

SCRUTINY COMMITTEE

Minutes of the Meeting held on 3 August 2017 at 3.30 pm

Present:

Councillor P H MurphyChairman
Councillor N ThwaitesVice-Chairman

Councillor I Aldridge
Councillor R Clifford
Councillor G S Dowding
Councillor J Parbrook
Councillor P Pilkington
Councillor B Maitland-Walker
Councillor R Woods

Members in Attendance:

Councillor M Chilcott
Councillor A Hadley
Councillor M Dewdney
Councillor A Trollope-Bellew

Officers in Attendance:

Assistant Director - Property and Development (T May)
Principal Revenues and Debt Recovery Officer (D Emery)
Revenues Officer (W Walsh)
Assistant Director - Operational Delivery (C Hall)
Assistant Director - Energy Infrastructure (A Goodchild)
Democratic Services Officer - Scrutiny (M Prouse)
Democratic Services Officer (C Rendell)

Others:

Chief Operating Officer for the Somerset Partnership NHS Trust (A Heron)

SC 11 Apologies for Absence

No apologies were received.

SC 12 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 15 June 2017 – circulated with the Agenda.)

RESOLVED that the Minutes of the Scrutiny Committee held on 15 June 2017, be confirmed as a correct record.

SC 13 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 I Aldridge	All items	Williton	Personal	Spoke and voted
Cllr B Maitland-Walker	All items	Carhampton	Personal	Spoke and voted
Cllr P Murphy	All items	Watchet	Personal	Spoke and voted
Cllr J Parbrook	All items	Minehead	Personal	Spoke and voted
Cllr P Pilkington	All items	Timberscombe	Personal	Spoke and voted
Cllr N Thwaites	All items	Dulverton	Personal	Spoke and voted
Cllr A Trollope-Bellew	All items	Crowcombe	Personal	Spoke
Cllr M Chilcott	All items	SCC	Personal	Spoke

Councillor Aldridge further declared a personal interest as an Elected Governor on the Health Trust Board.

SC 14 Cabinet Key Decisions and Actions

(Copy of the Cabinet Key Decisions from the meeting held on 21 July 2017, circulated at the meeting)

RESOLVED that the Cabinet Key Decisions from the meeting held on 21 July 2017, be noted.

SC 15 Cabinet Forward Plan

(Copy of the Cabinet Forward Plan published 13 July 2017, circulated at the meeting)

RESOLVED that the Cabinet Forward Plan published on 13 July 2017, be noted.

SC 16 Chairman's Announcements

The Chairman advised the Members of the Committee that there would be a Special Scrutiny meeting on 23 November 2017 to discuss three reports. These were:-

- 2018-2019 Draft Fees and Charges.
- 2018-2019 Budget and Medium Term Financial Plan Update; and
- Review of the Earmarked Reserves.

SC 17 Health and Wellbeing in West Somerset

The Chief Operating Officer (COO) for the Somerset Partnership NHS Trust (SPNHST), Andy Heron, attended the meeting.

Members of the Committee had decided that they would prefer a question and answer session rather than a formal report from the SPNHST.

The purpose of the discussion was to update Members on the current situation relating to the NHS within West Somerset.

