

CABINET

Meeting to be held on Wednesday 7 November 2012 at 4.30 pm

Council Chamber, Williton

AGENDA

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting of Cabinet held on 3 October 2012 to be approved and signed as a correct record – **SEE ATTACHED.**

3. **Declarations of Interest**

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

4. **Public Participation**

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

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

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

5. **Forward Plan**

To approve the latest Forward Plan published 23 October 2012 – **SEE ATTACHED.**

6. **Cabinet Action Plan**

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

7. **Discretionary Business Rate Relief Scheme**

To consider Report No. WSC 106/12, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to propose a revised 'Discretionary Business Rate Relief Scheme' for consideration that would be effective for the period 1st April 2013 to 31st March 2014.

8. Request for Allocation of Planning Obligations Monies

To consider Report No. WSC 144/12, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – [SEE ATTACHED](#).

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

9. Proposed Winter Closure of a number of Public Conveniences

To consider Report No. WSC134/12, to be presented by Councillor C Morgan, Lead Member for Environment – [SEE ATTACHED](#).

The purpose of the report is to seek Cabinet's approval for the winter closure programme of public conveniences.

10. Consideration of nominations received to list Assets of Community Value under the Community Right to Bid Legislation

To consider Report No. WSC 145/12, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – [SEE ATTACHED](#).

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

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

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%

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

CABINET

MINUTES OF THE MEETING HELD ON 3 OCTOBER 2012

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor T Taylor Leader

Councillor K V Kravis
Councillor S J Pugsley
Councillor K H Turner

Councillor C Morgan
Councillor D J Sanders
Councillor D J Westcott

Members in Attendance:

Councillor M J Chilcott
Councillor M O A Dewdney
Councillor A F Knight
Councillor E May
Councillor D D Ross
Councillor L W Smith

Councillor H J W Davies
Councillor B Heywood
Councillor R P Lillis
Councillor P H Murphy
Councillor K J Ross
Councillor A H Trollope-Bellew

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Group Manager – Environment, Customer and Community (S Watts)
Section 151 Officer (S Campbell)
Group Manager – Housing and Economy (I Timms)
Economic Regeneration & Tourism Manager (C Matthews)
Building Control Manager (J Hall) – Item 7 only
Community Safety Officer (P Hughes) – Item 10 only
Meeting Administrator (H Dobson)

At the start of the meeting the Leader gave a warm welcome to the Council's new Section 151 Officer who was seconded from Somerset County Council for up to two days per week.

CAB44 Apologies for Absence

No apologies for absence were received.

At this point in the meeting the Deputy Leader announced the sad loss of Mr Crispin Aubrey, with whom he had had the pleasure of working with many times and wished to convey his condolences to his family.

CAB45 **Minutes of the Meeting held on 1 August 2012**

(Minutes of the Meeting of Cabinet held on 5 September 2012 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 5 September 2012 be confirmed as a correct record.

CAB46 **Declarations of Interest**

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

Name	Minute No.	Member of	Action Taken
Councillor C Morgan	All	Stogursey	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor P H Murphy	All	Watchet	Spoke
Councillor K J Ross	All	Dulverton	Spoke
Councillor L W Smith	All	Minehead	Spoke
Councillor A Trollope-Bellew	All	County	Spoke

CAB47 **Public Participation**

The Leader advised that a letter in support of Agenda Item 7, Goviers Lane Railway Crossing, Watchet, had been received and would be read out prior to the debate of the item.

CAB48 **Forward Plan**

(Copy of revised Forward Plan No. 5 – distributed at the meeting.)

The purpose of this item was to approve Forward Plan No. 5 – November 2012 to November 2013.

The Corporate Director reported on the new Access to Information regulations that had come into force the previous month. The changes included how the Cabinets' Forward Plan would be affected, in that key decisions must be publicised 28 days before their consideration. Key decisions could be added to the Forward Plan at any time outside of Cabinet meetings, and were placed on the Council's website for the public to view. Urgent items could be added with the agreement of the Chairman of the Scrutiny Committee.

RESOLVED that, subject to adding 'Amendment to Discretionary Business Rate Relief Scheme' for November, Forward Plan No. 5 – November 2012 to November 2013 be approved.

CAB49 **Cabinet Action Plan**

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

The Chief Executive reported that as a result of consultation received relating to the permanent closure of some public conveniences in the district, the Corporate Management Team had reviewed the winter closure of public conveniences and decided that it would be prudent to carry out an Equality Impact Assessment (EIA) before winter permanent closure was implemented. Once the EIA had been undertaken, any decision to change the opening arrangements for public conveniences would be re-assessed when members would have the opportunity to consider the results of the consultation.

RESOLVED that the second resolution relating to entering into a three-year SLA with Veolia of CAB37 – Future Provision of Services currently delivered under a Contract with Veolia, be deleted as actioned.

CAB50 **Goviers Lane Railway Crossing, Watchet**

(Report No WSC 127/12, circulated with the Agenda.)

To consider accessibility improvements at the pedestrian railway crossing, Goviers Lane, Watchet in order to comply with the requirements of the 2010 Equalities Act and the Public Sector Equalities Duties (PSED).

The Leader read out a letter received from a member of the public, Mr John Irven, who fully supported the proposed improvements to the railway crossing at Goviers Lane, Watchet and urged Cabinet to approve the report and its recommendations so that the scheme could be implemented forthwith.

The Lead Member for Resources and Central Support presented the report and recognised the work invested by the partners to reach a solution. The proposed solution would address the issues that had been raised by local residents. The Lead Member proposed the recommendations of the report which were seconded by Councillor C Morgan.

Members praised the exemplary partnership working, and strongly expressed their support for the project.

In response to questions the Group Manager – Environment, Customer and Community advised that the contract was yet to be awarded to the proposed contractor. He hoped that work would commence in November when there were no scheduled West Somerset Railway trains operating. He confirmed that the contingency sum had been submitted by the potential contractor.

RESOLVED (1) that the progressing of the proposed accessibility works at the Goviers Lane railway crossing in accordance with the scheme detailed at Appendix A to the report, be approved.

RESOLVED (2) that the awarding of a contract to G A Sully Ltd for the works at £54,298 plus VAT that includes a £9,250 contingency sum for unforeseen works, be approved.

RESOLVED (3) that the appointment of Michael Riley Associates Ltd to undertake the related project management and the Construction and Design Management (CDM) works at an agreed cost of £12,000 plus VAT, be approved.

RESOLVED (4) that the total cost of £66,298 plus VAT of the scheme be apportioned as shown in paragraph 5.6 of the report with the West Somerset Council (WSC) allocation being restricted to a maximum of £22,255.

CAB51 Pooling of Business Rate Retention

The Leader advised that this item was to be considered by Full Council when further information would be available for all members to discuss the issues.

CAB52 Our Town First – Town Team Partners (Minehead)

(Report No WSC 129/12, circulated with the Agenda.)

The purpose of the report was to inform Members about this recent Government initiative that provides additional opportunities and resource for economic regeneration activity in Minehead.

The Lead Member for Regeneration and Economic Growth presented the report in detail advising that the local MP, events group and Town Council were supportive of the proposals. Should the recommendations be approved the balance of the Seaside Strategy Funding reserve would reduce to £41,062.50. He proposed the recommendations of the report, which were seconded by Councillor K Turner.

Members wished to express their support for this initiative and also recognised that many events which took place did not require funding.

In response to questions the Economic Regeneration & Tourism Manager confirmed that it would be necessary to ensure that regular reporting to monitor progress of the events group would be provided and suggested an annual report to the Scrutiny Committee. Further, she advised that events resulted in an increase in 'footfall' thereby promoting the regeneration of the 'high street'.

She confirmed that the Constitution, at Appendix C to the report, was a draft and that should the recommendations be agreed the next steps

would be to work further on it and ensure that members of the group were named in the document.

Members raised concerns that funds raised from events held in the town may not be enough to sustain future events. In response the Economic Regeneration & Tourism Manager advised that it would probably always be a challenge, which was why it was important not to rely on one major event but to provide events throughout the year.

RESOLVED (1) that the contents of the report, be noted.

RESOLVED (2) that Council be recommended to approve a supplementary estimate of £20,000 utilising the £10,000 allocation from Government and £10,000 of unallocated Sea Side Strategy Funding to support the Minehead Events Group in delivering a co-ordinated annual events programme with associated marketing and promotion as detailed in Section 4 of the report attached to the agenda.

CAB53 **Agreement for a Countywide Community Safety Partnership Merger**

(Report No WSC 130/12, circulated with the Agenda.)

The purpose of the report was to seek Council approval for West Somerset Council to join a proposed countywide merger of the Community Safety Partnerships encompassing the East and West of the County.

The Lead Member for Community and Customer presented the report and advised of a change to the recommendation to read as follows: 'that Cabinet recommend that Council formally agree to the Community Safety Partnership merger'.

The Lead Member proposed the amended recommendation of the report, which was duly seconded by Councillor D Sanders.

RESOLVED that Cabinet recommend that Council formally agree to the Community Safety Partnership merger.

The meeting closed at 5.50 pm

Weekly version of Forward Plan published on 23 October 2012

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/12/07 25/09/2012	7 November 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 2 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/12/10 04/10/12	7 November 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Amendment to Discretionary Business Rate Relief Scheme Decision: To approve an amended scheme.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/12/11 04/10/12	7 November 2012 By Councillor C Morgan - Lead Member Environment	Title: Proposed Winter Closure of a number of Public Conveniences Decision: To close any toilets for the winter period of 2012/13.		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/12/12 09/10/12	7 November 2012 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination received to list The Notley Arms, Monksilver and Shurton Inn, Shurton as an Asset of Community Value under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/12/04	5 December 2012	Title: Review of Financial Regulations [FR2]		No exempt / confidential information anticipated	Bruce Lang, Corporate Director

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25/09/2012	By Councillor K V Kravis – Lead Member Resources & Central Support	Decision: to offer comment on the Financial Regulations.			01984 635200
FP/12/05 25/09/2012	5 December 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Budget Strategy Update Decision: to advise members of the progress to date in formulating a new budget strategy to succeed the current strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/12/06 25/09/2012	5 December 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Implementing Value for Money Strategy Decision: to agree way forward to implement Value for Money Strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/12/08 25/09/2012	5 December 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Fees and Charges Decision: to propose levels of fees and charges for the period 1 April 2013 to 31 March 2014 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/12/09 25/09/2012	5 December 2012 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: Corporate Performance & Budget Monitoring Report 2012-13 – Quarter 2 Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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		including budgetary information and customer satisfaction.			
FP/12/13 15/10/12	5 December 2012 By Councillor D J Westcott – Lead Member Community & Customer	Title: Council Tax Rebate Scheme Decision: to recommend Council approve the new Council Tax Rebate Scheme		No exempt / confidential information anticipated	Paul Lamb, Principal Benefits and Fraud Officer 01984 635224
FP/12/14 19/10/12	5 December 2012 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Non Domestic Rate (Business Rate) Write Offs Request Decision: to seek Cabinet approval in accordance with the Financial Regulations to authorise Write Offs		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/12/15 23/10/12	5 December 2012	Title: Consideration of nomination received to list Minehead's Old Hospital as an Asset of Community Value under the Community Right to Bid Legislation Decision: to approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/1 25/09/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 3 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/2 25/09/2012	9 January 2013 By Councillor K V Kravis	Title: Draft Capital Programme 2012-13 and Capital Strategy		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	- Lead Member Resources & Central Support	Decision: to present the draft Capital Programme 2012/13 and draft Capital Strategy for recommendation to Council.			
FP/13/3 25/09/2012	9 January 2013 By Councillor D J Westcott – Lead Member Community and Customer	Title: Review of Customer Access Decision: to review customer access.		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/4 25/09/2012	6 February 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Annual Budget & Council Tax Setting 2013-14 Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2013/14 for recommendation to Council.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/5 25/09/2012	6 February 2013 By Councillor T Taylor – Leader of Council	Title: Draft Corporate Plan for 2013-14 Decision: to introduce the draft West Somerset Council Corporate Plan 2013/14 for recommendation to Council.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/6 25/09/2012	6 March 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: Corporate Performance & Budget Monitoring Report 2012-13 – Quarter 3 Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/7 25/09/2012	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	including budgetary information and customer satisfaction. Title: Allocation of Section 106 funds held – Quarter 4 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/8 25/09/2012	June 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Cabinet Appointments on Outside Bodies Decision: to appoint representatives to serve on outside bodies for the period to the Annual Meeting in 2014 (except where specific periods are stated).		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/9 25/09/2012	July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 1 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/10 25/09/2012	July 2013 By Councillor T Taylor – Leader of Council and	Title: Corporate Performance & Budget Monitoring Report 2012-13 – Quarter 4		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
	Councillor K V Kravis – Lead Member Resources & Central Support	Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.			
FP/13/11 25/09/2012	July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Review of Financial Regulations [FR2] Decision: to offer comment on the Financial Regulations.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12 25/09/2012	July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Medium Term Financial Plan Update Decision: to present the updated Medium Term Financial Plan.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/13 25/09/2012	October 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Allocation of Section 106 funds held – Quarter 2 Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/14 25/09/2012	October 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: Corporate Performance & Budget Monitoring Report 2013-14 – Quarter 1 Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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		including budgetary information and customer satisfaction.			

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

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

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

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

CABINET ACTION PLAN

Date/Minute Number	Action Required	Action Taken
<p>3 October 2012</p> <p>CAB53 Agreement for a Countywide Community Safety Partnership Merger</p>	<p><u>RESOLVED</u> that Cabinet recommend that Council formally agree to the Community Safety Partnership merger.</p>	<p>At the Council held on 24 October 2012, it was <u>RESOLVED</u> that the recommendation of Cabinet be accepted and the Community Safety Partnership merger be agreed.</p>

REPORT NUMBER WSC 106/12

PRESENTED BY CLLR. KATE KRAVIS, LEAD MEMBER FOR RESOURCES AND CENTRAL SUPPORT

DATE 7TH NOVEMBER 2012

DISCRETIONARY BUSINESS RATE RELIEF SCHEME

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to propose a revised 'Discretionary Business Rate Relief Scheme' for consideration that would be effective for the period 1st April 2013 to 31st March 2014.

2. RECOMMENDATIONS

Cabinet recommend to Council:

- 2.1 That the existing Discretionary Business Rate Relief Scheme as described at **Appendix 'A'** is amended from 1st April 2013 so that those non-profit making organisations providing sporting activities recognised by the Sports Council (Appendix 'C') receive a maximum of 20% discretionary relief. The scheme as described would cease on 1st April 2014.
- 2.2 That a report on the future of the Council's Discretionary Rate Relief Scheme is drafted and presented to members before 31st October 2013.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
There is a risk that the reduced discretionary relief available to non-profit making sporting organisations will result in a number of them ceasing to exist.	Possible (3)	Moderate (3)	Medium (9)
<i>The mitigation of this risk is to actively lobby the organisations affected to apply for status as a 'Community Amateur Sports Club' (CASC) and amongst other things qualify for 80% mandatory rate relief.</i>	Unlikely (2)	Moderate (3)	Low (6)

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

4. BACKGROUND INFORMATION

4.1 **Current Scheme**

Existing legislation and regulations provide for certain rural businesses and all registered charities to receive mandatory relief from the payment of Business Rates. The percentage

of relief entitlement varies but irrespective is 100% funded by central government. In addition and in accordance with a scheme approved by Council at its meeting in April 2005 discretionary rate relief, at varying levels, can be granted. According to the type of discretionary relief granted the government will fund either 25% or 75% of the amount granted.

4.2 Details of the government scheme for granting mandatory relief and the Council's current discretionary relief scheme are included at **Appendix 'A'**.

4.3 **Proposed amendment to the Discretionary Scheme**

As has been reported on numerous previous occasions the Council is facing extreme financial pressure to reduce its overall net expenditure as a result of cuts in the level of government funding. Unfortunately the scale of the projected budget gap makes it necessary to reduce the cost of granting discretionary business rate relief. However, it is recognised that in the majority of cases most of the cost (75%) is borne by central government and that therefore the benefits from a discretionary scheme should be maximised whilst at the same time remaining affordable.

4.4 All sporting clubs that provide an activity recognised by the Sports Councils may apply to the Inland Revenue to be classed as a '*Community Amateur Sports Club*' (CASC). A list of these recognised activities is included at **Appendix 'B'**. If their application is successful the benefits include, amongst other things, automatic entitlement to 80% mandatory relief from business rates. At the current time there are four organisations classed as CASC's who whom the Council grant mandatory relief to under this entitlement.

4.5 In addition the Council currently grants business rate relief to 16 other organisations that provide a recognised sporting activity. Of these 8, as listed in **Appendix 'C' (Part One)**, receive discretionary relief as non profit making organisations whilst the remaining 8, as listed in **Appendix 'C' (Part Two)**, receive mandatory relief under the governments 'Small Business Relief' scheme.

4.6 According to guidance issued by the Inland Revenue "conditions for becoming a CASC are fairly easy to meet" and include:

The club must:

- Be open to the whole community
- Be organised on an amateur basis
- Have as its main purpose providing facilities for, and promoting participation in one or more eligible sports
- Meet the location requirement
- Meet the management condition

A set of relevant detailed guidance notes is included at **Appendix 'D'**. Further copies together with an application form can be found on the Inland Revenue website.

www.hmrc.gov.uk/casc_guidance.htm

4.7 In setting these conditions the inference is that failing to meet them means that the organisation is not a body that warrants financial support from public funds through mandatory rate relief. If this philosophy was carried forward into the Council's Discretionary Rate Relief Scheme then the amount of rate relief granted to those sporting organisations whose activity is on the Sports Council list should be limited to a standard 20%. This would produce a scheme whereby those bodies that could and did met the conditions for becoming a CASC would receive 100% rate relief (80% mandatory) and those that didn't 20%.

