



District Executive

Thursday 6th October 2022

9.30 am

**Council Chamber, Council Offices,
Brympton Way, Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend. Any members of the public wishing to attend, or address the meeting at Public Question Time, are asked to email democracy@southsomerset.gov.uk by 9.00am on Wednesday 05 October, so that we can advise on the options for accessing the meeting.

The meeting will be viewable online by selecting the committee meetings at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

This Agenda was issued on Wednesday 28 September 2022.

Jane Portman, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the Modern.gov app

District Executive Membership

Jason Baker
Mike Best
John Clark
Nicola Clark
Adam Dance
Sarah Dyke
Peter Gubbins
Val Keitch
Tony Lock
Peter Seib

Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the District Executive are held monthly at 9.30 a.m. on the first Thursday of the month in the Council Offices, Brympton Way.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site - www.southsomerset.gov.uk.

The Council's Constitution is also on the web site and available for inspection in Council offices. The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. If a member of the public wishes to speak they should advise the committee administrator of their name and the matter they wish to speak about. Each individual speaker shall be restricted to a total of three minutes. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Committee at that meeting.

Further information can be obtained by contacting the agenda co-ordinator at democracy@southsomerset.gov.uk

District Executive

Thursday 6 October 2022

Agenda

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on Thursday 01 September 2022.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

4. Public Question Time

5. Chairman's Announcements

Items for Discussion

6. Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments (Pages 4 - 17)

7. The 'Making' of the North Cadbury and Yarlinton Neighbourhood Plan (Pages 18 - 25)

8. Public Space Protection Orders: Yeovil (Pages 26 - 44)

9. District Executive Forward Plan (Pages 45 - 47)

10. Date of Next Meeting (Page 48)

11. Exclusion of Press and Public (Page 49)

12. Briefing on Local Government Reorganisation (Confidential) (Page 50)

Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments

Executive Portfolio Holder: Cllr Tony Lock, Protecting Core Services
Strategic Director: Kirsty Larkins, Service Delivery Director
Service Manager: John Hammond, Lead Specialist Built Environment
Contact Details: John.Hammond@southsomerset.gov.uk

Purpose of the Report

1. The purpose of the report is to provide an update on work that has been undertaken with En Trade (a commercial trading arm of Wessex Water) to enable a credit market to be offered to developers within the River Parrett catchment within the Somerset Levels and Moors (SLAM) Ramsar catchment and to set out a recommendation that will allow the first “Market Round” for phosphate credits to be opened to third party developers.
2. For clarity, whilst South Somerset District Council (the Council) is impacted by two nutrient neutrality catchments, the SLAM as well as the River Axe, this report only relates to proposals impacting the SLAM catchment. Work in relation to the River Axe has not advanced to the same extent at this time.

Forward Plan

3. This report has appeared on the District Executive Forward Plan however, it has been delayed by reason of the need to review and agree a suite of legal agreements to provide the contractual commitments between the various parties involved. The various legal structures and draft agreements have been the subject of detailed engagement with the Council and Natural England (NE) who are both respectively happy that the approach proposed can release reliable credits for sale to the market.

Public Interest

4. The Council is responsible for determining development applications under the provisions of The Town & Country Planning Act 1990 (As amended).
5. As the Local Planning Authority, the Council is responsible for preparing and delivering a Local Plan that meets the assessed housing needs of the district. In this case the housing requirement was originally set out within the South Somerset Local Plan. (2006 – 2028) (The Development Plan).
6. Over the past 18 months the Council has received 2 appeal decisions which deal with the impact of phosphates upon housing supply.

7. As a matter of public interest, the ability to be able to release residential consents with a process that allows for landowners to sell land use change Phosphate (P) credits allows the planning authority to demonstrate a pathway back towards the delivery of a 5-year housing supply position thereby improving its ability to manage its planning decision making processes in the interests of the wider South Somerset community.

Recommendations

8. The District Executive agrees:
 - a. the structure of the En Trade Somerset Catchment Model comprises an appropriate mechanism to facilitate:
 - the co-ordination of land use management projects that result in phosphate use reduction or phosphate removal,
 - the methodology for agreeing the level of P credits derived from each land use project,
 - the mechanisms for the marketing of credits, including the retention of any buffer, and;
 - the mechanisms and funding arrangements to ensure ongoing project monitoring and compliance over the “in perpetuity” term and the management arrangements for selling credits to developers.
 - b. To delegate to lead officers (Director of Service Delivery and Lead Specialist Built Environment) to write to En Trade to confirm:
 - (i) The Council’s agreement to the project described by this report and
 - (ii) That securing a solution to phosphate mitigation alone, where the consequences of any such credit acquisition will result in the applicant seeking to re-visit issues of viability, or otherwise seek to diverge away from the other obligations normally sought by way of S.106 based upon the policies set out within the Development Plan will require the Council to assess (or re-assess) whether, the application proposal remains one that delivers a sustainable form of development, when considered against the provisions of the Development Plan as a whole.

Executive Summary

Following advice received from Natural England in August 2020, new development likely to increase phosphate levels within much of South Somerset are required to demonstrate “nutrient neutrality”.

To a large extent nutrient neutrality will be achieved through land use changes that either reduce the levels of phosphates applied to land, or remove phosphates already within the environment. Solutions are required to deliver nutrient neutral benefits “in perpetuity”. In practice this means for at least 80 years.



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South Somerset is not able to deliver the land use change requirements and are therefore dependent upon third party landowners promoting commercial solutions to generate phosphate credits that enable development proposals to progress.

It is important that where land use changes are brought forward, the costs to manage and monitor their effectiveness are secured as part of the projects initial costing and does not become a resource burden upon the Council.

This report recommends the Council enters into agreement with a third-party credit enabler to allow phosphate credits to be marketed with obligations upon the enabler and landowner to meet any ongoing costs for project management that may fall to the Council in the future.

