securing and creating quality jobs for local people; encouraging expansion of local businesses, growth and new inward investment;
 - **Efficient and Modern Council:** Transforming our approach to Asset Development, innovative hybrid to make best use of land and property.
- 1.3 The report is presented in two parts, with the first part outlines the strategic benefits of the proposed comprehensive development and layout of whole site illustrated in **Appendix A**.
- 1.4 The Council intends to retain half the site to deliver new light industrial units for rent, as shown in **Appendices B & C**. This proposal creates new employment space to support the growth of businesses locally and deliver new income producing assets, generating crucial long term revenue streams for the Council.
- 1.5 The other half of the site is proposed to be sold for residential development, as this will raise a capital receipt and enable up to 35 new affordable homes to be built by a local housing provider, as a special purchaser.
- 1.6 The second part of this report is strictly confidential, in order to protect the Council interests. It outlines the business case and contains commercially sensitive information such as the housing provider offer and terms with occupiers, that remain subject to contract.

2 Recommendations

- 2.1 That Cabinet supports recommendations to Council requesting approval of the proposals below:-
- (a) The sale of land to local housing provider, identified specifically for a residential scheme, on the eastern half of the site. The land sale will be subject to a conditional contract based on draft terms, as set out in the special purchaser's offer letter (**Confidential Part 2 - Appendix D**).
 - (b) Approve a supplementary estimate of £2.982m to the Capital Programme for this scheme, to be funded by external borrowing, to pay for the costs of planning, development, construction and professional fees. (**Confidential Part 2 – appendices H & I**)
 - (c) Delegate Directors and S151 Officer the authority to proceed with the proposed development, in consultation with Asset Project Group and Lead Members (PfH, Deputy Leader & Leader), delivering two new commercial units for rent on retained land, and:
 - (i) Appoint a preferred Design and Build provider (**Contractor A**) as the most economically advantageous tenderer (**Confidential Part 2 - Appendix F**).
 - (ii) Appoint a professional team of advisors to support the Council with detailed design and planning, quality and cost control, ensuring the commercial units are developed to an agreed specification, on time and within budget (**Confidential Part 2 - Appendix K**);
 - (iii) Conclude Lease Agreement with occupier of large Light Industrial Unit (Draft Terms agreed with major business operator and its parent company as guarantor (**Confidential Part 2 - Appendices L**);
 - (iv) Conclude Lease Agreement with occupier of new smaller unit, based on draft Heads of Terms agreed with local business operator (**Confidential Part 2 - Appendix M**);
 - (v) Submit a planning application, following consultation and develop scheme in accordance with a future planning committee determination, within agreed programme timescales and budget (indicative milestones in **Confidential Part 2 Appendix G**);

3 Risk Assessment

- 3.1 Previous discussions at Cabinet identified key issues, themes and risks that needed to be mitigated. Officers took direction and incorporate feedback as part of due diligence.
- 3.2 The risk matrix below identifies and assesses implications of the recommendations.

Description	Likely-hood	Impact	Overall
PRIMARY Risk (Reputational / Financial) Failure to act commercially and recover expenditure and additional fees, if unable to deliver plans set out in business case.	Possible (3)	Moderate (3)	Medium (9)

