

**CABINET**

**MINUTES OF THE MEETING HELD ON 2 OCTOBER 2013**

**AT 4.30 PM**

**IN THE COUNCIL CHAMBER, WILLITON**

**Present:**

Councillor T Taylor ..... Leader

Councillor K V Kravis  
Councillor C Morgan

Councillor K M Mills  
Councillor S J Pugsley

**Members in Attendance:**

Councillor M O A Dewdney  
Councillor J Freeman  
Councillor B Heywood  
Councillor E May  
Councillor K J Ross  
Councillor L W Smith

Councillor G S Dowding  
Councillor A P Hadley  
Councillor R P Lillis  
Councillor D D Ross  
Councillor D J Sanders  
Councillor M A Smith

**Officers in Attendance:**

Chief Executive (A Dyer)  
Corporate Director (B Lang)  
Section 151 Officer (S Campbell)  
Corporate Manager Housing, Welfare and Economy (I Timms)  
Climate Change & Community Liaison Manager (A Lamplough) – Items 7 and 8  
Meeting Administrator (K Kowalewska)

**Also in Attendance:**

Nick Millard, Bruton Knowles

**CAB45      Apologies for Absence**

Apologies for absence were received from Councillors A Trollope-Bellew, K H Turner and D J Westcott.

**CAB46      Minutes of the Meeting held on 4 September 2013**

(Minutes of the Meeting of Cabinet held on 4 September 2013 - circulated with the Agenda.)

**RESOLVED** that the Minutes of the Meeting of Cabinet held on 4 September 2013 be confirmed as a correct record.

**CAB47**      **Declarations of Interest**

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

Name	Minute No.	Member of	Action Taken
Councillor K J Ross	All	Dulverton	Spoke
Councillor L W Smith	All	Minehead	Spoke

In addition, the following interest was declared:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Councillor A P Hadley	CAB59	Shop owner in Minehead	Personal	Spoke

**CAB48**      **Public Participation**

No member of the public had requested to speak.

**CAB49**      **Forward Plan**

(Copy of latest Forward Plan published 24 September 2013 – circulated with the Agenda.)

The purpose of this item was to approve the latest Forward Plan published 24 September 2013.

**RESOLVED** that the latest Forward Plan published 24 September 2013 be approved.

**CAB50**      **Cabinet Action Plan**

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

**RESOLVED (1)** that CAB40 – Discretionary Housing Payments Use of Additional Funding be deleted as actioned.

**RESOLVED (2)** that CAB41 – Empty Homes Enforcement Policy be deleted as actioned.

**RESOLVED (3)** that CAB42 – Unlawful Eviction Policy be deleted as actioned.

**CAB51**      **Consideration of nominations received to list Assets of Community Value under the Community Right to Bid Legislation**

(Report No. WSC 122/13, circulated with the Agenda.)

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

In the absence of the Lead Member for Community and Customer, the Leader presented the report and proposed the recommendation in the report which was seconded by Councillor K M Mills.

In response to a query as to whether access across the Central Car Park to the Porlock Medical Centre would be affected by listing the land as an asset of community value, the Chief Executive advised that in the highly unlikely event the Council did decide to sell the car park arrangements would be made to write the necessary covenants to guarantee right of way.

**RESOLVED** that the nominations [ACV023] for Central Car Park, [ACV024] Central Public Conveniences, [ACV025] Doverhay Car Park and [ACV026] Doverhay Public Conveniences, all located in Porlock, received 9 August 2013, be accepted as Assets of Community Value.

**CAB52      Request for Allocation of Planning Obligations Funding**

(Report No. WSC 130/13, circulated with the Agenda.)

The purpose of the report was to make a proposal for the allocation of monies secured through planning obligations to individual schemes, and to update Cabinet with regards to the general planning obligations funds held by the Council.

The Lead Member for Resources and Central Support presented this item and advised that the funding for the landscape art project relating to the Coleridge Way had been secured through the Hinkley Point C site preparation works. The Lead Member then went on to propose the recommendation in the report which was duly seconded by Councillor C Morgan.

