

SWT Full Council - 27 April 2020

Present: Councillor Hazel Prior-Sankey (Chair)

Councillors Simon Coles, Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, Martin Hill, John Hunt, Marcus Kravis, Andy Milne, Richard Lees, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Simon Nicholls, Craig Palmer, Derek Perry, Martin Peters, Peter Pilkington, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Andrew Sully, Nick Thwaites, Anthony Trollope-Bellew, Ray Tully, Sarah Wakefield, Alan Wedderkopp, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Officers: Dawn Adey, Tim Bacon, Lesley Dolan, Paul Fitzgerald, Chris Hall, James Hassett, Wendy Lewis, Kate Murdoch, Alison North, Jo O'Hara, Marcus Prouse, Clare Rendell, Nicky Rendell, Amy Tregellas and Joe Wharton

(The meeting commenced at 6.15 pm)

149. **Apologies**

An apology was received from Councillor T Venner.

150. **Minutes of the previous meeting of Full Council**

(Minutes of the meetings of Full Council held on 19 February 2020 and 26 February 2020 circulated with the agenda)

Councillor B Weston requested an amendment to minute number 136 and her closing statement on the Motion.

Resolved that the minutes of Full Council held on 19 February 2020 and 26 February 2020, within amendments, be confirmed as a correct record.

151. **Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	Cheddon Fitzpaine &	Personal	Spoke and Voted

		Taunton Charter Trustee		
Cllr M Barr	All Items	Wellington	Personal	Spoke and Voted
Cllr M Blaker	All Items	Wiveliscombe	Personal	Spoke and Voted
Cllr P Bolton	All Items	Minehead	Personal	Spoke and Voted
Cllr C Booth	All Items	Wellington and Taunton Charter Trustee	Personal	Spoke and Voted
Cllr N Cavill	All Items	West Monkton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Davies	All Items	SCC	Personal	Spoke and Voted
Cllr C Ellis	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr A Govier	All Items	SCC & Wellington	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC & Bishop's Hull	Personal	Spoke and Voted
Cllr R Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr A Milne	All Items	Porlock	Personal	Spoke and Voted
Cllr S Nicholls	All Items	Comeytrove	Personal	Spoke and Voted
Cllr C Palmer	All Items	Minehead	Personal	Spoke and Voted
Cllr D Perry	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr P Pilkington	All Items	Timberscombe	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Rigby	All Items	SCC & Bishops Lydeard	Personal	Spoke and Voted
Cllr F Smith	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr V Stock-	All Items	Wellington	Personal	Spoke and Voted

Williams				
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr A Wedderkopp	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted
Cllr G Wren	All Items	Clerk to Milverton PC	Personal	Spoke and Voted

Councillor S Wakefield further declared an interest on agenda item 15, Planning Report, as a member of the Community Interest Company for Tonedale Mill and Works.

Councillor L Whetlor further declared an interest on agenda item 10, Splash Point Repair Works, as a Ward Member.

Councillor K Wheatley further declared an interest on agenda item 15, Planning Report, as the Director of the Community Interest Company for Tonedale Mill and Works.

Councillor M Blaker further declared an interest on agenda item 11, Future High Street Fund Report, as the Director of the company that operated the café in the Brewhouse Theatre.

152. **Public Participation - To receive only in relation to the business for which the Extraordinary Meeting has been called any questions, statements or petitions from the public in accordance with Council Procedure Rules 14,15 and 16**

Dr J Armstrong spoke on agenda item 10, Splash Point Repair Works.

In view of the development going ahead on the Quay, the debacle with the marina and it's total neglect by the leaseholder, with pending action to evict him, when would the council commit to a capital dredge of the marina and outer harbour and get the marina sold to the prospective buyer that was out there Cardiff Marina and secure a future for the marina but more importantly for Watchet and surrounds?

Thank you, Dr Jane Armstrong

The Portfolio Holder responded:

The Council were taking robust action against the Marina Operator to comply with their lease, the responsibility to dredge was theirs and the public should not have to fund a requirement that was legally placed with them. We understand the importance of this and a range of other maintenance activities that have failed to be delivered in accordance with the lease and with independent evidence of this the S146 notice had been served.

