

South Somerset District Council

Minutes of a meeting of the **District Executive** held at the **Council Chamber, Brympton Way, YEOVIL, Somerset BA20 2HT on Thursday 6 November 2014.**

(9.30 am - 12.43 pm)

Present:

Councillor Ric Pallister (Chairman)

Tim Carroll	Jo Roundell Greene
Peter Gubbins	Sylvia Seal
Henry Hobhouse	Angie Singleton
Shane Pledger	Nick Weeks

Also Present:

Nigel Mermagen	Martin Wale
Sue Osborne	Colin Winder
Sue Steele	David Norris
Tim Wood (East Devon DC)	

Officers

Mark Williams	Chief Executive
Vega Sturgess	Strategic Director (Operations & Customer Focus)
Ian Clarke	Assistant Director (Legal and Corporate Services)
Donna Parham	Assistant Director (Finance & Corporate Services)
Martin Woods	Assistant Director (Economy)
Paul Wheatley	Principal Spatial Planner
David Julian	Economic Development Manager
Rob Murray	Economic Development Officer
Roger Meecham	Engineer
Ian Potter	Revenues and Benefits Manager
Kim Close	Assistant Director (Communities)
Helen Rutter	Assistant Director (Communities)
Emily McGuinness	Scrutiny Manager
Angela Cox	Democratic Services Manager

Note: All decisions were approved without dissent unless shown otherwise.

67. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the District Executive meeting held on 2nd October 2014, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

68. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillor Peter Seib and Rina Singh (Strategic Director).

69. Declarations of Interest (Agenda Item 3)

Councillors Tim Carroll and Angie Singleton declared a personal and prejudicial interest in Agenda item 8: Non Domestic Rates (NDR) – Discretionary Rate Relief Policy, as Trustees of charitable bodies who benefitted from the Policy. They confirmed that they would leave the room during discussion of this item.

70. Public Question Time (Agenda Item 4)

It was agreed that members of the public present would be allowed to speak at the time the item they were attending for was to be discussed.

71. Chairman's Announcements (Agenda Item 5)

The Chairman took the opportunity to thank Roger Meecham, Engineer, who was to retire that day following 48 years of service to the Council. He said that Mr Meecham's knowledge of drainage and areas of flooding in the district were without exception and he wished him well in his retirement. He presented Mr Meecham with a certificate to commemorate his 48 years service to the Council and Members joined in warmly thanking him.

72. Further Main Modifications to the South Somerset Local Plan (2006 - 2028) (Agenda Item 6)

The Chairman drew Members attention to a recent planning appeal decision at Gold Well Farm, Crewkerne which confirmed the Councils approach to its 5 year land supply. He agreed to circulate a copy of the appeal decision to all Members.

The Portfolio Holder for Finance and Spatial Planning outlined the history of the proposed Main Modifications to the Local Plan and the two proposed changes in light of the public consultation. He said if the modifications were agreed by District Executive and Council then they would be submitted to the Planning Inspector the following day.

The Principal Spatial Planner outlined the four Main Modifications to the Local Plan and the proposed changes to some wording before submission to the Planning Inspector as: the simplification of wording to Main Modification 9 relating to landscaping; the removal of the East and North Coker buffer zone; the removal of the specific figure of employment land delivery in Rural Settlements and the early review of housing and employment provision in Wincanton, to be completed within 3 years of adoption of the Local Plan.

The Chairman of the Scrutiny Committee suggested, for clarity, that the words 'statutory consultation' be added to recommendation 2 and this was agreed.

In response to questions from Members, the Principal Spatial Planner advised that:-

- The proposal to remove the specific figure of employment land delivery in rural settlements would not affect that allocated in market towns.