During discussion, the following points were raised:-

- When the COO had previously reported to the Committee, six stroke beds had been temporarily closed. Members queried what was the occupancy rate for the remaining six beds?
The occupancy rate was close to 100%. The decision to close the six beds was made by the Somerset Clinical Commissioning Group (SCCG) who had decided to support the new Community Stroke Service because they believed that the hospitals could manage with fewer beds. Stroke Units across the County had operated under pressure and there were not enough stroke beds to meet the present and future demands. There were patients that had to wait in hospital to move to a stroke bed and over the past two months there had been between four and fifteen patients that had been waiting at any one time. The SCCG did not have the money to fund the services. The COO had asked the question 'was there the right mix of standard beds and stroke beds?' and believed the answer was no. He stated that this needed to be reviewed due to the poor community based services.
- What statistics were available as to how many residents within the Williton Hospital catchment area, had been sent to South Petherton Hospital due to the bed shortage in Williton?
The COO would come back to the Committee with the figures.
- The Early Supported Discharge Service had been rolled out within West Somerset and had supported 30-40% of stroke patients. Was there still a good compliment of this service within the area?
The Service had met all of its targets set for growth and was well thought of by officers, carers and patients. Members had previously queried whether West Somerset was treated the same as other areas due to the rurality, which was confirmed. . The team used a system that showed active cases, which officers were working on those cases and specific treatment regimes. Equal service was delivered across the County. The COO would come back to the Committee with more accurate figures.
- Members were pleased to find out that 10 more beds had been opened in Minehead Hospital and queried what the longer term position for the Hospital was and how it could be made more viable in the future? The addition of a dialysis unit would help benefit the hospital in the future.
The COO was pleased that the Acute Care Unit had been reopened and apologised that the SPNHST had been unable to reopen it sooner, this had been due to delays in the recruitment process. The COO had held a board meeting at Minehead Hospital and officers were impressed by the building and its importance within the town and planned to increase the bed numbers located there. There were no question marks against Minehead Hospital's future.
- Members queried why consultants had not utilised the opportunity to work in Minehead Hospital to alleviate the pressure on patients who had to travel to Musgrove Park Hospital in Taunton.
The COO was commissioning a piece of work with the two boards to create a joint management team for the two organisations so they could deliver more joined up services in the local area. He was aware that the theatre space in Minehead Hospital was underused and was investigating the potential to have anaesthetics provided to enable

surgery to take place. The theatre space at Musgrove Park Hospital was under pressure so it made sense to utilise other space that was available.

- Members requested clarification on the roles of the SCCG and the SPNHST.
The SCCG was responsible for what services were delivered and the allocation of funding. The SPNHST was responsible for how services were delivered. It was not easy to distinguish because some of the contract terms were fixed.
- What was the catchment area for Williton Hospital? Members were concerned about the distance and difficulty for some of the patients' visitors and the lack of a direct bus route from Williton to South Petherton which was the nearest hospital used when Williton Hospital was full.
The areas were not geographically linked. There were options to either add more beds in South Petherton or replace the beds that were removed from Williton. Both the SCCG and the SPNHST would need to discuss the options to help provide equal access to all patients.
- The Members had attended a Board Meeting on the other side of the County and were amazed where additional bed spaces had been found. Minehead and Williton Hospitals were not mentioned and other Board Members thought that due to Butlins being closed in the winter, additional beds and services were not required.
- Concern was raised that theatre space was not being used and patients had to travel to Taunton for treatment instead.
Location and the risks associated had not been discussed.
- West Somerset had the highest percentage of over 65's in the country, how did this affect the demand on the NHS?
It did have an impact on the NHS especially when people reached the later years of their life. In reality, the local hospitals needed more beds.
- Members agreed that rurality was an issue for the NHS as well as West Somerset Council. Equal access for all was a practicality that needed to be addressed. Members gave the COO several examples of issues with access and requested that consultants should be able to travel around the County to visit patients in their local surgeries and hospitals. However, they were very pleased to see wards had been reopened in Minehead Hospital.
The COO was not sure what could be done to promote consultants to use local surgeries. There was a possibility to use telephone-conferencing in the future but understood this was not practical for all.
- Concern was raised that it was not just West Somerset residents that used Williton Hospital and that a large number of Sedgemoor residents travelled to Williton rather than travel to the other side of Bridgwater.
- Members praised Williton Hospital and the staff that worked there.
- The Chairman thanked the COO for his attendance and the positive feedback he had given on beds being reopened in the local hospitals.

SC 18 West Somerset Council Asset Strategy 2017-2020

The report WSC 88/17 was presented by Councillor M Chilcott.

The purpose of the report was whether to support a recommendation to Council

to adopt the West Somerset Council 2017-2020 Asset Strategy and Action Plan.

