

SCRUTINY COMMITTEE

Meeting to be held on Monday 18 March 2013 at 3.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Scrutiny Committee held on 18 February 2012, to be approved and signed as a correct record – **SEE ATTACHED.**

3. Declarations of Interest

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

4. Public Participation

The Chairman to advise the Committee 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. Notes of Key Cabinet Decisions/Action Points

To review the Key Cabinet Decisions/Action Points from the Cabinet Meeting held on 6 March 2013 – **SEE ATTACHED.**

6. Cabinet Forward Plan

To review the latest Cabinet Forward Plan published 8 March 2013 – **SEE ATTACHED.**

7. **Assets of Community Value – Review Panel**

To consider Report No. WSC 37/13, to be presented by Bruce Lang, Corporate Director – **SEE ATTACHED.**

The purpose of the report is to notify Scrutiny Committee of the change to the Assets of Community Value review process and the appoint a panel of three members to hear the review of the decision to list Minehead Old Hospital as an Asset of Community Value.

8. **Verbal update on Task & Finish Reviews & Joint Review of Flooding**

The Scrutiny and Performance Officer to provide a verbal update on:

- Current Task & Finish Reviews:
 - Section 106 Planning Obligations
 - Business Rates Retention Scheme
- Joint Review of Flooding

9. **Scrutiny Committee Workplan Review**

To review and scope items for the Scrutiny Committee Workplan for 2012/2013 – **SEE ATTACHED.**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

SCRUTINY COMMITTEE**Minutes of the Meeting held on 18 February 2013 at 3.30 pm****Present:**

Councillor K J RossChairman
Councillor G S Dowding..... Vice-Chairman

Councillor M J Chilcott
Councillor B Heywood

Councillor P N Grierson
Councillor R P Lillis

Members in Attendance:

Councillor K V Kravis
Councillor D J Sanders
Councillor T Taylor
Councillor D J Westcott

Councillor E May
Councillor M A Smith
Councillor K H Turner

Officers in Attendance:

Corporate Director (B Lang)
Corporate Manager - Housing, Welfare & Economy (I Timms)
Efficiencies and Performance Manager (K Batchelor)
Section 151 Officer (S Campbell)
Principal Accountant (S Plenty)
Administrative Support (H Dobson)

SC71 Apologies for Absence

Apologies for absence were received from Councillors M O A Dewdney, J Freeman and D D Ross.

SC72 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 21 January 2013 – circulated with the Agenda).

RESOLVED that, subject to an amendment to minute no. SC68, the third bullet point to include the ‘Scrutiny Committee were unable to fully scrutinise the budget as the budget had not yet been set’, the Minutes of the Scrutiny Committee held on 21 January 2013, be confirmed as a correct record.

SC73 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.	Description of Interest	Personal or Prejudicial or Disclosable Pecuniary	Action Taken
Cllr P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke
Cllr D J Westcott	All Items	Watchet	Personal	Spoke

SC74 Public Participation

No members of the public had requested to speak on any item on the agenda.

SC75 Notes of Key Cabinet Decisions/Action Points

(Copy of Notes of Cabinet Decisions/Action Points, circulated with the agenda).

RESOLVED that the Key Cabinet Decisions/Action Points for 6 February 2013, be noted.

SC76 Cabinet Forward Plan

(Copy of the Cabinet Forward published 18 January 2013, circulated with the agenda).

RESOLVED that the Cabinet Forward published 18 January 2013, be noted.

SC77 Corporate Performance Report April to December 2012/13

(Report No. WSC 21/13, circulated with the Agenda).

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

During the course of the debate the following main points were raised:

- Noted that the action status for Key Task 1.1.2, delivery of 20 affordable homes in Carhampton, should be amber: the plans had changed during the year which would result in the delivery of the homes being completed in the year 2013/14.
- Members noted that the number of affordable homes delivered in West Somerset this year was a remarkable achievement.
- It was confirmed that the target percentage relating to key task 4.1.1, West Somerset businesses gaining contracts within the supply chain for Hinkley Point C, would be increased.
- It was requested that there be firmer targets relating to key task 4.1.3, maximising job opportunities for West Somerset during the Hinkley C construction phase. Members noted that work relating to economic development was difficult to measure and that any suggestions would be welcomed. Further, that progress was presented and discussed at the Economic Development and Tourism Policy Advisory Group meetings.