Background

9. The Council is “the Competent Authority” for undertaking Habitat Regulations Assessments for new development that may give rise to “Likely Significant Effects” upon the SLAM Ramsar site (as well as the River Axe Special Area of Conservation) under the provisions of The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations).
10. As a result of a court judgment known as Dutch-N, the Council were advised by NE in August 2020 that it must not permit new residential development, infrastructure that supports agricultural intensification, anaerobic digesters, some tourism development, and development that provides overnight accommodation unless it ‘can be certain beyond a reasonable doubt’ that it would not give rise to additional phosphates within the hydrological catchment of the Somerset Levels and Moors Ramsar Site.
11. The Dutch-N case has informed the way in which Regulation 63 of the Habitats Regulation 2017 should apply to pollution related incidents. This has resulted greater scrutiny of proposed developments that are likely to increase nutrient loads to internationally important sites where a reason for unfavourable condition is an excess of a specific pollutant.
12. The impacts of the NE letter has been to reduce certainty over housing delivery, resulting in a supply of less than 5 years being evidenced, re-engaging the “tilted balance” in favour of sustainable development as set out in the National Planning Policy Framework. (The NPPF).
13. There are more than 360 planning applications relating to 5,000 dwellings that cannot be progressed to a decision including large scale outline applications where the relevant committee(s) have approved development in principle but S.106 Legal Agreements were outstanding as well as several Reserved Matters applications where the principle of development has previously been approved until it can be proven that the proposed developments will be ‘phosphate neutral’ in perpetuity.
14. Over the past 2 years, the Council has been able to make progress with a limited number of planning applications where applicants have been able to demonstrate nutrient neutrality on a project-by-project basis. These types of solution include:



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- Retro-fitting water efficiency measures to retained housing stock in a single ownership to release credits to allow the same operation to demonstrate nutrient neutrality over the existing and proposed stock. In practice this is limited to Housing Associations and larger Care Operators where water appliance fittings are managed by a single property management body.
 - Fallow land strategies where land within the control of the applicant is set aside from established agricultural practices to “unlock” development, usually of an early phase of development.
 - Replacing inefficient septic tanks or Package Treatment Plants (PTP’s) with more efficient models to release additional capacity to manage water release with a lesser phosphate output. This approach can be combined with woodland planting at the drainage field to enhance efficiency.
 - Small scale PTP solutions that fall below the Environment Agencies permit levels of 2 m³ water / day.
15. Additionally, within the SLAM catchment (but not the River Axe Special Area of Conservation catchment) development proposals brought forward using “Prior Approval” under the Town & Country Planning (General Permitted Development) Order 2105 (GPDO) are excluded from the types of development that are required to provide nutrient neutrality mitigation.
16. The above measures have released some development since receipt of the August 2020 NE letter; however, they are not delivering long term, strategic solutions. Retrofitting water efficiency measures is limited by the scale of existing stock and the owner’s commitment. Fallowing land is not an efficient use of agricultural land and does not represent a good long-term use of land whilst the smaller PTP solutions and use of Prior Approvals are respectively limited to more rural sites away from mains foul sewerage or limited by reason of site size and existing use criteria set out in the GPDO.

Interim Opportunities under Local Authority control

17. Following publication of the August 2020 letter, the Somerset Councils resolved to work jointly on developing approaches to deliver a phosphate mitigation strategy. This included commissioning the Royal Haskoning calculator a revised version of which currently informs all residential phosphate mitigation needs calculations within the catchment.
18. A further Solutions Report was published in March 2022 which set out the most likely land use management opportunities that could deliver efficient mitigation opportunities.
19. Whilst these documents were being prepared, officers reviewed the Councils property holdings to determine whether SSSDC had access to land that may deliver nutrient neutrality mitigation. Generally, by reason of the Councils existing commitments to land use management measures including woodland planting and wetland development we were not able to transfer the phosphate benefits as the projects had been previously “badged” to a differing objective so were not primarily nutrient neutrality projects.



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20. Additionally, we do not have the opportunity to retrofit existing housing with water efficient measures or to upgrade inefficient treatment works, particularly prevalent in more rural areas to offer a Council solution.
21. Where authorities have been able to deliver land use change including wetland creation as well as taking large scale / intensive farming operations out of existing uses initial feedback indicates credits costing between £5,000 and £10,000 per dwelling where Councils are leading on the projects.
22. The work done to date on unlocking phosphates credits has confirmed our initial views that nature-based solutions can only be part of a package of measures to unlock all the impacted development. In partnership with the other Somerset authorities, we are continuing to raise the challenges delivering phosphate neutral development with Government officials in Department for Environment, Food and Rural Affairs (DEFRA) and Department for Levelling Up, Housing and Communities (DLUHC).

The South Somerset Solution

23. In the absence of any in house assets that would allow the Council to deliver its own credit market, the Council opted to work with En Trade to develop a catchment market based upon the River Parrett.
24. En Trade is a commercial business controlled by Wessex Water, initially established to deliver nitrate offsetting proposals for the Poole Catchment in Dorset.
25. Its role is to act as enabler bringing together landowners with an interest in developing nature recovery and nutrient neutrality land management projects which can be presented to businesses and developers seeking to acquire access to biodiversity enhancement, carbon credits, improved flood management or nutrient neutrality.
26. En Trade is currently running three projects, comprising:
 - The Bristol Avon Catchment Market in association with landowners and the Wildlife Trusts for Avon and Wiltshire,
 - The Solent Catchment Market Pilot, an online nutrient trading service engaging landowners in long term land use changes to reduce nitrogen levels and deliver nutrient neutrality within the River Test & Itchen catchments, and
 - The Somerset Catchment Market Pilot working with landowners, NE, and Planning Authorities to deliver nutrient neutrality and Biodiversity Net Gain opportunities for developers to acquire.
27. The Somerset Catchment Market Pilot is focused upon the River Parrett catchment. It is a requirement that nutrient neutrality mitigation proposals are delivered within the same catchment as the development they are seeking to mitigate. Land use management solutions delivered within the River Parrett catchment can only be offset against development within the same catchment. As such, the mitigation proposals initially being



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brought forward by En Trade will deliver mitigation opportunities that predominantly service applications with this Council's administrative area.

28. The Somerset Catchment Market Pilot is the result of ongoing engagement between the Council (from a development management, planning policy and legal perspective), Natural England as the relevant body to advise upon the suitability of mitigation proposals as well as agreeing their levels of nutrient credit, and En Trade as the project enabler. NE's support for the project is confirmed by their letter attached at Appendix A.

29. For the Council key principles are:

- Ensuring that Natural England accepts both the process adopted to bring forward groups of projects to generate credits and will advise upon the phosphate credits generated by each project and round, and
- Securing sufficient resources through the various agreements to ensure that the body charged with ongoing monitoring and compliance work has access to the resources necessary to undertake that work.

