

CABINET

MINUTES OF THE MEETING HELD ON 7 MARCH 2012

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor T Taylor Leader

Councillor K V Kravis
Councillor D J Sanders
Councillor D J Westcott

Councillor S J Pugsley
Councillor K H Turner

Members in Attendance:

Councillor H J W Davies
Councillor G S Dowding
Councillor A P Hadley
Councillor A F Knight
Councillor E May
Councillor D D Ross
Councillor M A Smith

Councillor M O A Dewdney
Councillor P N Grierson
Councillor B Heywood
Councillor R P Lillis
Councillor P H Murphy
Councillor L W Smith
Councillor A H Trollope-Bellew

Officers in Attendance:

Chief Executive (A Dyer)
Corporate Director (B Lang)
Group Manager - Housing and Community (I Timms)
Group Manager - Finance and Central Support (G Carne)
Economic Regeneration and Tourism Manager (C Matthews)
Media, PR and Communications Officer (S Beaumont)
Meeting Administrator (K Kowalewska)

CAB108 Apologies for Absence

An apology for absence was received from Councillor C Morgan.

CAB109 Minutes of the Meeting held on 1 February 2012

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

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

CAB110 **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 K Turner	All	Brompton Ralph	Spoke and voted
Councillor D Westcott	All	Watchet	Spoke and voted
Councillor P H Grierson	All	Alcombe	Spoke
Councillor P H Murphy	All	Watchet	Spoke
Councillor A H Trollope-Bellew	All	Crowcombe and Stogumber	

In addition,

- Councillor D J Sanders declared a personal interest relating to Item 8 – Request for Allocation of Seaside Strategy Funding, as he used to be a Trustee on the Minehead Development Trust; and he also declared a personal interest relating to Urgent Item 9 – VIIC Minehead Third Party Occupancy, as he had been lobbied in respect of converting the VIIC building into a museum.
- Councillor D D Ross declared a personal interest relating to Item 8 – Request for Allocation of Seaside Strategy Funding, as a Board Member of the Regal Theatre; and he also declared a personal interest relating to Urgent Item 9 – VIIC Minehead Third Party Occupancy, as he had received some lobbying with regard to using the VIIC building as a museum.

CAB111 **Public Participation**

No member of the public had requested to speak.

CAB112 **Forward Plan**

The purpose of this item was to approve Forward Plan No. 10 – April 2012 to April 2013.

RESOLVED that, subject to the following amendments, Forward Plan No. 10 – April 2012 to April 2013 be approved:

(1) the Civil Parking Enforcement (CPE) Final Report would be presented to Cabinet and Council in April 2012.

The Chief Executive advised that the Special Meeting of Council would be held on 16 April 2012 with the time provisionally set for 2pm, however, depending on the length of the agenda the start time may

have to be brought forward in order to prevent a clash with the Scrutiny Committee which is scheduled to start at 4.30pm.

CAB113 Cabinet Action Plan

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

RESOLVED (1) that the following items listed in the Action Plan be deleted as actioned:

- (i) CAB106 – Annual Budget and Council Tax Set 2012-13
- (ii) CAB107 – Discretionary Business Rate Relief

RESOLVED (2) that the action relating to CAB92 – Into Somerset be carried forward to the next meeting of Cabinet in April 2012.

CAB114 Corporate Performance Report – Quarter 3

(Report No. WSC 44/12, 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 1st April 2011 to 31st December 2011.

The Leader presented the part of the report that related to performance and brought Members' attention to the fact that the format to this quarter's report had been revised and now included an overview of each group's performance giving an explanation and follow up action where there had been under-performance.

The report made due reference to the questions and issues raised by Scrutiny Committee when this matter was considered at its meeting held on 20 February 2012.

The Lead Member for Resources and Central Support presented the element that related to the budget and drew attention to the revised amendments to Tables 8, 9 and 10 which had been circulated at the start of the meeting. She advised that the recommendations in the report reflected the amended figures tabled at the meeting.

The Lead Member proposed the recommendations in the report and these were duly seconded by Councillor K H Turner.

In response to a question as to whether the outstanding figure as at 31 December 2011 in Table 9 Council Tax Debts reflected the total amount of council tax owed or just the amount owed to West Somerset Council, it was confirmed that the figure reflected the total amount as the Council was the collecting authority.

RESOLVED (1) that the progress in delivering the corporate priorities for 2011/12 be noted.

RESOLVED (2) that the performance against Group and Service Indicators, including the budget monitoring indicators, be noted.

CAB115 Request for Allocation of Seaside Strategy Funding

(Report No. WSC 28/12, circulated with the Agenda.)

The purpose of the report was to consider proposals for the allocation and use of an element of the Seaside Strategy earmarked reserve funding for schemes in Minehead.

The Leader of Council presented the item and outlined the details in the report. He emphasised that West Somerset Council was very keen to work with organisations in Minehead to make best use of the money. Members were reminded that issues relating to the Visioning Manager and the Regal Lift Project would be subject to further debate at a future meeting of Cabinet.

