

## South Somerset District Council

**Minutes** of a meeting of the **District Executive** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil on Thursday 5 September 2019.**

(9.30am to 11.50am)

**Present:**

Councillor Val Keitch (Chairman)

Jason Baker  
Mike Best  
John Clark  
Adam Dance

Sarah Dyke  
Peter Gubbins  
Henry Hobhouse  
Peter Seib



**Also Present:**

Mike Lewis  
Sue Osborne

Linda Vjeh

**Officers:**

Alex Parmley  
Netta Meadows  
Clare Pestell  
Martin Woods  
Paul Fitzgerald  
Angela Watson  
Vicki Dawson  
Jan Gamon  
Robert Orrett  
Paul Huntington  
Leisa Kelly  
Angela Cox

Chief Executive  
Director (Strategy & Support Services)  
Director (Commercial Services & Income Generation)  
Director (Service Delivery)  
Section 151 Officer  
Monitoring Officer  
Lead Specialist (Environmental Health)  
Lead Specialist (Strategic Planning)  
Commercial Property Manager  
Specialist (Compliance & Enforcement)  
Specialist (Strategic Planning)  
Democratic Services Specialist

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

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### **34. Minutes of Previous Meeting (Agenda Item 1)**

The minutes of the District Executive meeting held on 1<sup>st</sup> August 2019, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

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### **35. Apologies for Absence (Agenda Item 2)**

An apology for absence was received from Councillor Tony Lock.

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### **36. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest made by Members.

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**37. Public Question Time (Agenda Item 4)**

The Committee were addressed by the Chairman of Kingston Parish Meeting regarding Agenda item 6: Allowenshay Private Water Supply. He said the 12 residents who wished to connect their houses to the Wessex Water supply did not wish to join the private water supply. He said bringing Wessex Water pipework would benefit the whole village as fire hydrants would be installed. He outlined the proposal to self-lay the pipes using a private contractor then Wessex Water would purchase the system from them. He noted that each of the 12 households was contributing £9,000 and he expressed his concern that if the only option was to provide loans rather than the grant then some of the households may choose not to continue as there was a limit to what they could afford. He noted that they had appealed the Regulation 18 notice of a potential danger to health of the consumers.

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**38. Chairman's Announcements (Agenda Item 5)**

There were no announcements from the Chairman.

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**39. Allowenshay Private Water Supply (PWS) (Agenda Item 6)**

The Portfolio Holder for Health and Well-Being thanked officers for the considerable time spent trying to resolve the water supply issues in Allowenshay but he cautioned that there were implications for the Council if another private water supply came forward with a similar situation.

The Lead Specialist for Environmental Health introduced the report and advised that a great deal of officer time had been expended trying to resolve the issue for residents. A Regulation 18 notice had been served on households which stated their water supply was a potential danger to the health of consumers. She noted that Wessex Home Loans were usually reserved for people in vulnerability and the proposal would have to be agreed by their Exceptions and Appeals Committee.

In response to a question, the Chairman of Kingstone Parish Meeting clarified that none of the residents wished to take a Home Loan through Wessex Resolutions CIC at 4% interest.

The Ward Member, Councillor Sue Osborne, outlined the history of the situation and said that installing mains water for a Parish Meeting was a huge undertaking. She said the timescales were tight and the offer of a loan would not solve their situation. She said that project support help was needed and the Council should assist with this as there was a reputational risk. She also asked if the Area West Community Grants scheme could help.

The Lead Specialist (Legal) said the serving of the Regulation 18 notice on the wholesomeness of the water supply and the potential danger to the health of consumers had changed the emphasis of the issue. If the appeal against the notice was successful then the residents may look to the Council to resolve the issue.

During discussion, varying views were expressed. Some members felt that SSDC should not offer a grant and a loan was the correct way forward, while others felt it was SSDC's duty to intervene as it was a public health issue. Members mentioned that they wished to avoid creating a precedent for the other private water supplies in the area and that granting money to 12 households in one would mean significant betterment to a small section of a community.

It was proposed to offer option (a) of a Home Loan to the residents and this was seconded. An amendment was suggested to remove the words 'for this case only' but the Chief Executive said the change in policy and its financial and other implications had not been researched and so the proposed amendment was withdrawn.

Recommendation (a) was then put to the vote and carried by 5 votes in favour, 4 against and 0 abstentions.

**RESOLVED:** That District Executive:-

- a. agreed that the Exceptions and Appeals Panel be asked to vary the policy for this case only for the approval of a Home Loan through Wessex Resolutions CIC to make it available to all residents served with the Notices regardless of the vulnerability or financial status.