- 4.8 Non-profit making organisations that provide a sporting activity that is not recognised by the Sports Councils would continue to have their claims for discretionary relief assessed in accordance with the current scheme.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. The cost to the Council of providing discretionary relief to those organisations listed in **Appendix 'C' (Part One)** is approximately £10,600. If the level of discretionary relief granted was limited to 20% the cost would be reduced to £2,450, a reduction of £7,348.
- 5.2. If the government agreement for the doubling of small business relief is not extended then potential savings are larger and could exceed £8,000.

6. SECTION 151 OFFICER COMMENTS

- 6.1. The suggested amendment provides a sound rationale for maintaining and in some cases increasing the levels of relief granted whilst at the same time shifting some of the financial cost away from the local public purse to the national one.
- 6.2. The estimated annual saving of £7,348 is sufficient to meet the draft target that is currently being used in the draft budget for 2013/14.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. Those organisations impacted by the recommendations in this report have basically been selected because they meet the key criteria for achieving CASC status in that they provide a sporting activity recognised by the Sports Councils. Many of the other criteria are specifically non discriminatory, for example "*membership of the club must be open to all without discrimination*" and "*facilities of the club must be available to all without discrimination.*"
- 7.2. It has not been possible to analyse the membership lists of the organisations affected to gauge whether there is any significant imbalance in those individuals affected.
- 7.3. The mitigation action to protect an organisations entitlement to business rate relief is to apply for recognition as a Community Amateur Sports club.
- 7.4. It is suggested that if it proves necessary to further reduce the scheme for 2014/15 a full and comprehensive Equalities Impact assessment should be undertaken.

8. CRIME AND DISORDER IMPLICATIONS

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

9. CONSULTATION IMPLICATIONS

- 9.1. Should members approve the recommendation in this report then the organisations listed in **Appendix C (Part One)** will be written to advising them of the decision and encouraging them to urgently apply to the Inland Revenue for CASC status. Those listed in **Appendix C (Part Two)** will also be written to explaining that if the governments Small Business Relief scheme is not extended their entitlement to relief will be reduced to 20% and that in light of this they wish to apply for CASC status and if successful retain 100% entitlement. .

10. ASSET MANAGEMENT IMPLICATIONS

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

11. ENVIRONMENTAL IMPACT IMPLICATIONS

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

12. LEGAL IMPLICATIONS

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

REPORT TO A MEETING OF CABINET TO BE HELD ON 7TH NOVEMBER 2012

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MANDATORY RELIEF'S

Registered Charities.

Mandatory relief applies to registered charities or trustees for a charity where the rated premises are used wholly and mainly for charitable purposes. In the case of charity shops they must sell goods that have been donated to the charity. The relief allowed is 80%.

Village Post Offices, General Stores, Specialist Food Shops, Public Houses and Petrol Filling Stations.

To qualify any of the above rural business must be in a rural settlement area that has a population of 3,000 or less, as approved by the Council.

- (a) Sole post offices and general stores with a rateable value of £8,500 or less are entitled to 50% relief.
- (b) Any village shop that sells food for human consumption but excludes restaurants, tearooms, fast or hot food shops and confectionary shops with a rateable value of £8,500 or less are entitled to 50% relief.
- (c) The only holder of a justices full on licence used as a public house, which has a rateable value not exceeding £10,500, is entitled to 50% relief.
- (d) Sole petrol filling stations with a rateable value of £10,500 or less are entitled to 50% relief.

Community Amateur Sports Clubs (CASC's)

Sports clubs that have registered with the Inland Revenue as Community Amateur Sports Clubs are entitled to 80% relief

Small Business Rate Relief

The Small Business Rate Relief (SBRR) scheme is designed to help small businesses reduce their Business Rate bill.

The current temporary increase in Small Business Rate Relief, which started on 1 October 2010, was due to end on 30 September 2012. In the last Autumn Statement the Chancellor announced that the double level of Small Business Rate relief would continue for the final six months of 2012/13 to 31 March 2013. The current levels of relief available are: -

- o Qualifying properties with a rateable value of not more than £6,000 will be entitled to 100% relief (normally 50%)
- o Qualifying properties with a rateable value more than £6,000 but less than £12,000 will have relief calculated on a sliding scale, reducing to nil at £12,000

This relief is only available to ratepayers who apply to their local authority and who occupy either:

- (a) one property, or
- (b) one main property and other additional properties providing those additional properties each have a rateable value which does not exceed £2,599.

The rateable value of the property mentioned in (a), or the aggregate rateable value of all properties mentioned in (b), must not exceed £17,999 on each day for which relief is being sought. If the rateable value, or aggregate rateable value, increases above those levels, relief will cease from the day of the increase.

DISCRETIONARY RELIEF'S

Registered Charities.

Local charities and similar bodies that qualify for mandatory relief automatically qualify for full 20% top-up discretionary relief. The only exception being charity shops whom; under the terms of the current scheme do not qualify for any discretionary relief.

The cost to the Council is 75% of the relief granted

(Note – if a charitable organisation / body is entitled to rural relief this is automatically applied as the level of relief is identical yet the cost to the Council is reduced to 25%)

Non-Profit Making Organisations

Applications from non-profit organisations are assessed and scored against locally pre defined criteria and the level of relief awarded can vary between 0% and 100%.

The cost to the Council is 25% of the relief granted

Community Amateur Sports Clubs

CASC's that qualify for 80% mandatory relief automatically qualify for full 20% top-up discretionary relief.

The cost to the Council is 75% of the relief granted

Village Post Offices, General Stores, Specialist Food Shops, Public Houses and Petrol Filling Stations

Village Post Offices, General Stores, Specialist Food Shops, Public Houses and Petrol Filling Stations that qualify for 50% mandatory relief automatically qualify for full 50% top-up discretionary relief.

Post Offices and General Stores that do not qualify for mandatory relief on the sole basis that their rateable value is in excess of £8,500, currently qualify for 100% discretionary relief on the rates payable as calculated on the first £8,500 of the total rateable value.

Food shops that are entitled to 50% mandatory relief can apply for a discretionary top-up. Applications are assessed and scored against locally pre defined criteria and the level of relief awarded can vary between 0% and 50%.

The cost to the Council is 25% of the relief granted

Other Rural Businesses

Any other business within a rural settlement with a rateable value of below £16,500 may apply for discretionary rural relief. Applications are assessed and scored against locally pre defined criteria and the level of relief awarded can vary between 0% and 50%.

The cost to the Council is 25% of the relief granted

Hardship Relief

Applications for hardship relief under Section 49 of the Local Government Finance Act 1988 are determined in respect of retrospective years only. All applications must be supported by audited accounts covering the period of the application in order to demonstrate hardship. Assessing and scoring the application against locally predefined criteria determines the percentage of relief granted. The maximum entitlement is 80%

The cost to the Council is 25% of the relief granted

List of Activities recognised by the Sports Councils at January 2007

APPENDIX B

Aikido	Handball	Racketball
American Football	Hang/Para Gliding	Rackets
Angling	Harness Racing	Rafting (white/wild water)
Archery	Health and Beauty Exercise	Raquetball
Arm Wrestling	Highland Games	Rambling
Artistic Skating (roller)	Hockey	Real Tennis
Association Football	Horse Racing	Roller Hockey
Athletics	Horse Riding	Roller Skating
Australian Rules Football	Hovering	Rounders
Badminton	Hurling	Rowing
Balloonng	Ice Hockey	Rugby League
Ballroom Dancing	Ice Skating	Rugby Union
Baseball/Softball	Jet Skiing	Sailing
Basketball	Ju Jitsu	Sand/Land Yachting
Baton Twirling	Judo	Shooting
Biathlon	Karate	Show jumping
Bicycle Polo	Keep Fit	Skateboarding
Billiards and Snooker	Kendo	Skiing
Bobsleigh	Knee Boarding	Skipping
Boccia	Korfball	Snooker
Bowls	Lacrosse	Snowboarding
Boxing	Lawn Tennis	Softball
Camogie	Life Saving	Sombo
Canoeing	Luge	Speedway
Caving	Model Aircraft Flying	Speed Skating (roller)
Chinese Martial Arts	Modern Pentathlon	Squash
Clay Pigeon Shooting	Motor Cycling	Skater/Street Hockey
Cricket	Motor Sports	Sub-Aqua
Croquet	Mountain Biking	Surf Life Saving
Curling	Mountaineering	Surfing
Cycling	Movement, Dance, Exercise & Fitness	Swimming & Diving
Dance Sport	Netball	Table Tennis
Darts	Octopush	Taekwondo
Disability Sport	Orienteering	Tang Soo Do
Diving	Parachuting	Tenpin Bowling
Dragon Boat Racing	Petanque	Trampolineing
Duathlon	Polo	Triathlon
Equestrian	Polocross	Tug of War
Exercise and Fitness	Pool	Unihoc
Fencing	Power Boating	Volleyball
Fives	Powerlifting	Wakeboarding
Folk Dancing	Puck Hockey (roller)	Water Polo
Flying	Quoits	Water Skiing
Futsal		Weightlifting
Gaelic Football		Wind Surfing
Gliding		Wrestling
Golf		Yoga
Gymnastics		

APPENDIX 'D'

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Community Amateur Sports Clubs: detailed guidance notes

[Find the latest Charities: detailed guidance notes](#)

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- [Annex 1 List of activities recognised by the Sports Councils at July 2002 \(PDF 9K\)](#)
- [Annex 2 Multi Sports Clubs](#)
- [Appendix 1 CASC - Application form \(PDF 71K\)](#)

1. Introduction

1.1 The Community Amateur Sports Club Scheme (CASC) was introduced in April 2002. This has enabled many local amateur sports clubs to register with the HM Revenue & Customs (HMRC) and benefit from a range of tax reliefs, including Gift Aid.

1.2 This guidance is to help sports clubs and their supporters understand how the scheme works and take advantage of the reliefs available.

1.3 The legislation can be found in CTA 2010 Part 13 Chapter 9. Unless otherwise stated all references relate to this chapter of the Act.

1.4. FA 2010 Schedule 6 Part 3 introduced changes to the conditions of the scheme with effect from 6 April 2010.

2. What kind of club can register as a CASC?

2.1 Sports clubs must be formally constituted so that the conditions of the scheme become binding on the members and their governing committees. This means that clubs wishing to apply for CASC status will need to look carefully at their constitutions to make sure these fit in with the CASC requirements before they apply to HMRC.

2.2 Your club can use any form of constitution such as a set of rules or a memorandum and articles of association but it must be formally adopted by the members to be acceptable.

2.3 The conditions for becoming a CASC are fairly easy to meet. Your club must fit in with these in practice as well as having these as requirements in the club rules. Your club must:

- be open to the whole community
- be organised on an amateur basis
- have as its main purpose providing facilities for, and promoting participation in one or more eligible sports
- meet the location requirement
- meet the management condition

2.4 Where your club has been operating for some time it is usually easy to show how it meets these conditions. Newly formed clubs might find it more difficult because we need evidence of how your club is operating before we can register it as a CASC.

2.5 If your club is a multi-sports club you should refer to [Annex 2 - Multi Sports Club](#) that provides further guidance on the types of structure that may qualify for CASC status.

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3. Open to the whole community

3.1 A club is open to the whole community if:

- membership of the club is open to all without discrimination
- the club's facilities are available to members without discrimination
- any fees are set at a level that does not pose a significant obstacle to membership or use of the club's facilities

3.2 Being open to the whole community for a members club with limited facilities does not mean literally open to everyone because clubs would be unable to carry out their objectives of providing facilities for and promoting participation in eligible sport which is also a requirement of the scheme. Open to the whole community means that a club can limit the number of members based on the availability of facilities. But this must be done on a fair and equitable basis. This is why the word discrimination is used in the definition of the term open to the whole of the community.

3.3 The first condition (membership of the club must be open to all without discrimination) can be split down to its component parts.

- a) Membership of the club must be open to all without discrimination.
- b) Facilities of the club must also be available to members without discrimination.
- c) Any fees set at a level that does not pose a significant obstacle to membership or use of the clubs facilities.

The first condition split down to its component parts.

- membership of the club
- must be open to all
- without discrimination

3.4 To be a member of a club a person must be party to the contract which is the club's constitution. This is clear when the club is a company - members of companies are those who have the right to vote at general meetings. Most members clubs in the form of companies are limited by guarantee and the terms of membership are usually clearly defined in their constitutions. These will usually say that each member upon joining is entitled to a single vote at general meetings.

3.5 Companies limited by shares are different because voting rights are determined by the number of shares held. In the case of members clubs we would expect to see an equal shareholding for each member but this is quite difficult to achieve where members come and go. It can be done by making sure that each member on joining is allocated a single share and that this is reallocated upon leaving.

3.6 Most members clubs are unincorporated associations which unlike companies have no legal personality. In these cases membership rights are those which exist under the contract between members. Full membership is determined by the members' rights. Our view is that membership of a club must mean full membership. Clubs are able to establish different classes of membership and the Act refers to six classes of membership. But the word 'membership' is used in different contexts in different subsections. If we take the same meaning of 'membership' in both subsections the legislation becomes difficult to understand.

3.7 We have legal advice to support the position that membership in subsection 1 (a) means full membership with voting rights. The case in question considered whether a club was discriminating against different classes of

member by only permitting players who had achieved a certain level of expertise to become full members with full rights including the right to vote at general meetings. The club was therefore discriminating against these lesser classes. It's acceptable for clubs to provide for other classes of membership but these other classes must have the choice of whether to become full members with voting rights or to be a different class of member with fewer rights.

3.8 The term 'different classes of membership' means as it says something different than full 'membership' because the word membership has legal rights and obligations which the 'different classes of membership' do not have.

3.9 The first different class mentioned in subsection 5 is the age of the member. It would not be acceptable for a club to offer a different class of membership to persons over 65 and not permit them to have full membership with voting rights. This would be clear age discrimination. Nor would it be acceptable for a club to provide for a different class of membership for unemployed persons and not permit them to have full membership? This would be discrimination on the grounds of financial position.

3.10 The term 'different classes of membership' means just what it says classes which are different from full membership. And the word membership in subsection 1(a) means full membership for the legislation to have any proper meaning. So for a club to be registered as a CASC its full membership must be open to the whole community.

3.11 Being open to all for a members club means that the facilities are available to the members so the club can fulfill its primary objectives. HMRC's view is that the words without discrimination add to the requirement of being open to all. A club must be open to all and without discrimination. Discriminating against other groups is generally unacceptable and often generally unlawful.

3.12 HMRC's CASC requirement of being open to all should not be confused with the general law discrimination act. For example a club which insists on prospective members passing an interview at which they must agree to carrying out services to support the club might not involve discrimination against any group of people and might be within the general law on discrimination. But such a club would not be not open to all. The words without discrimination do not make a club more open than it is. In the above example membership is open to everyone who is prepared to carry out services for the club. It is not open to those who will not or cannot carry out these services. The club does not meet this requirement.

3.13 The final part of the condition 'without discrimination' underlines that in dealing with membership issues a club must act without bias of any kind. Subsection 2 provides further explanation of what discrimination includes. But this is not a limitation on the forms of discrimination. It would have been easy to limit this term had this been intended. Limitations are made in other parts of Chapter 9 for instance in the definition of the ordinary benefits of an amateur sports club at Section 660(4).

3.14 The wording in the description of types of discrimination says 'includes in particular'. This means that the list is not exhaustive. Any form of discrimination whatever the nature regardless of whether this is specifically mentioned would mean that a club fails to meet this requirement.

3.15 Being open to the whole of the community includes the availability of facilities and the cost of joining the club so as to use the facilities.

The term facilities of the club means those facilities the club is required to provide under its constitution. There is no difference between making facilities available and providing facilities. These terms are interchangeable. This means for example that a club should not discriminate between full members when it comes to the use of the clubs tennis courts, football pitches or swimming baths. This is important when there is a team structure within a club which differentiates between members on the basis of ability.

3.16 HMRC takes a common sense approach. Clubs have limited numbers of tennis courts etc available. All the members cannot use these at the same time. But the facilities must be allocated on a just and reasonable basis. Taking an extreme example we would not expect a cricket club to restrict the use of its main pitch to the first team allowing less skilful players to use the ones of lower standard.

3.17 The description of discrimination is divided into two parts. This is not a definition but just some examples of the things that are included. The first description includes ethnicity, nationality, sexual orientation and religion or beliefs. So all types of discrimination are included but these are mentioned in particular.

3.18 Further types of discrimination are then mentioned. These are sex, age or disability 'except as a necessary consequence of the requirements of a particular sport' This means for example where a sports governing body imposes restrictions for safety reasons etc for instance on the age for participation HMRC would accept that a club in following these restrictions would not be discriminating against anyone. Most representative bodies encourage participation at all ages provided proper steps are taken by the individual clubs. Some clubs find this requirement difficult where the sport is potentially dangerous but the problem is usually the way the club is organised not the requirements of the sport.