The outer harbour was the responsibility of the council, the levels of mud there were lower but we recognised the need to dredge. The council had committed the money to undertake this within the budget for this year and the Harbour Master was in the process of achieving the necessary licence to undertake this work.

At this point in time the Marina still had the lease and it was therefore not within the gift of the Council to sell it to another party. We were aware of the interest from others and would consider this in the event that the lease comes back in to our possession.

To date we were disappointed to report that we have had no response to the notice that had been served, the operator will be given a reasonable period of time to comply before the council considered its next steps.

153. **To receive any communications or announcements from the Chair of the Council**

The Chair of the Council made the following announcements:-

- The Chair advised the Council that the majority of civic events had been put on hold due to the Covid Pandemic. However, she had managed to participate in some virtual presentations and ceremonies.
- She wanted to thank all Councillors and Officers for their hard work in ensuring that the community of Somerset West a Taunton were kept safe during the Pandemic.

154. **To receive any communications or announcements from the Leader of the Council**

The Leader of the Council made the following announcements:-

- The Leader acknowledged these were extraordinary times that faced the community of Somerset West and Taunton.
- She thanked all the volunteer workers for helping their neighbours and the vulnerable in the area.
- She thanked all key workers and the Officers of Somerset West and Taunton Council for going above and beyond in their duties to protect and support the community.
- The Leader advised that she had been closely with finance officers to assess what costs had been incurred during the Covid Pandemic.

155. **To receive only in relation to the business for which the Extraordinary Meeting has been called any questions from Councillors in accordance with Council Procedure Rule 13**

No questions had been received in relation to Procedure Rule 13.

156. **Changes to the Constitution - Delegation of Decision Making (Urgent Report)**

During the discussion, the following points were made:-

- Councillors requested clarification on how the executive decisions would be communicated out to Councillors.
The Monitoring Officer gave clarification and explained that delegated decisions would follow the normal process as per the Constitution.

- Councillor Trollope-Bellew proposed to add the wording 'this would only come into effect if quorate virtual meetings were not able to be held' to recommendation a). This was seconded by Councillor Habgood.
- Councillor Mansell proposed to add the wording 'after consultation with the Group Leaders or nominated substitutes' to recommendation c) and the wording 'be reviewed every three months by Full Council' to recommendation d). Both were seconded by Councillor Hunt.
- Councillor Habgood proposed to add the wording 'except for Planning, where the Chair and the Committee Members would be consulted first' to recommendation a). This was seconded by Councillor Coles.
The Leader accepted all the proposed amendments to the recommendations.

Resolved that Full Council agreed the following changes be made to the Council's Constitution:-

- To amend Part 3 of the Council's Constitution - Responsibility for Functions (with the exception of decisions that legally must be made by the Council) to allow delegated authority to the Chief Executive, and to the relevant Director in the Chief Executive's absence where not already delegated, to take Executive decisions and decisions that would fall under the remit of the Planning, Licencing and Audit, Governance and Standards Committees in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member(s) and Committee Member if practicable, except for Planning, where the Chair and the Committee Members would be consulted first. This would only come into effect if quorate virtual meetings were not able to be held;
- To enable Councillors to make decisions by remote, virtual meetings using available technology in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020;
- That delegated authority be given to the Monitoring Officer and Chief Executive, after consultation with the Group Leaders or nominated substitutes, to amend the Constitution to reflect any further changes that were required as a direct result of Government Legislation/Guidance resulting from the Coronavirus (COVID-19) situation; and
- Those changes in procedure be reviewed every three months by Full Council and would cease when the Government announced that the Coronavirus (COVID-19) crisis was over and when normal meetings could resume.

157. **Approval of the Annual Pay Policy Statement 2020/21**

During the discussion, the following points were made:-

- Councillors were pleased to see that the Council was moving towards becoming a registered living wage authority.
- Councillors queried why the report did not include a response from Unison. *The Portfolio Holder advised that the pay scales had been decided at a national level and confirmed that Unison had been happy with the figures.*
- Councillors queried whether the redundancy policy in Appendix D was a new policy or had it been carried forward from the previous Councils.

The Portfolio Holder confirmed that the policy had been carried forward and that the two days a week given for job searches was considered to be reasonable and good practice.

- Councillors requested clarification on the redundancy policy and how they were selected and whether an ADR process was in place.