The Business Case developed in association with an Employers Agent and Property Advisors, shows a positive overall return on investment. Assurance provided by recent valuation (RICS) confirming the Council land and development proposals more that cover any liabilities incurred.	Unlikely (2)	Minor (2)	Low (4)
PRIMARY Risk (Reputational / Financial) Failure to exchange contracts and secure leases, subject to obtain planning consent, in light of adopted Local Plan or Flood Risk Assessment.	Possible (3)	Low (3)	Medium (9)
Positive initial consultations with Architects and LPA, also between Engineers and Environment Agency around Flood Risk Assessment, have mitigate risks to an acceptable level. Proposed sub-structure design and drainage solutions are reflected within the preferred Design and Build Contractor winning bid that are both viable and deliverable.	Unlikely (2)	Minor (2)	Low (4)
PRIMARY Risk (Financial / Legal) Failure to secure best value from scheme: - receipt from sale to housing provider and or, - income from rental of building(s) developed on retained land	Possible (3)	Moderate (3)	Medium (9)
A recent valuation (RICS) confirms best value attained from proposals. The business case for rented light industrial unit(s) confirms a viable return on capital from investment generated.	Unlikely (2)	Minor (2)	Low (4)
SECONDARY Risk (Financial) Failure to build a standard product. Tailoring factory units to the needs of a specific user(s). Reliance on a single business occupier(s).	Possible (3)	Moderate (3)	Medium (9)
Architects are designing a standard institutional product that may be modified, if necessary. The specification of both light industrial unit enables the Council (and occupiers with our permission) options in the future to potentially: convert, sub-divide or extend (e.g. mezzanine), to meet changing market needs. Proposals create a resilient, flexible and valuable assets, within the scenarios of initial letting and or for future sale).	Unlikely (2)	Minor (2)	Low (4)

Risk Scoring Matrix

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

- 3.2 Each risk identified in the table above has been assessed using the risk scoring matrix, both before the mitigation measures have been actioned and after.
- 3.3 An independent valuation (RICS) report commissioned, in consultation with Asset Manager, confirms the Council proposals to develop the commercial area and land sale, are considered as attaining best value for the Council under Local Government regulations (details are contained in **Confidential Part 2 - Appendix E**).
- 3.4 The construction price must be affordable and an evaluation of Design and Build contractor bids, based on price and quality criteria indicates that the preferred contractor has provided the Most Economical Advantageous Tender (**Confidential Part 2 - Appendix F**) and within an indicative estimates.
- 3.5 The estimated project budget has been adjusted following the completion of recent due diligence and procurement exercise, including indicative bid price from preferred Design and Build contractor. (**Confidential Part 2 - Appendix K** shows project cost breakdown).
- 3.6 The majority of expenditure will be associated with the appointment of Design and Build contractor, subject to final detailed negotiations and proposed two stage contract award.
- (a) An initial award of pre-construction design work, finalising specification of new commercial units to comply with building regulations and submit planning application.
- (b) The second stage award will be of a construction contract and conditional upon preferred contractor completing initial stage satisfactorily, working with Council and its' advisors to achieve a planning approval and development ready scheme.

- 3.7 To mitigate risks of delay and loss of specialist knowledge it is proposed that the Council extend the appointment of its' current team of professional advisors. This will achieve best value by ensuring continuity and delivery of programme to time and within budget. The Council's Project Manager and Employers Agent will work closely with Architect and preferred Design and Build contractor to develop detailed specification to submit a planning application, to deliver infrastructure and buildings according to plans.
- 3.8 The Council as landowner intends to retain control of project, to ensure any liabilities are covered and suitable contingency plans are in place to cover unforeseen events. Risk and issues logs with mitigation plans, will be used to monitor progress of the project and ensure actions taken to secure delivery of proposals.

4 Links to Corporate Aims / Priorities

4.1 Corporate Priorities 2016/20

The Council's Corporate Priorities set out a range of themes and key issues which need to be taken into account when deciding on the objectives in relation to the site.

4.2 Corporate Priorities with strong links to the Seaward Way development

Key Theme 1 – Our Communities

a. Increase the availability and affordability of homes for local people – to both buy and to rent;

Key Theme 2 – Business and Enterprise

a. Encourage inward investment and the creation of new higher-paid jobs for local people;
d. Greater promotion of West Somerset as a place in which to set up business;

Key Theme 4 – An Efficient and Modern Council

a. Make better use of our land and property assets; transferring or selling assets where it makes sense to do so;

4.3 The West Somerset Local Plan to 2032

The recently adopted Local Plan allocates the Seaward Way site for Housing. Planning Officers have previously advised that an employment element on the site might be acceptable given that the jobs created (both on the site, and by freeing up other space in the town) would provide a material consideration weighing against the policy objection.

- 4.4 Previous commercial development proposals for a retail led scheme were deemed contrary to planning policy therefore undeliverable.