3.19 Clubs can refuse or revoke membership, on non-discriminatory grounds, where the membership, or continued membership of the person concerned would be likely to be contrary to the best interests of the sport or the good conduct and interests of the club. These are internal matters for the club. HMRC will not become involved in such internal issues. Provided the club has acted openly following its CASC compliant constitution there should be no effect on the clubs CASC status.

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4. Level of fees

4.1 Clubs vary in nature. For example a small football club using hired pitches at one extreme and a large golf club maintaining two courses at the other. Golf is an eligible sport as is football but there are necessary costs which have to be incurred to provide facilities for playing golf which do not occur with some other sports.

4.2 Any fees must be set at a level that does not pose a significant obstacle to membership or use of the clubs facilities. This includes all fees taken as a whole and not just annual subscriptions. Some clubs charge an initial joining fee which may be as much as double the annual subscription. These must be considered as well. HMRC also take into account the charges for using the facilities if these are not included in the fees. Some clubs charge a lower annual subscription but charge members when they use facilities. There is also the cost of specialist equipment to bear in mind. This can be an issue where the sport involves expensive kit such as for sailing clubs and horse riding clubs.

4.3 Clubs involved in very expensive sports that want to register as CASCs need to be able to demonstrate that membership and participation is within the financial reach of the wider community. This might be achieved by using other income to cross-subsidise fees or by the club making club-owned equipment available for use by members at reduced rates.

4.4 Example. Dinghy sailing does not require significant wealth, but even a basic second-hand boat and safety equipment can cost several hundred pounds. If a club required all members to own their own boats this would present a significant obstacle to membership for many people. However, if the club made a boat and equipment available to members for hire at modest rates this obstacle would be removed.

4.5 HMRC takes a common sense approach. Most clubs make sensible provision for non boat or horse owning members to have easy access to hire these. Provided that these costs are affordable there would be no problem in accepting that the fees are not an obstacle. Each club has to be considered on its merits. Some clubs charge significantly more than others but this often depends on geographical location and the costs the club have to incur in providing the facilities. It is acknowledged that unwaged persons might well find it very difficult to join certain clubs but provided the club make realistic efforts to accommodate people on lower incomes it is acceptable for them to charge waged persons relatively higher fees.

5. Organised on an amateur basis

5.1 A club is organised on an amateur basis if:

- it is non-profit making
- it provides for members and their guests only the ordinary benefits of an amateur sports club
- its governing document requires any net assets on the dissolution of the club to be applied for approved sporting or charitable purposes

5.2 Non-profit making

5.3 A club is non-profit making 'if its constitution requires any surplus income or gains to be reinvested in the club and does not permit any distribution of club assets in cash or in kind to members or third parties. This does not prevent donations by the club to charities or to other clubs that are registered as Community Amateur Sports Clubs'.

5.4 There are many other uses of the term 'non-profit making' used for various purposes, for example for VAT, the term is used to determine eligibility to certain reliefs. But the CASC definition is specific to CASC status. A club will only meet this condition if its constitution requires any surplus income or gains to be reinvested in the club and does not permit any distribution of club assets in cash or in kind to members or third parties. A club which meets this condition will not necessarily be non-profit making for other purposes.

5.5 A club should provide for members and their guests only the ordinary benefits of an amateur sports club.

This is covered at Section 660(4) and (5) and restricted to the following list:

- provision of sporting facilities
- reasonable provision and maintenance of club-owned sports equipment

- provision of suitably qualified coaches
- provision or reimbursement of the costs of coaching courses
- provision of insurance cover
- provision of medical treatment
- reimbursement of reasonable travel expenses incurred by players and officials travelling to away matches
- reasonable provision of post match refreshments for players and match officials
- sale or supply of food or drink as a social benefit which arises incidentally from the sporting purposes of the club

5.6 Some of the benefits include the word reasonable. This means that clubs should not provide excessive levels of benefits. For example only the reasonable cost of travelling to and from away matches is allowable. There is no mention of personal expenses for example hotel accommodation or meal allowances. Whether the cost is reasonable should be considered realistically for each sports club. Would it be reasonable for a club to hire cars for each first team player to travel to matches? Or would it be more reasonable to provide a mileage allowance or to cover the cost of travel on public transport?

5.7 There is guidance on members' expenses for general purposes produced by some sports governing bodies providing guide lines for clubs wishing to maintain amateur status. Such rules should not be confused with the CASC status conditions. These often include things which would not be acceptable as the ordinary benefits for a CASC.

5.8 The supply of food and drink should only be ancillary to the sporting purposes'. This clearly means that the supply of food and drink generally as a benefit of membership is not acceptable.

5.9 The conditions about benefits are dis-applied in certain circumstances. These do not prevent a club from entering into agreements with members for the supply of goods and services or from employing and paying remuneration to staff who are members provided the terms are agreed by the committee on an arms length basis without the members becoming involved. This means that clubs can continue to pay for work to be done or goods to be supplied on either a self-employed basis or by employing members as staff. Examples would include catering services, bar work, coaching and ground work.

5.10 Payment to players

5.11 HMRC would not normally expect a CASC to pay members to play. However, some small payments to some members for playing may be acceptable as long as the object of paying players is to encourage wider participation in the sport. A club which pays players simply to achieve competitive success will not meet the qualifying criteria.

5.12 **Example 1.** A cricket club pays a member for his services as a groundsman. The rates of pay are reasonable and negotiated at arms length. This would be acceptable.

5.13 **Example 2.** An amateur football club pays two professional players to play in a league. In addition to their playing duties the two players have coaching and development roles with the club's junior squads which are open to all, regardless of ability. Again, this would be acceptable.

5.14 **Example 3.** A rugby club fields three teams that play in league tournaments. The first team players are engaged on full-time professional playing contracts. While they are required to undertake a small number of promotional activities they do not have any coaching or junior development role. This is unlikely to be acceptable for a CASC.

5.15 Clubs may wish to arrange prize competitions where the nature of both the competition and the prize is such as to promote participation in the sport. In strictness there is nothing to permit this but where the value of prizes, are commensurate with amateur participation in the particular sport these would not prevent club from being registered. Competition prizes of sufficient value to attract professionals or such frequency that could be equated with payment to players would preclude qualification as a CASC.

5.16 **Example 1** A Cycling club promotes races in which members and others, particularly local juniors, are encouraged to participate. Modest cash prizes are awarded and funded from entry fees and local sponsorship. This would be acceptable.

5.17 **Example 2** A Golf club holds regular competitions for members throughout its season. Although individual events may be limited by gender or handicap, all members are able to participate in some of the competitions. Prizes of golf equipment, for example bags, shoes, balls or vouchers redeemable at the club shop are awarded. Again, this would be acceptable.

5.18 **Example 3** A Bowling club organises frequent competitions for club members with cash prizes subsidised by a brewery. Senior players derive significant benefit from these arrangements. A club that subsidised its members in this way would be unlikely to qualify as a CASC.

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6. Application of assets on dissolution

6.1 A club's constitution must provide for any net assets on the dissolution of the club to be applied for approved sporting or charitable purposes. The net assets of a club means what is left after paying debts and meeting other legally payable liabilities.

6.2 Approved sporting or charitable purposes means any one of three purposes that may be approved in a general meeting of the club or determined by the members of the club's governing body. The governing body for the club means its management committee. The three options are:

- the purposes of the sport's governing body for use in the related community sport, for which the club existed
- the purposes of another CASC
- the purposes of a charity

6.3 The purposes of the sports governing body is restricted because most governing bodies have wider purposes than the community amateur clubs they represent.

6.4 The purpose of another CASC means a registered CASC. Some clubs allow for distributions to other sports clubs with similar objects. This is not acceptable. A club with similar objects might fail the CASC requirements for other reasons such as its own dissolution clause. HMRC have legal advice which confirms that this means a registered club and not a club similar to a registered club.

6.5 The purposes of a charity means any body of persons or trust established for charitable purposes only. The requirement is not met unless the distribution is restricted to a charity and not some similar company or associations as this might not have charitable status. Even small, seemingly innocuous, departures from this precise wording such as 'charitable or benevolent purposes' may mean that this requirement is not met.

6.6 The following examples would be unacceptable for a CASC

- provision for the assets to be divided amongst the members
- no provision at all for the assets on dissolution
- provision for assets to be given to non-charitable or not for profit organisation
- provision for the assets to pass to what the club deems to be an approved sporting body

6.7 HMRC has no objection to a club having a dissolution clause that provides for repayment of any unspent grant to be made to a grant making body, where this was a condition of the original grant.

6.8 Once the contractual obligation to repay any unspent grant had been met the residual surplus must be applied for approved sporting or charitable purposes as outlined above.

7. Main purpose

7.1 The main purpose of the club must be to:

- provide facilities for
- encourage participation in one or more eligible sport

This is quite similar to the version acceptable for charities. 'The promotion of community participation in healthy recreation by providing facilities for playing particular sports'.

7.2 This is covered at Section 658 (1)(a) - open to the whole community. HMRC rely on Sport England for the definition of eligible sport.

7.3 To become a CASC it's not enough to provide facilities. A club must also promote participation in an eligible sport. Small football clubs for example sometimes use facilities provided by the local authority. Some cycling clubs simply meet up and go riding together. HMRC take a very wide view of the meaning of providing facilities. These don't have to be owned by the club they might hire these. Other clubs which simply organise facilities so that these become available could qualify.

7.4 HMRC do not accept that the provision of facilities itself amounts to the promotion of participation in sport. Providing facilities is not sufficient. Clubs should encourage all members to participate regardless of ability. It's not enough to provide facilities and encourage a small number of members who are sports enthusiasts to take part. The emphasis must be towards as many members as possible taking part. This rarely is a problem. Most clubs are structured in ways that cater for all abilities.

7.5 Some clubs will not qualify where there are a high proportion of social members. Many clubs have social members but where the majority take no active part in the sport we would say that the club is failing in the basic principle of encouraging participation. HMRC accept many forms of participation. Umpiring, refereeing or helping to

prepare a court or pitch would all fit the bill. So in sports which require physical strength members can still participate even though full participation in the sport might be too demanding.

7.6 The club's emphasis must be on encouraging all members to participate regardless of their ability. A club might field a number of teams, ranging in ability from novice players to a high competitive standard. This is acceptable as long as the overall emphasis is on participation. A club that only allows participation at an elite level with other members being spectators rather than players would not be acceptable.

Certain classes of members, such as family members, who have joined in furtherance of the sporting activities and not primarily to enjoy social benefits, might also be included.

7.7 There is no hard and fast rule about numbers of social members but HMRC use a rule of thumb. Where over half do not participate then the club is most likely not encouraging its members to do so. It would then be up to the club to demonstrate the things they do and to explain why so few take part. Sometimes social clubs look very similar to sports clubs.

7.8 Some have the main purpose of providing leisure facilities but it is not sufficient for these clubs to alter their constitutions to include the CASC objects. Principally these clubs are places for people to meet for social purposes even though some sporting activities take place.

7.9 HMRC accepts that some social clubs provide sporting facilities and that establishing teams help some members to participate in sport. But this is not enough. A club must be able to demonstrate that it has the promotion of participation in eligible sport as its main purpose not that it does it as well as running a social club.

7.10 The club's governing document must make it clear that this is the club's main object. That does not rule out the club having social members, but HMRC would expect the substantial majority of the club's activities to be directed at furthering the main object. Where a club's social activities are disproportionately large, that might call into question whether the club meets the main purpose requirement. This might be the case where only a minority of the club's members actively participate in the sport concerned.

7.11 Certain clubs are structured in ways that make it difficult for them to qualify. Sometimes there are a number of separate clubs all using the same grounds and club house. Where there is a separate body running the facilities on behalf of the clubs this body will struggle to demonstrate that it is itself promoting participation in sport.

7.12 More information is provided in Annex 2 below. This recognises the problems that promoting participation in sport poses for clubs with different forms of structure. The important thing is that the club that owns the facilities must also be a club which fully satisfies all the conditions. So it can't simply provide the facilities for the other clubs it must also be a proper sports club encouraging participation for all its members. The fact that it also allows other clubs whether registered or not as CASCs to use the facilities as well does not prevent it from being a CASC as long as its main purpose is to provide facilities for its own members and to promote participation for these members.

7.13 Eligible sports

Eligible sports are defined by Treasury Order, by reference to the Sports Councils' list of recognised activities. The list can be accessed at [Sport England - Which sports do we recognise?\(Opens new window\)](#)

The list of sports as at July 2002 is at [Annex 1 \(PDF 9K\)](#).

HMRC cannot consider applications from clubs whose sport is not on the Sports Councils' list. Any requests for new activities to be added to the list should be addressed to the Sports Councils, not to HMRC.

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8. The location condition

8.1. FA 2010 Schedule 7 Part 3 added new conditions for eligibility as a CASC. The location condition has been added to make it clear that the CASC scheme is open to qualifying sports clubs in other European Community Member States or relevant territories.

This condition is met where a club:

- is established in a Member State or relevant territory
- provides its facilities in a single Member State or relevant territory

The meaning of relevant territory is the same as that used for charities in FA 2010 paragraph 2(3)(b).

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9. The management condition

9.1. This is the second of the new conditions for eligibility as a CASC added by FA 2010 Schedule 7 Part 3. This condition is met where a club has managers that are fit and proper persons to be managers of the club. Club managers mean persons having the general control and management of the administration of the club.

9.2. HMRC may treat the management condition as having been met where they consider that any failure to meet this has not prejudiced the purposes of the club or where it is just and reasonable in all the circumstances for the condition to be treated as met throughout the period during which the condition is not, strictly, met.

9.3. Guidance explaining how HMRC will apply this test can found following the link below.

[Guidance on the fit and proper persons test](#)

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10. Registration and termination

10.1 A club that applies to HMRC to be registered as a CASC must be registered if HMRC is satisfied that it is entitled to be. HMRC has no option other than to register a club once an application is made if satisfied that the club is 'entitled'. This takes away any discretion in the process and locks HMRC and the club into a process. This is important because it means that once a club has applied it must go through with the process and so must HMRC. Your club may not withdraw its application and HMRC is required to follow the process to make a decision one way or another.

10.2 HMRC will not generally deal with an application by asking you for more information or suggesting amendments to the constitution without following this through to making a decision. Where you decide not to go through with the club's application there's no provision for this to be withdrawn. HMRC must make a decision based on the facts. Where there is insufficient information provided they may simply refuse the application. HMRC's decision on a CASC application is an appealable decision and is covered in more detail at 8.10 below.

10.3 HMRC must be satisfied that a club is entitled to be registered before it can be accepted. This links the registration process to the conditions. The word 'entitled' connects the requirements of the scheme to the process of being registered as a CASC. It's important to see how this links in to demonstrate why HMRC is unable to register clubs that fail to meet the conditions.

10.4 HMRC, once satisfied with the application, has discretion to specify any date for registration even where this is before the date of the application. Where a club has met the requirement of the scheme since inception HMRC could in theory register it from 1 April 2002. Some clubs were registered from this date when the scheme first came in but it is now very unlikely to happen because HMRC need be satisfied that the requirements were being met at that time. The constitution might be in order but HMRC also need evidence that in practice all the conditions were being met as well. HMRC's practice is to register a club from the beginning of the accounting period in which the application was made where satisfied that all the scheme requirements were met upon application.

10.5 Where a club submits an application then has to make amendments to its constitution to meet the scheme requirements HMRC usually use the date the members adopted the revised rules as the date of registration. So even where there is some delay in informing HMRC about the changes they usually backdate the registration to the date of the general meeting once acceptable evidence has been provided such as minutes of the meeting.

10.6 Where it appears that a CASC is not entitled to be registered or is no longer entitled to be, HMRC may terminate the clubs registration. HMRC may choose the date for deregistration. They must notify the club accordingly of the decision. In practice HMRC will write to the secretary of the club. There is no other provision for a club to be removed from the CASC register. A club cannot simply ask to be removed.

When a club ceases to be a registered CASC a charge to Corporation Tax would normally arise. This is because the CASC rules deem the club to have disposed of its property and reacquired everything at market value. Also any earlier capital gains represented by the property come into charge. For this reason it is important for club members to fully understand what CASC status means. If they have one eye on selling off the ground for development and sharing the profits then CASC status is not an option.

10.7 HMRC publishes on its website a list of all registered clubs so that donors and other third parties, such as local authorities may check if a club is a registered CASC. The list is updated every month. There are special powers to allow this.

10.8 HMRC can de-register a club from any date of choosing so it would be possible to choose the date of registration so that the club would be treated as if it had never been a CASC. In practice this is only likely to happen where a club has deliberately set out to deceive by providing false information in its application. A club can appeal against this decision and the tribunal may direct HMRC to take a different date so as to protect the club from unreasonable dates being used.

10.9 HMRC must be satisfied a club is eligible by reference to the conditions of the scheme. Where a club does not provide information to help HMRC come to a decision on CASC status HMRC can simply refuse the application. This rarely happens because clubs are eager to satisfy the requirements to get the reliefs. There are other general provisions for requiring information relating to checking a tax position which would also apply to CASCs. This is so even where a club has no Corporation Tax liability for the period in question because CASC status is itself a gateway to tax relief and HMRC is entitled to check this status is correctly held.