30. The structure to the Catchment Market contains four distinct steps, illustrated at Figure 1 below:

The Catchment Market

Market Process

SCM Somerset Catchment Market

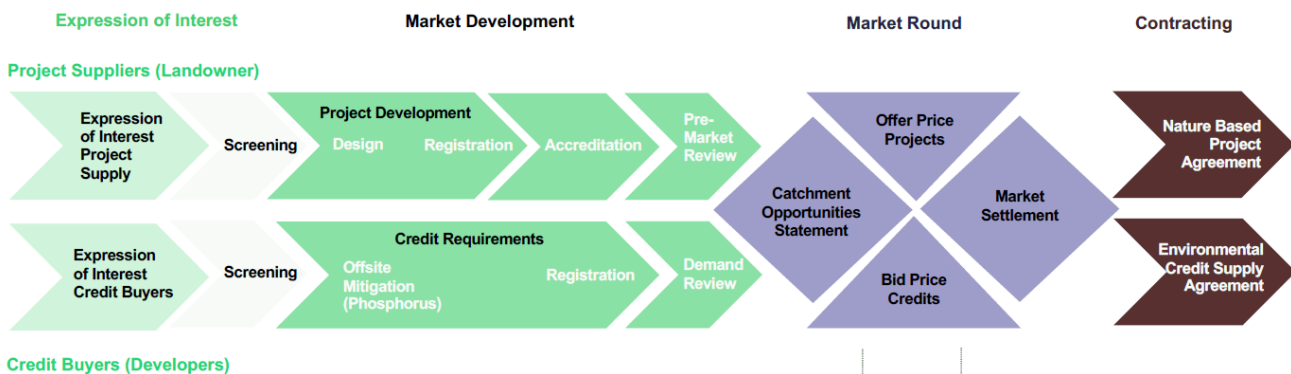


Figure 1: Catchment Market Design

31. The four steps are:

- I. Expressions of interest – seeking interest from landowners looking to promote their land for in perpetuity land use changes as well as developers seeking to acquire P credits.



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- II. Market Development- Working through the likely land use projects that are most appropriate to each parcel of land being promoted to deliver P credits, seeking NE agreement to the levels of P credit deriving from each project within that market round. And confirming the level of credits being sought by developers accurately reflect their application's needs.
- III. Market Round comprising the auction of the various projects and the process to match up the landowners' expectations with the developers offer.
- IV. Contracting – the process of concluding the relevant agreements set out below.

32. The key elements of the Market are:

- To ensure that each land use mitigation project is designed using a specification for works that has been agreed beforehand by NE.
- To ensure that NE and the Council can review the detail of each land use project that is being presented for an upcoming Market and as a part of this process NE and the Council are able to agree both individual and overall P credits to include any precautionary buffer. This step would comprise the Habitat Regulation Assessment stage of the plan or project. (In this case the plan or project would comprise the release to market of a series of individual land use change projects)
- Confirmation that each applicant's bid for P credits is based upon a calculation agreed by the Council.
- To ensure the Council can access a clear and up to date record of the credits that have been made available in each Market, and the identity of the applicant / application reference for successful bidders to ensure the credit is only acquired once.
- That the enabling body (En Trade) retain a register of projects that have been implemented but not directly sold (Comprising the credit buffer if there is project failure in the future.
- To ensure the project costs include a fund to cover the cost of future monitoring and compliance work that reflects the differing frequency and complexity of compliance work required to ensure the projects continue to deliver "in perpetuity" and that this fund is available to the Council if monitoring, and compliance responsibility is transferred from En Trade to the Council.
- To confirm the triggers for each credit acquisition relative to any development's start on site and first occupation.

The Agreements

33. The range of agreements required to regulate the Catchment Market are set out at Figure 2 below and explained in more detail at paragraphs 35-39.

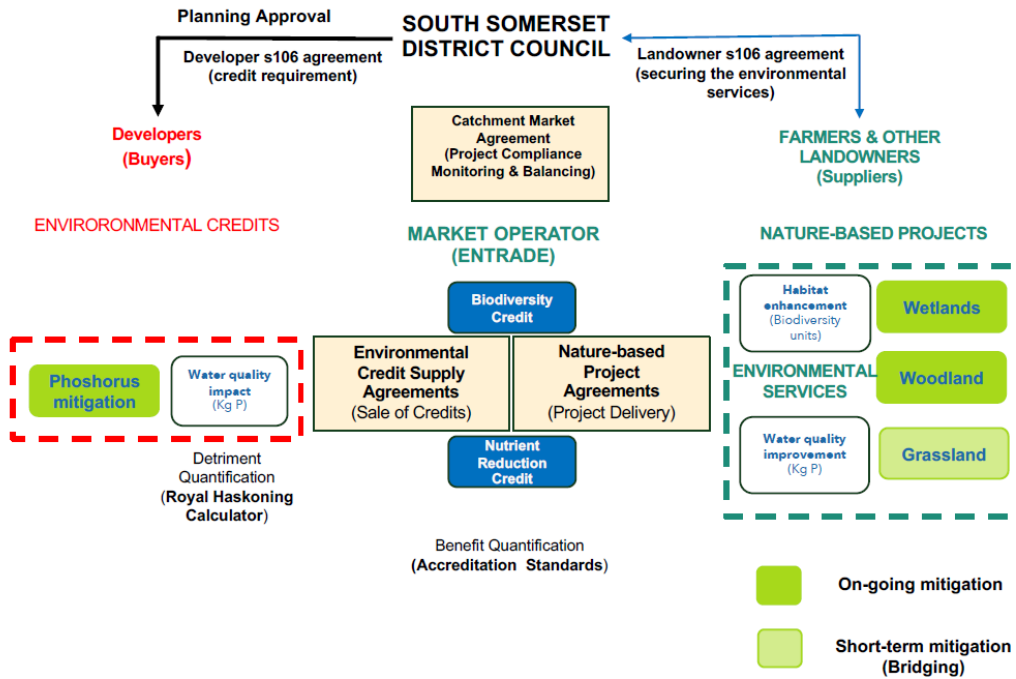


Figure 2: Catchment Market Agreements.

34. The Catchment Market will be controlled by two sets of agreements. Firstly, the agreements between the Council and respectively the mitigation project provider, the applicant looking to acquire credits and En Trade as project enabler, and secondly the contracts between En Trade and respectively the mitigation project provider and the applicant looking to acquire credits.

The Council and Mitigation Project Provider.

35. It is intended to use S.106 as the agreement type between the mitigation provider and the Council. This would enable the steps required of each party to firstly deliver the project to an approved specification and secondly to maintain the project again in line with a monitoring and compliance regime also agreed with NE to be set out in an agreement with recourse to planning enforcement powers. The Agreement would also set out the steps to be pursued in the event of project failure. The Agreement would be registered as a land charge against the mitigation land.

The Council and applicant seeking to acquire mitigation

36. Prior to bidding for a credit, the applicant is required to confirm they are bidding for an accurate credit requirement. Once an applicant is successful in bidding for a credit, if there are no other obligations, they can submit a S.106 Undertaking (The Council will issue a template S.106 Undertaking before the first market round is undertaken.) if the application is for a major type of development the applicant will have to choose between issuing a stand-alone Phosphate Undertaking or including the provision in the overarching S.106. The Undertaking will comprise a land charge on the planning application site.

37. The triggers for acquiring a credit within the En Trade model will be:

- (i) To acquire the capital cost element prior to a commencement on site, and



(ii) To acquire the ongoing maintenance credit prior to first occupation.

38. The undertaking will confirm that once the applicant / developer has acquired the relevant credit, their obligations are discharged insofar as phosphate mitigation is concerned.