- A halt on new housing in Wincanton would not be justified but should be resolved through the proposed early review of policy SS5.
- Two investigations had been carried out at identified sites within the proposed North East Yeovil development site and no anthrax spores had been found. Further investigation work would be carried out as part of the planning application process working with the local community, the landowner and developer. If anthrax spores were subsequently found then there would be an approved mitigation strategy.
- If Members felt that housing development in a particular area was not in line with proposed employment land then work could be done with Economic Development staff to provide evidence of this.

At the conclusion of the debate, Members were content to confirm the recommendations for approval by Full Council.

RESOLVED: That District Executive:-

1. approved the further Main Modifications (see Appendix A) and minor amendments and recommend they are approved by Full Council for submission to the Planning Inspectorate; and
2. noted that the further Main Modifications had been subject to statutory consultation, Sustainability Appraisal, Habitat Regulations Assessment and Equality Analysis as required.

Reason: To approve the four further Main Modifications (MMs) and minor amendments to the South Somerset Local Plan (2006 – 2028) and recommend their endorsement by SSDC Full Council.

73. Report of Joint Scrutiny Task and Finish Group - Broadband (Agenda Item 7)

The report was introduced by Councillor Tim Wood, Chairman of East Devon DC Overview and Scrutiny Committee, whose Members had participated in the joint review with SSDC Councillors. He advised that the review had been particularly frustrating as there was little they had achieved. During consideration of the report at East Devon DC the previous day, they had added a further recommendation to make representations to the House of Commons Committee on Environment Food and Rural Affairs on the inadequacy and ineffectiveness of the broadband programme for rural areas and to alert the Committee to the Council's concerns about the Connecting Devon and Somerset's approach.

The Committee was then addressed by Mr G Long of Uppottery Parish Council, who had contributed to the joint Task and Finish review. He said that fast broadband was considered as the third essential utility nowadays and towns were benefitting rather than villages. He hoped the process would be more open in future as the public would be watching the tender process on 20th November.

The Chairman asked that Members note the report and the recommendations of the Joint Task and Finish Group be taken and added to the report at Agenda item 9: Superfast Broadband Extension Programme. Members were in agreement with this.

RESOLVED: That District Executive noted the report of the Joint Scrutiny Task and Finish Group.

Reason: To consider the findings of the Scrutiny Task and Finish Group conducted jointly with East Devon District Council looking into the Connecting Devon and Somerset Broadband project.

74. Non Domestic Rates (NDR) – Discretionary Rate Relief Policy (Agenda Item 8)

(Councillors Tim Carroll and Angie Singleton, having earlier declared a personal and prejudicial interest, left the room during consideration of this item).

The Chairman complimented the Scrutiny Task and Finish Group for their assistance in reviewing the policy.

The Revenues and Benefits Manager introduced the policy and advised that the Task and Finish Group had reviewed the policy in the same way in which the Council Tax Rate Relief had been conducted, on the key principle that businesses who received some discretionary rate relief should also make some contribution to business rates and he outlined the key changes which the policy proposed, including the one year transition period for existing applicants.

The Chairman of the Scrutiny Committee said the Task and Finish review had been very detailed and time consuming and she thanked Jo Gale, Scrutiny Manager, Donna Parham, Assistant Director, and Ian Potter, Revenues and Benefits Manager, for their assistance in conducting the review. She confirmed that the Scrutiny Committee were content with the policy.

In response to questions from Members, the Assistant Director (Finance and Corporate Services) and the Revenues and Benefits Manager confirmed that:-

- Dentists and Hairdressers in rural locations were specifically set out in legislation.
- Local Charity Shops fared better under the proposed policy than National Charity Shops.
- They would add a point of clarification to the policy relating to not for profit organisations to include organisations which did not distribute profits to shareholders.
- At the current time, there was no mention of animal welfare in the Council Plan and therefore the Scrutiny Task and Finish Group members had found no policy reason to extend the scheme to cover support to Animal Trusts, however, they were eligible to apply to the Hardship Scheme if required.
- The relief to organisations listed in paragraphs 13 to 16 in the report would have to be applied for with reasons for justification.