5 Finance / Resource Implications

- 5.1 Finance confirm that the Seaward Way project should proceed on the basis that the rental income is supported by the underlying value of the asset, in addition the project has both a positive impact on the Council's Medium Term Financial Plan from year 2 of the scheme and over the total lifespan of the project there is an overall positive net cash flow even if the industrial units are sold after 15 years.

- 5.2 Due to the commercial nature of financial comments, the business case showing return on investment from potential scenarios are contained within **Confidential Part 2 - Appendices H & I.**

6 Legal Implications

- 6.1 The decision relating to this report will enable the commencement of legal work to deliver the necessary development approach.
- 6.2 Local authorities must not sell land at a value less than the best that can reasonably be obtained by virtue of the provisions of s123 of The Local Government act 1972. The proposed disposal is deemed at this stage by professional advisors to be best value within the definition and published governmental guidance.
- 6.3 Local authorities are, it should be noted, able to dispose of land and buildings at less than the best consideration reasonably obtainable under the General Disposal Consent (England) 2003, where the 'undervalue' is less than £2million. The Consent requires the local authority to be of the view that the disposal is likely to help to secure the promotion or improvement of the economic, social or environmental well-being of its area or residents in its area.
- 6.4 There is no requirement that local authorities undertake a tendering process within the General Disposal Consent. However, there is the general requirement for authorities to follow "normal and prudent commercial practices". Where a local authority has undertaken a valuation of the asset to understand the level of the `undervalue` and has established a robust business case for transfer, there would be no further requirement to 'market test' a transfer proposal to meet the General Consent criteria.
- 6.5 The Council has a fiduciary duty at all times to the taxpayers and must fulfil this duty in a way which is accountable to local people. If the Council is minded to transfer the asset to a purchaser at less than best value the Council it needs to have rationalised why the disposal brings benefits that outweigh undertaking a market process and establish it is for community purposes not likely to distort State Aid.
- 6.6 Disposals by public authorities need to comply with the European Commission's state aid rules, because if land is disposed of at less than best consideration, the authority is providing a subsidy to the purchaser.
- 6.7 All disposals must in reality comply with the European Commission's State Aid rules. When disposing of land at less than best consideration the Council is at risk of providing a subsidy to the occupier of the land unless a certificate of best value is obtained. In such cases where there is a question of valuation within the variable limits of the best value consent the Council must ensure that the nature and the amount of the subsidy complies with State Aid rules.
- 6.9 All of these matters above need to be considered in settling the terms of any contract and associated documentation. This will ensure that the council is fully compliant with the appropriate legislation.

7 Environmental Impact Implications

7.1 The environmental implications will be addressed through the planning process which is part of the next stage and subject to a decision on this business case. A Flood Risk Assessment completed by specialist engineers Hydrock (key excerpts in **Confidential Part 2 - Appendix J**). The full Flood Risk Assessment report is 40 pages and available for members to review confidentially, on specific request.

7.2 An interim Technical Advice note was shared during the Design and Build tender to ensure contractors indicative prices took account of the level and type of abnormal work.

8 Safeguarding and/or Community Safety Implications

8.1 None related directly to this report. As stated above these issues will be dealt with through the planning process and final design considerations within the build.

9 Equality and Diversity Implications

9.1 This report focuses on mixed use proposals and the financial implications of the development. The equality and diversity implications of the development are being addressed through consultation in the design and planning process.

10 Social Value Implications

10.1 Social value is taken fully into account as part of wider discussion. Further opportunities will be identified to explore social value within the procurement, building elements of the project, also operations and management.

11 Partnership Implications

11.1 Collaboration and procurement with regional partners and providers has already created efficiencies and saved thousands of pounds keeping expenditure within approved budget (see cost estimates including cost saving in **Confidential Part 2 - Appendix K**).

11.2 Officers continue to look at compliant solutions and innovative ways to collaborate further. Proposals recommend the appointment of a preferred Design and Build contractor and a professional client team, rather than a Development Partner. The funding and borrowing options within the business case relate solely to the opportunities for the Council as landowner to dispose of part of site and develop other part directly, to keep control and income from our assets.

