

CABINET

MINUTES OF THE MEETING HELD ON 5 JUNE 2013

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor T Taylor Leader

Councillor K V Kravis
Councillor C Morgan
Councillor A H Trollope-Bellew
Councillor D J Westcott

Councillor K M Mills
Councillor S J Pugsley
Councillor K H Turner

Members in Attendance:

Councillor M J Chilcott
Councillor M O A Dewdney
Councillor J Freeman
Councillor A P Hadley
Councillor A F Knight
Councillor E May
Councillor K J Ross
Councillor M A Smith

Councillor H J W Davies
Councillor G S Dowding
Councillor S Y Goss
Councillor B Heywood
Councillor R P Lillis
Councillor D D Ross
Councillor D J Sanders

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Manager Housing, Welfare and Economy (I Timms)
Section 151 Officer (S Campbell)
Planning Manager (A Goodchild)
Climate Change & Community Liaison Manager (A Lamplough)
Scrutiny and Performance Officer (S Rawle)
Meeting Administrator (K Kowalewska)

CAB1 Apologies for Absence

No apologies for absence were received.

CAB2 Minutes of the Meeting held on 8 May 2013

(Minutes of the Meeting of Cabinet held on 8 May 2013 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 8 May 2013 be confirmed as a correct record.

CAB3 **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 D Westcott	All	Watchet	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor H J W Davies	All	County	Spoke
Councillor S Y Goss	All	Quantock Vale	Spoke
Councillor K J Ross	All	Dulverton	Spoke

CAB4 **Public Participation**

Agenda Item 8 - Consideration of nominations received to list Assets of Community Value under the Community Right to Bid Legislation

Biddy Bale spoke in support of the nomination to list the Church Street Public Conveniences in Dunster as an Asset of Community Value. She stated that the current toilet provision in Dunster was inadequate to cope with the numbers of visitors and she informed that Dunster Parish Council were interested in exploring options to upgrade the Church Street toilets, introducing seasonal opening and charging if this would make the toilets more viable.

CAB5 **Forward Plan**

(Copy of latest Forward Plan published 23 May 2013 – circulated with the Agenda.)

The purpose of this item was to approve the latest Forward Plan published 23 May 2013.

RESOLVED that, subject to adding 'West Somerset Council's Response to National Grid Stage 4 Consultation' for October and updating the composition of Cabinet Members for 2013/14, the latest Forward Plan published 23 May 2013 be approved.

CAB6 **Cabinet Action Plan**

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

RESOLVED that CAB131 – Request for Allocation of Planning Obligations Funding be deleted as actioned.

CAB7 **Cabinet Appointments to Outside Bodies**

The Lead Member for Community and Customer advised that he was unclear as to the role of the Somerset Cultural Forum as he had not been invited to any meetings and confirmed that he would carry out

research into whether West Somerset Council membership should continue and report back to the next meeting of Cabinet.

RESOLVED (1) that the Members appointed to serve on Outside Bodies for the municipal year 2013-2014 be as follows –

ORGANISATION	REPS 2013/14
Somerset Cultural Forum	To be confirmed
ARTlife	Lead Member for Community and Customer– Councillor D Westcott Deputy: B Heywood
CLOWNS	Lead Member for Community and Customer– Councillor D Westcott
South West Councils Employers Panel	Lead Member for Resources and Central Support – Councillor K V Kravis Leader – Councillor T Taylor
LGA General Assembly	Leader – Councillor T Taylor Deputy: Councillor K Kravis
Somerset Strategic Leaders Board	Leader – Councillor T Taylor
South West Councils	Leader – Councillor T Taylor Deputy Leader – Councillor K V Kravis
SPARSE	Councillor S J Pugsley
Dunster Working Group	Lead Member for Regeneration and Economic Growth – Councillor K M Mills
Williton Regeneration Forum	Councillors H J W Davies, E May, K M Mills and K H Turner
West Somerset Strategic Partnership	Leader – Councillor T Taylor
The Community Council for Somerset – Village Halls Committee	Lead Member for Community and Customer – Councillor D Westcott
Watchet Harbour Advisory Committee	Councillor A F Knight Deputy: Councillor D J Westcott
Somerset Waste Board	Lead Member for Environment – Councillor A H Trollope-Bellew Councillor M Dewdney
Safer Somerset Partnership	Lead Member for Community and Customer – Councillor D Westcott
Local Action for Rural Communities (LARC)	Councillor K M Mills
Into Somerset (Inward Investment)	Councillor K M Mills
Exmoor Tourism Partnership	Councillor K M Mills
Somerset Nuclear Energy Group (SNEG)	Councillor T Taylor – Leader Councillor C Morgan – Lead Member for Environment – Hinkley Councillor K M Mills – Lead Member for Regeneration & Economic Growth Councillor S Y Goss Deputy: Councillor A H Trollope-Bellew