At the conclusion of the debate, Members were content to confirm the draft Discretionary Rate Relief Policy and Schedule 1 (as amended) to Full Council for approval.

RESOLVED: That District Executive recommended to Council:-

- a. the draft Discretionary Rate Relief Policy and Schedule 1 (as

amended) at Appendix A for approval;

- b. the policy implementation date of 1 April 2015;
- c. a transitional period on one year for current recipients to ensure that they have sufficient time to manage any financial impact from the changes;
- d. to note the recommendations from the Scrutiny Task and Finish Group attached at Appendix C;
- e. to consider the Equalities Impact Assessment at Appendix D in approving (1) above;
- f. to consider the public consultation responses at Appendix B in approving (1) above.

Reason: To recommend the Discretionary Rate Relief Policy to Council for approval.

75. Superfast Broadband Extension Programme - Interim Report on Options and Requirements (Agenda Item 9)

The Assistant Director (Economy) outlined the current position with regard to the delivery of superfast broadband by Connecting Devon and Somerset and he advised that SSDC officers had been invited to attend the open market review process on 20th November. He said there was still an option for SSDC to decide to deliver the programme alone, however, there was a risk in doing this of duplication with another broadband programme.

During discussion the following points were made:-

- It had been assumed that urban areas would be fully covered by the superfast broadband programme but it appeared they were not.
- Providing a superfast broadband access point in rural communities was vital.
- Giving priority to businesses should not be to the detriment of rural premises, including farms.
- Economic Development officers from both SSDC and EDDC should be involved in the programme.

At the conclusion of the debate, Members agreed the addition of the recommendations from the Scrutiny Task and Finish Group, the establishment of a working group made up of Councillors from both SSDC and EDDC and to make representations to the House of Commons Committee on Environment Food and Rural Affairs.

RESOLVED: That District Executive noted and agreed:-

1. the initial assessment of different options available.
2. that options cannot be comprehensively considered and compared until the information requested of Connecting Devon and Somerset (CDS) is provided.

3. that significant resource was required to comprehensively investigate options for capital investment in models of alternative provision.
4. that clarification be sought from relevant sources, including Connecting Devon and Somerset, and reported to members, at the earliest opportunity as to whether the SSDC/EDDC element of the potential £22.75 million SEP funding could be redirected to an alternative provider outside of the Connecting Devon and Somerset Programme.
5. that clarification be sought from relevant sources including Connecting Devon and Somerset, and reported to members on the original objectives of the BDUK project...was it to provide improved access for rural residents to Superfast Broadband, in recognition of the fact that such access is now seen as essential in modern domestic and business life, or was it also to support cheaper provision to SME's in more urban areas? Members would also like to have the position on state aid to business clarified in relation to this point.
6. that whatever decisions were taken corporately to address providing Superfast Broadband to 'the final 10%', there was a commitment to openness, transparency and accountability from all those involved and there would be no further use of Non-disclosure Agreements or similar.
7. that a working group be established consisting of members and officers from both East Devon DC and South Somerset DC to consider the information provided by Connecting Devon and Somerset (CDS) and to report progress to the respective Cabinet and Executive Committees.
8. that a submission be made to the House of Commons Committee on Environment Food and Rural Affairs by 19 November on the lack of effective communication and clarity of the broadband programme for rural areas and to alert the Committee to this Council's concerns about the Connecting Devon and Somerset's approach.

Reason: To consider options available to SSDC for enhancing the delivery of broadband beyond the 90% covered by the Devon and Somerset Superfast Broadband Project (Connecting Devon and Somerset).

76. Adoption of Housing Strategy Implementation Plan (Agenda Item 10)

The Chairman, as Portfolio Holder for Strategy and Policy, thanked those Members who had contributed to the Housing Strategy Implementation Plan through discussion at his Portfolio Briefings.

The Corporate Strategic Housing Manager advised that the Implementation Plan followed the adoption of the County-Wide Housing Strategy Plan, agreed in March 2014.