Members were supportive and were pleased that organisations and stakeholders in Minehead were working together for ideas to spend money to help Minehead and looked forward to the proposals progressing and coming into fruition.

During the debate the following main points were raised/addressed:

- The reasoning behind why the funding was earmarked specifically for Minehead.
- A new government funding source called Coastal Communities was currently being looked at for other neighbouring coastal towns.
- A lot of work relating to signage and negotiating the best possible price had been undertaken. Officers and Members were currently working with businesses on the Minehead Enterprise Park to help them set up a group to help fund the maintenance of the signs in the future.
- Sustainability was an important factor to consider in the future delivery of the action plan.
- The refurbishment of the bandstand in Blenheim Gardens would enhance the action relating to the Minehead cultural quarter and the asset would be strengthened as a result.

During the discussion it was pointed out that recommendation 2.2 in the report should be amended to read "...described in section 4.10 of this report..." and not section 8.10 as was written.

Councillor D J Sanders proposed the recommendations, subject to the amendment set out above, and these were seconded by Councillor K V Kravis.

RESOLVED (1) that the allocation and use of funds - £28,937.50 in total – for projects described in section 4.9 of the report be agreed.

RESOLVED (2) that Cabinet note the proposals relating to the Visioning Manager and the Regal Lift Project described in section 4.10 of the report would be the subject of future reports for consideration by Cabinet.

NOTE: The meeting was adjourned for 10 minutes to allow Members to read the report presented in relation to the urgent item.

CAB116 Urgent Item – VIIC Minehead – Third Party Occupancy

(Report No. WSC 49/12, circulated at the commencement of the Meeting.)

The purpose of the report was to provide Members with the opportunity to respond to a recent motion passed by Minehead Town Council requesting that the freehold interest in the Council-owned VIIC building is transferred to the Town Council.

The report was presented by the Lead Member for Resources and Central Support who stressed the importance of West Somerset Council's commitment in supporting the delivery of a tourist information service in Minehead. She advised that there were many covenants on the building and surrounding land and drew attention to the recommended occupancy terms.

The Lead Member reported on the European funding restrictions relating to the change of usage or ownership of the VIIC building and the possibility of clawback on funding given. Feedback had recently been received from DCLG who had indicated that there was unlikely to be a clawback if the building remained as a tourism or community led building, however the risk of clawback would be increased if the Council attempted to maximise the economic value of the building. Any clawback would not be for the full amount of the funding as the building had been run as a VIIC for a number of years. If the Council did want to change the usage or ownership DCLG would require further specific detail before an informed decision could be given.

Councillor D J Sanders briefed Members on the background history of the Minehead Town Council VIC Working Group.

The Leader informed that although the Council had not received a bid to have a tourist information centre (TIC) in the VIIC building or a business case for a transfer of the asset since the original bidding process held in 2010, this did not prevent the Council being approached with proposals to run a TIC in the present VIIC building or elsewhere in Minehead.

During the discussion a question was raised as to why the option of amending the covenants could not be investigated further. In response it was noted that removing the covenants could be an expensive process and would incur legal costs, however, it would have to be looked into if the building was not going to be used to host VIIC or community services in the future.

During the discussion it was pointed out that the information contained in covenant 'f' (paragraph 4.3 of the report) contradicted covenant 'e'. The Chief Executive clarified that covenant 'f' should be amended and it was agreed that the wording should read as follows:

“Restrictive covenants imposed on 1 September 2006 for the benefit of the land owned by Prowting Homes South West Limited under Title Number ST193345 ('the Estate') not to use the VIC land other than as open space and/or children's play area and/or tourist or community facility for the recreation and amenity of residents of properties on the Estate (and other neighbouring or nearby properties) and their visitors and invitees.”

In response to how much the empty VIIC building was costing the Council, it was confirmed that the running costs included business rates and repair and maintenance overheads. The Lead Member advised that if VIIC services did move elsewhere every effort would be made to ensure that the building would be put to some other use and the cost to the Council would be minimised as soon as possible. It was further noted that the decision was taken to close the building temporarily as the Council could not afford the £45,000 a year it had been costing to keep it open as a VIIC.

With regard to the occupancy terms, it was agreed that the wording be amended in paragraph 4.4 (ii) and (iii) with the words “be based on” being replaced with “take into account”.

The Lead Member proposed the recommendations, subject to the amendments set out above, and these were seconded by Councillor D J Westcott.

RESOLVED (1) that the covenants and associated legal advice contained in paragraphs 4.3, as amended above, and 12 respectively be noted.

RESOLVED (2) that the occupancy terms stated in paragraph 4.4, as amended above, be approved.

RESOLVED (3) that the conclusions from current discussions with DCLG be circulated to all Members.

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.

The meeting closed at 6.55 pm