**Reason:** To agree financial support that the Council can provide to residents of Allowenshay, Dinnington and Hinton St George in relation to improvements required to their private water supply.

*(Voting: 5 in favour, 4 against, 0 abstentions)*

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#### **40. Financial Strategy 2020/21 (Agenda Item 7)**

The Portfolio for Finance, Legal and Democratic Services noted that the Chancellor had brought forward a spending review at short notice which was overall good for Somerset as it included increased funding for social care and children's services although it was still not known when the fair funding review would be brought forward or when the Government's settlement would be known. He referred to the scale of cuts in Government grants since 2010, the reliance on Council Tax and the need to concentrate on Business Rates and the proposal to focus on income generation with the aim to be fully self-financing without relying on general Government Grant in future.

The Section 151 Officer said the spending review still held some uncertainty and the Government's settlement would not be known before December. It appeared a Council Tax increase cap of 2% was likely although the current MTFP assumption was an increase of 2.99% which meant a possible reduction of £600,000 per year in income by Year 5 of the Medium Term Financial Plan. If the negative Revenue Support Grant (RSG) was removed for one year then that would be worth £327,000 as a one off figure. New Homes Bonus remained under review by Ministers and it was a concern that this funding would be significantly reduced in future. It was confirmed in the spending review that there will not be a Business Rate pilot next year so the current Somerset Pilot would definitely be for one year only. He said that he would circulate a Local Government Association 'on the day briefing' to all Members.

The Chief Executive reminded Members that the Financial Strategy had been agreed two years previously and £5.5m of the £6m target savings had been secured. But this had placed a strain on the organisation and he urged caution at the current time due to the political and financial uncertainties that remained.

In response to questions from Members, the Section 151 Officer advised that the statutory guidance regarding use of borrowing for investment property acquisition had been issued in 2018 and commercial activity had grown since then. Both the internal and external auditors had not offered an opinion on regulatory compliance but the Annual Audit report had made positive points on the Council's commercial activity. He confirmed that he would provide a written response to a question on the total of reserve balances.

The Chief Executive confirmed that a commercial approach did expose the Council to risk and that as a result both internal or external audit had been requested to review the Council's approach. Neither gave positive endorsements of a council's activities but that they had not raised any concerns was sufficient reassurance.

At the conclusion of the debate, Members unanimously confirmed the recommendations of the report.

Subsequent to the meeting, the Section 151 Officer provided the following response to the question on the total of reserve balances:

- As shown in the Financial Strategy report the current uncommitted balance in General Reserves is £4.1m
- Additionally, I refer members back to the Revenue Budget monitoring report to District Executive in August 2019, which shows earmarked revenue and capital reserves totalling £40m as at end of June 2019 (see Appendix D). The significant majority of this balance is committed to meet current revenue and capital approvals, but also includes some elements of contingency for example in respect of the investment, treasury and business rates risk reserves

**RESOLVED:** That District Executive agreed to:-

- a. approve the Financial Strategy including the proposed new Savings Targets;
- b. approve the planned movements in reserves as set out in paragraphs 62 and 65;
- c. note the initial 2020/21 Budget and Medium Term Financial Plan estimates;
- d. note the approach and timeline for budget setting for 2020/21.

**Reason:** To agree the updated Financial Strategy for 2020/21 onwards, and to note the information regarding the initial Medium Term Financial Plan estimates for the period 2020/21 to 2024/25.

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#### 41. Commercial Strategy 2017-2021 (Interim Update 2019) (Agenda Item 8)

The Portfolio Holder for Economic Development said he was pleased to report that 91% of the annual net income target of £2.2m set in 2017 and required by 2021 from commercial property investment, had been achieved. He thanked the Director and her team for their successful investment programme. The proposal was to invest further to continue the success and this strategy was in line with other District Councils. The proportion of investments in property and renewables was around 75/25 and this was acceptable.

In response to questions from Members, the Chief Executive and Section 151 Officer confirmed:-

- Adding green technology to the commercial investment properties could be included in the emerging Environment Strategy.
- Funding of £300,000 had been agreed to support the Environment Strategy and this would be used as projects came forward.
- The borrowing limits had been agreed by Members and if a proposal was outside them, then it would be brought forward with reasons and a plan.
- Savings targets had been set within the Financial Strategy to address the funding gap but this should not prevent some opportunities for future investments.

During discussion, Members noted that the public did not always understand why commercial investments were made outside of the district although such questions were reducing and it was noted that a recent Somerset Live article had given a fair representation of the commercial strategy and list of investment properties.

The recommendations were proposed and seconded and on being put to the vote were unanimously confirmed by Members.

At the conclusion of the debate, the Chairman asked that her congratulations and thanks to the Commercial Investment team for their exceptional investment work be recorded.