10.10 Section 671(4) and (5) refer to an appeal against HMRC's decision. A club may not refer an appeal to the Tribunal which is the new equivalent of the Commissioners until the appeal has been made to HMRC. The appeal must be in writing to HMRC in 30 days of the notification and must state the ground of appeal. Most CASC appeals are made on the grounds that the clubs don't like the decision not because they think the decision is actually incorrect. Some clubs prefer to appeal rather than do the things necessary to fit into the scheme but HMRC can only reverse a decision where satisfied that the club is entitled to be registered. In practice most appeals are withdrawn when HMRC explain that the club may apply again once they have done the things they need to do.

10.11 A club may put forward any additional grounds of appeal provided the original omission was neither wilful nor unreasonable. The Tribunal may (if they do not dismiss the appeal) direct HMRC to register a club from a specified date or ask them to reconsider the matter where this relates to an application. So this allows a club to be registered from an earlier date than the one chosen as well as allowing the Tribunal to direct HMRC to register a club they had refused to accept.

10.12 On termination the tribunal may again reverse a decision and put the club back on the register or change the date of termination. There is also the provision for the matter to be passed back for reconsideration. The usual appeals provisions apply as they do to any tax appeals.

10.13 CASCs can appoint tax advisers to deal with HMRC regarding their tax affairs. Fill in and submit [Form 64-8 'Authorising your agent'](#) to give HMRC authority to communicate with your agent about the tax affairs of your organisation.

Post your completed form to HMRC Charities at this address

HM Revenue & Customs Charities
St Johns House
Merton Road
Liverpool
L75 1BB

11. Are CASCs charities?

11.1 A registered CASC cannot be recognised as a charity for tax purposes. However, it is open to any sports club which is not a registered CASC to apply to the Charity Commission or other charity regulator to be registered as a charity as an alternative. Clubs proposing to seek charitable status should not apply for CASC status. Where HMRC are satisfied that a club is entitled to be registered they have no option but to register upon receiving an application. Where for example a club makes an application to be a CASC having already been registered as a charity HMRC would have to register the club if satisfied that it meets all the requirements of the CASC scheme. This would mean that the club would no longer be entitled to be a charity under CA 2006.

[Charity Commission - CC21 - Registering as a Charity \(Opens new window\)](#)

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12. The tax reliefs for registered CASCs

12.1 CASCs are companies for tax purposes so their profits may be chargeable to Corporation Tax.

12.2 Sports clubs that are registered as CASCs can claim the following tax reliefs:

- exemption from Corporation Tax on profits from trading where the turnover of the trade is less than £30,000 (prior to 1 April 2004 limit was £15,000)
- exemption from Corporation Tax on income from property where the gross income is less than £20,000 (Prior to 1 April 2004 limit was £10,000)
- exemption from Corporation Tax on interest received
- exemption from Corporation Tax on chargeable gains

12.3 The exemptions are reduced where clubs have been registered for just part of the relevant accounting period.

12.4 Trading income

12.5 Where a club is a CASC for all its accounting period and its turnover from trading is less than the limit the whole of the profit is exempt provided this is applied for qualifying purposes. Where a club's accounting period is less than 12 months the limit is correspondingly reduced. For example an eight month accounting period would get a limit of $£30,000 \times 8/12 = £20,000$. The exemption is subject to a claim being made to HMRC. Section 662(5) apportions the relief where a club only has CASC status for part of an accounting period. The effect is that the club is treated as having two separate accounting periods so both the income and the limit are proportionately reduced.

12.6 For example a club registered for eight months of its accounting period showing turnover from trading as £32,000 would bring into account £21,333 and the limit would be £20,000 so nothing would be exempt. The trading income must be potentially chargeable to tax before this applies. This means that income which is not chargeable should be ignored for working out. Sports clubs receive a lot of their income from members which is not considered to be assessable trading income. So to arrive at the right figure clubs need to know which part of their income is chargeable and which is not. And this means that they need to keep records to enable them to identify these elements. This is shown in the example below.

12.7 A club provides tennis courts for members and non members. It runs a bar and allows members and non members alike to hire function rooms. The club must be able to differentiate between the transactions with members and its trading income. The non trading income would be the receipts from members:

- for use of sports facilities
- for using the function rooms/catering
- from the bar

The trading income would be receipts from non members:

- for use of sports facilities
- for hire of using the function rooms/catering
- from the bar

12.8 Where a club has a fairly high turnover it might still be exempt provided the proportion relating to non members is not so high. It is important for clubs to record this properly because there is just one turnover limit which applies to all the various activities. Unless clubs properly monitor their trading income they will not be able to tell when they become liable to Corporation Tax and so need to make a return of income. The exemptions must be claimed and only for income which is applied for qualifying purposes.

12.9 Gift Aid and interest

12.10 There are no limits to these exemptions. But interest income is apportioned as if there are separate accounting periods where a club is only registered as a CASC for part of the relevant period. Gift Aid income is the same as for charities except that membership subscriptions may not be treated as gifts.

12.11 Property income

12.12 This exemption applies to rental income subject to a limit of £20,000 which is apportioned in exactly the same way as for trading income for shorter accounting periods etc. Again it must be claimed and relates to income applied for qualifying purposes. It doesn't matter who rents the property it's still chargeable. Rental income from both members and non members is taken into consideration.

12.13 Chargeable gains

12.14 Section 665 treats gains as not chargeable provided the whole of the gain is applied for qualifying purposes and the club makes a claim. The term qualifying purposes essentially means for doing what a CASC is set up to do - provide facilities for and promote participation in eligible sport. HMRC only allow clubs into the Scheme which are required by their rules to apply all their funds for these purposes so this rarely causes a problem. HMRC receive a number of queries from clubs seeking to dispose of surplus land. Sometimes clubs seek to share in the profits of developing the land. In these cases the transactions might not be covered by the chargeable gains exemption because the activity might amount to property trading.

12.15 In most cases clubs want to maximise the fund available to provide the best possible facilities for members. There is nothing to prevent a club selling all or part of its land so as to provide better facilities even where this means relocating. Clubs can continue to provide facilities for and promote participation in sport during the transitional period by coming to arrangements with other clubs for their members. In most cases such gains wouldn't become immediately chargeable on clubs because of the provisions that apply to the rolling over of gains on assets used by clubs. So provided the whole of the gain is used to provide assets used for the same purposes the gain will simply roll over until the new assets are disposed. For most members clubs which continue to provide facilities for members this may never happen.

12.16 HMRC has specialist advice about the interpretation of the whole of the gain. The whole of the gain means the whole of the proceeds. HMRC's view is that it is impossible to say which part of the proceeds relate to the initial cost and which relate to the increase in the value. Each pound will be partly made up of some of each so that

if anything is applied for a purpose which is not a qualifying one then the whole of the gain would not have been applied for qualifying purposes.

13. Non qualifying expenditure

13.1 Section 666 provides the rules for reducing the exempt amount where a club incurs non qualifying expenditure. It applies where income has been exempted under the CASC rules and the club incurs expenditure for non qualifying purposes in its accounting period. The term 'qualifying purposes' is defined broadly as meaning the provision of facilities for and promotion of participation in eligible sport. Non qualifying purposes is everything other than this.

13.2 Where the non qualifying expenditure is at least equal to the total income and gains for the accounting period the exempt amount is reduced to nil by Section 666(6)

13.3 Where the non qualifying expenditure is less than the total income and gains for the accounting period the exempt amount is reduced by the following fraction:

$RIRG - (NQE \div IRCG)$

This means that the potentially exempt amount (RIRG) is reduced by multiplying it by the fraction obtained by dividing the non qualifying expenditure (NQE) by the total income and gains for the period (IRCG).

So in an example a club has interest of £1,000 and subscription of £10,000. Its total income is therefore £11,000. Most of the income is spent on providing facilities for members (£10,000) but £1,000 is misspent. The formula works as follows:

$$£1,000 - (£1,000/£11,000) = £91$$

So the exempt amount is £1,000 - £91 = £909.

13.4 The aim is to allow a proportion of the total exemption based on the proportion of the total that has been applied for qualifying purposes. Where a club spends as much as or more than it gets in from all sources on non qualifying purposes the whole of the exemption is reduced to nil for the year and non-qualifying expenditure is carried back to earlier periods.

13.5 There are provisions to allow clubs to nominate which income or gains they wish not to be exempt and also provisions for HMRC to assess earlier periods where we have carried back non qualifying expenditure.

13.6 here are a few more examples:

Example one. CASC One runs a trade with turnover of £20,000, has rental income of £15,000 and interest of £500. All of the income is applied for qualifying purposes. The trading turnover and rental income is below the relevant limits. All the income is applied for qualifying purposes and is consequently exempt from tax.

Example two. CASC Two runs a trade with turnover £40,000, profit £6,000. Because the turnover exceeds the £30,000 limit the profit is taxable at the appropriate Corporation Tax rate.

Example three. CASC Three lets part of its premises to other organisations and receives rental income of £18,000 per annum. Its accounting period ends on 30 June and it obtains registration as a CASC with effect from 1 December 2004. The property income for the period 1 December 2004 to 30 June 2005 will amount to £10,500 (£18,000 - 7/12). The exemption is also reduced proportionally but, as the limit is £11,666 (£20,000 - 7/12), the income of £10,500 for the first CASC period of registration will be exempt.

Example four. CASC Four is entitled, in a particular accounting period, to exemption on the following sources of income:

- bank interest = £6,000
- income from property (gross) = £5,000
- Gift Aid income (gross) = £15,000
- total = £26,000

The club also has income of £5,000 membership fees.

During the accounting period the club spends £7,000 on a non-qualifying purpose. The calculation of the reduction of income, which is available for relief is as follows:

$$£26,000 - (£7,000/£31,000) = £5,870$$

So instead of £26,000 being exempt only £20,130 is covered by the exemption and the amount of £5,870 is taxable. In practice HMRC will generally determine which source of income is brought back into charge to Corporation Tax. However, the club can, within thirty days of being notified of the adjustment, specify which income or gains it wants brought back into charge. As CASC Four has no other taxable income, the income of £5,870 is charged at the appropriate Corporation Tax rate.

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14. Reliefs for donors

14.1 There is a range of tax reliefs to encourage individuals and companies to support CASCs. Individuals can make gifts to CASCs using the Gift Aid scheme (see below). Individuals can include the gross value of Gift Aid donations to CASCs when making a Tax Credit application or, when computing age-related personal allowances. Individuals can obtain relief from Inheritance Tax for gifts to CASCs. Gifts will not form part of the donor's estate for Inheritance Tax purposes, in the same way as gifts to charity.

14.2 Businesses that give goods or equipment that they make, sell or use get relief for their gifts. They do not have to bring any disposal amount into account, but can still obtain relief for the cost, for tax purposes.

14.3 Gifts of chargeable assets to CASCs by individuals or companies are treated as giving rise to neither a gain nor a loss for capital gains purposes. There are rules to prevent the exemptions for CASCs and the donor reliefs being used for tax avoidance purposes.

14.4 Gift Aid

14.5 Individuals who are UK taxpayers can make gifts to CASCs using Gift Aid in the same way as they can make gifts to charities. Relief is available for gifts made to a registered CASC after 6 April 2002. Gift Aid is only available for gifts to CASCs and not for other payments such as membership subscriptions.

14.6 A CASC can reclaim basic rate tax on donations made by individuals, whether large or small, regular or one-off - provided the conditions for the Gift Aid scheme are satisfied. In particular, the CASC will have to be able to show an audit trail from the donation to a donor who has given a Gift Aid declaration that covers that donation.

14.7 The rules of the Gift Aid scheme for individuals, as they apply to charities, also apply to registered CASCs (but remember, a CASCs membership subscriptions are not eligible as Gift Aid payments). You can find more information by visiting the guidance notes on the Gift Aid scheme.

Chapter 3 Gift Aid - guidance notes on the Gift Aid scheme

14.8 Gifts made using Gift Aid are treated as having been paid after deduction of basic rate Income Tax. As long as the CASC applies the income for qualifying purposes it can claim repayment of this tax from HMRC Charities (at present 25p for each £1 donated (while the basic rate of Income Tax remains at 20 per cent) This is topped up by 3p transitional relief until 5 April 2011.

14.9 If the donor pays tax at the higher rate they can claim additional relief in their Self Assessment tax return. All they need to do is enter the amount donated to the CASC in the Gift Aid box on their Self Assessment tax return.

14.10 The main difference is that for CASCs membership fees are not gifts for the purposes of this section. Also there is no relief for company donations as there is for charities. This means that CASCs cannot use controlled companies in the way charities do to plan their affairs so as not to pay Corporation Tax on trading profits.

14.11 Apart from these differences Gift Aid works in exactly the same way as for charities. There is a long tradition of giving in relation to charities in the UK but people join sports clubs for different reasons than they become associated with charities. Usually members of CASCs join to use the facilities so there isn't the same altruistic intention as there is when someone 'joins' a charity.

14.12 Some clubs recognise the potential for raising funds by encouraging donations. The CASC rules make it clear that membership fees are not gifts for the purposes of the Act. This is because nearly all club members would have personal use of facilities. As for charities where donors have personal use of facilities relief is denied. It is however possible for clubs to use Gift Aid provided they go about this the right way.

14.13 There is nothing to prevent a club from seeking donations provided that this is not just a way of paying subscriptions. In other words HMRC would expect a club to be able to carry on its objects of providing facilities etc for sporting members without the donations and they would also expect members who chose not to make donations to have the same rights over the use of the facilities as those who do.

14.14 HMRC would be likely to object where a club reduces its fees significantly and requests an additional donation unless it was clear that this was in reality a free will gift and no measures were taken in respect of those who chose not to pay. The benefit rules of course apply in the same way as for charities so HMRC would also need to be convinced that the benefits derived from being a member of the club were not received as a consequence of making the donation. Clubs sometimes charge a minimal annual subscription and then additional fees when members use the facilities. For example it might cost £50 a year to be a member of a squash club but members still have to pay £10 each time they use the courts.

14.15 This doesn't mean that that the annual £50 is allowable for Gift Aid. Clubs may argue that the £10 a court covers the cost of using the facilities so the annual fee is allowable. HMRC would be unlikely to accept this. Firstly

in most cases non members have to pay more than the £10 charged to members which indicates that the annual membership fee is part of the members' fees for use. Sometimes non members cannot use the facilities or may only use these when not required by members.

14.16 This demonstrates the nature of the membership fees. But even where non members can use the facilities on equal terms to members this still doesn't mean the members' annual fees are acceptable for Gift Aid purposes. This is because each member is legally entitled to the things detailed in the constitution. This is a legally binding contract between members of the club. Also the discounts would be benefits.

14.17 HMRC only registers clubs which have as their main purpose the provision of facilities for members and this must be clearly required by the clubs rules. So when a member joins he/she is effectively entering into a contract with the provision of sports facilities being the main thing the member is entitled to. Usually the rules say how the funds are to be raised to enable the club to carry on its main objective. Most clubs' rules say that membership fees can be charged subject to annual review. This will usually be sufficient to connect the fees to the provision of the facilities under a legally binding contract.

14.18 Even where this is not clearly stated there is still probably sufficient support for taking the same position because all CASCs have non profit making clauses in their rules which will say that funds must be used solely for the club's main objects. The money has to be applied for providing facilities for members regardless of how it is received. If it is received under Gift Aid it must still be used for the members. This is clear to the members when the donation is made because the donor has already contracted for this to happen. So the constitution of a club connects members' fees to the provision of facilities.

15. Non-domestic rates relief for CASCs

15.1 For CASCs in England and Wales Section 64 of the Local Government Act 2003 provides the same relief that would be available to a charity (80 per cent mandatory relief) where the CASC property is wholly or mainly used for the purposes of that club and of other such registered clubs. With effect from 1 January 2006, CASCs in Scotland, became entitled to the same mandatory 80 per cent rate relief. In Northern Ireland relief is available under Article 31 of the Rates (Northern Ireland) Order 1977.

15.2 HMRC does not administer this relief and therefore requests for advice on non-domestic rates you will need to contact your Local Authority Finance Department.

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Annex 2

1. Multi sports clubs

1.1 Some sports clubs provide facilities for and promote participation in more than one sport. These 'multi-sports' clubs can be structured in a number of different ways. They are usually unincorporated associations or companies limited by guarantee, with a management committee or board of directors (referred to below as 'MC'). Clubs are free to organise as they see fit but not all of the different structures will qualify for CASC purposes.

2. Examples of multi-sports clubs that may qualify as CASCs

2.1 Integrated single entity

In this model there is a single club run by a single MC that admits and removes members, organises the sporting activity and manages the property and financial affairs of the club. There is one bank account and one set of accounts. Each individual wishing to join becomes a member and pays a subscription to the club. This type of club can be accepted by HMRC as a CASC, provided that it meets the statutory criteria, including having an appropriate constitution.

2.2 Single entity with integrated sub-sections

Here the club has a single MC that is responsible for running the club. The MC delegates responsibility to different sub-committees to organise the various different sports and may also choose to delegate responsibility for admitting members to their sections (for example the football committee admits members who wish to play football). The MC may set guidelines for subscriptions but the exact level may be left for individual sub-committees. Members wishing to play different sports may need to apply to the appropriate sub-committee and pay the appropriate subscription or the MC may deal with subscriptions. Each section may have regulations or byelaws setting out their delegated responsibilities.

2.2.1 In some cases these sub-committees may operate separate bank accounts (which are all club bank accounts). Indeed, separate sections may be required by governing bodies or grant makers to compile separate

accounts. However, the club must consolidate these into one set of club accounts, which will incorporate the income and expenditure of all the integrated sub-sections.