During the debate the following main points were raised:

- An assurance was provided that although the Minehead Street Light Enhancement project was experiencing a few difficulties with regards to timing it would be completed as quickly as possible.
- The Lead Member for Resources and Central Support and the Climate Change & Community Liaison Manager attended the opening of the Rugby Club, which had benefitted from section 106 monies, and were pleased to report on how good it was to experience how the decisions made at Council had a really good and positive impact on the community.
- In response to an enquiry as to how the £53,000 would be spent on the landscape art project, it was suggested that a copy of the full breakdown of costs could be made available with the report to be presented to the next meeting of full Council.

- The Chief Executive pointed out that all the Hinkley Point related projects would be monitored via the performance management system.

**RESOLVED** that it be recommended to Council to use £53,000 of the Hinkley Point C Site Preparation Works landscape art funding to deliver phase two of the project attached as Appendix B to the report.

**CAB53      Medium Term Financial Plan (MTFP) 2014/15 to 2016/17 Update**

(Report No. WSC 128/13, circulated with the Agenda.)

The purpose of the report was to provide Members with an update on the Council's financial position over the next three years following the publication of the Consultation on the Settlement.

The Lead Member for Resources and Central Support presented the report and advised that details of the Government's publication of a consultation on the 2014/15 and 2015/16 financial settlement would be incorporated into the MTFP, and she highlighted on how the proposals would affect the budget setting over the next three to four years.

The following main points were reported on:

- Funding from the New Homes Bonus would affect the budget as it was proposed to be top-sliced from 2015/16 to provide funding to the LEPs.
- NNDR retention – because the Council was vulnerable to the repayment of business rates to Hinkley Point power station and the situation was very volatile, funds would be put in a ring fenced reserve for future years to protect it from any risk.
- Details were provided on what the percentage council rise would be in the following years.
- The 'pressures and inflation identified' figure in 2014/15 was heightened by the Minimum Revenue Provision (MRP) charge as a result of the Council's outstanding debt and it was confirmed that the sale of assets would reduce the amount of MRP.
- A different approach was being taken with regards to savings and potential options totalling £120,089 were being considered - these savings would have very little impact on frontline services.
- Reassurance was also given that savings could be made without any reduction in grants to external bodies.
- The allocation of council tax support grant to parishes needed to be looked at in order to continue to support parish and town councils for as long as possible
- The Council had a much larger reduction to the start-up funding compared to many other authorities.
- The MTFP did not include any benefits of the shared working project with Taunton Deane Borough Council but it did highlight the necessity to move forward to deliver savings.

The Lead Member proposed the recommendations in the report which were seconded by Councillor K M Mills.

Councillor K J Ross, as Chairman of the Scrutiny Committee, thanked Cabinet for the opportunity to look at the allocation of grants to parish and town councils and to consider the savings options which would be debated at the Scrutiny Committee meeting to be held on 24 October 2013.

Members thanked everyone who had been involved to help deliver the MTFP during these difficult times.

**RESOLVED (1)** that the details of the proposed financial settlement for local authorities be noted.

**RESOLVED (2)** that the Scrutiny Committee be asked to consider the amount of parish grant to be allocated to parish and town councils.

**RESOLVED (3)** that the current MTFP, as shown in table 2 of the report, be noted.

**RESOLVED (4)** that the Scrutiny Committee be asked to consider the savings options proposed by Officers.

**CAB54**      **Classification of Earmarked Reserves**

(Report No. WSC 102/13, circulated with the Agenda.)

The purpose of the report was to seek approval by Cabinet for the re-classification of certain earmarked reserves.

The report was presented by the Lead Member for Resources and Central Support who reported on each recommendation, advising that it was important to review earmarked reserves on a regular basis. She then went on to propose the recommendations in the report which were duly seconded by Councillor S J Pugsley.

The following points were raised during the discussion of this item:

- It was confirmed that the sum of £52,000 earmarked in recommendation 3.2 included all direct on costs and overheads.
- By reporting on an oversight concerning the Council's payment to the Home Improvement Agency it showed that the Council was an open and honest authority and gave Councillors and local residents great confidence.