**RESOLVED:** That District Executive:-

- a. approved the Commercial Strategy 2017-2021 (Interim Update 2019) as per the attached revised Strategy at Appendix 1;
- b. approved that any capital received from the disposal of investment assets (only) are used as part of a revolving investment fund, unless specifically agreed otherwise by council;
- c. recommends to Full Council the approval of an increased investment fund limit and borrowing limit to take the council through to 2021, as set out at Appendix 2 as a Confidential item;
- d. recommends to Full Council the increased level of delegation of individual investment / acquisition approvals to the CEO in consultation with the Leader as set out at Appendix 2 as a Confidential item.

**Reason:** To note the mid-term review of the Commercial Strategy 2017-2021 which was originally approved by District Executive and Full Council in August 2017 and to update and strengthen the Strategy to ensure that it is fit for purpose until 2021.

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**42. Accelerating Housing Supply in South Somerset - Housing Infrastructure Fund (Agenda Item 9)**

This item was withdrawn from the agenda.

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**43. Public Space Protection Orders: Yeovil (Agenda Item 10)**

The Specialist for Compliance and Enforcement advised that the proposed Public Space Protection Orders were being brought to address two specific nuisances within Yeovil town. The Order relating to street drinking would be effective on request by the Police or authorised Council officers and was not intended as a total ban within the town. The Order relating to begging was not intended to target the poor or vulnerable, but, it was to target those who were misleading the public. Specific individuals were identified which the Police had tried to address but in these cases it had not been possible to pursue the action using Police powers only.

In response to questions from Members, the Specialist for Compliance and Enforcement replied:-

- The wording within the two Orders had been the subject of much discussion and the legal definitions of 'fraudulent' and 'misleading' had been researched leading to their use in the Orders. A change in the wording would require further research.
- The Enforcement Protocol had been drawn up with the agreement of the Chief Inspector and was based on one currently used in Weston-Super-Mare. The Council's capacity to enforce and levels of compliance would be monitored.
- The Police and Local Authorities had a range of powers under the Anti-Social Behaviour Act 2014. It was not envisaged to use Fixed Penalty Notices for the begging PSPO but seek enforcement action through civil injunctions to exclude beggars from a certain area or engage people in positive action like rehabilitation schemes.

During discussion, Members were supportive of the proposals, especially as the Yeovil Refresh was regenerating the town centre. It was suggested that some clarification around scenarios should be included on the website to assist public understanding.

The recommendations to make two Public Space Protection Orders for Yeovil town centre were proposed and seconded and unanimously supported by Members.

**RESOLVED:** That District Executive agreed to:-

- a. make a Public Space Protection Order to restrict street drinking in the town centre of Yeovil;

- b. make a Public Space Protection Order to restrict begging in the town centre of Yeovil.

**Reason:** To agree the approval of two Public Space Protection Orders; one to address street drinking and one to address begging. Both PSPOs are in relation to defined areas of Yeovil town centre.

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#### **44. The 'Making' of the Castle Cary and Ansford Neighbourhood Plan (Agenda Item 11)**

The Chairman said the local community in Castle Cary had done a huge amount of work in producing their Neighbourhood Plan and she commended their team of volunteers.

The Ward Member, Councillor Henry Hobhouse, noted that the submitted Plan had required very little change from the independent Examiner and the referendum result had been in favour of adoption. He proposed that the recommendation to make the Castle Cary and Ansford Neighbourhood Plan be approved. This was seconded and unanimously agreed by Members.

**RESOLVED:** That the District Executive agreed to the making of the Castle Cary and Ansford Neighbourhood Plan.

**Reason:** To note the result of the Referendum in relation to the Castle Cary and Ansford Neighbourhood Plan and to confirm that the Plan be 'made' (or adopted).

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#### **45. District Executive Forward Plan (Agenda Item 12)**

The following additions to the Executive Forward Plan were noted:

- Wincanton Town Centre Strategy governance and finance – October 2019
- Heart of the South West Joint Committee Governance Review Report – October 2019

It was requested that the draft 2020/21 Budget Update be brought to an earlier meeting than currently proposed (December 2019) if possible.

**RESOLVED:** That the District Executive:-

1. approved the updated Executive Forward Plan for publication as attached at Appendix A, with the following amendments;
  - Wincanton Town Centre Strategy governance and finance – October 2019
  - Heart of the South West Joint Committee Governance Review Report – October 2019

2. noted the contents of the Consultation Database as shown at Appendix B.

**Reason:** The Forward Plan is a statutory document.

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**46. Date of Next Meeting (Agenda Item 13)**

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 3<sup>rd</sup> October 2019 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

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Chairman

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Date