2.2.2 Final responsibility for the whole club rests with the central MC who can, for example, limit the amount of expenditure and debt each sub-committee can incur. In addition, on winding up, the assets from one section of the club are available to cover debts in other sections. This type of club can be accepted by HMRC as a CASC, provided that it meets the statutory criteria.

2.3 Lead or 'mother' club with independent affiliated clubs

Here one club (for example a rugby club) may own and manage the facilities, but allow affiliated clubs to use its facilities.

2.3.1 In such circumstances we would look at each club separately. Each individual club would need to decide whether to register as CASCs in its own right. The lead club would benefit from mandatory non-domestic rates relief if registered.

2.4 Each affiliated member club can each be accepted by HMRC as a CASC, provided that it meets the statutory criteria. On the same basis, the 'mother' club can also be accepted as a CASC, although such clubs may find they do not meet the criteria.

2.4.1 Often each individual member of an affiliated club is required to become a member of the mother club. They may for example be automatically given membership of the mother club when admitted as a member of an affiliated club. Or the mother club may admit them as members and then they apply or are allocated to the different affiliated clubs, depending on what sport they wish to play. There may be a subscription to join the mother club or this may be free with subscriptions paid to the affiliated clubs for membership of these.

2.4.2 The members of the mother club appoint the MC of the mother club (which may specify that each affiliated club must be represented etc).

2.4.3 Each club within this structure will have to decide whether it wishes to apply for CASC status. Applications will be judged independently upon the criteria of the CASC scheme.

2.4.4 It is not essential for all (or indeed any) affiliated club to apply or qualify as a CASC for the mother club to apply in its own right for CASC status. Regardless of the activities of any affiliated clubs, to be accepted as a CASC, the mother club must itself meet the statutory criteria. Crucially this means that the 'mother' club must itself actively promote participation in eligible sports and cannot merely be a passive provider of facilities. (See paragraph 4)

3. Multi-sports clubs that cannot qualify as CASCs

3.1 'Mother' club with affiliated member clubs

Where the mother club has no individual membership, but has as its members the affiliated clubs (that is it is a club of clubs), then we will not accept that the 'mother' club can register as a CASC, though the affiliated clubs will be able to apply for CASC status.

3.1.1 This structure does not comply with the CASC requirements as membership is only open to organisations (the affiliated clubs) and not to individuals. It is therefore not open to the whole community.

4. Promoting participation within a mother club/affiliate structure

4.1. The CASC legislation clearly states that a club must provide facilities and promote participation. Providing facilities does not of itself meet the requirements to promote participation. The club must actively promote participation. The CASC scheme is not appropriate for organisations that operate solely as facility providers.

4.2 Activities that a 'mother' club might engage in to promote participation in sports might include:

- actively engaging with the local community and the sports governing bodies to widen participation
- publicising its facilities and the sports that it caters for and taking positive action to attract new participants to the club
- organising festivals, tournaments and coaching courses

It will be a question of fact to be decided in individual cases whether a club's activities are sufficient to amount to promoting participation.

4.3 In the mother club/affiliate club model the mother club and each of the affiliate clubs choosing to apply for CASC status must individually meet the criteria of the CASC scheme. The mother club cannot itself claim to have fulfilled certain criteria such as promoting participation in an eligible sport merely because of the actions of an

affiliate club. Neither can the affiliate club claim to have met certain criteria based upon the actions of the mother club.

5. Affiliated clubs

5.1 Where a club has affiliated clubs (examples 2.3 and 2.4) it is not necessary for all those affiliated clubs to register as CASCs. This is a decision for the clubs.

5.1.1 However, where members of the affiliate club are automatically entitled to membership of the mother club (example 2.4) the mother club will need to be certain that it can prove that its own main purpose is providing facilities for and promoting participation in eligible sports and that its own membership is open to the whole community. This will be easier to demonstrate where the affiliate clubs are CASCs - but it is not a prerequisite that the affiliate clubs qualify as CASCs.

5.1.2 Affiliate clubs that are not registered as CASCs, for example because they engage in activities that are not eligible may affect the ability of the mother club to claim CASC status as their members could be treated as being non-participating members in the mother club. Broadly at least 50 per cent of members must be participating in eligible sports for the club to retain its CASC status. This will be determined on the facts of each case.

5.1.3 Affiliated clubs need not be tied to the mother club and may break the relationship with the mother club. However, this may in certain circumstances affect the status of the mother club as a CASC, for example if the majority of the remaining members of the mother club are non-participating.

REPORT NUMBER WSC 144/12
 PRESENTED BY CLLR KATE KRAVIS
 DATE CABINET 7TH NOVEMBER 2012

Request for Allocation of Planning Obligations Monies

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1 Cabinet recommend to council the allocation of £50,000 for the expansion of facilities at Minehead Rugby Football Club to be included in the current year's capital programme. Cabinet recommend to council that they should consider any further feedback from Minehead Town Council when making their decision.
- 2.2 Cabinet agree to the use of the sum of £24,000 for the development of a programme of landscape Art related to the Coleridge Way.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	3	4	12
<i>The Proposals within the report are matched to the legal agreements and monies available in that area.</i>	1	4	4
Failure to spend monies before date required in any legal agreements and trigger a requirement to repay	2	3	6
<i>The recommended projects use funds that are available and in date requirements</i>	1	3	3
Projects do not progress in accordance with plan and therefore money remains unspent	2	2	4
<i>Set timescale for delivery of project. Reallocate money if required.</i>	1	2	2

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

4. BACKGROUND INFORMATION

- 4.1. The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authorities priorities. This mechanism has now also begun to identify projects that may be funded through new development.

- 4.2 Proposals are considered by the internal planning obligations group against priorities, appropriate strategies and any identified local priorities to create recommendations for Cabinet to consider on a quarterly basis. Any individual proposals beyond £25,000 require approval by full Council. Proposals are considered against set criteria as a part of the formal consideration of projects to allow allocation of funds and subsequent release of monies.
- 4.3 The available and allocated funds relating to general planning obligations are described and attached as appendix A of this report. As previously reported each planning obligations agreement has individual requirements and must be carefully matched to any project that is suggested. Any project must meet those requirements and be “relevant and related” to mitigating the effects of the development that provides the funding.
- 4.4 Proposals have been received this quarter for a range of schemes. The Planning Obligations Group considered them and agreed the following should be recommended for approval:
- a) An application to provide additional changing rooms, catering facilities and improved access for disabled users at Minehead Rugby club was considered. The club have applied for £50,000 with the total cost of the project being £200,000. As part of expanding the changing facilities suitable facilities for women’s teams will be created. The club has also applied for £50,000 to Sport England Inspired Facilities and £50,000 to RFU Capital Project Funding and expect confirmation of decisions with regards to these bids in December 2012. They have also committed £50,000 of their own funds to create the overall funding package. The application matches against available sums for community facilities in the area and planning agreements. The group therefore recommended it for approval.
- b) The Group considered a request for the allocation of £24,000 to a Landscape Arts project by Artlife. This is phase one of a project designed to meet the requirements of a section of the section 106 agreement relating to the Hinkley Point C Preliminary works. The relevant paragraphs of this agreement are detailed in section 12 of this report. The project centres on the Coleridge Way and reinvigorating it’s use as a way of mitigating the impacts on the landscape by the works to be carried out at Hinkley point. The project differs from many applications considered by the council as it is a revenue based project rather than the vast majority of the mainstream obligations secured by the authority which lean heavily on delivering buildings and other capital items. This application for phase one of the project meets the requirement and was recommended for approval.
- 4.5 The group also discussed one other funding request, which was a Street Scene request from Minehead Town Council (MTC). This request related to the replacement and installation of new benches along the parade and avenue. The sum requested was £5000 with additional funding of £1500 to be provided by MTC. The aim of this application is to assist in creating the links from the town centre to the Morrisons development by creating a clear walking route through the town. The group supported the general concept put forwards by Minehead Town Council. The request was considered and has been returned to MTC for further consideration specifically relating to the nature of any enhanced seating and new locations. The expectation is that this application will be reconsidered at a later date, as the project would be positive for the town centre.
- 4.6 General updates on a range of existing projects are:
- a) The Stogumber play area work was subject to a planning application made week ending 7.9.12. The work to deliver the playground is becoming a reality and it is hoped the available funds can be used in the next few months. This will of course lead to a new play facility in Stogumber.

- b) Watchet Sea Scouts have had an Admiralty Inspection, RYA inspection and the Royal Visit all in the last couple of months. The building is complete, in use and it was a finalist in the Local Authority Building Control (LABC) awards this year. An official opening is planned in the next few months.
- c) Minehead – Morrisons Path Lighting. Work is ongoing with SCC to adopt the path. Quotes are being obtained to install 6 streetlights to replace the 9 low level bollards.

4.7 In addition members are advised that the Planning obligations web Site 'Grants' page has now been updated to include links through the 'Bidding for Planning Obligation funding': <http://www.westsomersetonline.gov.uk/grants>. Details of the available Planning Obligation funding can now be found on: <http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Bidding--for-Planning-Obligation-Funds/Planning-Obligation-funding-available>

4.8 Over the last few months the planning team has been reviewing all historic obligations agreements to ensure that the authority has collected all sums that are owing to it. Seventeen agreements have been identified where it appears that a payment trigger had been reached and payment was outstanding.

16 of these agreements related to smaller sums (£1,000 - £3,000) with the majority relating to a figure of £1,000. The one exception relates to a larger sum of £37,000. In respect of this larger sum there is on-going contact with the applicant to seek to address the issue.

In respect of the smaller sums, further investigation identified that 2 of these had not reached the trigger point and the permission had lapsed. These records have been archived and do not now appear as a "possible".

Full payment has been received for 2 of these outstanding sums. Two other people have agreed to pay by installments and initial payments have been made. The payments are included as available sums in the finance report at Appendix A. A further 3 individuals have made contact and arrangements are being made so that the outstanding sums will be paid (either in full or by installments). The Planning Enforcement Officer is investigating the outstanding 7 cases, where to date, no responses have been received to the letters that have been sent.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. The proposed sums will need to be allocated from holding accounts into the Council's capital programme. The current total within the holding accounts is £ 461,385 of which £259,581 remains to be allocated (appendix A). This report proposes allocating £ 50,000 of that balance to new projects. This would leave available sums of £ 200,581 for future projects.
- 5.2. The proposed sum for the landscape art project of £24,000 would be allocated from the £80,000 allocated within the preliminary works 106 agreement that is specifically for this purpose. This would leave a balance of £56,000 to deliver the remainder of the project and other projects within the general meaning of this requirement.
- 5.3. Planning obligations sums by their nature can only be spent once.
- 5.4. The sum for the Minehead Rugby Club Application will be used from agreement 3/21/11/123 cost centre 31075.

6. SECTION 151 OFFICER COMMENTS

- 6.1 In accordance with Financial Regulations, a virement in excess of £10,000 (but below £25,000) needs to be authorised by Cabinet, to demonstrate proper processes are being followed in the management of budgets. The sum required by the Minehead Rugby football club will need to be considered by council as it is in excess of £25,000. There is no impact on general reserves from undertaking these projects, as long as they are delivered within budget.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. The application for Minehead Rugby Football club would provide enhanced access to the club for disabled users. The expansion of the changing rooms will provide facilities that will enable the changing rooms to meet the requirements laid down by the RFU for women's and girl's team.
- 7.2. The application by Artlife is specifically aimed at disabled people and people suffering an economic disadvantage. These two characteristics are ones that are addressed by the application and the intention is that this should be a positive approach. The application also aims to deal with Rurality issues and giving greater access.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. The application at Minehead Rugby club would expand facilities and should by its nature provide additional facilities for the area which provide positive opportunities for people to take up.

9. CONSULTATION IMPLICATIONS

- 9.1. The Minehead Rugby club advise that they have consulted local schools and colleges, the RFU and Sport England to ensure that the application meets local needs and national requirements. The council has received letters of support from 4 other organisations supporting the bid, two individuals and an 8-page list of signatures from the Rugby Club itself supporting the application.
- 9.2. The Minehead Town Council considered the application at its meeting on 18th September concluding that there was insufficient information and detail to make a recommendation at this stage. We understand that the town council received a short presentation from members of the rugby club at that meeting in September. The Council would need to be consulted further and the item would be revisited at the next Full Council Meeting in October. Since that meeting our finance team have reviewed the Rugby Club's accounts and we are satisfied with their statements with regards to balances and assets. As Minehead Town Council has not had a formal meeting since that date we are currently unable to judge the position of MTC with regards to the application.
- 9.3. The Artlife application has been sent to all parish councils in the area that are affected by the Coleridge Way. The feedback was varied and will prove extremely useful in shaping the project as it goes forwards. Comments were received from Watchet requesting that the project should extend to links to the town and this will be taken into account in development of the project. Feedback was also concerned about the nature of the project and this will also be used to shape the project to ensure the concerns are addressed. Finally comments were received about repairs that are needed and maintenance and these have been referred to SCC and ENPA. Information has also been placed in community matters about how repairs can be affected. It is intended to ensure that the items identified are resolved.

10. ASSET MANAGEMENT IMPLICATIONS

10.1 There are no implications on council assets through any proposed allocations detailed in this report.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. No negative implications associated with the report.

12. LEGAL IMPLICATIONS

12.1 The allocations are both in line with the requirements of the legal agreement in the towns and parishes concerned.

12.2 The specific relevant legislative provision within the Hinkley preliminary works agreement with regards to the application by Artlife is as follows:

“LANDSCAPE ART SCHEMES NNB GenCo shall pay the sum of **£80,000** to West Somerset Council prior to Implementation of Phase 1 and shall not Implement Phase 1 until that sum has been paid to West Somerset Council for the purpose of developing and implementing a programme of landscape art in consultation with Sedgemoor Council that can be integrated with the pedestrian and equine routes across the Coastal Strip, West Somerset Council public rights of way and wider landscape of Quantock Vale”.

12.3 The application from Artlife therefore relates to the development of this programme and is phase one of the requirements.

REPORT TO A MEETING OF CABINET TO BE HELD ON 7TH NOVEMBER 2012

CONTACT OFFICER: IAN TIMMS
TEL. NO.DIRECT LINE: 01984 635271
EMAIL: ITIMMS@WESTSOMERSET.GOV.UK

PLANNING OBLIGATIONS

Summary of monies received, allocated to projects & released

Brompton Ralph

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

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

Detail of agreed works:

Improving recreational facilities in Brompton Ralph. Profile basis of payment. Third on commencement of work, third 6 months after commencement & final third upon completion.
 Payment plan agreed by k taylor. 1st payment - £100 paid 24/8/12.

TOTAL DUE: £1,000
TOTAL Rec'vd £150
TOTAL Remaining: £150.00
 Available for allocation

Developer: Mr & Mrs Sloley
 BROMPTON RALPH

To Be Used By: 5 Years after initial payment
Total Released £0.00

Cost Centre: 2423 3107

T
a
g
e
51

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

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

Detail of agreed works:

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

TOTAL DUE: £1,000
TOTAL Rec'vd £1,000
TOTAL Remaining: £0.00
 Available for allocation

Developer: MR JOHN SCOTT
 WINTER'S LANE LYDEARD ST LAWRE

To Be Used By: No expiry date

Cost Centre: 31059

Total Released £0.00

Applicant: Brompton Ralph Cricket Club
 New changing room facilities - AWAITING INVOICES

In the parish of : Brompton Ralph

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

Amount received by WSC: £1,150

Amount allocated to projects by WSC: £1,000

Total remaining available for allocation: £150

Crowcombe

PI. Ref No: 3/07/10/010

Detail of agreed works:

Towards the provision of community recreational facilities in the vicinity of the land. (no commencement as of 12/9/11). Commencement occurred - Write letter requesting payment.

Crowcombe

Developer: Mr Christopher Lock

Amount Due to WSC

Stage 1: £1,000.00

Date received

09/08/2012

Total Allocated to projects:

£0.00

TOTAL DUE:
£1,000

TOTAL Rec'vd
£1,000

TOTAL Remaining: £1,000.00
Available for allocation

To Be Used By: No expiry date

Total Released £0.00

Cost Centre: 31073

In the parish of : Crowcombe

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

Amount received by WSC: £1,000

Amount allocated to projects by WSC: £0

Total remaining available for allocation: £1,000

Minehead

PI. Ref No: 3/21/05/038

Amount Due to WSC
Stage 1: £20,000.0

Date received
06/02/2006

Total Allocated to projects: £10,625.00

Applicant: Sustrans Cycle W.S. Project

£10,625.00

ALL COMPLETED 2006/07

Detail of agreed works:

Towards improvements being carried out to cycling and walking facilities in the Alcombe area as part of the Local Transport Plan Programme.

