

**CABINET**

**MINUTES OF THE MEETING HELD ON 6 MARCH 2013**

**AT 4.30 PM**

**IN THE COUNCIL CHAMBER, WILLITON**

**Present:**

Councillor T Taylor ..... Leader

Councillor K V Kravis  
Councillor S J Pugsley  
Councillor K H Turner

Councillor C Morgan  
Councillor D J Sanders  
Councillor D J Westcott

**Members in Attendance:**

Councillor M O A Dewdney  
Councillor A P Hadley  
Councillor A F Knight  
Councillor E May  
Councillor D D Ross  
Councillor L W Smith

Councillor G S Dowding  
Councillor B Heywood  
Councillor R P Lillis  
Councillor P H Murphy  
Councillor K J Ross

**Officers in Attendance:**

Chief Executive (A Dyer)  
Corporate Manager Housing, Welfare and Economy (I Timms)  
Section 151 Officer (S Campbell)  
Planning Manager (A Goodchild)  
Efficiencies and Performance Manager (K Batchelor) – Item 7  
Principal Benefits and Fraud Officer (P Lamb) – Items 9 and 10  
Meeting Administrator (K Kowalewska)

**CAB102     Apologies for Absence**

No apologies for absence were received.

**CAB103     Minutes of the Meeting held on 6 February 2013**

(Minutes of the Meeting of Cabinet held on 6 February 2013 - circulated with the Agenda.)

**RESOLVED** that, subject to amending Minute No. CAB100 by replacing 'Lead Member for Resources and Central Support' with 'Lead Member for Regeneration and Economic Growth', the Minutes of the Meeting of Cabinet held on 6 February 2013 be confirmed as a correct record.

**CAB104**      **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:

<b>Name</b>	<b>Minute No.</b>	<b>Member of</b>	<b>Action Taken</b>
Councillor C Morgan	All	Stogursey	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor P H Murphy	All	Watchet	Spoke
Councillor K J Ross	All	Dulverton	Spoke
Councillor L W Smith	All	Minehead	Spoke

**CAB105**      **Public Participation**

John Goodall, Trustee of the John Arlott Playground and Timberscombe Parish Councillor, spoke to the effect that the playground was the only asset in the village for the children and families and it brought the community together. The field was also used by CLOWNS, the school and pre-school for exercise and recreational activities. A group had been set up by local parents which held regular events to help raise funds. He strongly expressed that the playing field was badly needed for the children of Timberscombe and surrounding area.

Peter Grandfield and Stuart Tavner, residents of Holford, both spoke in support of accepting the Silk Mills site at Holford as an asset of community value. The issue regarding access was raised and Members were informed that up until 1982 there was a permissive footpath through the site which was used by visitors and local residents, presently the access was informal. Mr Grandfield advised that the site had a particular and great beauty and illustrated the textile history of the area. Mr Tavner referred to the site as a natural beauty spot, a tranquil and peaceful area of immense historical and social interest. A historical society had been formed to oppose any proposed plans to redevelop the site as it was much loved and the group would like to have a say in its future.

**CAB106**      **Forward Plan**

(Copy of latest Forward Plan published 21 February 2013 – circulated with the Agenda.)

The purpose of this item was to approve the latest Forward Plan published 21 February 2013.

**RESOLVED** that, subject to delaying the Review of Customer Access report and the Budget Strategy Update report, the latest Forward Plan published 21 February 2013 be approved.

**CAB107**      **Cabinet Action Plan**

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

**RESOLVED (1)** that, CAB97 – SWAP Governance Project Approvals, be deleted as actioned.

**RESOLVED (2)** that, CAB99 – Draft Corporate Plan for 2013/14, be deleted as actioned.

**RESOLVED (3)** that, CAB101 – Annual Budget 2013-14, be deleted as actioned.

**CAB108**      **Late Urgent Item - Joint Working with Taunton Deane Borough Council – Funding the Production of a Business Case**

(Report No. WSC 34/13, circulated at the Meeting.)

The purpose of the report was to approve a proposed budget virement.