The Council and En Trade

39. The agreement between the Council and En Trade would comprise a contract rather than S.106 agreement as the agreement will relate to the way the market is operated rather than being specific to a particular site. The contract will define the following:

- The projects comprising each Market Round
- The establishment of a project registry
- The nature of separate agreements between En Trade and landowners and developers
- Compliance monitoring undertaken by En Trade
- The management of a “credit reserve”
- Market monitoring and balancing fees
- The process for the Council to step in and require works to any failed nature-based project
- The process for En Trade to hand over residual monitoring and compliance obligations as well as funding to undertake such activities.

Separate En Trade Agreements

40. As En Trade will be acting as a broker / enabler, they will also require contracts with each of the landowner’s providing mitigation as well as the parties seeking to acquire mitigation to ensure the credits are accepted by the Council and to ensure that all specifications are agreed by the Council, advised by Natural England as comprising mitigation secured through a process that has successfully passed a Habitat Regulations Assessment.

41. Whereas from a planning perspective the triggers for credit purchase will relate to the delivery of housing projects, from the mitigation landowner’s perspective the acquisition of the credit must also align with the timetable for the delivery of the mitigation project.

Allocation of Credits and Credit price

42. Where Councils have managed their own land to release credits, they are able to also establish application blind criteria to develop a hierarchy of credit bidders. This may focus upon small to medium-sized enterprise (SME) developments, developments capable of being implemented in the short term and policy compliant developments.



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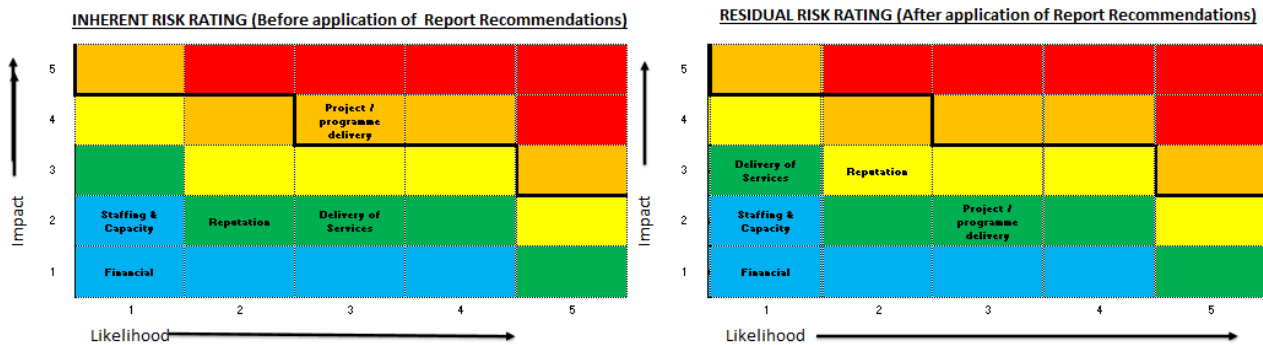
43. This type of prioritisation rationale would apply equally within this Council, particularly the high number of SME developers and the desire to see credits being put to use as soon as possible in order to unlock development now, rather than being banked as part of a nutrient neutrality solution acquired for a large site requiring many years to deliver. However, as the Council does not own the credits, we do not have the power to define a market priority that a third party will have to adopt in their market sales.
44. As such, we could not for instance prevent credits being acquired by the promoters of applications which may not, ultimately be supported for other reasons because the applicant will have an interest in dealing with the issue at appeal.
45. Additionally, as the Council does not own the market, we cannot dictate the price that may be offered to acquire P. Whereas we are seeing typical P credits having a value of £55,000 / kg, the value of an En Trade credit could vary depending upon the aspirations of individual landowners within each Market Round.
46. That said, given that the cost to a developer of acquiring a P credit will be directly influenced by the efficiency of the relevant sewerage treatment works the issue of P credit values and development costs will vary site by site an any event.
47. From the perspective of the Council, all housing schemes within the minor category are excluded from seeking S.106 obligations therefore, for many SME projects the decision about the price to bid at will be a commercial decision for the developer but will not impact upon our requirement for affordable housing and social infrastructure.
48. Where larger applications are seeking to acquire P credits before being presented to committee, any argument that the cost of the P credit must be offset against other social infrastructure will be a standard viability assessment which would include and understanding of legitimate land value expectations. Equally, those applications caught after a favourable committee resolution but prior to completion of the S.106 could require re-determination if the agreed heads of terms for the S.106 originally presented for approval are being varied.
49. As such, and in line with the second recommendation at Paragraph 11 above, the Council should make clear to En Trade (and therefore parties bidding for credits) that securing a phosphate solution is only one part of the assessment that a development represents sustainable development when considered against the provisions of the Local Plan when read as a whole and as such, paying too high a price for securing P credits at the expense of other social infrastructure including affordable housing can still lead to an applications refusal.

Legal implications (if any) and details of Statutory Powers

50. The relevant legislation comprises The Town and Country Planning Act 1990 (As amended) together with The Conservation of Habitats and Species Regulations 2017.
51. The key duty within the process set out above is the undertaking of a project wide Habitat Regulations Assessment of each Market Round as the individual land use management projects are secured and brought forward.

52. The process behind the structure of the market involves ongoing engagement with NE to ensure the design and specification for each individual project is agreed, the cumulative value of P credits within any Market Round is agreed between the Council as competent authority and Natural England before any sales take place, the appropriate precautionary buffers are built into each project assessment as well as the overall Market Round and there is an appropriate post implementation monitoring and compliance capacity which is funded by the Market Round itself.

Risk Matrix



Risk Re	Risk Category	Inherent Risk Rating	Residual Risk Rating
1	Project / programme delivery	13	9
2	Financial	1	1
3	Delivery of Services	9	6
4	Staffing & Capacity	2	2
5	Reputation	8	13
6	Health & Safety	0	0
7	Governance & Legal	9	2

Risk Description	Mediation / Controls
Failure to agree phosphate mitigation solutions will worsen the Council's housing supply position.	There is scope to review the value of each Market Round therefore approval for the mechanism to commence does not
There is no financial obligation upon the Council arising from this project.	N/A
Not enabling the approval of housing project will increase the level of complaints about inactivity and	Opportunity to review value and beneficial impact will remain available to the Council for future rounds, however this would
The use of the En Trade model reflects the Council's need to draw upon 3rd party solutions, lacking in	Staffing capacity is unlikely to change in the medium term
Being able to release development held up by phosphates is a significant factor in current	We will need to have template Agreements and HRA's available to ensure smooth progress
N/A	N/A
The project requires good drafting of the various agreements to ensure no challenge to SSDC	Capacity to review mechanisms before entering into further rounds

Council Plan Implications

53. The Corporate Plan vision for South Somerset is for a naturally beautiful and sustainable environment which also allows for businesses to flourish and good homes to be delivered. The lack of a phosphate solution has largely housing delivery from taking place since August 2020.