The Asset Strategy and Asset List Action Plan was presented to Corporate PAG on 29 March 2017 and a majority of the Members agreed with the approach, however, there were some concerns with the proposed governance arrangements.

A proposal was discussed to amend the governance of asset specific decisions from an absolute officer decision to a Portfolio Holder decision which had the option of a Scrutiny 'Call In' procedure being invoked.

Officers and Portfolio Holders were concerned that this might delay asset portfolio decisions, which the strategy had addressed by streamlining the decision making process.

The Portfolio Holder and Officers would review any impact to the delivery of the Asset Strategy if it was deemed that the use of Scrutiny 'Call In' negated the delivery of the strategy. If this was found to be the case, then a change to the process would be subject to a new Council decision.

Ward Councillors would be consulted when assets in their Ward were being appraised and given an opportunity to discuss any concerns with the Asset Management Team. However, if their support on the outcome for the asset could not be mutually agreed, then they could seek to invoke the Scrutiny 'Call In' procedure.

Once the strategy was approved, officers and the Portfolio Holder would not need to go back through the full committee cycle on each occasion because authority would have already been given. However, under the 'Constitution' decisions were subject to a 'Call In' if at least five non-executive Councillors made a proper request within a period of five days from the decision being published.

During discussion, the following points were raised:-

- The Chairman thanked Members of the Committee for their hard work and their input on the language and protocols used within the Strategy.
- Concerns were raised around the language used and the protocols within the strategy. The main concern was with the governance and the threat to democratic procedures and the Council's decision making process.
- Another concern was raised on what involvement Ward Councillors would have in the decision making process with the worry that they would not be involved until after the decision had been made.
This had been discussed at length and officers wanted to have options appraisals completed first so that they could give Ward Councillors all the information when they were consulted. This would be prior to any final decisions being made. There would be lots of phases within the process which would give Ward Councillors an opportunity to submit their feedback.

- Members suggested the rewording of paragraph 6.2 of the report, to read 'Ward Councillors would be consulted when assets in the Ward had been appraised'.
- Members requested confirmation on the process. This was a governance process which the Members needed to have confidence in. *A flow diagram was presented at Corporate PAG and officers would produce another one to clarify the process at Council.*
- Concern was raised that the Asset Strategy was in danger of being based on purely fiscal considerations. *This was not true, a non-commercial scoring system had been included.*
- Members requested that the dates were removed from the front of the Asset Strategy and there were some assets listed in the appendices that needed removing. *There were a few amendments that needed to be made and would be implemented when the report was taken to Council.*

RESOLVED that the Scrutiny Committee recommended:-

- 1) The adoption of the West Somerset Council Asset Strategy, the principles within and the recommendations, subject to the incorporation of the amendments requested by the Committee;
- 2) That the detailed asset specific final protocol decisions that flowed from the approved Strategy be undertaken as Cabinet Portfolio Holder decisions.

SC 19 Business Rates Revaluation Relief

The report WSC 89/17 was presented by Councillor M Chilcott.

The purpose of the report was to recommend to Cabinet the amendment of the Discretionary Rate Relief Policy to include a new relief for revaluation from 1 April 2017.

A range of Mandatory and Discretionary Rate Reliefs reduced the amount of Non Domestic Rates (NDR) a business or organisation had to pay. The rules and levels that meant a business qualified for Mandatory Reliefs were set by Government and were the same throughout the country. The rules and levels awarded for Discretionary Rate Reliefs were set by each Council and could vary from Council to Council.

A Business Rates Revaluation normally took place every five years. A revaluation was originally due to have taken effect from 1 April 2015 but the Government had delayed it by two years. Therefore the new ratings came into effect on 1 April 2017.

Each rating list had a Transitional Relief Scheme which was designed to phase in both the increased and decreased amounts of Business Rates payable that followed a revaluation. The phasing could last for between one and five years.