The Leader presented this item and outlined the details in the report. The Leader made it clear that due to the importance of forming a closer relationship with Taunton Deane Borough Council and to minimise the risk of them turning down the mandate for proposed joint working, the Council would underwrite the full amount of the estimated £25,000 cost of procuring specialist advice, subject to Cabinet's agreement. It was hoped that WSC would be eligible for government funding following the recent announcement of a Transformation Challenge Award fund which was aimed at helping local authorities with the cost of implementing shared services. It was also noted that Somerset County Council had agreed to extend the current arrangement of providing the Council with a part-time Section 151 Officer for an extra 12 months free of charge.

The Leader proposed the recommendations contained in the report which were duly seconded by Councillor C Morgan.

Members were fully supportive of the proposal and thought it was a great opportunity.

**RESOLVED (1)** that the concept of underwriting the remaining £20,000 estimated cost of providing specialist advice to assist with the drafting of a business case be approved.

**RESOLVED (2)** that a budget virement be approved, as detailed below:

Amount:      £20,000  
From:          Cost Centre 4305 – Corporate and Democratic Core  
                    Account: Provision of S151 Officer  
To:              Cost Centre (New) – Joint working with TDBC  
                    Account (New) – Drafting of Business Case

**NOTE:** Having regard to the special circumstances pertaining in relation to this item – namely that the issue only arose after the agenda

papers were circulated and a decision needed to be taken at this meeting, the Leader of Council was of the opinion that, despite its non inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

**CAB109**      **Consideration of nominations received to list Assets of Community Value under the Community Right to Bid Legislation**

(Report No. WSC 22/13, circulated with the Agenda.)

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

Following the Leader's ruling, the recommendations contained in the report were discussed separately.

The Lead Member for Community and Customer introduced the item and regarded the John Arlott Playground as an important asset which provided real value to the community of Timberscombe. He proposed recommendation 2.1.1 in the report, which was seconded by Councillor S J Pugsley.

An amendment was proposed by Councillor C Morgan and seconded by Councillor K Kravis to accept the nomination for Silk Mill, Holford to be listed as an Asset of Community Value as it added an historical value to the village of Holford and the site should be protected for its uniqueness and deserved a certain level of protection.

A debate took place on the amendment and the following points were raised:

- Members questioned why an application had not been submitted by the action group to Somerset County Council to secure the Right of Way.
- Confusion arose over the issue of privately owned land/building and informal use and ancillary use, and clarification was sought.
- Members enquired whether there was an alternative and more appropriate process of protecting the land rather than listing it as an asset of community value.
- Concern was expressed that there could be a danger that the legislation was being used for purposes it was not designed for, thereby setting a precedent across the district.
- It was clarified by the Planning Manager that although the land was located within an AONB area, a conservation area and was a site of special scientific interest, this did not prevent development from taking place although it did provide a certain level of additional protection.
- Although there was a financial concern to consider due to the fact that a compensation claim could be made against the Council, this could not be a reason for rejecting an application.

On being put to the vote the amendment was carried, with three abstentions.

**RESOLVED (1)** that the nomination [ACV017] for John Arlott Playground, Timberscombe to be listed as an Asset of Community Value, be accepted.

**RESOLVED (2)** that the nomination [ACV011] for Silk Mill, Holford to be listed as an Asset of Community Value, be approved.

**CAB110      Corporate Performance Report April to December 2012/13**

(Report No. WSC 32/13, 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 31 December 2012.

The Leader presented the report relating to performance and the Lead Member for Resources and Central Support presented the report that related to the budget.

The Leader advised that the Scrutiny Committee had considered the performance report and their comments were contained within the report and would be actioned. Any outstanding information/questions would be reported and discussed at the next meeting of the Scrutiny Committee. Councillor K Ross welcomed Members' comments that the Scrutiny Committee had done a thorough job in this quarter.

The Lead Member for Resources and Central Support acknowledged the hard work undertaken by the Housing, Welfare and Economy Group and thanked everyone who had been involved to help deliver the service.

The Leader then went on to thank staff for the detailed and hard work in producing the performance reports, in keeping Members well informed, and he stated that it was hugely appreciated.

The Leader proposed the recommendations in the report, which were seconded by Councillor S J Pugsley.