The Implementation Plan had been discussed at a Scrutiny Task and Finish Group and their comments had been incorporated into the final document.

The Chairman of the Scrutiny Committee confirmed that they were content with the recommendations.

At the conclusion of the debate, Members were pleased to formally adopt the Housing Strategy Implementation Plan.

RESOLVED: That District Executive formally adopted the Housing Strategy Implementation Plan.

Reason: To adopt the Housing Strategy Implementation Plan as the Council's overall strategic approach to housing provision across the district.

77. Upgrade of E5 Financial System (Agenda Item 11)

The Portfolio Holder for Finance and Spatial Planning advised that this was a standard upgrade to the system, required to keep up with the user's needs, legislation and technological advances.

In response to a question, the Assistant Director (Finance and Corporate Services) advised that it was necessary to keep in line with corporate software upgrades.

The Scrutiny Committee confirmed their agreement and Members were content to confirm the recommendations of the report.

RESOLVED: That District Executive agreed:-

1. that the E5 Financial System be implemented at a capital cost of £106,000, of which £96,000 to come from the ICT Replacement Fund and £10,000 from the already approved ICT Hardware Replacement Programme.
2. that the revenue implication, of £5,000 be added to the Medium Term Financial Plan for 2015/16.

Reason: To upgrade of the current financial system to keep up with legislation, technological advances and ensure efficient processes.

78. 2014/15 Capital Budget Monitoring Report for the Quarter ending 30th September 2014 (Agenda Item 12)

The Portfolio Holder for Finance and Spatial Planning advised that this was the standard quarterly budgeting report which was also reported to the Area Committees.

There was no debate and Members were content to confirm the recommendations of the report.

RESOLVED: That District Executive:-

- a. noted the spend of £487,000 so far on capital for 2014/15 and approve the revised capital programme for 2014/15 and beyond (paragraph 6 and 7);
- b. noted the progress of individual capital schemes as detailed in Appendix A;
- c. noted the slippage over £50,000 in the capital programme as detailed in paragraph 10;
- d. approved the virement of £30,000 outline in paragraph 11;
- e. approved the revenue contribution of £42,000 to capital outlined in paragraph 12;
- f. approved the re-allocation of funding as detailed in paragraph 13;
- g. noted the schemes that were approved prior to 2010, as detailed in Appendix D, and confirm approval for those projects that they wish to remain in the programme
- h. noted the total land disposals to registered social landlords as detailed in Appendix B;
- i. noted the balance of S106 deposits by developers held in a reserve as detailed in Appendix C;
- j. noted the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 17.

Reason: To update Members on the current financial position of the capital programme of the Council and to report the reasons for variations from approved budgets for the period 1st July to 30th September 2014

79. 2014/15 Revenue Budget Monitoring Report for the Quarter ending 30th September 2014 (Agenda Item 13)

The Portfolio Holder for Finance and Spatial Planning drew Members attention to the revised budget as at 30th September at point 3.2 of the report. He said that whilst there was a projected underspend of £559,800 part of that was planning application income which was in excess of that projected.

The Assistant Director (Finance and Corporate Services) advised that the virement in paragraph 4 was for legal fees in connection with planning appeals.

In response to questions from the Scrutiny Committee, the Assistant Director (Finance and Corporate Services) agreed to provide an executive summary in the next quarterly monitoring report.

At the conclusion of the debate, Members were content to confirm the recommendations of the report.

RESOLVED: That District Executive:-

- a. noted the current 2014/15 financial position of the Council;
- b. noted the reasons for variations to the previously approved budgets as detailed in paragraphs 3.3;
- c. noted the transfers made to and from reserves outlined in paragraph 11.1 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in Appendix D;
- d. noted the virements made under delegated authority as detailed in Appendix B;
- e. approved the virements reported in paragraph 4.