**RESOLVED (1)** that the sum of £145,894.07 be transferred to the Sustainability Reserve from the following reserves:

Economic Regeneration	£27,500.00
Working Neighbourhood Fund	£11,747.37
New Homes Bonus	£19,878.14
Lorry Park	£37,665.00
LSP	£ 1,201.13
Hinkley Point DCO	£47,902.43

**RESOLVED (2)** that the sum of £52,000 in the Working Neighbourhood Fund Reserve be earmarked to support the 2014/15 budget to extend the funding of the post of Economic Regeneration Manager for twelve months until 31 March 2015.

**RESOLVED (3)** that it be noted that in accordance with the previously Council approved Medium Term Financial Plan (MTFP), the following sums be transferred to the General Fund:

Corporate Improvement	£19,419.46
New Homes Bonus	£60,164.00
Lorry Park	£ 8,335.00
LSP	£ 119.54

**RESOLVED (4)** that a sum of £39,320.00 be earmarked within the New Homes Bonus Reserve for the 2014/15 payment to the Home Improvement Agency.

**RESOLVED (5)** that it be noted that in accordance with the approved MTFP a new reserve of 'New Burdens Funding' has been created which will contain a government grant of £32,680 due to be received in the current year. The purpose of this reserve is to mitigate any negative impact in the Revenues and Benefits services following the implementation of welfare reforms.

**RESOLVED (6)** that it be noted that in accordance with the approved MTFP a new reserve of 'Loss of Business Rate Retention' has been created and the sum of £169,663 transferred into it from the General Fund. The purpose of this reserve is to act as a contingency against a reduction in Business Rate retention.

**RESOLVED (7)** that it be recommended to Council to approve a supplementary estimate of £62,030 in respect of the Council's 2013/14 contractual payment to the Homes Improvement Agency and that this is funded by a transfer from the New Homes Bonus Reserve to the General Fund.

**CAB55**

**Somerset Homeless Strategy**

(Report No. WSC 119/13, circulated with the Agenda.)

The purpose of the report was to outline the Somerset Homeless Strategy and the associated action plan; and to request that Cabinet recommend adoption of the Strategy to Council.

The Corporate Manager Housing, Welfare and Economy presented the report and advised that the Council was statutorily required to have a Homeless Strategy. He drew Members' attention to the Equalities Impact Assessment which had been comprehensively carried out.

Councillor K V Kravis proposed the recommendation in the report which was seconded by Councillor K M Mills.

In response to an enquiry as to what were the changing themes between the previous homeless strategy and the renewed one, the Corporate Manager Housing, Welfare and Economy advised that the status quo had changed significantly and the revised strategy incorporated changes to the welfare reform, as detailed in Appendix A to the report, public spending cuts, changes to discretionary housing benefit and the move towards universal credit.

**RESOLVED** that it be recommended to Council to adopt the Somerset Homeless Strategy.

**CAB56**      **Homefinder Somerset Common Allocations Policy**

(Report No. WSC 120/13, circulated with the Agenda.)

The purpose of the report was to advise Members of the proposed changes to the Allocations Policy resulting from changes in legislation and government policy.

The Corporate Manager Housing, Welfare and Economy reported that the policy required updating due to changes in the benefits system, changes to how armed forces personnel were treated, the provision of the Localism Act and other administrative amendments all of which were detailed in Appendix B to the report. A comprehensive Equalities Impact Assessment had been undertaken as a result of these policy changes.

Councillor K V Kravis proposed the recommendations in the report which were seconded by Councillor C Morgan.

Members expressed concern at the way the system currently worked for residents in the more remote rural parts of the district and requested whether the policy could be tweaked so that it applied more fairly. Members felt people should be encouraged to engage more with the Choice Based Lettings system and how this could be done more effectively needed to be investigated.

**RESOLVED (1)** that the changes to the policy attached as Appendix A to the report be agreed and that it be recommended to Council for adoption.