RESOLVED (2) that the Lead Member for Community and Customer would provide a report on the Somerset Cultural Forum to the Cabinet meeting in July.

CAB8

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

(Report No. WSC 63/13, 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.

The Lead Member for Community and Customer presented this item and outlined the details in the report. He advised that West Somerset Council had closed the Church Street public conveniences due to budget restrictions and confirmed that if the listing was approved the toilets would remain closed.

The Lead Member proposed the recommendation contained in the report which was duly seconded by Councillor S J Pugsley.

Councillor K Mills, as the Lead Member Regeneration and Economic Growth notified that she would happy to hold initial discussions with Dunster Parish Council concerning the future operation of the public conveniences in Church Street Dunster and any other outside bodies concerning toilet provision and management in West Somerset.

RESOLVED that the nomination (ACV022) for Church Street Public Conveniences, Dunster be accepted as an Asset for Community Value, received 26.4.13.

CAB9

Consultation Responses to the Nuclear Decommissioning Authority's Strategy Paper on optimising the number and location of interim Intermediate Level Waste Storage facilities in England and Wales and Optimising the number and location of Fuel Element Debris Treatment (Dissolution) Facilities in Magnox Limited

(Report No. WSC 64/13, circulated with the Agenda.)

The report set out the Council's proposed response to the Nuclear Decommissioning Authority's (NDA's) current consultation on Intermediate Level Waste (ILW) storage options for England and Wales which was launched on 10 May 2013 and closes on 9 June 2013. It also set out the Council's proposed response to the NDA's current consultation on optimising the number and location of Fuel Element Debris (FED) Treatment (Dissolution) Facilities in Magnox Limited which was also launched on 10 May 2013 and closes on 9 June 2013.

The report was presented in detail by the Lead Member for Environment – Hinkley Point and the Planning Manager. The Lead

Member proposed the recommendation in the report with an additional recommendation, to read:

“(e) That West Somerset Council, as host authority, expresses its disappointment at not having been made aware of the plans of the NDA at their commencement and the associated lack of engagement in the early part of the consultation process.”

The amendment was seconded and on being put to the vote was carried.

In light of the recent announcement that the deadline to the NDA's consultation had been extended to 30 June 2013, it was proposed and seconded that the report be deferred and the recommendations, as amended, be fully debated at the Full Council meeting to be held on 26 June 2013.

RESOLVED that it be recommended to Council that the Council responds to the NDA's consultations expressing the following points:

- (a) That West Somerset Council, in accordance with its planning guidance and given the potential adverse effects on the tourism economy, objects strongly to the principle of ILW and FED from other parts of England and/or Wales being stored and/or treated at Hinkley Point A or B (or C when it becomes operational).
- (b) That West Somerset Council objects to the increased risk to the Public of Individual Dose from the Transport of Radioactive Waste to Hinkley Point A or B (or C when it becomes operational) from elsewhere in England and/or Wales.
- (c) That West Somerset Council requests that it is involved in all discussions and consulted at all stages of the development of the NDA's Strategy for ILW storage options for England and Wales and proposals relating to treating FED at Magnox sites.
- (d) That West Somerset Council raises considerable concerns with the NDA about the amount of time and limited scope of the consultations currently underway affecting the District of West Somerset.
- (e) That West Somerset Council, as host authority, expresses its disappointment at not having been made aware of the plans of the NDA at their commencement and the associated lack of engagement in the early part of the consultation process.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

CAB10

Non-Domestic Rates – Section 49 Hardship Relief Policy

(Report No. WSC 54/13, circulated with the Agenda.)