ALCOMBE ROAD MINEHEAD

Developer: Churchill Property Group / Abbey National

Cost Centre: 31004

Total Released £10,625.00

PI. Ref No: 3/21/06/050

Amount Due to WSC
Stage 1: £4,517.50

Date received
08/12/2008

Total Allocated to projects: £4,517.50

Applicant: St Michael's C of E 1st School PTA

£4,517.50

Detail of agreed works:

Contribution towards recreation and conversion works as a contribution towards the provision of community facilities in the vicinity of the land - PARK STREET. POG agreed on 19/12/11 that £4,517.50 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

PARK STREET

MINEHEAD

Developer: Mr Maitland-Walker & Ms Coles

Cost Centre: 31029

Total Released

To Be Used By: No expiry date

PI. Ref No: 3/21/06/057

Amount Due to WSC
Stage 1: £4,867.60

Date received
07/12/2010

Total Allocated to projects: £4,867.60

Applicant: St Michael's C of E 1st School PTA

£4,867.60

Detail of agreed works:

£3,000 contribution towards recreation. A sum equivalent to 1% of the contract price of conversion works (£1,867.50) as a contribution towards the provision of community facilities in the vicinity of the land - BAMPトン STREET. POG agreed on 19/12/11 that £4867.60 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

BAMPTON STREET

MINEHEAD

Developer: Mr J Maitland-Walker

Cost Centre: 31049

Total Released

To Be Used By: No expiry date

PI. Ref No: 3/21/06/072

Detail of agreed works:
 Provision and/or enhancement of Recreation Facilities within the Parish of Minehead.
 POG agreed on 19/12/11 that £2,000 go towards the cost of St Michael's swimming pool. Agreed at Cabinet on 11.1.12.

GLENMORE ROAD MINEHEAD

Developer: Mr Howard

Amount Due to WSC
 Stage 1: £2,000.00

TOTAL DUE:
 £2,000

Date received
 14/01/2009

TOTAL Rec'vd
 £2,000

Total Allocated to projects: £2,000.00

TOTAL Remaining: £0.00
 Available for allocation

To Be Used By: No expiry date

Total Released

Cost Centre: 31031

Applicant: St Michael's C of E 1st School PTA
 New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES

PI. Ref No: 3/21/06/085

Detail of agreed works:
 Towards the provision and/or enhancement of recreational facilities within the Parish of Minehead.

BLENHEIM ROAD MINEHEAD

Developer: Country Manor Homes

Amount Due to WSC
 Stage 1: £6,250.00

TOTAL DUE:
 £6,250

Date received
 26/11/2007

TOTAL Rec'vd
 £6,250

Total Allocated to projects: £0.00

TOTAL Remaining: £6,250.00
 Available for allocation

To Be Used By: No expiry date

Total Released £0.00

Cost Centre: 31020

PI. Ref No: 3/21/06/139

Detail of agreed works:
 The improvement or provision of Recreational facilities in Minehead.

MIDDLE STREET MINEHEAD

Developer: Mr B Coutts

Amount Due to WSC
 Stage 1: £1,000.00

TOTAL DUE:
 £1,000

Date received
 01/01/2020

TOTAL Rec'vd
 £1,000

Total Allocated to projects: £1,000.00

TOTAL Remaining: £0.00
 Available for allocation

To Be Used By: No expiry date

Total Released

Cost Centre: 31038

Applicant: St Michael's C of E 1st School PTA
 New swimming pool with enhanced access - Agreed £14,000 AWAITING INVOICES

PI. Ref No: 3/21/07/027

Detail of agreed works:

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

Developer: SELBOURNE PLACE

MINEHEAD

Developer:

Cost Centre: 31062

Total Released

To Be Used By: No Expiry date.

Amount Due to WSC
Stage 1: £1,000.00
Total Allocated to projects: £1,000.00



Applicant: St Michael's C of E 1st School PTA

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

TOTAL Remaining: £0.00
Available for allocation

TOTAL DUE:
£1,000
TOTAL Rec'vd
£1,000

Date received
22/08/2011

PI. Ref No: 3/21/07/106

Detail of agreed works:

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

Developer: LOWER MEADOW ROAD

ALCOMBE

Developer: Mr & Mrs K Gould(applicant) new developo

Cost Centre: 31065

Total Released

To Be Used By: No expiry date

Amount Due to WSC
Stage 1: £1,000.00
Total Allocated to projects: £614.90



Applicant: St Michael's C of E 1st School PTA

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

TOTAL Remaining: £385.10
Available for allocation

TOTAL DUE:
£1,000
TOTAL Rec'vd
£1,000

Date received
30/09/2011

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

Detail of agreed works:

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

1st payment (4/9/12),

QUIRKE STREET

MINEHEAD

Developer: Mr C Cooper

Cost Centre: 31076

To Be Used By: No expiry date.

Total Released £0.00

Amount Due to WSC

Stage 1: £1,000.00

Date received

04/09/2012

Total Allocated to projects:

£0.00

TOTAL Remaining: £400.00

Available for allocation

TOTAL Rec'vd

£400

TOTAL DUE:

£1,000

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

Detail of agreed works:

1, Enhancing footpath and/or cycle way links between the Land and the town centre including the cost of any associated lighting, street furniture, signage, or information boards together with the future maintenance of any such works carried out.

2, Such improvements or enhancements within the town of Minehead which the district Council considers will improve or maintain the viability and/or vitality of the Town Centre together with any future maintenance of any such works carried out.

VULCAN ROAD

MINEHEAD

Cost Centre: 31076

Date received

13/04/2010

Total Allocated to projects:

£23,564.02

TOTAL Remaining: £126,435.98

Available for allocation

TOTAL Rec'vd

£150,000

TOTAL DUE:

£150,000

Total Released £0.00



Applicant: West Somerset Council

West Somerset Council

Minehead Coach Park - PAID 30/4/2012 - PROJECT COMPLETE

Applicant: West Somerset Council - CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council - CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council - CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Applicant: West Somerset Council - CM

Mhd Trail: Town signs £9,000, Trail £425, Enterprise Pk sign £1162.50 PD, lights £6,000, Stalls £3506.75 PD (not £6,000)

Developer:

Cost Centre: 31043

Total Released £26,057.27

PI. Ref No: 3/21/09/044
Detail of agreed works:
 Recreational Facilities in Minehead.
 WESTERN LANE MINEHEAD
 Developer: WESTERN LANE MINEHEAD

Amount Due to WSC Stage 1: £3,000.00	Date received 16/11/2009	Total Allocated to projects:	£0.00
TOTAL DUE: £3,000	TOTAL Rec'vd £3,000	TOTAL Remaining: Available for allocation	£3,000.00
Cost Centre: 31041		To Be Used By:	No expiry date
		Total Released	£0.00

PI. Ref No: 3/21/09/076
Detail of agreed works:
 The developer undertakes on behalf of himself and his successors in title with the intention of binding each and every part of the land to pay the Council on the date hereof the sum of one thousand pounds (£1,000) as a contribution towards the provision/and or enhancement of community recreational provision in the parish of Minehead. Payment of the contribution shall be paid to the council prior to any works in pursuant of palnning permission reference number 3/21/09/076 commencing.
 Northfield Road Minehead
 Developer: MR & MRS A SILLITOE

Amount Due to WSC Stage 1: £1,000.00	Date received 09/10/2012	Total Allocated to projects:	£0.00
TOTAL DUE: £1,000	TOTAL Rec'vd £1,000	TOTAL Remaining: Available for allocation	£1,000.00
Cost Centre: 31079		To Be Used By:	No expiry date
		Total Released	£0.00

PI. Ref No: 3/21/09/117
Detail of agreed works:
 THE PARADE MINEHEAD
 Developer: Mr William Barry Richards

Amount Due to WSC Stage 1: £1,000.00	Date received 23/10/2012	Total Allocated to projects:	£0.00
TOTAL DUE: £1,000	TOTAL Rec'vd £1,000	TOTAL Remaining: Available for allocation	£1,000.00
Cost Centre:		To Be Used By:	
		Total Released	£0.00

PI. Ref No: 3/21/10/036

Detail of agreed works:

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

MARTLETT ROAD

MINEHEAD

Developer: S ESSEX

Cost Centre: 31044

Total Released £0.00

Amount Due to WSC

Stage 1: £1,000.00

Date received

12/05/2010

Total Allocated to projects:

£0.00

TOTAL Remaining: £1,000.00

Available for allocation

To Be Used By: No expiry date

TOTAL Rec'vd

£1,000

TOTAL DUE:

£1,000

PI. Ref No: 3/21/10/044

Detail of agreed works:

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

CHER

MINEHEAD

Developer: MR JUSTIN COX

Cost Centre: 31046

Total Released £0.00

Amount Due to WSC

Stage 1: £1,000.00

Date received

16/06/2010

Total Allocated to projects:

£0.00

TOTAL Remaining: £1,000.00

Available for allocation

To Be Used By: No expiry date

TOTAL Rec'vd

£1,000

TOTAL DUE:

£1,000

PI. Ref No: 3/21/10/045

Detail of agreed works:

The Developer, undertakes to pay £1,000 as a contribution towards the provision and/or enhancement of community recreation in the parish of Minehead. Payment of the contribution shall be paid to the Council prior to any works in pursuance of permission 3/21/10/45 commencing.

BAMPTON STREET

MINEHEAD

Developer: Neil Arnold, 18 Ponsford Road Minehead

Cost Centre: 31074

Total Released £0.00

Amount Due to WSC

Stage 1: £1,000.00

Date received

13/08/2012

Total Allocated to projects:

£0.00

TOTAL Remaining: £1,000.00

Available for allocation

To Be Used By: No expiry date

TOTAL Rec'vd

£1,000

TOTAL DUE:

£1,000

PI. Ref No: 3/21/10/048

Detail of agreed works:

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

THE PARKS

MINEHEAD

Developer: Julian Henry Maitland WalkerHilary Elizab

Amount Due to WSC
Stage 1: £3,000.00

Date received
15/11/2010

Total Allocated to projects: £0.00

TOTAL DUE:
£3,000

TOTAL Rec'vd
£3,000

TOTAL Remaining: £3,000.00
Available for allocation
To Be Used By: No expiry date

Total Released £0.00

Cost Centre: 31048

PI. Ref No: 3/21/10/049

Detail of agreed works:

payment towards Recreational Facilities, in Minehead.

THE PARKS

MINEHEAD

Developer: Mr J Morris

Amount Due to WSC
Stage 1: £1,000.00

Date received
04/01/2011

Total Allocated to projects: £0.00

TOTAL DUE:
£1,000

TOTAL Rec'vd
£1,000

TOTAL Remaining: £1,000.00
Available for allocation
To Be Used By: No Expiry date

Total Released £0.00

Cost Centre: 31053

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

Detail of agreed works:

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

1. Community Facilities Contribution
 - 1.1 To pay the Community Facilities Contribution into the Council's general bank account as soon as reasonably practicable following receipt of the same and to ensure that the said Community Facilities Contribution is identified under an individual code within the Council's finance system general ledger.
 - 1.2 Not to use any part of the Community Facilities Contribution other than for the purposes for which it was paid (whether by the Council or another party).
 - 1.3 In the event that the Community Facilities Contribution has not been spent or committed for expenditure by the Council within 5 years following the date of the receipt of the Second Tranche thereof the Council shall refund to the Owner any part of the Community Facilities Contribution which has not been spent or committed for expenditure, together with any accrued interest.
 - 1.4 To issue the Planning Permission within seven days of the completion of this Agreement.

The Shires Minehead

Developer: Summerfield Developments

Cost Centre: 31075

To Be Used By:

Total Released £0.00

Amount Due to WSC
 Stage 1: £103,500.
 Stage 2: £103,500.
TOTAL DUE:
 £207,000

Date received
 24/08/2012

Total Allocated to projects: £50,000.00

TOTAL Remaining:
 Available for allocation
 £53,500.00

Applicant: Minehead Cricket Club Pavilion
 New Pavilion building Minehead Cricket Club - Awaiting invoices.

£50,000.00

In the parish of : Minehead

Amount owing to WSC - active planning obligations: £410,635

Amount received by WSC: £306,535

Amount allocated to projects by WSC: £98,189

Total remaining available for allocation: £208,346

Nettlecombe

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

Detail of agreed works:

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

BEGGEARN HUIISH

WASHFORD

Developer: Mr Oliver Reynolds

Cost Centre: 31052

Amount Due to WSC	Date received	Total Allocated to projects:
Stage 1: £1,000.00	14/12/2010	£0.00
TOTAL DUE: £1,000	TOTAL Rec'vd £1,000	TOTAL Remaining: £1,000.00 Available for allocation
	To Be Used By:	No expiry date
	Total Released	£0.00

In the parish of : Nettlecombe

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

Amount received by WSC: £1,000

Amount allocated to projects by WSC: £0

Total remaining available for allocation: £1,000

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Old Cleeve

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

Detail of agreed works:

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

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

ABBEEY ROAD

WASHFORD

Developer: Badcock & Everard

Amount Due to WSC **Date received** **Total Allocated to projects:** **Applicant:** Washford Village Hall - Dan Searle

Stage 1: £10,000.0 30/03/2011 £10,000.00

Stage 2: £10,000.0

TOTAL DUE:
£20,000 **TOTAL Rec'vd**
£10,000

TOTAL Remaining: £0.00
Available for allocation

To Be Used By: within 5 years of the date of receipt (of

Total Released £0.00

Cost Centre: 31056

In the parish of : Old Cleeve

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

Amount received by WSC: £10,000

Amount allocated to projects by WSC: £10,000

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

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Stogumber

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

Detail of agreed works:

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

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

SLADE CLOSE

STOGUMBER

Developer: Magna West Somerset

Cost Centre: 31035

Amount Due to WSC **Date received** **Total Allocated to projects:** **Applicant:** Stogumber Play Area Committee

Stage 1: £9,000.00 12/05/2009 £9,000.00 >

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

TOTAL DUE: **TOTAL Rec'vd** **TOTAL Remaining:** **Available for allocation**

£9,000 £9,000 £0.00

To Be Used By: No expiry date

Total Released £0.00

In the parish of : Stogumber

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

Amount received by WSC: £9,000

Amount allocated to projects by WSC: £9,000

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

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Watchet

PI. Ref No: 3/37/06/007	Amount Due to WSC	Date received	Total Allocated to projects:	Applicant: Watchet Footbridge	£6,581.28
Detail of agreed works: Towards to provision and/or enhancement of off-site youth and/or adult recreation in the town and parish of Watchet. Re: Trigger stage-19 dwelling occupied as of February 2010 - awaiting Stage 2 payment. (See P10b.Ref 91 for Aff.Hsg details)	Stage 1: £37,000.0 Stage 2: £37,000.0 TOTAL DUE: £74,000	01/07/2008	£37,000.00 >	COMPLETED - Footbridge - used to fund the study that led to the allocation of funds for the bridge	
WEST STREET		TOTAL Rec'vd £37,000	TOTAL Remaining: £0.00 Available for allocation	Applicant: Knights Templar pool committee, Sheila Clavey	£1,443.72
WATCHET			To Be Used By: within 5 years of the date of final	COMPLETED - Splashout II - PAID £15,186	
Developer: Regal Heritage	Cost Centre: 31027		Total Released	Applicant: Mineral Line Railway Project paid to ENPA	£27,000.00
				PAID - PROJECT COMPLETED 2010	
				Applicant: Knights Templar Swimming Pool	£1,975.00
				Swimming Pool - PROJECT COMPLETE PAID £5,975 IN 2010	
PI. Ref No: 3/37/06/041	Amount Due to WSC	Date received	Total Allocated to projects:	Applicant: Watchet Sea Scouts Group (Simon Bale, Scout Leader)	£6,000.00
Detail of agreed works: Contribution towards the provision of the Land £2,000 per unit recreational facilities(See Hsg record 2).	Stage 1: £14,000.0 TOTAL DUE: £14,000	07/01/2009	£10,000.00 >	Refurbishment of building, fencing & roofing - PROJECT COMPLETE PAID £10,000 Sept 2010	
ST DECUMENS ROAD		TOTAL Rec'vd £10,000	TOTAL Remaining: £0.00 Available for allocation	Applicant: Knights Templar Swimming Pool	£4,000.00
WATCHET			To Be Used By: Agreement not on file - N/A - all money	Swimming Pool - PROJECT COMPLETE PAID £5,975 IN 2010	
Developer: Rock Homes	Cost Centre: 31028		Total Released		

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

Detail of agreed works:

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

Liddymore Road

Watchet

Developer: Mrs J Taylor

Cost Centre:

Total Released £0.00

To Be Used By:

TOTAL Remaining: £1,000.00
Available for allocation

Total Allocated to projects: £0.00

Amount Due to WSC
Stage 1: £1,000.00
Date received
18/06/2012

TOTAL DUE:
£1,000
TOTAL Rec'vd
£1,000

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

Detail of agreed works:

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

ANCHOR STREET

WATCHET

Developer: Mr & Mrs A Musgrave

Cost Centre: 31061

Total Released £0.00

To Be Used By:

TOTAL Remaining: £1,000.00
Available for allocation

Total Allocated to projects: £0.00

Amount Due to WSC
Stage 1: £1,000.00
Date received
04/11/2011

TOTAL DUE:
£1,000
TOTAL Rec'vd
£1,000

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

Detail of agreed works:

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

SOUTH ROAD

WATCHET

Developer: D Quartley

Cost Centre: 31064

Total Released £960.00

To Be Used By: No Expiry date.

TOTAL Remaining: £40.00
Available for allocation

Total Allocated to projects: £960.00

Amount Due to WSC
Stage 1: £1,000.00
Date received
06/09/2011

TOTAL DUE:
£1,000
TOTAL Rec'vd
£1,000

Applicant: Watchet Town Council - Sarah Reed, Town Clerk

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

PI. Ref No: 3/37/08/034

Detail of agreed works:

No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the affordable units, provision of bollards & car parking provision & the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.