Reason: To update Members on the current financial position of the revenue budgets of the Council and to report the reasons for variations from approved budgets for the period 1st April to 30th September 2014.

80. Wyndham Park Community Facilities (Agenda Item 14)

The Chairman introduced the report and advised that although the grant may not be sufficient to complete the project, it was a commitment to start the process.

The Chairman of the Scrutiny Committee confirmed that they felt it was important that the scheme progressed and they were content to endorse the recommendations.

During discussion, Members expressed their support for the scheme. It was proposed that the second condition be amended to include the words 'or a community group' and this was agreed. At the conclusion of the debate, Members were content to approve the grant towards the cost of providing community facilities for the development at Wyndham Park.

RESOLVED: That District Executive approved a grant of up to £400,000 towards the cost of providing community facilities for the development at Wyndham Park. Subject to the following conditions:

- The grant will be held by SSDC until it is required in order to facilitate the provision of community facilities on Wyndham Park subject to a formal agreement and in accordance with SSDC's financial regulations.
- The grant will be made as a capital contribution towards the cost of the provision of community facilities at Wyndham park, on the understanding that Yeovil Without Parish Council or a community group take ownership of the hall on behalf of the community, if required, and will be responsible for the management and maintenance of the facility once it is complete.
- Any land purchase would be subject to a District Valuer valuation together with clarity in terms of the likely planning issues relating to the selected site.
- The VAT implications of any future delivery model will be

fully considered before implementation.

- That authority to agree the final conditions is delegated to the Leader, Portfolio holder and the Assistant Director – Communities.

Reason: To approve for a grant of up to £400,000 towards the cost of providing community facilities for the new development at Wyndham Park, Yeovil.

81. Draft Proposals of the Community Governance Review of Lopen Parish Council (Agenda Item 15)

There was no debate and Members were content to confirm the recommendations for approval by Full Council.

RESOLVED: That District Executive recommend that Council:-

1. note the results of the consultation;
2. note that the significant majority of the valid responses received were in favour of the original proposal by Lopen Parish Council and therefore the draft recommendation for further consultation to Council be: "To accept the majority vote from the people of Lopen and to agree to increase the number of Parish Councillors to seven".
3. agree to publish the results of the consultation;
4. note that a further period of consultation on the results of the initial consultation responses will take place;
5. note that a further report will be brought to Council in order that a decision may be made in respect of the final recommendations of the Review.

Reason: To report the outcome of the initial public consultation (Community Governance Review) which has taken place in the parish of Lopen on the proposal to increase the number of Parish Councillors.

82. District Executive Forward Plan (Agenda Item 16)

The following additions and amendments to the Forward Plan were noted:

- Environment Agency on the flooding trigger point documents – December 2014
- Somerset Rivers Authority update and progress report – December 2014
- Non-Domestic Rates (NDR) Pooling – December 2014

RESOLVED: That the District Executive approved the updated Executive Forward Plan for publication as attached at Appendix A with the following amendments;

- Presentation from the Environment Agency on the flooding trigger point documents – December 2014
- Somerset Rivers Authority update and progress report – December 2014
- Non-Domestic Rates (NDR) Pooling – December 2014

Reason: The Forward Plan is a statutory document.

83. Monthly Performance Snapshot (Agenda Item 17)

The Chairman advised that the information was currently provided to Councillors at East Devon DC who found it very informative and it would now be provided on a monthly basis for SSDC Members to feedback to their Town and Parish Councils. Any suggestions for information to be included would be welcome.

The Chief Executive noted that Members may find it useful to answer any questions from members of the public as well.

Members noted the monthly performance snapshot data.

84. Date of Next Meeting (Agenda Item 18)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 4th December 2014 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

85. Exclusion of Press and Public (Agenda Item 19)

RESOLVED: that the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: “Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

86. Delivery of the Car Parking Strategy (Confidential) (Agenda Item 20)

This item was withdrawn from the Agenda.

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Chairman

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Date