The purpose of the report was to update the Council's current policy for the granting of relief from the payment of business rates under Section 49 of the Local Government Act 1988.

The Lead Member for Resources and Central Support presented the report and advised of the key enhancements to the proposed new scheme. She then went on to propose the recommendations in the report, which were seconded by Councillor S J Pugsley.

The Chief Executive responded to concerns and advised that there was now a greater emphasis to demonstrate that the granting of financial assistance would be in the interests of council tax payers in the district.

RESOLVED (1) that it be recommended to Council that the details and procedures of the new scheme outlined in paragraph 5.3, including Appendix A to the report, be approved and adopted from 1 July 2013.

RESOLVED (2) that it be recommended to Council that the Council's Financial Regulations and Constitution be updated to reflect the new governance arrangements.

CAB11

Impacts of the Business Rate Retention Scheme

(Report No. WSC 68/13, circulated with the Agenda.)

The purpose of the report was to bring to Cabinet's attention the results and subsequent recommendations from the work undertaken by a Scrutiny Task and Finish Group set up to look into the potential impact of the new business rate retention scheme on the Council's financial standing.

The report was presented in detail by Councillor M Chilcott, Member of the Scrutiny Task and Finish Group who reported that the Council's collection rates were excellent and bearing in mind the limited capacity and resources, officers should be congratulated as WSC compared very well with other local and national authorities, indicating that the procedure was robust and worked well. She drew Members' attention to table 4 of the report which highlighted the fact that the balance of outstanding business rate liability was considerably low. It was also pointed out that given the Council's geographical location there was no real capacity for large growth in the economy, and therefore it was important to keep in contact with local businesses.

Councillor S J Pugsley proposed the recommendations in the report which were duly seconded by Councillor K V Kravis.

In response to a concern as to whether the Council had the capacity to implement the recommendations, the Chief Executive advised that an automated process had been devised to undertake the work.

The Leader thanked the Task and Finish Group and officers for their hard work in producing the report and extended thanks to Councillor Chilcott for her comprehensive and clear presentation.

RESOLVED (1) that the quarterly performance report presented to Scrutiny Committee and Cabinet should include table 1 but containing up-to-date figures and estimates. This would clearly show any variance

in the estimated Net Yield, highlight the reasons for the variance and subsequently any change in the amount of business rates that the Council could expect to retain.

RESOLVED (2) that in order to assess the strategic financial impact of any variation the quarterly performance report should contain an updated NTFP that not only reflects the impact of any variation in business rate retention but also any other known amendments.

RESOLVED (3) that the quarterly performance report should also include an aged debtors report similar to that shown in table 4 of the report.

RESOLVED (4) that a process be established to enable the Revenues team to be aware of all planning and licensing applications where it is thought that what is planned will have an impact upon the rating list.

RESOLVED (5) that details of any individual write-off that is in excess of £1,000 be forwarded to the local ward member(s) for their information and possible comment. (Write-offs in excess of £5,000 require Cabinet approval.)

RESOLVED (6) that the Valuation Officer be invited to provide both relevant staff and all members with training on issues pertaining to business rate liability.

CAB12

Report of the Scrutiny Committee – Planning Obligations and Section 106 Task and Finish Group

(Report No. WSC 67/13, circulated with the Agenda.)

The purpose of the report was to ask Cabinet to consider the recommendations made by the Scrutiny Committee's Planning Obligations and Section 106 Task and Finish Group and subsequently endorsed by the Scrutiny Committee, as set out in Appendix A to the report.

The report was presented by Councillor R Lillis who reported on the background reasons for the review of the process. On behalf of the task and finish group he thanked the officers involved for their help and the hard work undertaken in the review.

It was agreed that the recommendations contained in the report should be voted on separately.

It was proposed by Councillor A H Trollope-Bellew and seconded by Councillor K V Kravis that recommendation 3.1.1 be amended to read "that relevant Ward Members and Parish/Town Councils be notified as soon as an application that is likely to require a Section 106 agreement is received to enable them to comment as part of their response to the planning application".

On being put to the vote the amendment was carried.

On being put to the vote recommendation 3.1.2 was carried.

