

WEST SOMERSET COUNCIL

Minutes of the Meeting held on 15 April 2015 at 4.30 pm

in the Council Chamber, Williton

Present:

Councillor G S Dowding Chairman
Councillor A F Knight..... Vice-Chairman

Councillor H J W Davies
Councillor S Y Goss
Councillor B Heywood
Councillor R P Lillis
Councillor I R Melhuish
Councillor C Morgan
Councillor S J Pugsley
Councillor K J Ross
Councillor L W Smith
Councillor T Taylor
Councillor K H Turner

Councillor J Freeman
Councillor A P Hadley
Councillor K V Kravis
Councillor E May
Councillor K M Mills
Councillor P H Murphy
Councillor D D Ross
Councillor D J Sanders
Councillor M A Smith
Councillor A H Trollope-Bellew
Councillor D J Westcott

Officers in Attendance:

Chief Executive (P James)
Assistant Chief Executive and Monitoring Officer (B Lang)
Assistant Director – Resources (P Fitzgerald)
Assistant Director – Energy Infrastructure (A Goodchild)
Assistant Director – Operational Delivery (C Hall)
Economic Regeneration Manager (C Matthews)
Asset Manager (T Child)
Assistant Director – Property and Development (K Ibezi)
Media and Communications Officer (D Rundle)
Meeting Administrator (K Kowalewska)

Also in Attendance:

Councillor Anne Fraser, Sedgemoor District Council (Item 6)
Doug Bamsey, Sedgemoor District Council (Item 6)

At the start of the meeting the Chairman introduced and welcomed Councillor Anne Fraser and Doug Bamsey from Sedgemoor District Council (SDC).

C138 Apologies for Absence

Apologies for absence were received from Councillors M J Chilcott and M O A Dewdney.

C139 **Minutes**

(Minutes of the meeting of Council held on 18 March 2015 and Minutes of the Licensing Committee held on 10 March 2015, circulated with the Agenda.)

RESOLVED that the Minutes of the meeting of Council held on 18 March 2015 and Minutes of the Licensing Committee held on 10 March 2015 be confirmed as correct records.

C140 **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 H J W Davies	All	SCC	Spoke and voted
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr K J Ross	All	Dulverton	Spoke and voted
Cllr L W Smith	All	Minehead	Spoke and voted
Cllr K H Turner	All	Brompton Ralph	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

C141 **Public Participation**

Naomi Griffiths of the Onion Collective spoke in support of Agenda Item 11 – Proposed Asset Transfer of Flatner Boat Museum, Watchet.

C142 **Chairman's Announcements**

22 March 2015	Attended the Legal Service at Wells Cathedral for the installation of the new High Sheriff of Somerset, Mrs Lucy Nelson
March 2015	Accepted an invitation from the Chairman of South Somerset District Council to attend a production of The King and I at the Octagon Theatre, Yeovil

The Chairman thanked and honoured Councillors P Grierson, A Chick, L Smith, K Kravis, D Sanders, T Taylor, E May, D Ross, K Ross and A Knight who had decided not to stand for re-election and wished them a peaceful and happy retirement.

He further thanked all staff, past and present, for their hard work, and wished good luck to those Councillors who were standing in the May elections.

C143 HPC Section 106 Agreement – Allocations of Housing Funding

(Report No. WSC 76/15, circulated with the Agenda.)

The purpose of the report was to present Cabinet's recommendation that allocations from the Hinkley Point C Housing Fund are made, subject to a number of conditions, to two sites in Bridgwater – Paragon Laundry and Monmouth Street.

The Lead Member for Housing, Health and Wellbeing presented the report and briefed Members on the background history of the two housing enabling schemes in Bridgwater, advising that following concerns raised by Cabinet at its March meeting, officers from WSC and SDC had met with the applicant's agents to address these issues; the Assistant Director – Energy Infrastructure then went on to provide an update of the key points arising from the meeting. The Assistant Director informed that officers were able to gain confidence in the viability and the financial aspects of the two bids, and he also provided details of the confirmed affordable housing rental arrangements for the units on both schemes. He further provided reassurance that any potential risks to the two Councils would be managed via the funding agreement.

The Lead Member proposed the recommendations in the report which were seconded by Councillor E May.