54. There is scope for land management solutions to contribute positively to Priority 1 Environment which includes enhancing the natural environment.

55. Enabling the release of planning permissions for new housing will contribute towards our local SME developer sector assisting businesses and supporting growth within South Somerset within Priority 3.

Carbon Emissions and Climate Change Implications

56. Phosphorus has no direct effects on climate, but mitigation measures do have indirect effects, such as increasing carbon sinks by fertilizing plants. There may be wider benefits flowing from this project such as carbon sequestration, improved and enriched flora and fauna and so help deliver carbon reduction targets. The inclusion of projects such as



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wetland creation could lead to biodiversity enhancements and accord with proposals and initiatives to address the climate emergency and biodiversity net gain. The sustainability credentials will be assessed through the project Habitats Regulation Assessment which will be agreed with NE.

Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was not required, please attach the Impact Relevance Check Form as an Appendix to this report and provide a summary of its findings in the comments box below.</i>	
<i>If an EIA was required, please attach the completed EIA form as an Appendix to this report and provide a summary of the result of your Equality Impact Assessment in the comment box below.</i>	
Additional Comments	
<p>The Public Sector Equality Duty has the following aims which the authority must have due regard to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment, victimisation. • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>None of the above relate directly to this report which relates to land use management and is at this scale tenure and end user blind.</p>	

Privacy Impact Assessment

57. There are no privacy issues raised by this report.

Background Papers

- Appendix A – NE letter
- Appendix B – Equality Impact Assessment Check Form

Date: 27 September 2022



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

John Hammond, South Somerset District Council.

Natural England's position on Entrade's development of a market to provide phosphorus credits.

Dear John,

In order to support a report you are submitting to South Somerset's District Executive you have requested that Natural England confirms its position on the development of Entrade's phosphorus credits scheme in Somerset.

Natural England has been working with Entrade to support the development of the market over the past two years, providing advice on the structure and operation of the market and technical standards. Entrade continues to take account of our advice and we understand that the technical or interim 'accreditation' standard, which Natural England needs to agree, is close to being finalised. This interim standard will underpin the design of nature-based projects that deliver measurable phosphorus reductions. We have also agreed with Entrade that there will be a pre-market review of mitigation projects, which we will be involved in and which will provide further reassurance as to the efficacy of projects.

Given Natural's England role as a statutory consultee under the Habitats Regulations we need to maintain the ability to objectively review and advise on individual planning applications, including those where applicants may use credits purchased through the Entrade scheme. Therefore we are unable to explicitly state that credits generated by the market are able to fulfil regulatory HRA requirements in relation to development within the catchment in general. However, our involvement described above in the development of the market provides us with good reason to believe that the scheme is capable of delivering projects that provide suitable mitigation for achieving nutrient neutrality.

Yours Sincerely,

Simon Stonehouse
Wessex Team

Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	En Trade Phosphate Credit Market
Type of proposal (new or changed Strategy, policy, project, service or budget):	Project
Brief description of the proposal:	Establishing a legal framework the sale of 3 rd party phosphate credits
Name of lead officer:	John Hammond

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	NO
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	NO

Is a full Equality Impact Assessment required?	NO
If Yes, Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
If No, Please set out your justification for why not.	
This project relates to the facilitation of land use management proposals that would unlock "phosphate credits" that can be acquired by applicants and developers to enable the approval of housing proposals. The Council has no ownership of the market price for credits, nor does it have control over the identify or location of the applicants seeking to acquire mitigation. As such none of the protected characteristics are impacted by this decision which is about an approach to allowing developments to progress.	
Service Director / Manager sign-off and date	John Hammond 20/09/22
Equalities Officer sign-off and date	David Crisfield



The 'Making' of the North Cadbury and Yarlington Neighbourhood Plan

Executive Portfolio Holder:	Cllr Val Keitch, Strategy
Ward Member(s)	Cllr Henry Hobhouse and Cllr Kevin Messenger
Strategic Director:	Nicola Hix, Director, Strategy and Support Services
Assistant Director:	James Divall, Assistant Director, Strategy & Support Services
Service Manager:	Jessica Power, Lead Specialist, Strategic Planning
Lead Officer:	Jo Wilkins, Specialist, Strategic Planning
Contact Details:	jo.wilkins@southsomerset.gov.uk or 01935 462588

Purpose of the Report

1. To note the result of the referendum in relation to the North Cadbury and Yarlington Neighbourhood Plan and to confirm that the Plan be 'made' (or adopted).

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of October 2022.

Public Interest

3. The Neighbourhood Plan represents the views of North Cadbury and Yarlington Parish Council and other stakeholders on the preferred approach to future development in the Parish. This Plan has been the subject of Independent Examination by a qualified person and proceeded to a referendum by the local electorate, with the result being in favour of the Plan. Once the making of the Plan is confirmed by the District Council, it will become part of the Statutory Development Plan with equal status to the Local Plan and will be used in the determination of planning applications.
4. The Neighbourhood Plan has been the subject of various events and meetings which have been used to engage with interested parties and public consultations. The Parish also have a website dedicated to the Neighbourhood Plan: <https://www.northcadburyneighbourhoodplan.org.uk/>

Recommendations

5. That the District Executive:
 - a. agrees to the making of the North Cadbury and Yarlington Neighbourhood Plan.

Background



6. Neighbourhood planning helps local communities play a direct role in planning for the areas in which they live and work. The plan can show how the community wants land in its area to be used and developed. If a plan is ‘made’ following a successful referendum, it becomes part of the development plan for that area. Planning applications are determined by local planning authorities in accordance with the adopted development plan, unless material considerations indicate otherwise.

7. The North Cadbury and Yarlington Neighbourhood Area designation was approved by the District Council in July 2019. Since then, the Neighbourhood Plan for the area was prepared and a ‘Pre-Submission’ Plan was consulted upon by the local Steering Group in July 2021 (Regulation 14). This initial consultation was followed by formal submission of the Plan in December 2021 and the District Council carried out formal consultation in line with procedures set out in the relevant Regulations (Regulation 16), and in accordance with Covid Regulations. The Plan was then subject of independent examination and the District Council agreed the Examiner’s recommendations and the next step of a local referendum on 7 July 2022.

The North Cadbury and Yarlington Neighbourhood Plan

8. The North Cadbury and Yarlington Neighbourhood Plan seeks to shape the physical development of the area in a way that balances the need to look after our environment and at the same time meet the needs of a growing population. The plan includes a vision which is then used as a basis for a series of objectives grouped into six themes: Heritage and Design; Environment, Housing; Business and Employment; Community Services and Facilities; and Transport, which provide the framework for the subsequent general policies. Further policies are proposed for the individual settlements of North Cadbury, Galhampton, Yarlington and Woolston.