However, Transitional Relief did not provide support for changes in Business Rate Reliefs. Despite the increase in the threshold for eligibility to Small Business Rate Relief, some ratepayers would no longer be eligible to receive it

due to an increase in their rateable value. This could also apply to recipients of Rural Rate Relief.

The Government had announced the establishment of a £300,000,000 discretionary fund over four years from 2017-2018 to support those that faced the steepest increases in their Business Rates bills due to the 2017 revaluation. The intention was that every billing authority in England would be provided with a share of the fund to support their local businesses. Billing authorities would be expected to use their share of the funding to develop their own Discretionary Relief Schemes.

The Department of Communities and Local Government had published a consultation on a design of the Discretionary Relief on 9 March 2017 which sought the views on the allocation of the fund, arrangements for compensation for local authorities and the operation of local schemes. West Somerset Council's proposed share of the £300,000,000 was as follows:-

- 2017-2018 - £148,000 estimated relief £97,664 and reserves of £50,336.
- 2018-2019 - £72,000.
- 2019-2020 - £30,000.
- 2020-2021 - £4,000.

The Discretionary Revaluation Relief Policy included the following criteria:-

- Relief would only be granted where the rateable value was less than £200,000 and the gross rates increase was greater than 5%.
- Reductions would be to further increase the Transitional Relief that phased in the increased charge. Each year would be less and less over the four years.
- The scheme was designed to assist ratepayers who had seen a significant increase in their bills due to the revaluation.
- Relief would only be granted for premises which were occupied.
- Relief would not be awarded when Mandatory Relief had been granted.
- Taxpayers would be invited to apply.
- All relief awarded was subject to state aid €200,000 (de-minimis)
- Relief would be targeted to local businesses, not national or multi-national in nature. Local businesses were those that had premises wholly in the Council's area.

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

There was no statutory right of appeal against any award of Discretionary Revaluation Relief, although with any decision by a public authority, this could be challenged by Judicial Review. The authority would, upon request, review decisions made.

During discussion, the following points were raised:-

- Members queried who had made the decision to add a local criteria on paragraph 5.4 of the report.

This was a choice made by West Somerset Council and not by Central Government.

- Members queried the Fair Funding Review which was mentioned in the report and what this might deliver and what impact this would have on the Council.

There was no effect on the Council as a billing authority because the Council would get the money back via a Government Grant. The effect on the local businesses was a reduced impact on their bills due to the revaluation and to help alleviate pressure created by the increased rateable values and bills.

The decision to award the relief would be based on the local criteria used in the policy and each premises would be tested by their local authority.

- Did the Council check if businesses could afford to pay full rates prior to the relief being awarded?

Not with this policy. There were checks made with other reliefs that were offered by the Council and income and expenditure calculations were taken into consideration. This policy looked at the local businesses that had been hit the hardest by the revaluation.

- Concern was raised that the rateable value could be affected by many different factors which could change the rateable value at any time. Was this factored in the calculations?

Changes to rateable values happened all the time and the Government had not accounted for this. However, the Revenues Officer had put some money aside for any unknown factors and appeals.

- Members welcomed the relief for businesses that had struggled to pay increased bills. They thanked the Revenues Team for their work on the policy.

RESOLVED that the Scrutiny Committee supported the use of Council's local discount powers from 1 April 2017, to award Revaluation Relief to those organisations that faced significant increases in their Business Rates bills following revaluation.

SC 20 Public Conveniences Transfer Update

The report WSC 90/17 was presented by Councillors M Chilcott and M Dewdney.

The purpose of the report was to further update the Scrutiny Committee on the public convenience transfers, as requested by Members.

The following points were the key updates:-

- The Minehead facilities were open under a management agreement.
- Minehead Warren Road conveniences had been reopened. Minehead Town Council had requested that they should operate the facilities.
- Porlock Central Toilets had now closed. This was planned due to the preference to retain the Doverhay facilities.
- The Blue Anchor facilities had been operated by a Community Group under a lease so that a trial run could be undertaken before a freehold

arrangement was entered into. This had been a success and the freehold transfer had been completed on 30 May 2017.