- Concern was raised that with the forthcoming change to benefits system, some of the residents of West Somerset could be struggling financially which could in turn increase the 'number of households making applications' and adversely affect KPI 45.
- Members were advised that once the trends relating to car park fines and income and CPE could be measured, it would be easier to predict future income levels.
- The Committee requested that the following information be provided after the meeting:
 - A break down of the Seaward Way Housing annual budget of £140,000, as shown in table 5 of the report.
 - To confirm whether the empty properties, relating to key task 1.2.3 and 1.2.4, that were brought back into use were rented properties.
 - A report on the work and progress relating to Objective 4, Key Task 4.1 which increases the opportunities for training and skills.
 - A full break down of savings relating to grass cutting.
 - A break down of 'off street' parking tickets issued in 2012/13 to date.
 - How the car parks were monitored regarding the issuing of excess fines.

RESOLVED (1) that the Committee thank all those involved for their hard work;

RESOLVED (2) that the Committee note the progress in delivering the corporate priorities for 2012/13 as set out in the report;

RESOLVED (3) that the Committee note the performance against Group and Service Indicators, including the budget monitoring indicators as set out in the report;

RESOLVED (4) that Cabinet be advised of the points raised by the Committee as set out above.

SC78 Draft 2013-14 Service Plans

(Report No. WSC 19/13, circulated with the Agenda).

The purpose of the report was to provide Scrutiny Committee with the opportunity of scrutinising the draft Service Plans for 2013/14 prior to their approval in the light of the refreshed Corporate Priorities currently being considered by Council

The Leader of Council presented the report and advised that due to the Council's financial position it was proposed that there would be two corporate priorities for 2013-16.

With regard to concerns raised, the Corporate Manager - Housing, Welfare & Economy confirmed that a report would be presented to Council that would provide an update on the Family Focus programme.

It was noted that with regard to Objective 4 – the economic opportunities that arise from the development and associated activities are maximized – the actions to deliver the tasks would be made clearer.

During the debate the Committee requested the following actions:

- It was suggested that the Corporate Plan could clearly state that the provision of housing would also benefit the current residents in West Somerset.
- Members suggested that a report to the Scrutiny Committee regarding the progress of the Minehead Visioning Group, and the Watchet 2025 and Williton Regeneration Forum would be welcomed.
- More detail was requested regarding the private health care scheme provided by the council. The Committee noted that the scheme could be reported to the Corporate Policy Advisory Group.
- That the first page of Part B of the service plans include a sentence to explain the content.

RESOLVED (1) that the Draft 2013/14 Service Plans be noted.

RESOLVED (2) that informal Cabinet be advised of the points raised by the Committee as set out above.

SC79 **Verbal Update on Countywide Scrutiny of Flood Events**

The Vice Chairman of the Scrutiny Committee provided a verbal update on the meeting of the Somerset authorities held the previous week regarding a countywide scrutiny of flood events. He informed that as a result a conference would be held on 15 March 2013 at the Somerset County Cricket Club in Taunton. The conference will concentrate on trying to find out why the flooding happened and how to tackle the issues in the future. All the Somerset authorities will be attending with parishes, along with the Environment Agency, emergency services, local MPs etc.

SC80 **Scrutiny Committee Workplan Review**

(Scrutiny Committee Workplan, circulated with the Agenda).

RESOLVED (1) that a report on the work and progress relating to the economic regeneration of West Somerset that shows how the opportunities for training and skills can be/have been increased, and the progress of the Minehead Visioning Group, and the Watchet 2025 and Williton Regeneration Forum, be scheduled to report to the Scrutiny Committee for May/June 2013.

RESOLVED (2) that the Workplan be noted.