To pay the First Instalment to the Council on the date hereof.

Not to occupy or allow or permit the Occupation of more than five dwellings until such time as the Second Instalment (£4,000) has been paid

Not to Occupy or allow or permit the Occupation of any Dwelling until such time as the Traffic Bollard Payment has been paid to the Council.

Swain Street
Watchet

Developer: ACORN Developments (SW) Ltd.

Amount Due to WSC	Date received	Total Allocated to projects:
Stage 1: £6,000.00	09/06/2011	£0.00
Stage 2: £4,000.00		
TOTAL DUE: £10,000	TOTAL Rec'vd £6,000	TOTAL Remaining: £6,000.00 Available for allocation

To Be Used By: No expiry date.

Total Released £0.00

Cost Centre: 31060

PI. Ref No: 3/37/08/034

Detail of agreed works:

No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the affordable units, provision of bollards & car parking provision & the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.

To pay the First Instalment to the Council on the date hereof.

Not to occupy or allow or permit the Occupation of more than five dwellings until such time as the Second Instalment (£4,000) has been paid

Not to Occupy or allow or permit the Occupation of any Dwelling until such time as the Traffic Bollard Payment has been paid to the Council.

Swain Street
Watchet

Developer: ACORN Developments (SW) Ltd.

Cost Centre: 31060

To Be Used By: No expiry date.

Total Released £0.00

PI. Ref No: 3/37/09/017

Detail of agreed works:

CONTRIBUTION TOWARDS THE PROVISION AND/OR ENCHANCEMENT OF COMMUNITY RECREATIONAL PROVISION IN THE PARISH OF WATCHET, prior to works commencing.

SWAIN STREET
WATCHET

Developer: MR JOHN STONE

Cost Centre: 31066

To Be Used By: NO EXPIRY DATE

Total Released £0.00

Amount Due to WSC
Stage 1: £8,000.00
Stage 2: £500.00
TOTAL DUE:
£8,500

Date received
02/04/2012
TOTAL Rec'vd
£8,000

Total Allocated to projects:
TOTAL Remaining: £8,000.00
Available for allocation

Amount Due to WSC
Stage 1: £2,000.00
TOTAL DUE:
£2,000

Date received
12/03/2012
TOTAL Rec'vd
£2,000

Total Allocated to projects:
TOTAL Remaining: £2,000.00
Available for allocation

PI. Ref No: 3/37/10/017

Detail of agreed works:
 £32,000 index linked as a contribution towards the provision of recreational facilities in the vicinity of the land (payable in 3 stages) + See record 2. prior to commencement of development

WEST STREET WATCHET

Developer: Watchet Leisure Homes Limited

Cost Centre: 31054

Amount Due to WSC
 Stage 1: £12,000.0
 Stage 2:
TOTAL DUE:

Date received
 21/02/2011

TOTAL Rec'vd
 £12,000

Total Allocated to projects: £8,342.41

TOTAL Remaining: £3,657.59
 Available for allocation

To Be Used By: No expiry date

Total Released £8,342.41

Applicant: Knights Templar pool committee, Sheila Clavey
 COMPLETED - Splashout II - PAID £15, 186

PI. Ref No: 3/37/11/013

Detail of agreed works:
 contribution to recreational facilities as detailed under the Third Schedule, Clause 1.2 of the Section 106 Agreement. This application replaced 3/37/10/006. All funds received.

Churchill way Watchet

Developer: Summerfield Homes

Cost Centre: 31058

Amount Due to WSC
 Stage 1: £16,500.0
 Stage 2: £16,500.0
TOTAL DUE:
 £33,000

Date received
 08/06/2011
 07/07/2011

TOTAL Rec'vd
 £33,000

Total Allocated to projects: £18,399.26

TOTAL Remaining: £14,600.74
 Available for allocation

To Be Used By: 5 Yrs of date each payment 50%

Total Released £10,872.00

Applicant: Watchet Town Council £10,872.00
 COMPLETED - Play Equipment 2 - PROJECT PAID £10,872 on 25/11/2011

Applicant: Watchet Community Cinema - Anne Harrison £6,825.60
 COMPLETED PAID 8/10/12 - Watchet 2025 - to enable people to see films without the expense of travelling

In the parish of : Watchet

Amount owing to WSC - active planning obligations: £144,500

Amount received by WSC: £111,000

Amount allocated to projects by WSC: £74,702

Total remaining available for allocation: £36,298

Williton

PI. Ref No: 3/39/07/033

Detail of agreed works:

Contribution towards the provision or enhancement of local Recreational Facilities within the Parish of Williton & West Somerset in accordance with Policy PO/1 of the West Somerset District Local Plan(proposed modifications)

HALF ACRE WILLITON

Developer: Rockleaf Limited

Amount Due to WSC
Stage 1: £8,000.00

Date received
21/05/2008

Total Allocated to projects: £3,000.00

Applicant: Williton Brownie Club £3,000.00
Linda Sully, Improvements to Brownie HQ - PROJECT COMPLETE PAID £10,000

TOTAL DUE:
£8,000

TOTAL Rec'vd
£8,000

TOTAL Remaining: £5,000.00
Available for allocation

To Be Used By: No Expiry date.

Total Released £3,000.00

Cost Centre: 31026

PI. Ref No: 3/39/08/032

Detail of agreed works:

Contributions towards local community facilities in Williton.

LONG STREET WILLITON

Developer: Mr B Criddle

Amount Due to WSC
Stage 1: £2,000.00

Date received
15/09/2009

Total Allocated to projects: £0.00

TOTAL Remaining: £2,000.00
Available for allocation

To Be Used By: No expiry date

Total Released £0.00

Cost Centre: 31039

PI. Ref No: 3/39/08/034

Detail of agreed works:

2 No part of the development hereby permitted shall be commenced until a suitable mechanism to secure the relevant level of contribution towards offsite community recreational provision and/or enhancement has been agreed in writing by the Local Planning Authority.
Reason To ensure an appropriate level of community recreational provision, to accord with Policy(ies) R/4(a) and PO/1.
Condition 2.

HIGH STREET WILLITON

Developer: Dr Louw

Amount Due to WSC
Stage 1: £1,000.00

Date received
10/10/2012

Total Allocated to projects: £0.00

TOTAL Remaining: £1,000.00
Available for allocation

To Be Used By:

Total Released £0.00

Cost Centre: 022549

PI. Ref No: 3/39/08/036
Amount Due to WSC
 Stage 1: £9,000.00
Date received
 13/07/2009
Total Allocated to projects: £3,270.00
Applicant: Williton Parish Council (Trustee of Williton Mem. Rec. Ground) Claire Richards
 £3,270.00
Detail of agreed works:
 The developer undertakes on behalf of himself & its successors in title with the intention of binding each & every part of the land to pay £9,000 as a contribution towards the provision and/or enhancement of community recreational provision in the vicinity of the land.
TOTAL DUE: £9,000
TOTAL Rec'vd
 £9,000
TOTAL Remaining: £5,730.00
 Available for allocation
 Enhance/preserve existing Rec. Ground renewing/replacing equipment. AGREED at POG & Cabinet 4/4/12

TOWNSEND
 WILLITON
 Developer: Charter (SW) Ltd
Cost Centre: 31037
Total Released £3,270.00
To Be Used By: No expiry date

PI. Ref No: 3/39/09/002
Amount Due to WSC
 Stage 1: £1,000.00
Date received
 01/01/2001
Total Allocated to projects: £0.00
Applicant: Williton Parish Council (Trustee of Williton Mem. Rec. Ground) Claire Richards
 £0.00
Detail of agreed works:
 (No paper Unilateral) Grampian Condition which states; " no commencement shall be made until a suitable mechanism to secure the relevant level of contribution towards off site community recreational provision and/or enhancement has been agreed by the LPA.
 BRIDGE STREET
 WILLITON

Developer: Mr & Mrs J Freeman
Cost Centre: 31047
Total Released £0.00
To Be Used By: No expiry date

PI. Ref No: 3/39/10/020
Amount Due to WSC
 Stage 1: £1,000.00
Date received
 08/03/2011
Total Allocated to projects: £0.00
Applicant: Williton Parish Council (Trustee of Williton Mem. Rec. Ground) Claire Richards
 £0.00
Detail of agreed works:
 The Developer undertakes on behalf of himself and its successors in title to pay the council £1,000 for one newly created dwelling as a contribution towards the provision and/or enhancement of community recreational provision in the parish of Williton. Payment shall be made prior to works commencing.
 LONG STREET
 WILLITON

Developer: Mark Holmes
Cost Centre: 31055
Total Released £0.00
To Be Used By: No expiry date

In the parish of : Williton

Amount owing to WSC - active planning obligations:	£22,000
Amount received by WSC:	£22,000
Amount allocated to projects by WSC:	£6,270
Total remaining available for allocation:	£15,730

ALL PARISHES TOTALS:

Due to WSC under active Planning Obligations	£610,135
Received by WSC:	£461,685
Allocated to projects:	£199,161
Total remaining available for allocation:	£262,524

Report Number: WSC 134/12
Presented by: Cllr. Chris Morgan, Lead Member for Environment
Author of the Report: Adrian Dyer, Chief Executive
Contact Details:
Tel. No. Direct Line 01984 635212
Email: adyer@westsomerset.gov.uk

Report to a Meeting of: Cabinet
To be Held on: 7th November 2012
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 4th October 2012

WINTER CLOSURE OF PUBLIC CONVENIENCES

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to seek Cabinet's approval for the winter closure programme of public conveniences

2. RECOMMENDATIONS

- 2.1. That members give due consideration to the Equalities Impact Assessment (EIA) included at **Appendix 'A'** to this report.
- 2.2. That the public conveniences located at Carousel, Minehead (not disabled); Blenheim Gardens, Minehead (ladies and gents); Church Street, Dunster; Central Car Park, Porlock and Market Street Watchet (excluding the disabled facility) are closed during the period 19th November 2012 to 15th March 2013.
- 2.3. That the winter closure of the public conveniences in Market Street, Watchet is delayed pending the outcome of current negotiations with Watchet Town Council. Further, the Chief Executive, in consultation with the Lead Member for Environment, is granted delegated authority to decide whether the outcome of the negotiations referred to above merit the permanent postponement of the winter closure of the public conveniences in Market Street, Watchet.
- 2.4. That the action plan included in the EIA at Appendix 'A' is approved including the purchase of signs at a cost of £240.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is that the decision to close a number of public conveniences could be successfully challenged without the prior consideration of an Equalities Impact assessment	Possible (3)	Moderate (3)	Medium (9)

<i>The mitigation is threefold. Firstly the postponement of the closures, secondly the carrying out of a Equalities Impact Assessment and thirdly the consideration of the assessment by Cabinet prior to any recommended closures being actioned</i>	Unlikely (2)	Moderate (3)	Low (6)
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

4. BACKGROUND INFORMATION

4.1 At its meeting on 19th September 2012 Council resolved (minute C49) – *“that following the winter closure on 1st November 2012 of Public Conveniences those located in Blenheim Gardens Minehead (gents and ladies), Carousel, Minehead (excl. disabled), Church Street Dunster, Porlock Central and one yet to be identified in Watchet, the principle of them remaining closed permanently be approved (see note below)”*

4.2. The note referred to in 4.1 was an addendum to minute C49 and stated – *“Subsequently, at the meeting of Cabinet held on 3 October 2012 it was agreed that potential winter closures shall also be the subject of consultation and further member consideration before these matters were acted upon.”* This was specific reference to the reconsideration of the necessity to undertake and allow members to give due consideration to an Equalities Impact Assessment in respect of the proposed winter closure programme as well as the permanent closure programme.

This piece of work has now been completed and a copy of the relevant Equalities Impact Assessment is included at **Appendix ‘A’**.

4.3 Any request for a toilet to be temporarily opened for a special event e.g. Dunster by Candle Light, will be considered on its own merits.

5. FINANCIAL/RESOURCE IMPLICATIONS

5.1. It is very difficult to accurately calculate the financial savings resulting from the winter closure programme. The key financial savings will be in respect of the cost of public utilities and are estimated to be £2,340 (water £1,820, electricity £520).

5.2. With regard to the cost of cleaning the current Service Level Agreement with Veolia assumes that the winter closure programme will be implemented.

5.3. Current regulations concerning business rates liability mean that there will be no saving in the amount payable. Firstly the closure would have to be permanent and secondly the rateable value has to be less than £2,600 to even qualify for a limited three month exemption.

5.4 The cost of new signage is estimated to be £240 resulting in a net saving of approximately £2,100

6. SECTION 151 OFFICER COMMENTS

6.1. The reductions in levels of government funding in previous years together with those that are reportedly now being proposed for the next two financial years mean that the Council is quite literally facing the possibility of having to reduce its expenditure to the point where its long term viability is thrown into doubt. It is therefore imperative that all opportunities to

achieve savings are explored, especially those that involve discretionary services such as public conveniences.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. An Equality Impact Assessment has been undertaken and reported at **Appendix 'A'**

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. As unpleasant as it may seem the closure of public conveniences could lead to an increase in the incidents of urination in a public place which is an offence under the Public Order Act 1986.

9. CONSULTATION IMPLICATIONS

- 9.1. The Equalities Impact Assessment included at **Appendix 'A'** includes a summary of the comments received to-date as part of the public consultation being undertaken in respect of the proposed permanent closure of public conveniences.

- 9.2. The relevant Parish and Town Councils were written to on the 11th October 2012 concerning both the proposed winter closure and permanent closure of conveniences. With regard to winter closures the letter contained the following paragraph:

*“The purpose of me writing to you is to advise Dunster Parish Council that the subject of closing the public conveniences in Church Street during the period mid / late November 2012 to mid March 2013 will be considered by Cabinet at their meeting on 7th November 2012. I appreciate the short notice but should you wish to provide comments on the proposal that could be referred to in the report could you please do so by **Monday 29th October 2012.**”*

A copy of a subsequent letter received from Watchet Town Council is included at **Appendix 'B'**.

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1. The implementation of the winter closure programme will in itself have no long-term asset management implications.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1. There are no direct environmental implications associated with this report.

12. LEGAL IMPLICATIONS

- 12.1. There are no direct legal implications associated with this report.

West Somerset Council

Equality Impact Analysis Record Form 2012/13

When reviewing, planning or providing services West Somerset Council needs to assess the impacts on people.

We must show we have given due regard to the General Equality Duties in relation to our policies, strategies, services and functions as set out in Section 149 of the Equality Act 2010:

The three aims we **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

Service Area: Environment Services	
Title of policy/ practice/ service of function	Winter Closure of Public Conveniences

Section 1 Why are you completing the Impact Assessment (please \checkmark as appropriate)

Proposed new policy or service	Change to policy or service	Budget/Financial Decision	
	\checkmark		

Section 1.1 : Information about the new policy or change to the policy (explain the proposal and reason for the change)

In response to continuing reductions in funding from Government the Council is reviewing its provision of public conveniences across the district.

The Council owns and maintains 18 public toilet blocks across the district. The toilets are cleaned and maintained under contract by Veolia. The operation and maintenance of public conveniences in West Somerset costs £155,000 approx per annum. This includes the costs of utilities, business rates, daily cleans together with general repair and maintenance.

Under the Public Health Act 1984, WSC is under no statutory obligation to provide public conveniences

A select number of PC's across the district have been identified for winter closure during the period 19th November 2012 and 15th March 2013.

Those public conveniences selected for winter closure are located at Carousel, Minehead (not disabled); Blenheim Gardens, Minehead (ladies, gents and disabled) Church Street, Dunster; Central Car Park, Porlock and Market Street, Watchet (not disabled).

At the meeting of Council on the 19th September it was agreed in principle that following the winter closure these toilets would remain closed permanently. This would be subject to a wider public consultation to fully understand the impact of the proposed permanent closures on communities. At the meeting of Cabinet held on the 3rd October 2012 it was agreed that potential winter closures would be the subject of consultation and further member consideration before a final decision was made.

In order to find out the public's views on potential toilet closures a consultation exercise has been run from 10th September to 31st October. Views were sought specifically on the potential closure of toilets located at Carousel, Minehead (not disabled); Blenheim Gardens, Minehead (ladies, gents and disabled) Church Street, Dunster; Central Car Park, Porlock and Market Street, Watchet (not disabled). Consultation has NOT been sought specifically on the winter closure of these sites.

Discussions with Town and Parish Councils

Discussions are on-going with Town and Parish Councils about the transfer of public conveniences to their ownership.

The relevant Parish and Town Councils were written to on the 11th October 2012 concerning both the proposed winter closure and permanent closure of conveniences.

Results from the consultation exercise will be sent to Parish and Town Councils week commencing 5th October, 2012 to assist them in forming any decisions regarding the transfer of facilities.

Section 2: What evidence has been used in the assessment?

(List the consultation/engagement undertaken and data or intelligence you have gathered.)

Public consultation on potential permanent closures.

Public consultation was carried out between the 10th September and 31st October. Online and paper survey forms were made available and in addition comments were invited by letter and email. Notices were posted in all locations where toilets are proposed for possible closure and notification was advertised via two local newspapers.

The public consultation was specifically concerning the potential closure of the identified toilets. Although, not making any reference to winter closures, the results provide members with a flavour of the local communities' feelings of the facilities.

Up to the 30th October, 2012, 132 respondents took part in the survey. Of the 132 respondents, 126 disagreed with the potential closure of public toilets.