9. The Neighbourhood Plan sets out the following objectives:

Table 1: North Cadbury and Yarlington Neighbourhood Plan Objectives

Theme	Objectives
Heritage and Design	<ul style="list-style-type: none"> • Protect, preserve and enhance the Conservation Areas and historically important buildings and other heritage assets. • Ensure that the character of the area and the setting of these assets is not compromised by the design, scale or presence of new development, or by the materials used. • Make a positive contribution to reducing the rate of climate change by promoting and supporting sustainable energy initiatives (integrated with new buildings).
Environment	<ul style="list-style-type: none"> • Ensure that development is sensitive to the rural setting of the area and does not erode our existing environment and character. • Protect the green spaces and recreational trails that are valued by local residents and create new ones where possible.



Theme	Objectives
	<ul style="list-style-type: none"> • Protect existing historic trees (some of which may lie outside the Conservation Areas and may need to be identified) and also support the planting of further native trees as part of any development, given their wildlife and climate benefits and how trees can soften the visual impact of development given the rural character of the area. • Protect people, property and roads from flooding (in particular highlighting any local knowledge of flooding which may not be clear from the flood risk maps). • Maintain the current good air quality and low levels of pollution – in particular recognising the dark night skies and general tranquillity of the area (away from the A303).
Housing	<ul style="list-style-type: none"> • Provide opportunities for local people to continue living in the area. • Ensure any housing development provides for a variety of tenures which meet local needs. This should include affordable homes for young families / first time buyers as well as housing suitable for retirement / older age.
Business and Employment	<ul style="list-style-type: none"> • Provide opportunities for local people to work close to home. • Support local businesses to set up or expand their premises, providing services and employment in the community, including through the provision of better broadband.
Community Services and Facilities	<ul style="list-style-type: none"> • Maintain, improve and extend community services and recreational facilities that better meet the needs of local residents of every age and ability, including the services provided from the church, recreation ground, village hall and pub.
Transport	<ul style="list-style-type: none"> • Reduce problems associated with on-street parking, especially outside the school. • Identify and where opportunities arise create new safe routes for walkers, cyclists and horse riders – particularly linking to the various community facilities and utilising the public rights of way network as far as possible. • Consider how the community can access the local bus service and how the current service might be improved.

10. The Plan explains that the proposed housing target for the area is 45 dwellings for the period 2018 – 2033 and for which a potential supply of 61 homes is identified. The Plan demonstrates that 34 of the dwellings would be allocations within the Plan, 12 of them affordable, added to which there are extant planning permissions for 27 dwellings. A total of five sites are allocated and details are set out in Table 2 below.



Table 2: North Cadbury and Yarlington Neighbourhood Plan Site Allocations

Policy	Site	Number of Dwellings (Affordable)
18	Cary Road, West of Brookhampton, North Cadbury	14 (6)
19	Cary Road, East of Brookhampton, North Cadbury	14 (6)
20	North Town Farm Barns, North Town	3
21	Barns at Hill Farm, North Town	2
30	Stoke Lane Barn, Woolston	1
Total		34 (12)

11. The Plan includes nine Projects to deal with the monitoring and implementation of the Plan and other actions. The Projects reflect intentions of the Parish Council and consider locally important buildings, the public rights of way network, housing supply monitoring, improvement of the local bus services and the potential relocation of the bus stop at Galhampton, road safety improvements, the school parking area, the potential for part of Yarlington to be a conservation area and also to work with the Emily Estate about any future plans for Yarlington Lodge.

12. The Examiner’s Report concluded that the correct procedure for the preparation and submission of the North Cadbury and Yarlington Neighbourhood Plan was followed and that it meets the ‘Basic Conditions’, subject to the proposed modifications being made. The Examiner proposed 13 modifications in all. The referendum version the Plan, the original Submission Plan, supporting documents and summary of representations received are all available on the District Council’s website [here](#) .

13. The District Council held a local referendum on the 8 September 2022. The prescribed question asked was:

“Do you want South Somerset District Council to use the Neighbourhood Plan for North Cadbury and Yarlington to help it decide planning applications in the Neighbourhood Area?”

14. The Referendum results were as follows: 410 votes were cast; 336 voted in favour (Yes) of the Plan, with 74 voting against (No). As more than 50% of those who voted said ‘Yes’, the Neighbourhood Plan can now be ‘made’ (or adopted). A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. A development plan sets out the planning policies for the development and use of land.

15. Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit



Financial Implications

16. There are no additional financial implications as the £20,000 grant claimable from Department for Levelling Up Housing and Communities (DLUHC) will be sufficient to cover the costs of the referendum. A claim has already been submitted.

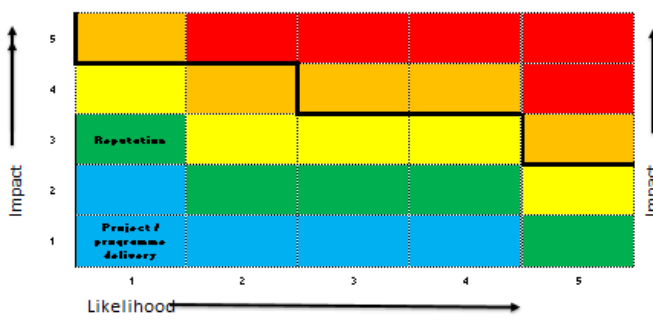
Legal implications (if any) and details of Statutory Powers

17. Neighbourhood Plans are prepared in accordance with a statutory process and are subject to the following legislation:
- a. Town and Country Planning Act 1990 (as amended)
 - b. Human Rights Act 1998 (as amended)
 - c. Planning and Compulsory Purchase Act 2004
 - d. Environmental Assessment of Plans and Programmes Regulations 2004
 - e. Localism Act 2011
 - f. Neighbourhood Planning (General) Regulations 2012
 - g. Neighbourhood Planning (General) (Amendment) Regulations 2015
 - h. Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
 - i. Neighbourhood Planning (General) and development Management Procedure (Amendment) Regulations 2017
 - j. Neighbourhood Planning Act 2017
 - k. Conservation of Habitats and Species regulations 2017 (as amended)
18. As explained in paragraph 14 of this report once a neighbourhood plan is 'made' (adopted) by the District Council it becomes part of the Development Plan and has the same weight as an adopted Local Plan in the planning application decision-making process. Planning application decisions must be made in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

