

CABINET

MINUTES OF THE MEETING HELD ON 4 JANUARY 2017

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor A Trollope-Bellew Leader

Councillor M Chilcott
Councillor K Mills
Councillor S Pugsley
Councillor D J Westcott

Councillor M Dewdney
Councillor C Morgan
Councillor K Turner

Members in Attendance:

Councillor G S Dowding
Councillor B Heywood
Councillor P Murphy
Councillor R Woods

Councillor A Hadley
Councillor B Maitland-Walker
Councillor N Thwaites

Officers in Attendance:

Assistant Chief Executive (B Lang)
Director Housing and Communities (J Barrah)
Assistant Director Resources (P Fitzgerald)
Assistant Director Operational Delivery (C Hall)
Asset Manager (T Child)
Assistant Valuer (J Warner)
Meeting Administrator (K Kowalewska)

CAB50 Apologies for Absence

No apologies for absence were received.

CAB51 Minutes of the Meeting held on 2 November 2016

(Minutes of the Meeting of Cabinet held on 2 November 2016 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 2 November 2016 be confirmed as a correct record.

CAB52 Declarations of Interest

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

Name	Minute No.	Member of	Action Taken
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr A Trollope-Bellew	All	Crowcombe	Spoke and voted
Cllr K Turner	All	Brompton Ralph	Spoke and voted
Cllr D Westcott	All	Watchet	Spoke and voted
Cllr B Maitland-Walker	All	Carhampton	Spoke
Cllr P Murphy	All	Watchet	Spoke
Cllr N Thwaites	All	Dulverton	Spoke

CAB53 Public Participation

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

CAB54 Forward Plan

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

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

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

CAB55 Cabinet Action Plan

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

RESOLVED (1) that CAB37 Review of Council Tax Rebate Scheme for 2017/18 be deleted as actioned.

RESOLVED (2) that CAB41 Allocation of Hinkley Point C Section 106 Tourist Information Centre Funds be deleted as actioned.

CAB56 Transfer of Public Conveniences

(Report No. WSC 1/17 – circulated with the Agenda.)

The purpose of the report was to consider the options for public convenience buildings on and after 1 April 2017. To include where possible transfer to town, parish councils or community groups and to also consider alternative options, if transfers are not progressed, of commercial disposal, development, demolition or alternative use.

The Lead Member for Resources and Central Support presented the item and thanked the Scrutiny Committee for their comments which were contained within the report. The aim of the sustainability fund was explained and what happened to the public conveniences would be determined once parish and town councils decided whether they wished to take on the responsibility for them. The work of the parish and town councils was hugely appreciated and many positive meetings had been held, and following these discussions the Lead Member was confident that quite a number of public conveniences would remain open.

The Lead Member advised that if transfers were not progressed, the toilet facilities would not be left empty and idle and the Council would actively look at other uses. Demolition of buildings would only be considered after all alternative options had been explored. The Lead Member reassured Members that this would be the ultimate decision and before such a decision was taken it would be reported and discussed with Members and Officers of the Asset Management Group.

The Lead Member for Resources and Central Support proposed the recommendations in the report with an amendment to be made to recommendation 2.1 to insert 'or a licence', which were duly seconded by Councillor M Dewdney. It was agreed that the recommendations, as amended, should be voted on separately.

The Leader thanked both the Lead Member for Resources and Central Support and the Lead Member for Environment for their hard work and commitment on this matter. The objective was always to keep public conveniences open but he reiterated the fact that West Somerset Council could not afford to carry on funding them and it was not a statutory duty to do so.

It was noted that the Council was initially advised to transfer public conveniences on a leasehold basis rather than freehold, the reason being that the freehold transfer of toilets located in car parks would devalue the car parks should they be developed at a later date. This issue was considered and it was deemed that the chances of a car park being used for anything else in the near future was unlikely, therefore their capital value was irrelevant. The Leader advised that keeping the facilities open was worth risking a reduction of capital value in the future, thereby the offer to transfer the public conveniences on either a leasehold or freehold basis would be made available to parish and town councils.

During the debate the following main points were raised:

- Members were pleased to see the matter coming to a conclusion after such a lengthy process.
- The Council had no choice but to look at town and parish councils to take on the responsibility of public conveniences.
- Positive engagement had been undertaken with town and parish councils where challenges had been faced and lessons learnt.
- Work would be created locally and it was felt the facilities would be run more efficiently.

- A group of community volunteers had also expressed an interest to take over a set of public conveniences.
- Discussions with Cutcombe Parish Council concerning the toilets at Wheddon Cross were progressing and this was part of a separate negotiation.
- Further clarification was provided on the Heads of Terms and the application process for the Sustainability Fund Grant.
- The town/parish councils or groups applying for the sustainability fund would be responsible for any works required, and the circumstances would be individual for each set of toilets.
- The Assistant Director confirmed one bid had been received, and if the bid was successful and on completion of the Heads of Terms, the Council would support the applicant to enable them access to the facilities to complete any works necessary prior to the transfer on 1 April 2017 in order to minimise disruption to the public.
- The Chairman of Scrutiny articulated particular concerns on a number of issues relating to how the matter had been progressed; he felt the report did not address the Scrutiny Committee's concerns and the policy would not be achieved within the time frame. In addition, he questioned what would happen to the public conveniences in tourist towns where the town councils did not want to take on responsibility for all of them. He had serious concerns about the Asset Management Group making any final decisions, and considered this should be dealt with through the usual democratic process. He did not support recommendation 2.3 of the report and requested that public scrutiny be carried out before a decision was taken.
- The Leader and the Lead Member for Resources and Central Support acknowledged the process had not been a smooth transition and had apologised to the parish and town councils at the recent meetings. It was important that everyone worked together and explored the many options available to keep public conveniences viable and useable.
- The Lead Member confirmed that Cabinet and Ward Members would be kept informed on any decisions affecting towns and parishes, and it was suggested that before a final decision had been reached, a meeting would be held to include Cabinet in order that they had an input into the discussion.
- The Monitoring Officer explained the constitutional rules pertaining to the financial criteria for key decisions.
- It was noted that the Carousel Toilets, Minehead were part of the transfer process and should be included in section 4.5 of the report.
- No definitive answer had yet been received from any town or parish council to confirm whether they wanted or did not want to take on the transfer of a particular facility.
- The buildings could be put to good alternative use if not transferred and this opportunity should be welcomed.

RESOLVED (1) that the transfer of the public conveniences listed in section 4.5 of the report to town, parish councils or community groups either freehold at £1 or leasehold at £1 per annum (if demanded) or a licence, be approved.

RESOLVED (2) that all other terms and conditions of the transfers to be agreed by the Asset Manager with the approval of the Lead Member for Resources and Central Support.

RESOLVED (3) that if sites are not transferred as in resolution (2), then alternative options are to be progressed of commercial freehold or leasehold disposal, development, demolition or alternative use to be agreed by the Asset Manager with the approval of the Lead Member for Resources and Central Support.

RESOLVED (4) that the use of the sustainability reserve as set out in Appendix A be approved.

RESOLVED (5) that it be recommended to Council to formally approve the addition of £43,200 to the Capital Programme to create the Capital Sustainability Fund expenditure budget which will be funded from ring-fenced capital receipts.

RESOLVED (6) that delegated authority be approved to Assistant Director Chris Hall and Assistant Director Terry May in consultation with the Lead Member of Resources and Central Support to review bids to the sustainability reserve and allocate resources.

The meeting closed at 5.28 pm