

CABINET

MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2012

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor T Taylor Leader

Councillor C Morgan
Councillor D J Sanders

Councillor S J Pugsley
Councillor D J Westcott

Members in Attendance:

Councillor H J W Davies
Councillor S Y Goss
Councillor B Heywood
Councillor E May
Councillor L W Smith

Councillor J Freeman
Councillor A P Hadley
Councillor A F Knight
Councillor I R Melhuish
Councillor K J Ross

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Group Manager – Environment, Customer and Community (S Watts)
Planning Manager (A Goodchild)
Principal Accountant (S Plenty)
Meeting Administrator (K Kowalewska)
Legal Advisor (R Pinney, Mendip DC) – Item 7 only

CAB31 Apologies for Absence

Apologies for absence were received from Councillors K V Kravis and K H Turner.

CAB32 Minutes of the Meeting held on 1 August 2012

(Minutes of the Meeting of Cabinet held on 1 August 2012 - circulated with the Agenda.)

RESOLVED that the Minutes of the Meeting of Cabinet held on 1 August 2012 be confirmed as a correct record.

CAB33 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 S Y Goss	All	Quantock Vale	Spoke
Councillor K J Ross	All	Dulverton	Spoke
Councillor L W Smith	All	Minehead	Spoke

CAB34 Public Participation

No member of the public had requested to speak.

CAB35 Forward Plan

The purpose of this item was to approve Forward Plan No. 4 – October 2012 to October 2013.

RESOLVED that, subject to adding 'Pooling of Business Rate Retention' for October, Forward Plan No. 4 – October 2012 to October 2013 be approved.

CAB36 Cabinet Action Plan

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

RESOLVED that the following items be deleted as actioned:

- (i) CAB27 – Request for allocation of Seaside Strategy Funding for Minehead Vision Manager and Apprenticeship Posts
- (ii) CAB28 – Request for Allocation of Planning Obligations Monies. The Chief Executive reported that he had received a letter from the Chairman of Minehead Cricket Club who wished to convey his thanks to Members and officers for their recent support concerning the provision of a cricket pavilion.

CAB37 Future Provision of Services currently delivered under a Contract with Veolia

(Report No WSC 91/12, circulated with the Agenda.)

The purpose of the report was to provide the necessary information for Members to decide upon the future provision of the Council's cleansing service following the conclusion, on 30 September 2012, of the existing contract with Veolia.

The Lead Member for Environment presented the report who advised that a Scrutiny Task and Finish Group had reviewed the street cleansing service and this item had recently been considered by the Scrutiny Committee at their meeting held on 20 August 2012. He reported that the proposed three year agreement was not a fixed contract thereby giving the Council the flexibility to reappraise the service during this period and, in addition to the proposed closure of five toilets, would provide an overall saving of £80,000.

The Lead Member proposed the recommendations in the report which were duly seconded by Councillor D J Westcott.

An explanation of the complaints received about the street cleansing service in 2010/11 and 2011/12 was sought and although no breakdown of figures was available at the meeting the complaints were thought to be linked to flytipping.

Members praised the work undertaken by officers in negotiating the new service level agreement.

Members were informed that there were no proposals at present to remove any litter bins, however once the Council took on the responsibility of litter collection in rural areas the usage would then be ascertained and the numbers rationalised if necessary.

The Chief Executive confirmed that there would be a seamless transition between the end of the current contract and the start of the new agreement, and with regards to the closure of the toilets those toilets identified to be potentially closed permanently would be closed during the winter period, with a decision then having to be made as to whether to keep them closed after this period or reopen them.

RESOLVED (1) that Cabinet extend their gratitude and thanks to the Scrutiny Task and Finish Group for their invaluable contribution in identifying a preferred way forward for procuring the future delivery of the street cleansing service, which forms an integral part of the existing contract with Veolia.

RESOLVED (2) that, on the basis of legal advice received (paragraph 12 of the report), relevant standing orders in relation to the tendering requirements for the work undertaken as part of the proposed Service Level Agreement (SLA) be waived.

RESOLVED (3) that Council be recommended to approve the principle of entering into a three-year SLA with Veolia, commencing on 1 October 2012 to provide the services referred to in paragraph 4.2 of the report.

RESOLVED (4) that the Chief Executive, in consultation with the Lead Member for Environment, be granted delegated powers to agree the draft terms and conditions of the SLA, for recommendation to Council.

RESOLVED (5) that Council be recommended to approve, following the winter closure on 1st November 2012 of Public Conveniences, those located in Blenheim Gardens Minehead (gents and ladies), Carousel, Minehead (excl. disabled), Church Street Dunster, Porlock Central and one yet to be identified in Watchet, the principle of them remaining closed permanently.

RESOLVED (6) that consultation is undertaken with the relevant Parish and Town Councils and other likely interested bodies to determine whether they wish to take over ownership and maintenance of the public conveniences scheduled for permanent closure and that more widespread public consultation is undertaken in order to fully understand the impact of the proposed permanent closures on our communities with a report then being presented to Cabinet and Council regarding a final decision concerning the permanent closure or transfer of the public toilet facilities referred to in Resolution (5) above.

CAB38 **Finance System Review**

(Report No WSC 115/12, circulated with the Agenda.)

The purpose of the report was to seek approval for the purchase of a one-off perpetual licence and agree a way forward for the Council's finance system. A request for Cabinet to waive standing orders in relation to procurement thresholds was also made.

The report was presented by the Leader who drew Members' attention to Appendix D of the report which detailed the results of a matrix analysis which had been undertaken by the officer team reviewing the finance system, and to the conclusion of the review team which stated that the most suitable way forward for the Council at this current time was to enter into an agreement with Consilium Technologies to purchase a perpetual licence for a one-off cost of £50,000 and to host the system in-house. The Leader congratulated and thanked the finance system review team for the hard work they had undertaken.