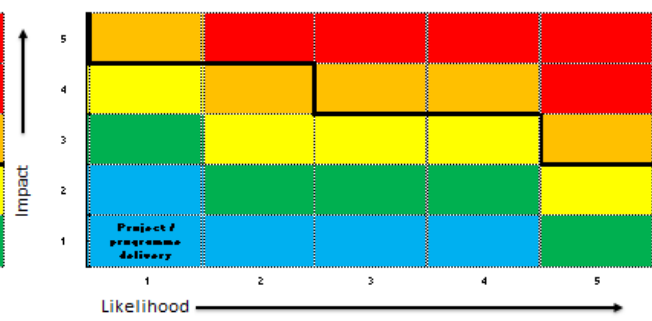
Risk Matrix



INHERENT RISK RATING (Before application of Report Recommendations)



RESIDUAL RISK RATING (After application of Report Recommendations)



Risk No	Risk Category	Inherent Risk Rating	Residual Risk Rating
1	Project & programme delivery	1	1
2	Financial	1	1
3	Delivery of Services	1	1
4	Staffing & Capacity	1	1
5	Reputation	6	1
6	Health & Safety	1	1
7	Governance & Legal	1	1

Risk Description	Mitigation / Controls
No impact on delivery of projects	0
No financial impact as SSDC can recover £20,000 to cover costs of referendum from DLUHC	0
Council services are not disrupted	0
No impact on staff turnover	0
No negative impact on public opinion if neighbourhood plan is not 'made' given positive result at referendum.	Members vote to 'Make' (adapt) the neighbourhood plan.
No health and safety implications	0
Governance generally effective	0

Council Plan Implications

19. The North Cadbury and Yarlington Neighbourhood Plan accords with the Council Plan and in particular Priority 1 Environment and Priority 4 Places where neighbourhood planning is referenced. The Neighbourhood Plan has been prepared by the local community who wish to have an influence on future development in the Parish.

Carbon Emissions and Climate Change Implications

20. The North Cadbury and Yarlington Neighbourhood Plan includes amongst its objectives to “Make a positive contribution to reducing the rate of climate change by promoting and supporting sustainable energy initiatives (integrated with new buildings).”

21. Policy 3 is supportive of renewable energy and other measures to mitigate the impact of climate change in new buildings and Policy 8 seeks to reduce flood risk and manage surface water runoff through the use of sustainable urban drainage systems (SUDS).

Equality and Diversity Implications

22. The Impact Relevance Check Form is provided as Appendix A to this report. No full Equality Impact Assessment is required.



South Somerset District Council

An Equality Impact Relevance Check Form has been completed in respect of the Proposal?	Yes / No
The Impact Relevance Check indicated that a full EIA was required?	Yes / No
If an EIA was not required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.	
If an EIA was required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.	
Additional Comments	
None	

Privacy Impact Assessment

23. Personal contact data from respondents will be used to notify them of the Council's decision where they have requested notification.

Background Papers

- Appendix A – Impact Relevance Check Form

Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	North Cadbury and Yarlington Neighbourhood Plan
Type of proposal (new or changed Strategy, policy, project, service or budget):	New planning policies
Brief description of the proposal:	To 'Make' (adopt) the Neighbourhood Plan
Name of lead officer:	Jo Wilkins

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	NO
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	NO

Is a full Equality Impact Assessment required?	NO
If Yes, Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
If No, Please set out your justification for why not.	
The proposal is to 'Make' (adopt) the Neighbourhood Plan. This follows an independent Examination and a 'yes' vote at a local referendum. The planning policies in the Neighbourhood Plan do not negatively impact on citizens with protected characteristics nor staff with protected characteristics. A full EIA is therefore not required.	
Service Director / Manager sign-off and date	Jess Power - 8 th September 2022
Equalities Officer sign-off and date	Dave Crisfield - 8 th September 2022

Public Space Protection Orders: Yeovil

Executive Portfolio Holder:	Councillor Adam Dance, Area North, Licensing & Environmental Health
Strategic Director:	Kirsty Larkins, Service Delivery
Service Manager:	Vicki Dawson, Lead Specialist
Lead Officer:	Paul Huntington, Specialist (Environmental Health)
Contact Details:	Paul.huntington@southsomerset.gov.uk or 01935 462532

Purpose of the Report

1. For members to agree to the approval of the time extension of two Public Space Protection Orders (PSPOs); one to restrict street drinking in Yeovil and the other to prohibit begging in the central area of Yeovil. Both PSPOs have a duration of three years and as such are due expire on the 11th October 2022.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 6th October 2022.

Public Interest

3. The report is about extending two public space protection order (PSPO) regarding:-
 - Failure to stop drinking alcohol and surrender alcohol by an authorised officer within the designated area.
 - Prohibit persons from approaching another person, in order to solicit monies from the other person.

Recommendation

4. That District Executive agrees to time extensions for the two existing Public Space Protection Orders (PSPOs) in Yeovil relating to street drinking and begging as set out in Annex 1 and Annex 2. This will extend the duration of the PSPO's for another three years.

Background

5. Local councils are responsible for making Public Spaces Protection Orders. The legal tests focus on the impact that anti-social behaviour is having on victims and communities. The council can make a Public Spaces Protection Order if they are



South Somerset District Council

satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

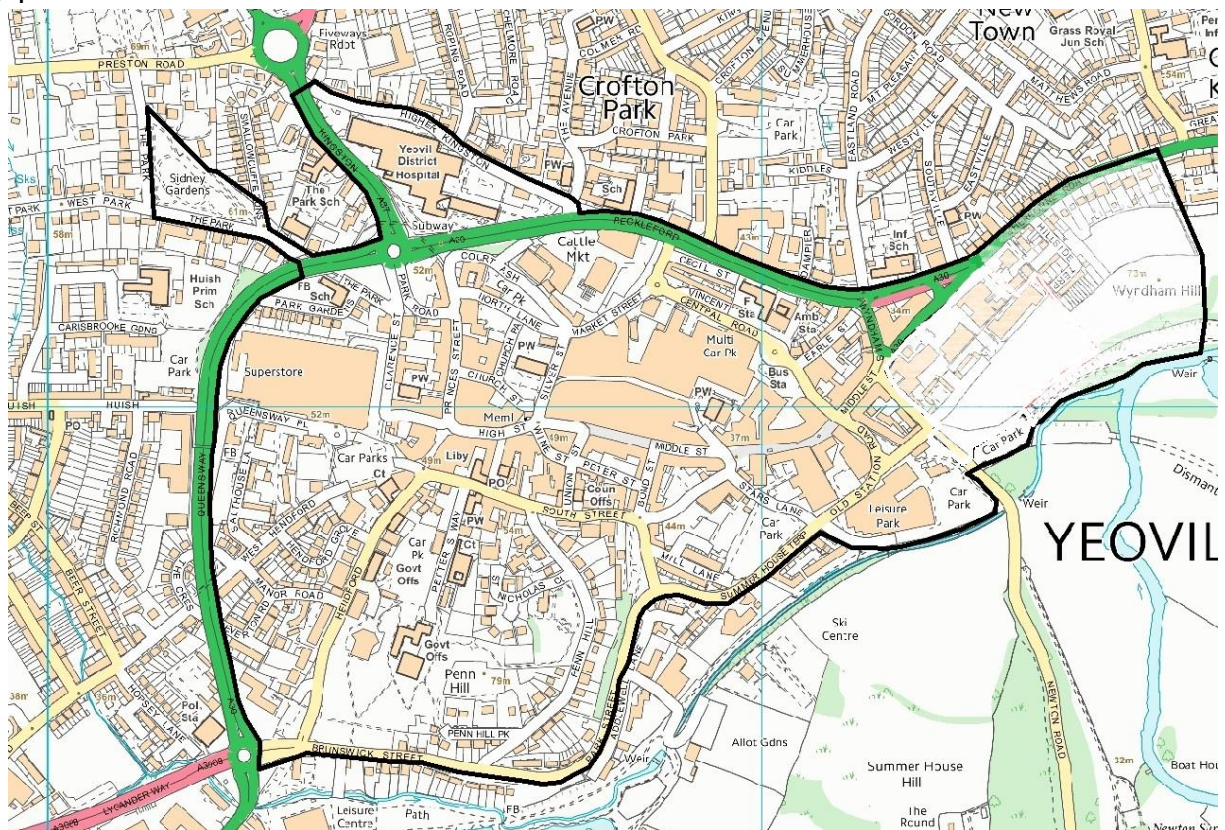
- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