Members were supportive of the two bids and recognised the emerging housing problem in Bridgwater and the need to progress these housing enabling schemes quickly. The productive discussions held between officers to resolve matters were commended.

The point was made that the Hinkley Point C project had provided fantastic opportunities for WSC and SDC with regards to funding projects and supporting housing schemes.

Councillor Anne Fraser confirmed that full planning permission for the two schemes had been granted. She thanked WSC Councillors for their support and hoped that officers would continue to work even better in the future and apply the lessons that had been learnt during this process.

RESOLVED that the following bids be approved:

- a) £302,662 grant to LV Property Rentals Ltd for the Paragon Laundry affordable housing (for 10 years) enabling scheme providing 93 bed spaces;
- b) £302,236 grant to LV Property Rentals Ltd for the Monmouth Street affordable housing (for 10 years) enabling scheme to provide 142 bed spaces;

subject to the following conditions:

- That Full planning permission for each scheme must be in place;
- That the S106 agreement between the developer and Sedgemoor District Council must reflect the number and tenure of affordable housing units and a mechanism for review as stated in the proposals for funding;
- That any variation, to the extent that the development costs less than predicted within the proposal for funding, is returned to the Housing Contribution Fund up to the value of the grant amount;
- An agreement must be in place between WSC, SDC and LV Property Rentals Ltd (for Paragon Laundry and Monmouth Street schemes) to agree key milestones including a start on site in August 2015 with scheme completion in November 2016 and performance measures with clauses to include the repayment of grant if key milestones are not met;
- That the financial Due Diligence exercise is completed and its results are presented to the Director of Operations and Assistant Director Energy Infrastructure for approval prior to the release of funds;
- That the draft funding agreements confirm the rental arrangements described in paragraph 5.14 of the report and includes provision for SDC to retain formal nomination rights in terms of vacancies for the initial 10 year period following completion of the schemes; and
- That the results of the financial Due Diligence exercise inform the content of funding agreements (which have been presented in draft form) between SDC and LV Property Rentals Ltd which are completed and presented for approval by the Director of Operations and Assistant Director Energy Infrastructure prior to the release of funding.

C144 **Report of the Joint Independent Members' Remuneration Panel and Review of Members' Allowances**

(Report No. WSC 70/15, circulated with the Agenda.)

The purpose of the report was to advise the Council of the report of the Joint Independent Members' Remuneration Panel and to seek endorsement of the recommendations set out therein.

The Leader of Council presented the item and provided Members with the background information, highlighting the key points from the report and drawing attention to the fact that, if approved, the recommendations would form the basis for a new Members' Allowance Scheme which would be considered by Council later in 2015 following agreement of new democratic arrangements for the Council in May 2015.

The Leader went on to propose the recommendations which were duly seconded by Councillor R P Lillis.

RESOLVED (1) that the approach being taken by the Panel to undertake a fundamental review of the West Somerset scheme and the plan for ongoing reviews of the scheme (paragraph 3.4.6 of Appendix A to the report refers) be endorsed.

RESOLVED (2) that the principles recommended to underpin the setting of the basis allowance for the new Council (paragraph 3.6.10 of Appendix A to the report refers) be agreed.

RESOLVED (3) that the principles recommended to underpin the payment of Special Responsibility Allowances in the new Council (paragraph 3.7.3 of Appendix A to the report refers) be approved.

RESOLVED (4) that the list of approved duties (attached as Appendix C to the report) to be applied as part of the new Members' Allowance Scheme (paragraph 3.8.2 of Appendix A to the report refers) be approved.

C145 **Review of the Council's Constitution**

(Report No. WSC 71/15, circulated with the Agenda.)

The purpose of the report was to consider agreeing the process for the review of the West Somerset Council's Constitution.

The Lead Member for Executive Support and Democracy presented the report and proposed the recommendations which were seconded by Councillor K H Turner.

RESOLVED (1) that proposed changes to how amendments to the Constitution can be approved as set out in section 5 of the report be approved.

RESOLVED (2) that a further report on changes to the Constitution will be submitted after the May 2015 elections.

C146 **Wheddon Cross Public Conveniences Proposed Transfer**

(Report No. WSC 73/15, circulated with the Agenda.)