**RESOLVED (2)** that the findings of the equality impact assessment attached as Appendix C to the report be noted.

**CAB57**      **Somerset Flooding Summit – Draft Final Report**

(Report No. WSC 129/13, circulated with the Agenda.)

The purpose of the report was to present the draft final report of the Somerset Flooding Summit to Cabinet.

The Leader advised that the item should be deferred as it was felt that it would not be a productive process for Cabinet to consider the Somerset

Leaders' and Chief Executives' comments on the Joint Scrutiny Review of Flooding at this present time. In consultation with the Chairman and Vice-Chairman of the Scrutiny Committee it had been agreed that, in order to move forward in a more constructive manner, Members of Cabinet and the Scrutiny Committee would have an informal meeting to debate the comments and a further report would be presented at the next meeting of Cabinet.

The Chief Executive advised that he had been in contact with the Lead Scrutiny Officer from South Somerset District Council who would provide him with information on what other local authorities had decided and the rationale for moving forward to enable Members to have a more informed debate on the issue.

**RESOLVED** that the item be deferred.

**CAB58**

**National Parks Governance Review**

(Report No. WSC 131/13, circulated with the Agenda.)

The purpose of the report was to advise Cabinet of the proposals emanating from the Government's National Parks Governance Review to provide an opportunity to respond to part of the current consultation phase.

The report was presented by the Lead Member for Executive Support and Democracy who advised that the Exmoor National Park Authority as part of the review had suggested that there should be a small reduction in the number of Secretary of State appointed members and a small increase in the parish council members.

The Lead Member proposed the recommendation in the report which was seconded by Councillor K V Kravis.

**RESOLVED** that the government's proposals be noted and the Department for Environment, Food and Rural Affairs (DEFRA) be advised that the Council is in favour of the proposed membership of the Exmoor National Park Authority as set out in the consultation document attached at Appendix A to the report.

**CAB59**

**Disposal of Council Owned Assets – former Aquasplash site and a site (known as leisure land) along Seaward Way, Minehead**

(Report No. WSC 117/13, circulated with the Agenda.)

The purpose of the report was to identify and recommend to Council a preferred developer for the sale of two parcels of Council owned land which will enable further autonomous negotiations to continue with a single developer in respect of each site. The future use, including possible disposal, of the Visitor Information Centre (VIC) would be the subject of a separate report.

The Leader welcomed Nick Millard from Bruton Knowles to the meeting.



The Lead Member for Resources and Central Support presented this item. She provided Members with the background information and reported on the timetable of events since Bruton Knowles had been appointed as property consultants. The Lead Member commented on the potential end uses of the sites and felt it was important to note that there was not a great breadth of choice for development. It was noted that the Corporate Policy Advisory Group had recently discussed the matter in great detail. Members were advised of the serious financial implications should a nominal amount for the land be accepted or the decision taken not to sell the land.

The Lead Member also reported on the history relating to the possible provision of a swimming pool and the West Somerset Community College had recently advised the Council that the location of a community swimming pool on the college campus was no longer an option.

The Lead Member then went on to propose the recommendations contained in the report which were duly seconded by Councillor C Morgan.

Councillor K M Mills expressed concern and disappointment for the need to sell council owned land and on the limited amount of end uses for the sites. She was also very much in favour of setting up an online poll as she felt it was very important to receive feedback from local residents on the proposals.

**RESOLVED (1)** that it be recommended to Council to nominate Lidl as the preferred bidder for the sale of the former Aquasplash site.

**RESOLVED (2)** that it be recommended to Council to nominate Hartnell Taylor Cook, acting for Marston's Inns and Taverns, as the preferred bidder for the sale of the land referred to as the Leisure site.

**RESOLVED (3)** that all available draft development details of what is being proposed for each site be posted on the Council's website, from 3 October 2013, inviting comments from members of the public.

**RESOLVED (4)** that a report detailing the negotiated terms and conditions of each disposal be presented to Council as soon as such negotiations are completed.

The meeting closed at 6.42 pm