- The Wheddon Cross Public Convenience transfer was not yet completed and remained in the hands of solicitors.
- Williton Parish Council had not made a decision on the transfer of the toilets at Killick Way, West Somerset Council continued to provide information when requested.
- The National Trust had taken ownership of the toilets at Selworthy.
- The Asset Management Group confirmed that the facilities at Market Street, Watchet, Carousel, Minehead and Central Car Park, Porlock would be marketed with the support of Lambert Smith Hampton.

If the facilities could not be put to an alternative use and funded by others within the timeframe, West Somerset Council would incur additional Business Rates for the Carousel, Porlock Central and Market Street, Watchet facilities.

The full saving of £107,000 had been taken from the budget from April 2017, any overspends were currently estimated at £1,300 and would need to be managed throughout the year.

During discussion, the following points were raised:-

- Members requested clarification on the situation with n the toilets at Selworthy.
The view was taken that the National Trust had taken ownership of the facilities because they currently had occupation of the facilities and had started refurbishment works. The Council's Solicitors had written to the National Trust to advise them that its actions had confirmed the termination of the lease.
- Concern was raised on the current situation with the toilets located on Killick Way, Williton and the Parish Council's decision.
Officers had been involved in communication with the Parish Council and had discussed the possibility of a three year lease along with the freehold. The Parish Council did not have a decision making meeting scheduled, so this was still unresolved.
- Members queried t how the Carousel, Porlock Central and Market Street, Watchet facilities would be marketed? Would they be let or sold?
The intention was that the facilities would be leased.
- Concern was raised on the difficulty to let the toilets located at the Carousel in Minehead due to the extent of the damage to the facilities.
Officers were in negotiations with the leaseholder in the top part of the building to get the repairs carried out.
- Members hoped that all Parish and Town Councils would be afforded the same opportunities to take control of the toilets located in their areas if they decided at a later date they wished to do so.

RESOLVED that the content of the report be noted.

SC 21 Hinkley Point C Annual Statement to EDF Energy (For Information)

The report WSC 91/17 was presented by Councillors Morgan, Chilcott, Hadley, Turner and Westcott.

The purpose of the report was to summarise and bring to the attention of Members the content of the Annual Statement which related to the Hinkley Point C Project that had been sent to EDF Energy. The Annual Statement was a joint statement between West Somerset Council, Sedgemoor District Council and Somerset County Council.

There were two Section 106 Agreements between EDF Energy and West Somerset Council in relation to the Hinkley Point C Project. The first related to the Site Preparation Works (SPW) planning permission which West Somerset Council granted in January 2012 and the second to the main Development Consent Order (DCO) which was granted by the Secretary of State in March 2013.

Both agreements included a series of payments made to West Somerset Council for staff to work in specific areas and contributions for the Council to administer and spend in specific areas in accordance with specific criteria. Both agreements required the Council to provide an Annual Statement to EDF Energy which detailed the previous year's activity.

To bring some of the key areas of activity 'to life', the following additional information was included:-

- Housing and Accommodation.
- Economic Development, Tourism and Skills and Training.
- Economic Development.
- Skills and Training; and
- CIM Fund.

During discussion, the following point was raised:-

- Members queried the information given in the section on Housing and Accommodation Contributions and how the subsidies worked on the Doniford Road development which helped create new bed spaces. *The Doniford Road development was one of the Housing Enabling Schemes where the Developer had worked with the Affordable Housing Provider and presented a case to get their shortfall covered by the Hinkley fund which enabled them to fulfil the affordable housing plots within the developments.*

RESOLVED that the content of the Annual Statement be noted.

SC 22 **Scrutiny Committee Work Plan**

The Chairman highlighted the following items which would be brought to Committee:-

- The Ambulance Service had been invited to the October meeting.
- West Somerset Opportunities Area. The Chairman had requested that this item should be considered at a future meeting.

RESOLVED that the content of the Work Plan was noted.

The meeting closed at 5.57pm.