The purpose of the report was to consider leasing the West Somerset District Council owned public conveniences at Wheddon Cross to the Parish Council, along with a capital contribution of up to £12,000.

The Lead Member for Regeneration and Economic Growth presented the item and provided background information on the effective discussions held with parish and town councils on looking at different ways of delivering and securing public conveniences to make financial savings. She drew attention to the details of the proposal as contained within the report and advised that conversations regarding the consideration of a freehold transfer were continuing. She proposed the recommendation contained in the report which was seconded by Councillor A H Trollope-Bellew.

It was emphasised that the outcome of this proposal was initiated some time ago when lengthy discussions were held with parish and town councils on the devolution and delegation of services, and would offer an essential service to the local and tourism economy.

RESOLVED that the following be approved:

- A lease with a term of up to 99 years of the Wheddon Cross public conveniences to Cutcombe Parish Council at a nominal rent of £25 per annum, exclusive of outgoings.
- A Supplementary Estimate for the 2015/16 Capital Programme of £12,000, funded by revenue reserves. This is for a capital contribution of up to £12,000 to enable the Parish Council to reconfigure the building to provide workspace and two public conveniences, both of which will be operated and managed by the Parish Council.
- All other terms and conditions of the lease to be agreed by the Assistant Director for Property and Development in consultation with the Lead Member.

C147 **Grant to Exford Parish Council for Future Public Convenience Provision**

(Report No. WSC 74/15, circulated with the Agenda.)

The purpose of the report was to consider formally terminating the Council's lease of the current public conveniences building and giving a grant to Exford Parish Council of up to £9,000 as a contribution to the provision of new public toilet facilities in Exford.

The Lead Member for Regeneration and Economic Growth presented the item advising that the proposal would provide a better sited set of facilities and the long standing issues over disability compliance and access would be overcome. She stated this was a brilliant example of collaborative working and should be commended. She went on to propose the recommendation in the report which was seconded by Councillor D J Westcott.

Members and officers who had been involved in the delegation and devolution of services process were acknowledged and thanked, as were those who were continuing to successfully progress with the parish and town councils to deliver much needed facilities.

RESOLVED that the following be approved:

- A Supplementary Estimate for the 2015/16 Capital Programme of up to £9,000, funded by revenue reserves. This is for a capital contribution to Exford Parish Council to enable the Parish Council to build new facilities in Exford.
- Terms and conditions to be agreed by the Assistant Director for Property and Development in consultation with the Lead Member.
- Terminating the lease on the current public convenience building which is leased by the District Council from the Exmoor National Park Authority.

C148 Proposed Asset Transfer – Flatner Boat Museum, Watchet

(Report No. WSC 75/15, circulated with the Agenda.)

The purpose of the report was to consider the freehold transfer of the Watchet Flatner Boat Museum building and surrounding land to the Onion Collective (OC) Community Interest Company in exchange for a peppercorn i.e. £1 consideration. Any transfer would be within the basis of a Community Asset Transfer. The transfer would enable significant investment through OC enabling the Museum to continue operating from the building, albeit with improved facilities, complemented by a new build Visitor Centre housing a revitalised visitor information service, the existing taxi occupier as well as co-location of the Town Council offices and shared use of public space for Town Council meetings.

The Lead Member for Resources and Central Support presented the item and outlined the details of the project, advising that the development to improve and reinvigorate the Museum would, with collaborative working, create new opportunities within Watchet. An update was provided on the application submitted for CIM funding and Members were advised that the Planning Obligations Board had recommended it to Cabinet for approval.

She proposed the recommendation which was duly seconded by Councillor E May.

Members were fully supportive and it was good to see the Council working in partnership with other organisations to improve and update its assets.

RESOLVED that the following be approved:

- The freehold transfer for a peppercorn of the building and surrounding land edged red on the plan attached to the report to OC.
- The granting of additional rights necessary over adjacent land and as detailed later in the report.
- Detailed terms and conditions to be approved by the Assistant Director Property and Development in consultation with the Lead Member. These terms to be consistent with a Community Asset Transfer.

C149 **Creation of the Somerset Building Control Partnership**

(Report No. WSC 54/15, circulated with the Agenda.)