12 Health and Wellbeing Implications

12.1 No specific implications identified in this report, however a scheme that provides both new affordable homes, retains and creates new employment in the future is considered likely to have a positive influence on the general health and wellbeing of the local community.

13 Asset Management Implications

13.1 A recent independent Land Valuation by surveyor (member of Royal Institute Chartered Surveyors - RICS) confirmed that the improved offer from special purchaser for residential land to deliver new affordable homes attains best value for the Council (see excerpts from full report in **Part 2 - Confidential Appendix E**). Please note, the full Valuation report is 75 pages and available for members to review confidentially, on specific request.

13.2 Asset management will continue to be involved and provide estate management advice and determine future management arrangements to ensure the Council derives income from investment and our assets are protected and maintained.

14 Consultation Implications

14.1 The Asset Project Group (APG) includes a selection of members appointed to oversee disposal and development of Seaward Way, this includes members of Cabinet and the Chair of Scrutiny. APG supported proposals and the initial recommendation to seek further funds from Cabinet to progress due diligence and assess the business case.

14.2 Planners have been shown architect sketches and informally consulted on proposals to deliver a mixed use scheme at the Seaward Way, however the decision to support the proposals is one for the Council as landowner and as a promoter of Economic Development.

15 Further Comments and Next Steps

15.1 Information contained in this report and commercially confidential financial sections are the outcome of specific requests from both the Cabinet and Asset Project Group for a robust business case to be presented for consideration.

3.9 An indicative programme outlines key milestones to take forward development and delivery programme are conditional on:

- Cabinet support for recommendations to Council (6 September) and
- Council resolution (20 September)
- Finalising legals and exchange of contracts (Oct-Nov), with detailed design:
 - Design and build contract (appointment of preferred construction contractor).
 - Leases to occupiers (pre-lets);
 - Conditional land sale (disposal).
- Planning consultation (Nov - Dec 2017) and Committee (early in New Year 2018) pending approval of an implementable and acceptable planning conditions.
- Start on site in spring and completion autumn 2018, within budget parameters set.

Democratic Path:

- **Asset Project Group - Yes**
- **Cabinet – Yes (6th September)**
- **Full Council – Yes (20th September)**

Reporting Frequency: Regularly Updates to APG and Cabinet, once to Council

List of Appendices

Part 1	Working illustrations - Subject to Detailed Design Changes and Clarifications
Appendix A	Working copy Architect Sketch Outline of preferred mixed use site layout
Appendix B	Working copy Architect Sketch Council Large Rental Unit (Occupier identified)
Appendix C	Working copy Architect Sketch Council Small Rental Unit (Occupier identified)

Part 2	Strictly Confidential Information - due to commercial sensitivity
Appendix D	Confidential - Local Housing Provider Conditional Offer for Residential land
Appendix E	Confidential - Independent Valuation of Seaward Way (Council owned land)
Appendix F	Confidential - Evaluation of tenders: preferred Design & Build contractor
Appendix G	Confidential - Development programme - Key Milestones (Working copy)
Appendix H	Confidential - Finance Business Case: Comments, Assumptions & Implications
Appendix I	Confidential - Finance Summary of Return on Investment showing 3 Scenarios
Appendix J	Confidential - Flood Risk Assessment (Executive Summary)
Appendix K	Confidential - Project Budget, Activities and estimated Professional Fees
Appendix L	Confidential - Heads of Terms - Occupier of Large Light Industrial Unit
Appendix M	Confidential - Heads of Terms - Occupier of Small Light Industrial Unit

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APPENDIX A - SEAWARD WAY PROJECT - WORKING COPY - SKETCH FOR ILLUSTRATIVE PURPOSES ONLY



	Date	10 JULY 2017	Approved
	Drawing Status	INFORMATION	

Notes
 Warehouse Unit 2200m² = 23,680ft²
 Lighting Company 465m² = 5005ft²

CDM Notes
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A	10.07.17	Amended	coloured site plan	NI
/	06.07.17	First issue		idh
Rev.	Date	Notes		By
Drawing File				
Drawing Status			INFORMATION	