It was proposed by Councillor K V Kravis and seconded by Councillor A H Trollope-Bellew that recommendation 3.1.3 be amended to read “that officers ensure that the previous recommendations of the Scrutiny Committee relating to Ward Member consultation requiring that Ward Members and Parish/Town Councils, as key consultees, are involved in discussions, as appropriate to establish need, and be kept informed of progress, are followed”.

On being put to the vote the amendment was carried.

On being put to the vote recommendation 3.1.4 was carried.

It was proposed by Councillor K V Kravis and seconded by Councillor A H Trollope-Bellew that recommendation 3.1.5 be amended to read “that the current application process does include the Expression of Interest form to be published on the Council’s website, with the wording and process to be determined by officers”.

On being put to the vote the amendment was carried.

On being put to the vote recommendation 3.1.6 was carried.

It was proposed by Councillor A H Trollope-Bellew and seconded by Councillor K V Kravis that recommendation 3.1.7 be amended to read “that consideration be given to including available supplementary information relating to Section 106 monies that are included in agreed planning applications before receipt of funds, as part of the regular financial information made available to Members”.

On being put to the vote the amendment was carried.

On being put to the vote recommendations 3.1.8 and 3.1.9 were carried.

It was proposed by Councillor K H Turner and seconded by Councillor A H Trollope-Bellew that recommendation 3.1.10 be amended to read “that Scrutiny Committee are invited to submit any observations following the one-off attendance by members of the Task and Finish Group at the June meeting of the Planning Obligations Group”.

On being put to the vote the amendment was carried.

On being put to the vote recommendation 3.1.11 was carried.

RESOLVED (1) that relevant Ward Members and Parish/Town Councils be notified as soon as an application that is likely to require a Section 106 agreement is received to enable them to comment as part of their response to the planning application.

RESOLVED (2) that relevant Ward Members and Town/Parish Councils be notified on receipt of Section 106 monies as soon as is reasonably practicable.

RESOLVED (3) that officers ensure that the previous recommendations of the Scrutiny Committee relating to Ward Member consultation requiring that Ward Members and Parish/Town Councils, as key consultees, are involved in discussions, as appropriate to establish need, and be kept informed of progress, are followed.

RESOLVED (4) that a community profile be developed to ensure that priorities are justifiable and evidence based, with focus on those areas most likely to be affected by development.

RESOLVED (5) that the current application process does include the Expression of Interest form to be published on the Council's website, with the wording and process to be determined by officers.

RESOLVED (6) that a robust and closely monitored process to collect Section 106 monies be followed to ensure that any outstanding monies are actively pursued.

RESOLVED (7) that consideration be given to including available supplementary information relating to Section 106 monies that are included in agreed planning applications before receipt of funds, as part of the regular financial information made available to Members.

RESOLVED (8) that consideration be given to undertaking a review of the Supplementary Planning Document as soon as it is practically possible to ensure that it remains up to date and reflects current circumstances.

RESOLVED (9) that the current guidance notes relating to Section 106 funding be updated to reflect the changes in procedure following the agreed recommendations of this review.

RESOLVED (10) that Scrutiny Committee are invited to submit any observations following the one-off attendance by members of the Task and Finish Group at the June meeting of the Planning Obligations Group.

RESOLVED (11) that the possibility of parish/town councils using Section 106 monies in neighbouring towns/parishes where its use could provide a benefit to the said parish/town that might not be attained if its use were confined to the said parish/town, be investigated.

CAB13 Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of Item CAB14 on the grounds that, if the press and public were present during that item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

The item contained information that could release confidential information relating to the financial or business affairs of any particular person (including the authority holding the information). It was therefore proposed that after consideration of all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CAB14 Sale of Land at Parkhouse Road, Minehead

(Report No. WSC 62/13, circulated with the Agenda.)

The report was presented by the Lead Member for Resources and Central Support who proposed the recommendations in the report which were seconded by Councillor C Morgan.

RESOLVED (1) that the freehold sale of the area of land adjacent to 51 Parkhouse Road, Minehead to the owner of the property for £2,000 be approved, subject to the terms set out in paragraph 6.2 of the report.

RESOLVED (2) that it be noted that the concerns made at the Cabinet meeting on 1 August 2012 had been addressed as summarised in paragraph 5.5 of the report regarding the potential of combining the sale of the site with an additional adjacent area of WSC owned land.

The meeting closed at 7.10 pm