The meeting closed at 5.44 pm.

Meeting: CABINET**Date:** 6 MARCH 2013**NOTES OF KEY DECISIONS**

Note: The details given below are for information and internal use only and are not the formal record of the meeting

AGENDA ITEM	DECISION	CONTACT LEAD OFFICER
Forward Plan (Agenda Item 5)	Agreed that, subject to delaying the Review of Customer Access report and the Budget Strategy Update report, the Forward Plan published 21 February 2013 be approved.	Corporate Director
Cabinet Action Plan (Agenda Item 6)	Agreed that the following items be deleted as actioned: (i) CAB97 – SWAP Governance Project Approvals. (ii) CAB99 – Draft Corporate Plan for 2013/14. (iii) CAB101 – Annual Budget 2013-14.	Corporate Director
Late Urgent Item – Joint Working with TDBC – Funding the Production of a Business Case	Agreed (1) that the concept of underwriting the total £25,000 estimated cost of providing specialist advice to assist with the drafting of a business case be approved. Agreed (2) that a budget virement be approved, as detailed: Amount: £20,000 From: Cost Centre 4305 – Corporate and Democratic Core Account: Provision of S151 Officer To: Cost Centre (New) – Joint working with TDBC Account (New) – Drafting of Business Case	Chief Executive
Consideration of nominations received under the Community Right to Bid Legislation (Agenda Item 7)	Agreed (1) that the nomination [ACV017] for John Arlott Playground, Timberscombe to be listed as an Asset of Community Value, be accepted. Agreed (2) that the nomination [ACV011] for Silk Mill, Holford to be listed as an Asset of Community Value, be accepted.	Corporate Director
Corporate Performance Report April to December 2012/13 (Agenda Item 8)	Agreed (1) that the progress in delivering the corporate priorities for 2012/13 be noted. Agreed (2) that the performance against Group and Service Indicators, including Budget Monitoring Indicators, be noted.	Corporate Director
Council Tax Support Discretionary Payments Scheme (Agenda Item 9)	Agreed that it be recommended to Council to approve the Discretionary Council Tax Rebate Policy, included at Appendix A to the report.	Corporate Manager Housing, Welfare and Economy
Discretionary Housing Payments (Agenda Item 10)	Agreed that it be recommended to Council to approve the Discretionary Housing Payments Scheme, included at Appendix A to the report.	Corporate Manager Housing, Welfare and Economy
Policy for Charging for Pre-Application Planning Advice (Agenda Item 11)	Agreed (1) that it be recommended to Council that the charge for providing pre-application advice be in accordance with the charging schedule as set out in Appendix A to the report. Agreed (2) that the effectiveness of the policy to charge for providing pre-application advice, if approved, be reviewed by Council in December 2013.	Planning Manager

Late Urgent Item – Non Domestic Rate (Business Rates) Write Off Request	Agreed that one Non Domestic Rate (Business Rates) debt totalling £12,257.46 be agreed to be written off as recovery avenues had been exhausted therefore the debt was deemed uncollectable.	Recovery Manager/ Chief Executive
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For a record of the reasons for the decision; details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made; a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service, please use the attached link below, to the Council's website where the minutes and relevant reports can be viewed: -

<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Cabinet-Meetings/Cabinet---6-March-2013>

Date: 7 March 2013

Weekly version of Forward Plan published on 8 March 2013

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/4/01 25/09/2012	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	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/13/4/02 13/02/2013	3 April 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/4/03 15/01/13	3 April 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Somerset Major Sports Facilities Strategy and Playing Pitch Assessment Decision: To approve the Somerset Major Sports Facilities Strategy		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/4/06 25/09/2012	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Implementing Value for Money Strategy Decision: to agree way forward to implement Value for Money Strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212

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FP/13/4/07 21/02/13	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Sale of Land at Simonsbath Decision: To consider the sale of land at Simonsbath		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/4/08 21/02/13	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Commissioning of Property Consultants Decision: To consider the commissioning of Property Consultants		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/6/01 25/09/2012	5 June 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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/13/6/02 13/02/2013	5 June 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/01 25/09/2012	3 July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271