The Portfolio Holder advised he was not sure whether the ADR had been adopted, but could be looked at in the future and assured Councillors that the process was fair and that a panel would always be used for the decision.

Resolved that Full Council approved the Pay Policy statement 2020/21 for publication.

158. **Splash Point Repair Works**

During the discussion, the following points were raised:-

- Councillors thanked the Localities Manager and his team for all their hard work on the repairs.
- Councillors queried whether officers had approached EDF for help with funding, carried out any crowd funding or whether the Council could lobby Government for support.

The Localities Manager advised that he had approached EDF previously in regards to the dredging and their response was that the community impact mitigation fund could only be applied for if there was a clear link with the issue to be resolved and their development, which there wasn't in this case. Crowd funding had not been looked into yet, but could be done retrospectively. With regards to lobbying the Government, officers would be advised that the Environment Agency was funded by Government and that there was a flood defence aid fund that could be applied for, but the criteria that would be required was heavily dependent on how many properties would be protected by the flooding.

- Councillors queried how much it would cost to dredge the marina, in case the responsibility fell back with the Council.

The Localities Manager advised that he did not have a quote for the cost of dredging, as this was the direct responsibility of the marina operator and if the lease was lapsed, he would look for a new operator and part of the new lease would be to bring the marina back up to certain specifications.

- Councillors acknowledged it was unfortunate that the Rivers Authority would not grant any funding.
- Councillors queried the information given in the report brought to Full Council on 27 January 2020 and if the dredge was carried out up to the harbour wall, would it impact on the stability of the inner wall.

The Localities Manager confirmed that their work was to stabilise the central section of the wall and to do that would require an element of dredging.

- Councillors were keen to move forward with the repair works for the people of Watchet.

Resolved that Full Council:-

- a) Supported the completion of the works;

- b) Approved a Capital Programme Supplementary Budget of £900,000, and approved the use of borrowing subject to the S151 Officer determining the most appropriate source of funding; and
- c) Approved a Revenue Budget increase of £106,000 for the asset repairs and maintenance, funded from General Reserves.

159. **Future High Street Fund Report**

During the discussion, the following points were made:-

- Councillors were pleased to see the project was moving forward and thanked officers for the work involved.
- Councillors were keen for the work to be replicated in the other high streets within the Somerset West and Taunton area.
- Concern was raised on the business case for the Brewhouse Theatre. *The Strategy Specialist advised that the inclusion of the performance venue in the bid did not represent competition, the performance venue had met the criteria for the bid, in that it operated on a collective basis for the Firepool and Coal Orchard sites.*
- Councillors queried whether there were any plans to carry out improvement works on the Station Road area of Taunton. *The Strategy Specialist was aware that the Taunton cycling campaign had raised concerns on that area. However, the consultants had looked at those concerns at a high level and could not align them with the bid criteria.*
- Councillors requested clarification on the process as the Community Infrastructure Levy (CIL) allocations had not been signed off by the Taunton Charter Trustees. *The Strategy Specialist advised that this report was not confirmation of the funding from Government, it was to discuss the business case that the Council had to submit on 30 April 2020. The CIL allocations mentioned in the report were being used to support the application and were projects that had been identified and met the criteria that the Government were looking for. The CIL allocations would still be taken to the Taunton Charter Trustees for them to debate and grant.*

Resolved that Full Council supported the following:-

- a) Approval of Community Infrastructure Levy allocations to support the delivery of Council projects within the Future High Street Fund bid (as per Table 2 below)
- b) Approval was sought subject to Government grant being awarded through the Future High Street Fund and subject to sufficient CIL funds being available in the funding years outlined in Table 2.

160. **Access to Information - Exclusion of the Press and Public**

Resolved that the press and the public be excluded from the meeting for the items numbered 13, 14, 15 and 16 on the Agenda as the items contained exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local

Government Act 1972, and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

161. **Firepool Report**

Resolved that Full Council approved the confidential recommendations included with this report.

162. **Tangier Report**

Resolved that Full Council approved the confidential recommendations included with this report.

163. **Planning Report**

Resolved that Full Council approved the confidential recommendations included with this report.

164. **HRA Acquisition Report**

Resolved that Full Council approved the confidential recommendations included with this report.

(The Meeting ended at 10.15 pm)