**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 Budget Monitoring Indicators, be noted.

**CAB111      Council Tax Support Discretionary Payments Scheme**

(Report No. WSC 29/13, circulated with the Agenda.)

The purpose of the report was to inform Cabinet of the proposed policy for Council Tax Support Discretionary Payments Scheme.

The Lead Member for Community and Customer presented the report and advised that following Council's approval of the Council Tax Rebate Scheme, Members agreed that a discretionary fund of £22,500 would be made available to help those in greatest need due to the fact that all people of working age would have to pay the first 15% of their council tax liability before any benefit was applied. The Lead Member informed that it was important that this fund was awarded fairly and consistently.

He proposed the recommendation, which was seconded by Councillor K H Turner.

During the discussion Members' noted that once all of the money in the fund was allocated there would be no more available.

In response to questions with regard to acceptable levels of expenditure, the Principal Benefits and Fraud Officer confirmed that it was recognised that the West Somerset community had different issues concerning rurality and transport, and applicants were required to provide proof and justification if their expenditure was above that specified in the policy.

**RESOLVED** that it be recommended to Council to approve the Discretionary Council Tax Rebate Policy, included at Appendix A to the report.

**CAB112      Discretionary Housing Payments**

(Report No. WSC 30/13, circulated with the Agenda.)

The purpose of the report was to inform Cabinet of the proposed policy for Discretionary Housing Payments Scheme.

The Lead Member for Community and Customer presented the report and advised that this scheme provided additional awards to housing benefit claimants. He reported that the grant, provided by central government, was ring fenced and any unspent money would have to be returned.

The Lead Member proposed the recommendation, which was seconded by Councillor D J Sanders.

**RESOLVED** that it be recommended to Council to approve the Discretionary Housing Payments Scheme, included at Appendix A to the report.

**CAB113      Policy for Charging for Pre-Application Planning Advice**

(Report No WSC 31/13, circulated with the Agenda.)

The purpose of the report was to seek Cabinet approval following informal discussions at the Corporate PAG for a policy change to introduce charges for providing pre-application advice on planning proposals.

The Planning Manager presented the report in detail and reported that the concept of pre-application charging had been discussed in the past, although charging was not deemed justified in terms of the planning team's ability to meet performance standards. However, there were no concerns now as the performance of the current team was very good. He confirmed that there was no standard charge or approach to charging amongst the authorities who do charge and WSC's approach to charging would be to be as cost effective as possible. He drew Members' attention to the budget position regarding two vacant positions within the planning team and the increased income anticipated from the charging scheme which was consistent with the Medium Term Financial Plan.

Councillor C Morgan proposed the recommendation in the report subject to the inclusion of a further recommendation that the effectiveness of the policy to charge for providing pre-application advice, if approved, be reviewed by Council in December 2013.

The Section 151 Officer commented that at this current time when the Council was seeking income, the full cost of providing this non-statutory service should be covered - it would be a contribution to the Council's fixed overheads and she advised that the Council was not allowed to make a profit.

The Planning Manager recognised the potential implications of officer time and ill-conceived applications. He reported that the guidance provided to customers would make it clear that if advice was sought and followed and if an issue arose during the application process, officers would do their best to try and resolve it before determination. A caveat would also be included which stated that the Planning Committee were not bound to follow officer recommendations and in some cases made decisions that differed in opinion, although he did point out that this did not happen regularly.

Members were supportive of the scheme.

**RESOLVED (1)** that it be recommended to Council that the charge for providing pre-application advice be in accordance with the charging schedule as set out in Appendix A to the report.

**RESOLVED (2)** that the effectiveness of the policy to charge for providing pre-application advice, if approved, be reviewed by Council in December 2013.

**CAB114      Late Urgent Item – Non Domestic Rate (Business Rates) Write Off Request**

(Report No. WSC 33.13, circulated prior to the Meeting.)

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

**RESOLVED** that one Non Domestic Rate (Business Rates) debt totalling £12,257.46 be agreed to be written off as recovery avenues had been exhausted therefore the debt was deemed uncollectable.

**NOTE:** Having regard to the special circumstances pertaining in relation to this item – namely that the issue needed to be determined before the end of the financial year, the Leader of Council was of the opinion that, despite its non inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

The meeting closed at 6.25 pm