The Leader proposed the recommendations in the report and this was seconded by Councillor S J Pugsley.

Members queried the issue surrounding the waiving of standing orders. The Corporate Director advised that there was a risk that the Council could face a challenge, however this risk was identified clearly in the report and explaining the mitigating circumstances and the specific reasons for waiving standing orders were identified in section 6 of the report.

RESOLVED (1) that the process that has been undertaken to arrive at the recommendations be noted.

RESOLVED (2) that the purchase of a perpetual licence and associated maintenance and training on a spend-to-save basis that identifies ongoing annual revenue savings of up to £46,000 per year

from the current Council budget (as shown in section 5.1 of the report) be approved.

RESOLVED (3) that the waiving of standing orders for the reasons identified in section 6 of the report be approved.

RESOLVED (4) that it be noted that a supplementary estimate is not being sought (and hence approval not required by Council) as any costs incurred will be replenished to the General Fund within the timing as shown within Financial Implications in section 5 of the report.

CAB39 **Corporate Performance Report April – June 2012/13**

(Report No WSC 117/12, 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 30 June 2012.

The report was presented by the Leader who informed Members that the report made due reference to the comments raised by Scrutiny Committee when this matter was considered at its meeting held on 20 August 2012.

The Leader proposed the recommendations in the report which were seconded by Councillor D J Westcott.

RESOLVED (1) that the progress in delivering the corporate priorities for 2012/13, be noted.

RESOLVED (2) that the performance against Group and Service Indicators, including the Budget Monitoring Indicators, be noted.

CAB40 **Non Domestic Rate (Business Rate) Write Off Request**

(Report No WSC 114/12, circulated with the Agenda.)

The purpose of the report was to seek Cabinet approval in accordance with the Financial Regulations to authorise an individual write off in excess of £5,000.

The Chief Executive presented the item and outlined the details in the report and advised that there was no further recovery action that could be taken by the Council. He reported that in cases such as these as the Council was not considered to be a preferred creditor the amount owed to the Council would be determined by the Court dealing with the Company Voluntary Arrangement.

He stated that the collection of business rates and council tax was taken extremely seriously within West Somerset Council.

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

During the course of the debate the points raised included:

- There was a proposal from central government that from next year local authorities would be able to retain their business rates, however there would be a ceiling on the amount they were able to retain.
- The Council followed a recovery action timetable and this was a set process that was carried out automatically.

RESOLVED that the write off for the sum of £36,161.14 as uncollectable be agreed.

CAB41 **Hinkley Point C – Development Consent Order – Section 106 Agreement**

(Report No WSC 116/12, circulated with the Agenda.)

The purpose of the report was to provide an update to Members on the status of the Section 106 Agreement (the Agreement) between NNB GenCo Ltd (EDF Energy) and the three Local Authorities (West Somerset Council, Sedgemoor District Council and Somerset County Council) relating to the Development Consent Order application which is currently being examined by the Planning Inspectorate, to advise Members on the content of the Agreement and how the Agreement affects West Somerset Council in particular, and sets out the process if Members wish to comment further on the content of the Agreement prior to the close of the Examination. The report also gave a general update on the progress of the Examination to date and outlines the remaining aspects of the process.

The Planning Manager presented the item and outlined the details in the report. In addition, he provided an update on the status of the Section 106 Agreement associated with the main Development Consent Order at Hinkley Point. He advised that if Members wished to raise specific points these would be submitted to the Planning Inspectorate by noon on Friday 7 September 2012.

The Lead Member for Environment proposed the recommendations in the report, which were seconded by Councillor D J Sanders.

The main points of the discussion were as follows:

- Ward Members expressed their disappointment at not being involved in the section 106 agreement process concerning the securing of money for Stogursey and Shurton and concern was expressed about the affect and impact to local residents caused by the proposed on-site campus.
- The promotion of economic development contributions to maximise opportunities for local businesses would continue and EDF have

estimated that £100 million would be spent in the local economy within Somerset over the next 10 years.

- Members were pleased to note that the majority of the community impact funding would be directed towards the communities most affected.

RESOLVED (1) that the content of the report be noted.

RESOLVED (2) that the Planning Manager be instructed to write to the National Infrastructure Directorate to emphasise that, whilst the Council did not wish to raise any further representations regarding the content of the Section 106 Agreement for the DCO, the Council wanted to remind the Panel of Examining Inspectors that the agreement reached between the Council and EDF Energy should not, in its view, undermine the representations of local communities, Parish Councils and other Interested Parties, particularly regarding the provision of the proposed on-site Campus at Hinkley Point C.

CAB42 **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting during consideration of Item CAB43 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.

CAB43 **Continuation of Partnership Arrangement with Mendip District Council for the Provision of Legal Services**

(Report No WSC 109/12, circulated with the Agenda.)

The purpose of the report was to consider the continuation of the partnership arrangement with Mendip District Council for the provision of legal services.

The Leader presented the report and advised Members that the existing arrangement had proven to be very successful. The recommendation contained in the report was proposed by Councillor S J Pugsley and seconded by Councillor D J Westcott.

In reply to a question as to whether the costs for legal work included travel expenses the Corporate Director agreed to provide Members with this information after the meeting.

RESOLVED that the collaboration partnership arrangement with Mendip District Council for the provision of legal services be continued for a further 18 month period from 1 October 2012 until 31 March 2014 in accordance with the details set out in the report waiving any relevant Contract Standing Orders relating to the invitation of tenders. The position can then be reviewed in the light of any possible wider partnership working opportunities.

The meeting closed at 6.38 pm