The purpose of this report was to seek approval to create a Somerset Building Control Partnership as outlined in the appended Business Case to the report, comprising Mendip and Sedgemoor District Councils, Taunton Deane Borough Council and West Somerset Council; and to seek approval to transfer employees to Sedgemoor District Council under TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014

The Lead Member for Environment - General presented the item and provided details on the background, highlighting the key reasons for forming the partnership and explained how it would be governed. The proposed start date for the partnership was 1 July 2015, however it was advised that the amalgamation of the building control service with TDBC as part of the JMASS project could still be progressed should the need arise.

The Assistant Director – Operational Delivery confirmed that WSC would attain a 15% share of the saving, and WSC would carry a 15% share of the one-off costs to cover redundancies and ICT set up costs, which would result in an ongoing saving of approximately £27,000 per annum.

The Lead Member proposed the recommendations contained within the report which were duly seconded by Councillor K H Turner.

Members were supportive and wished the Somerset Building Control Partnership every success. Officers were congratulated on working with the Lead Member to deliver the process to this stage.

RESOLVED (1) that the creation of a Somerset Building Control Partnership as outlined in the appended Business Case to the report, and subject to the approval of the other proposed partner Councils be approved.

RESOLVED (2) that the creation of a 'Joint Committee' to oversee the strategic direction, performance and budget of the partnership be approved.

RESOLVED (3) that the Portfolio Holder and Assistant Director (Operational Delivery) be nominated to represent the Council on the Joint Committee.

RESOLVED (4) that the Section 151 Officer, the Monitoring Officer, Chairman of Scrutiny Committee, and the Assistant Director (Operational Delivery), in consultation with the Lead Member be delegated responsibility to finalise legal agreements, partnership budgets and cost/income sharing arrangements, shared redundancy payments and detailed governance arrangements.

C150 **Steam Coast Trail – Fund Holder Governance Arrangements**

(Report No. WSC 72/15, circulated prior to the meeting.)

The purpose of the report was to outline the proposed fund holder arrangements West Somerset Council would undertake in partnership with the Friends of the Steam Coast Trail in respect of delivery of the Steam Coast Trail Project.

The Lead Member for Regeneration and Economic Growth presented the item and emphasised the economic benefits of the project. She went on to highlight and praise the hard work of the Economic Development team.

The Lead Member proposed the recommendations which were duly seconded by Councillor T Taylor.

During the discussion the following points were raised:

- The project would be great for the district's economy and would attract families into the area.
- The way the project was being delivered was ideal and should be used as a blue print for future projects.
- Clarification was provided that the Project Officer post would be line managed by WSC's Tourism Officer, and during the recruitment process the Friends of the Steam Coast Trail would be represented on the panel.
- Members wished the project the greatest of success.

RESOLVED (1) that the Governance arrangements for its fund holder responsibilities in respect of the Coastal Communities Grant for the Steam Coast Trail Project as detailed in the Partnership Agreement included in Appendix A to the report be approved.

RESOLVED (2) that the creation of a capital budget within the 2015/16 Capital Programme of £559,050 – increasing to £637,050 if contingency funds from CLG are allocated – for the purposes of the Steam Coast Trail Project, fully funded by S31 Grant from CLG be approved.

C151 Member Reporting on Membership of Outside Body for Information

(Somerset Building Preservation Trust from Councillor H J W Davies, circulated with the Agenda and Exmoor National Park Authority from Councillor T Taylor, tabled at the meeting.)

RESOLVED that the reports on membership of outside body be noted.

C152 Minutes and Notes for Information

(Minutes and Notes relating to this item, circulated via the Council's website.)

RESOLVED (1) that the notes of the Dunster Area Panel held on 26 January 2015 be noted.

RESOLVED (2) that the notes of the Watchet, Williton and Quantock Vale Area Panel held on 3 March 2015 be noted.

RESOLVED (3) that the notes of the Exmoor Panel held on 5 March 2015 be noted.

RESOLVED (4) that the notes of the Minehead Area Panel held on 11 March 2015 be noted.

RESOLVED (5) that the notes of the Watchet Harbour Advisory Committee held on 14 January 2015 be noted.

The meeting closed at 6.13 pm