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FP/13/7/02 25/09/2012	3 July 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	funding position. Title: Corporate Performance & Budget Monitoring Report 2012-13 – Quarter 4 Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/03 25/09/2012	3 July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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/13/7/04 25/09/2012	3 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/13/7/05 13/02/2013	3 July 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/06 25/09/2012	3 July 2013 By Councillor D J Westcott – Lead Member Community	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

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
	and Customer				
FP/13/7/07 25/09/2012	3 July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Budget Strategy Update Decision: to advise members of the progress to date in formulating a new budget strategy to succeed the current strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/8/01 13/02/2013	7 August 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/9/01 13/02/2013	4 September 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/10/01 25/09/2012	2 October 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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

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FP/13/10/02 25/09/2012	2 October 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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 including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/10/03 13/02/2013	2 October 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/11/01 13/02/2013	6 November 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12/01 23/11/2012	4 December 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: 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/13/12/02 23/11/2012	4 December 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis –	Title: Corporate Performance & Budget Monitoring Report 2013-14 – Quarter 2 Decision: to provide Members		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
	Lead Member Resources & Central Support	with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.			
FP/13/12/03 13/02/2013	4 December 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/1/01	8 January 2014 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 2014 to 31 March 2015 (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
FP/14/1/02	8 January 2014 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/14/1/03	8 January 2014 By Councillor K V Kravis – Lead Member	Title: Draft Capital Programme 2013-14 and Capital Strategy Decision: to present the draft		No exempt / confidential information anticipated	Section 151 Officer

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/14/1/04 13/02/2013	Resources & Central Support 8 January 2014 By Councillor D Westcott – Lead Member for Community and Customer	Capital Programme 2013/14 and draft Capital Strategy for recommendation to Council. Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/2/01	5 February 2014 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Annual Budget & Council Tax Setting 2014-15 Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2014/15 for recommendation to Council.		No exempt / confidential information anticipated	Section 151 Officer
FP/14/2/02	5 February 2014 By Councillor T Taylor – Leader of Council	Title: Draft Corporate Plan for 2014-15 Decision: to introduce the draft West Somerset Council Corporate Plan 2014/15 for recommendation to Council.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/14/2/03 13/02/2013	5 February 2014 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/14/3/01	5 March 2014 By Councillor T Taylor – Leader of Council and	Title: Corporate Performance & Budget Monitoring Report 2013-14 – Quarter 3		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.			

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

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

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

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

Report Number: WSC 37/13
Presented by: Bruce Lang
Author of the Report: Corporate Director
Contact Details:
 Tel. No. Direct Line 01984 635200
 Email: bdlang@westsomerset.gov.uk

Report to a Meeting of: Scrutiny Committee
To be Held on: 18th March 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not applicable

ASSETS OF COMMUNITY VALUE – REVIEW PANEL

1. PURPOSE OF REPORT

- 1.1 To notify Scrutiny Committee of the change to the Assets of Community Value review process and the appoint a panel of three members to hear the review of the decision to list Minehead Old Hospital as an Asset of Community Value.

2. CONTRIBUTION TO CORPORATE PRIORITIES

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

3. RECOMMENDATIONS

- 3.1 That the committee note the change in the process for determining a review of a decision to include land/property on the list of assets of community value so that a review hearing will be undertaken by a panel of three members of the Scrutiny committee supported by the chief executive/member of corporate management team.
- 3.2 That three members of the committer be appointed to form a panel to hear a review of the Cabinet's decision to list the Minehead Old Hospital.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