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Scale 1:500 @ A1
 1:1000 @ A3

Project Seaward Way - Minehead

Client Magna Housing

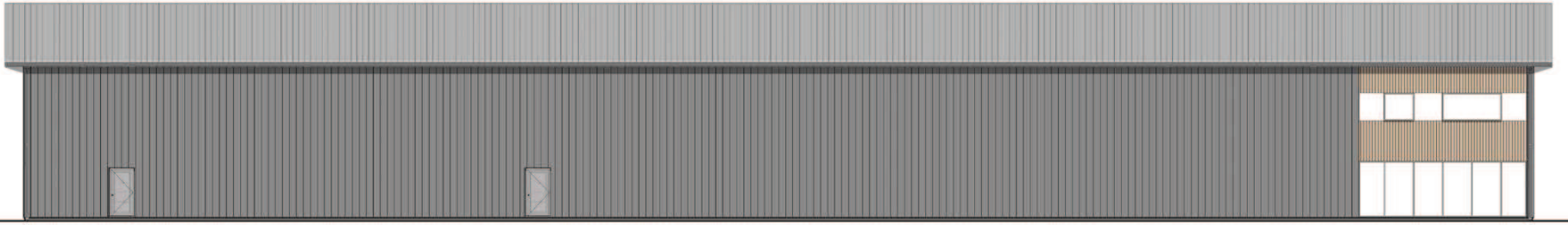
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Drawn	GC	Drawing No	Revision
Checked	IH	PC91202 - 005	A

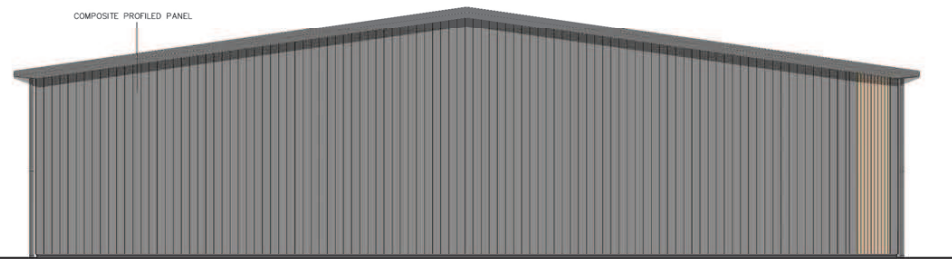
	Date	16th June 2017	Approved
	Drawing Status	INFORMATION	IH

Notes

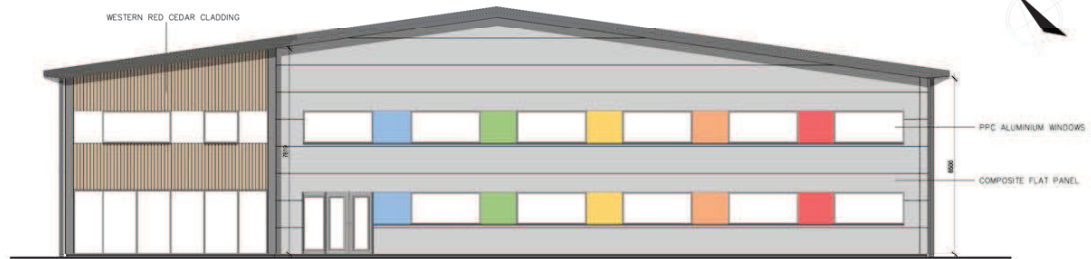
CDM Notes



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

16.06.17	First Issue		
Rev.	Date	Issued by	By
Drawing File			
Drawing Status		INFORMATION	

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Scale (R) of Sheet Size: 1:100@A1
 1:200@A3

Project: Seaward Way - Minehead Commercial Development
 Client: West Somerset Council

Title: Warehouse Unit Proposed Elevations

Drawn	QC	Drawing No	Revision
Checked	IH	PC91202 - 002 /	