The questionnaire invited respondents' comments on the planned closures and their comments on alternatives to closing toilets.

Some of the key points from the consultation are attached as an appendix to this impact assessment.

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Section 3: What are the community impacts of your proposal?

<p>Closure of public toilets may have a restrictive effect upon the willingness of certain groups to access public spaces, socialise and shop. This in turn can lead to isolation and negatively impact upon a person's well being.</p>

3.1. Equality Impact Assessment

With reference to the analysis above, for each of the 'protected characteristics' in the table below please record your conclusions with evidence around equality impact in relation to the savings proposal/service change.

Protected Group	Findings – Highlight potential negative impact or missed opportunities for promoting equality
Age (includes all age groups)	Older People (60+) – Are more likely to suffer from incontinence problems and other health related issues that require them to use the toilet more frequently. Children – Young children are less likely to be able to wait to use the toilet and mothers with babies may need baby changing facilities.
Disability (includes mental health, physical & sensory)	Some of the toilet locations identified for closure include disabled access. (Market Street, Watchet, Central, Porlock, Blenheim Gardens, Minehead). Those with mobility problems may find it harder to get to alternative facilities. People with illnesses such as Colitis, Crohn's Disease, IBD, Prostate Cancer could be disadvantaged as these illnesses require frequent trips to the toilet.
Gender (Sex)	None identified
Gender reassignment	None identified
Marriage and civil partnership (discrimination)	None identified
Pregnancy and maternity	Pregnant women are more likely to need the toilet more frequently and will be disadvantaged if there are a lack of facilities.
Race (includes ethnic origins, colour and nationality)	None identified
Religion and belief including non-belief	None identified
Sexual orientation (includes heterosexual, gay, bisexual)	None identified

Non-statutory

Socio-economic (low income individuals & families)	None identified
Rural Isolation (West Somerset is a rural district with poor transport networks which can affect the way we deliver services)	None identified
Other (Are there other groups other than those already considered e.g. carers, staff)	Carers who look after older people and young people may be disadvantaged. See sections on disability and age.

3.2: What is the cumulative equality impact of your proposal?

You may have identified an impact on the lives of a group as a result of your individual savings proposal. However, taken together with other savings changes the cumulative impact of these decisions may be considerable and the combined impact may not be apparent where decisions are taken in isolation.

None identified

Section 4: ACTION PLAN

This table must be completed where all negative impacts have been identified, and the steps that could be taken to mitigate this impact or to promote improved equality of opportunity or good relations.

Identified Issue/Negative Impact	Action needed to mitigate impact	Who is responsible	Expected outcomes from carrying out action
Reduced toilet facilities in selected locations within the district.	Continue to discuss with Parish Councils and Town Councils and other organisations concerning the transfer of facilities to avoid the necessity for closure	Steve Watts	Closure of facilities are kept to a minimum
	Undertake full analyse of results of consultation when this closes on the 31 st October.	Sam Rawle	The impacts of toilet closures are known and understood by the Council
	Circulate consultation analyse to Parish and Town Councils to assist them with there discussions	Adrian Dyer	Parish and Town Councils are able to make full use of the responses from the public consultation in their own decision-making processes
	Review EIA when consultation has concluded to ensure all feedback and information contained in it is accurate and up-to-date to Councillors making a decision whether to close identified public toilets on a permanent basis	Sam Rawle	Councillors are able to make informed-decisions and are able to demonstrate they have considered the impacts on the West Somerset community
	Erection of signs at winter closure sites signposting to nearest alternative facilities.	Steve Watts	Public are aware of alternative facilities

Section 7. Monitoring and review/ mainstreaming into service plans

Please indicate whether any of your actions have been added to service or work plans and your arrangements for monitoring and reviewing progress/ future impact?

Actions will be entered into relevant officers workplans.

Section 8: Publishing the completed assessment

How will the assessment, consultation & outcomes be published and communicated.

The assessment will be published on the Council's website

Section 9: Sign Off

Completed by:	Sam Rawle
Date:	30 th October, 2012
Reviewed by:	
Date:	

Decision-making processes

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report (title): Winter Closure of Public Conveniences

Date of report: 7th November, 2012

Author of report: Adrian Dyer

Audience for report: Cabinet

Outcome from report being considered

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Key Points from Consultation

Comments on closure of specified sites

Blenheim Gardens

- Blenheim Gardens particularly valued because of number of people using the gardens in the summer. Especially, elderly and families with children who would find Summerland Rd too far to walk.
- Blenheim Gardens host band concerts and festivals so good toilet facilities need to be available
- The tearooms in Blenheim Gardens make a need for toilet availability
- People with certain medical conditions may need to use toilets urgently
- Minehead wants to encourage visitors & Blenheim Gardens is the 'jewel in the crown'. Lots of people use the gardens and tearooms
- Needs to be upgraded and refurbished
- Everyone expects to find toilets in a public park
- People often spend a long time enjoying the gardens and do not want to leave and enter the town to access a toilet especially if this may entail crossing a busy main road with young children
- Closing Blenheim will result in people going behind bushes
- When spending time in the park I have nearly always had to take my children up to the toilets as when they need the toilet they NEED to go NOW
- I think the toilets in Blenheim Gardens are a particularly important facility given that people, including families with young children, often spend several hours in the park
- It is a wonderful park especially in the summer when they have weekly bands where families and OAP can spend a lovely day in the gardens
- I am certain the gardens themselves would be soiled by people who could not wait to find a toilet.
- My family use the toilets in Blenheim Gardens every time we visit Minehead
- Toilets are vitally important here – café, concerts, old folk sit in the gardens all day
- I frequently use the Blenheim Gardens loos as they are far more pleasant than those in the Co-Op car park
- Would become a very unpleasant place to visit if the toilets were closed, how many people would be going in the bushes making a mess
- A young child demanding the toilet under your new proposals would have to cross a main road (which is dangerous) and visit toilets at least 200 yards away from the park
- Reluctantly agree that, in order to save money, some toilet closures must take place. Those that I would support:- Blenheim Gardens, Church St Dunster. Both of these are underused due to poor signage

Carousel

- These appear to be in constant use and to remove them would be a serious 'inconvenience' to the very visitors on whom Minehead relies for its very existence
- Unfortunately some of the toilets we do have are rather grim e.g by the Carousel and need a make over.
- The Carousel toilets on the front are used by many visitors when the coach companies drop people off at the Strand
- Carousel seems to be widely used. I have been several times and find queues waiting.
- Carousel should be passed to private ownership, the offer is there.
- Short sighted and unhelpful for those trying to promote tourism

Market Street, Watchet

- People comment that they are not happy paying and many complain they are claustrophobic and unpleasant
- My suggestion is to demolish Market St but totally refurbish those in Harbour Rd using some of the £500k EDH tourism donation
- With the high number of visitors to Watchet it is necessary to have two sets of loos, Market Street included

Church Street, Dunster

- Church St toilets are greatly used during the tourist season, especially for people spending more than a couple of hours around the village
- A vital facility for our village. By retaining their presence, you are providing for many visitors in the locality of the church, the Tithe Barn, The Village Gardens, Memorial Gardens, The High Street, West Street, The Allotments, The Cemetery, Gallox Bridge and the Packhorse Play Area
- Those that I would support (for closure) : Blenheim Gardens, Church St. Both of these are under used due to poor signage.

Porlock

- Central Car Park is a long stay car park – need facilities when arrive. If you are disabled/elderly the Doverhay ones are too far away and involve crossing a busy and dangerous road and the pavements are discontinuous en route

General

- West Somerset is a visitor destination so toilets should be kept open to encourage tourism
- Visitor numbers will drop
- Tourist coastal resorts need public toilets
- Large population of elderly who have pressing, short notice needs for readily accessible toilets
- Summerland Avenue are in a dreadful condition and being an elderly local person I feel ashamed to visit it and know that visitors to the area need also use it, or them
- Signage is poor, visitors unable to find them
- For workmen who are required to use public toilets, free ones should be available
- What about expectant mums
- You can't expect pubs and restaurants to provide this facility if one hasn't been their customer
- I agree that toilets can be closed where there is more than one in the village
- I will worry that the bushes and flower beds will become polluted
- I think there is a definite need to consider the hygiene implications should the toilets be closed

Comments with reference to Disabled/Elderly

- Inadequate provision of toilets for disabled people in Minehead. Toilets at Quay West and Summerland are unfit for purpose. Cubicles too small and unable to close the door. Soap dispenser out of reach
- It will be a long walk for older people whose mobility might be impaired or whose bladder control might not be what it once was
- A significant number of older men suffer from prostate problems
- In an area with a preponderance of elderly people many on medication which necessitate frequent loo visits, they will stay at home because of the lack of facilities
- I have Colitis, which means that sometimes I need the toilet at very short notice
- I would change my shopping habits to somewhere where there are not fewer (toilets)
- I like many men over 60 years have a prostate problem and am usually desperate to get to the toilet

Comments with reference to young children/families

- As a parent I know they wouldn't be able to wait until we go out of the park to find the next public convenience

- If closed this will lead to children going behind the bushes
- Important facilities for families and young children
- The families with young children and the elderly are particularly likely to need a toilet
- Small children often use the gardens with their families and toilets need to be available for relatively speedy use if 'accidents' are to be avoided

Comments on alternatives to closure

- Increase Council Tax
- Work with traders/businesses to look at alternative solutions to closure
- Community toilet schemes
- Reduce in size to unisex facilities
- Sponsorship (e.g. Butlins)
- Charging policy for all toilets
- Work in partnership with local business/community groups/parish councils/churches
- Use of advertising space to raise income
- Reduce facilities where more than one in a village
- Incorporate facilities in other community buildings (Old Hospital)



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Adrian Dyer
Chief Executive
West Somerset Council
West Somerset House
Killick Way
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Somerset
TA4 4QA

29 October 2012

Proposed closures of public conveniences facilities

Dear Adrian

Thank you for your letter dated 11 October 2012 regarding the above. The toilet working group has asked me to contact you on their behalf with the following collective response:

Watchet Town Council would like to confirm we are in active discussions between our toilet working group comprising of Cllrs Irven, Gavenlock and L Whetlor to try to find a mutually acceptable way forward to keep toilets open in Watchet, including addressing the issue of costs and funding. The minutes of the first meeting are attached for your information.

The group are in on-going discussion with Steve Watts and hope to have a further proposal from him that they will be reviewing before your cabinet meeting on the 7 November 2012.

As in the minutes of the first meeting, Watchet Town Council confirms we require keeping toilet provision open in Watchet, particularly Harbour Road, and that a complete closure might fall foul of a challenge under PSED and equalities legislation. The toilets in Harbour Road already close overnight, so we envisage that this will not be an issue. With regard to the toilets in Market Street, the current on-going proposals under debate may both night time and seasonal closure of standard toilets, but we are evaluating the situation with keeping open the disabled facility overnight.

Watchet Town Council would therefore request that no temporary closures of disabled toilets in Market Street are implemented in November before we have a chance to conclude these very constructive discussions about a long term solution for Watchet.

Yours sincerely

Sarah Reed
Town Clerk

Cc Steve Watts, Sam Rawle

Please reply to: Sarah Reed - Town Clerk

REPORT NUMBER WSC 145/12

PRESENTED BY COUNCILLOR D WESTCOTT,
LEAD MEMBER FOR COMMUNITY & CUSTOMER

DATE 7TH NOVEMBER 2012

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

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1. It is recommended that Cabinet:
- 2.2. Accept the nomination for the Notley Arms. Monksilver. TA4 4JB to be listed as an Asset of Community Value
- 2.3. Accept the nomination for the Shurton Inn, Shurton. TA5 1QE to be listed as an Asset of Community Value.

3. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is reputational in that the council considered not to have dealt with the matter appropriately	3	3	9
<i>Approved processes in place. CMT considering the nomination and Cabinet determining the nomination. Scrutiny to undertake any internal reviews requested by the land/building owner</i>	1	3	3

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

4. BACKGROUND INFORMATION

The Localism Act 2011 places requirements on the council to maintain a list of land/buildings in its area that it considers land of community value.

The Community Right to Bid provides the right to nominate land/buildings as Assets of Community Value.

An initial process to ensure that the Council fulfils its duties under this part of the Act was endorsed by Council at its meeting held on 24th October, 2012.

Under this process, nominations will initially be evaluated by the Corporate Management Team (CMT) who will make a recommendation for Cabinet to determine. This part of the process shall be completed within 8 weeks of the nomination being received. CMT considered the nominations that are the subject of this report on 29/10/12

- 4.1. Under the relevant regulations it is clear that if a land/building is in the local authority's area, is nominated by a 'relevant body', is not an excluded land/building type and meets the definition of community value then the local authority must list it and inform the interested parties.
- 4.2. A 'relevant body' is defined as a parish council, a voluntary/community body, a neighbourhood forum or a community group with 21+ local members.
- 4.3. An excluded land/building type is defined as a wholly residential property including associated land and a residential caravan park

In terms of making a decision on this matter therefore, the first three criteria should be clear cut in terms of location within the district, being a 'relevant body' and not being an excluded land/building type. Where there is some discretion to be exercised is as to whether the land/building in question meets the definition of 'community value'. In this context, 'community value' is defined as a land/ building where its main use has recently been or is presently being used to further the social wellbeing or social interest of the local community and could do so in the future, it is important that consideration of this issue is to be seen as transparent and consistent in relation to all nominations received.

If accepted, the asset will be placed on the local land charge register and a restriction applied on the land registry (If it is registered).

If the asset is accepted for nomination, the owner has the right to request an internal review by the council. It is proposed that Scrutiny Committee should undertake any such review. If the owners remain in disagreement with the listing following the review, they have a right to appeal to an independent tribunal under HM Courts and Tribunals.

- 4.4. Once an asset has been listed nothing further happens until the owner decides to sell the land/building. Unless an exemption applies, for example the land/building is for sale as a 'going concern', the owner will only be able to dispose of the asset after 6 weeks unless an expression of interest is received from a community group to be treated as a potential bidder.
If the council receives an expression of interest, then the full 6 months moratorium applies, providing the community with time to prepare a bid. After the moratorium period, the owner is free to sell to whomever they chose and at whatever price.

If a planning application is submitted regarding a land/building that has been listed as an asset of community value, the listing will be a material consideration when the planning authority determines the application.

- 4.5. Listing Nomination for **The Notley Arms, Monksilver. TA4 4JB**

Two Nomination applications have been received to list the Notley Arms as an Asset of Community Value. Notwithstanding the number of applications received, a building will only

be listed once. The information submitted by both applicants has been considered when determining the nomination request.

Both nominations applications were from a relevant body, one from Monksilver parish council and another from a community group consisting of 21+ local members.

The Notley Arms, as a public house, is not in any of the excluded categories.

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

Evidence to support the nomination is provided in Section 3 of the application forms submitted [see Appendix A-application from Monksilver Action Group-Notley Arms] and [see Appendix B-application submitted by Monksilver Parish Council]

In accordance with the procedure, the owner of the property and Monksilver parish council have been notified of the nomination. Under section 91 of the Act, these persons will also be notified of the decision.

4.6. Listing nomination for **Shurton Inn. Shurton. TA5 1QE**

A nomination application has been received to list the Shurton Inn as an Asset of Community Value.

The nomination was from a relevant body – Stogursey parish council.

The Shurton Inn, as a public house, is not in any of the excluded categories.

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

Evidence to support the nomination is provided in Section 3 of the application form submitted [see Appendix C-application from Stogursey Parish Council]

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

5. **FINANCIAL/RESOURCE IMPLICATIONS**

5.1. If the asset is accepted for listing, the council need to register the restriction with the Land Registry, the costs associated with this is estimated at £50 per property.

5.2. If the Building/land is put up for sale and the Assets of Community Value moratorium applies, the owner can make a claim to the council for compensation. The council are liable for compensation costs up to £20k in any financial year, this can be from a number of small claims or a single large claim. Any compensation costs over the £20k will be covered by DCLG.

6. **SECTION 151 OFFICER COMMENTS**

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

7. **EQUALITY & DIVERSITY IMPLICATIONS**

7.1 The Community Right to Challenge policy objectives encourages a greater diversity of service provider as it provides for the ability for voluntary and community sector bodies to compete to run services.

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

8. CRIME AND DISORDER IMPLICATIONS

8.1. None in respect of this report

9. CONSULTATION IMPLICATIONS

9.1. In accordance with the requirements of the Localism Act 2011- Part 5 and the council's agreed process, the owner of the property being nominated and the local parish council are given notice of the nomination application. The council will also notify the relevant member/s, whose ward the property being nominated is within.

9.2. The council will notify the relevant body that submitted the nomination, the owner, parish council and ward member/s of the decision to list the property as an asset of community value. If the nomination is unsuccessful, the council must provide the relevant body that made the nomination with the council's reasons for its decision.

9.3. In accordance with the requirements of the Localism Act 2011- Part 5, the council must maintain a list of assets of community value and a list of assets nominated unsuccessfully. These lists will be published on the council's website and made available for free inspection by any person at the council's offices in Williton and Minehead.

10. ASSET MANAGEMENT IMPLICATIONS

10.1. None specific to the nominations being considered in this report

11. ENVIRONMENTAL IMPACT IMPLICATIONS

11.1. None in respect of this report

12. LEGAL IMPLICATIONS

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

REPORT TO A MEETING OF CABINET TO BE HELD ON 7TH NOVEMBER 2012

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