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

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

5. BACKGROUND INFORMATION

- 5.1 As the Committee will be aware under the original proposals agreed at Council, a request for the review of a cabinet decision to include land/property on the list of assets of community value was designated to the Scrutiny Committee to deal with and one such case has already been considered by the committee.
- 5.2 The Assets of Community Value (England) regulations 2012 -Schedule 2 refers to the procedure for listing reviews. Regarding the review format, section 7 says:
- (1) An oral hearing must be held at the owner's written request*
(2) Where no request for an oral hearing received, the authority may decide whether or not to include an oral hearing in the review process.
- 5.3 The regulations also require An officer of 'appropriate seniority' who did not take part in making the original listing decision to be reviewed should be involved in making the final review decision.
- 5.4 In light of the detailed wording of the regulations it has been agreed that the process should be amended to ensure that any request for an oral hearing be received, can be accommodated and that a senior officer is included in the review process. Following the licensing panel model, it is suggested that in future a panel of three members of scrutiny be appointed in each instance to work with the Chief Executive/member of CMT to deal with any review request. To avoid any perceived conflict of interest it is suggested that panel members should not be a local ward member or have any other close association with the item to be reviewed.
- 5.5 It has been agreed that the process should also be amended to first ensure that at least one member of CMT (usually the Chief Executive) would not be involved in the original recommendation to cabinet to leave themselves free to assist in any subsequent review.
- 5.6 The changing of the process in this way is in order as the original Council decision made specific reference to being able to vary the process in the light of experience with the whole process being reviewed after 12 months of operation.
- 5.7 With reference to the second recommendation, the request for a review regarding the decision to list Minehead Old Hospital as an Asset of Community Value was received from the owners of the asset on 18th Feb 2013. To be completed within the required 8 week timeframe the review will need to be undertaken by Monday 15th April 2013.
- 5.8 Legal support can be made available to the panel to call upon during the review should it be considered necessary.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 If the asset is accepted for listing, the council need to register the restriction with the Land Registry, the costs associated with this is estimated at £50 per property.
- 6.2 If the Building/land is put up for sale and the Assets of Community Value moratorium applies, the owner can make a claim to the council for compensation. The council are liable for compensation costs up to £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.

7. SECTION 151 OFFICER COMMENTS

- 7.1 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.

8. EQUALITY & DIVERSITY IMPLICATIONS

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

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

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

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

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

11. ASSET MANAGEMENT IMPLICATIONS

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

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 None in respect of this report.

13. LEGAL IMPLICATIONS

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

SCRUTINY COMMITTEE – 12- MONTH WORKPLAN – 2012/13

2012 9 May	18 June	16 July	20 August	22 October	19 November	17 December	2013 21 January	18 February	18 March	22 April
Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points	Notes of key Cabinet Decisions/Action Points
Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan	Cabinet Forward Plan
Waste Partnership & SORT IT + Scrutiny	Final Report of Community Safety Task & Finish Group		Police and Crime Panel Update	Community Safety – Annual Report	Magna – Annual Report	Appeal Against an Asset of Community Value	Financial Standing and MTFP 2013/14 to 2015/16	Corporate Performance & Budget Monitoring 2012-13 – Quarter 3	Review of Asset of Community Value	Business Rate Recovery Task and Finish Group
Verbal Update on Task & Finish Group Work	New Financial System	Corporate Performance & Budget Monitoring – 2010-11 – Quarter 4	Corporate Performance & Budget Report – Quarter 1 2011/12		Corporate Performance & Budget Monitoring 2011-12 – Quarter 2	Fraud Task and Finish Group Final Report	Impact of the Business Rate Retention Scheme	Corporate Plan & Service Plans – 2013-2014		S106 Process Task and Finish Group (provisional)
	Visit to Greater Manchester Waste Treatment & Recycling Facility – Update	Updated Medium Term Financial Plan (MTFP) – 2012-2015	Veolia Service Level Agreement		Draft Localised Council Tax Benefit Scheme					
	Williton Hospital - Update		Council Tax Consultation							
			Fraud Task & Finish Group							
Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review

Task & Finish Group Work In Progress:
Review of S106 Process

Task & Finish Group Work to be scheduled:
Review of Business Rate Recovery Process
GP Out of Hrs

Meetings of Joint Waste Scrutiny Panel:
(WSC Reps, Cllrs, Freeman & Lillis)
18 January, 2013 – 10am TDBC