6. Before making a Public Spaces Protection Order, the council must consult with the police in considering the extension of the existing PSPO officers have worked closely with the local police in Yeovil to gather the data relating to anti-social incidents.

Street Drinking PSPO

7. On 11th October 2019, a PSPO was made restricting Street Drinking in a defined area of Yeovil Town centre. On the 7th October 2021 this area was extended to the east of Yeovil. The current PSPO covers the area shown in Figure 1 below.

Figure 1



The Requirements



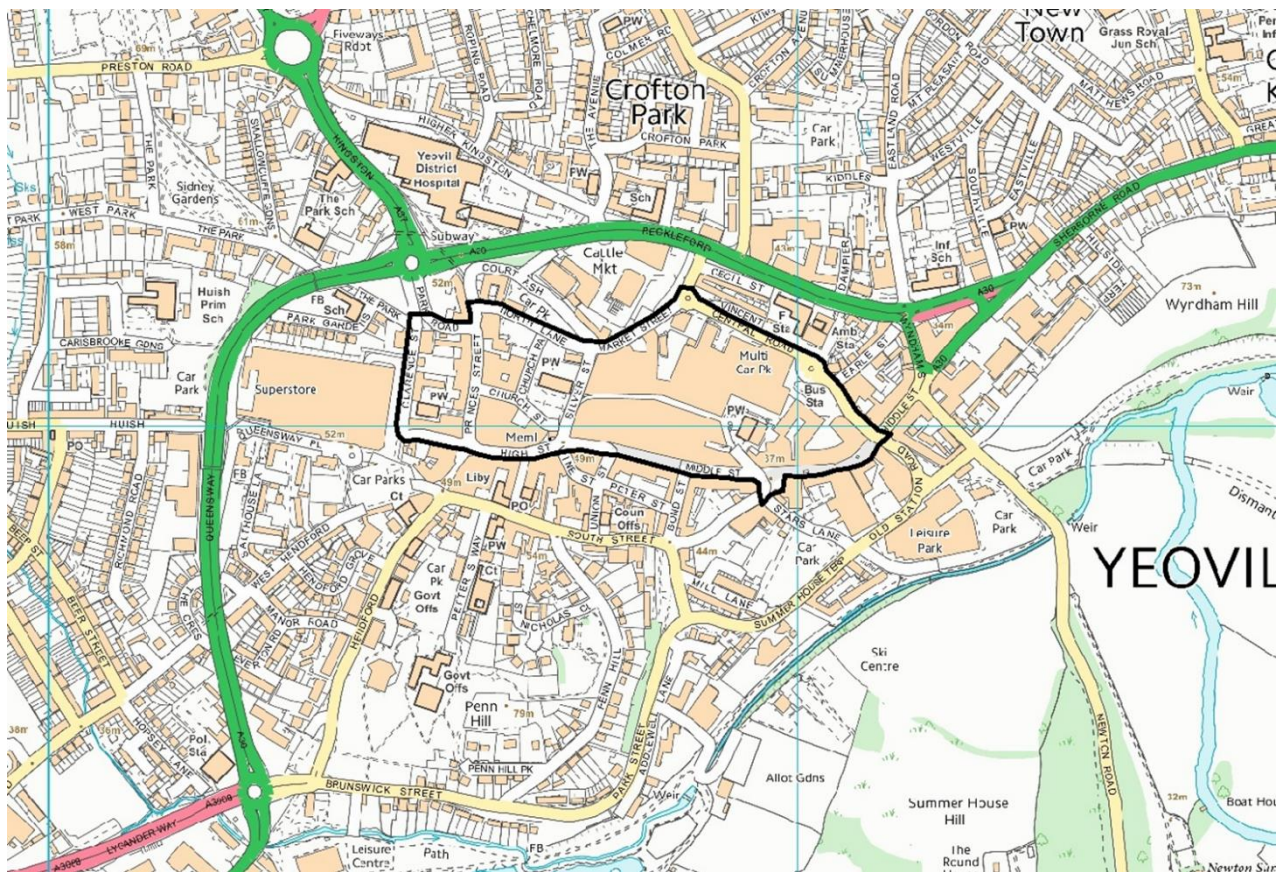
South Somerset District Council

- No person shall fail to stop consuming alcohol when required to do so by a Police Officer, Police Community Support Officer or an authorised officer from the Council.
- No person shall fail to surrender anything in his or her possession, which a Police Officer, Police Community Support Officer or authorised officer from the Council reasonably believes to be alcohol or a container for alcohol when required to do so.

Begging PSPO

8. On 11th October 2019, a PSPO was made prohibiting begging in a defined area of Yeovil Town centre as shown in Figure 2 below.

Figure 2



The Requirements

- All persons are prohibited from approaching another person, either in person, verbally or through action in a misleading manner in a public place in order to solicit monies from the other person.



South Somerset District Council

- All persons are prohibited from sitting or loitering in a public place between the hours of 08:00 to 20:00 hrs, being in possession of a receptacle used to obtain monies in a misleading manner. This includes the use of signage, children or animals to solicit monies from members of the public.

Consultation

- Other than publishing the extension, no consultation is required for the extension.

Offences

- Non-compliance with the requirements of a PSPO is an offence. The penalty, on conviction in a Magistrates Court, for committing an offence is a maximum fine of level 3 on the standard scale (currently £1000). The opportunity to pay a fixed penalty notice can be offered as an alternative to prosecution. The fixed penalty notice for DCO offences is currently set at £80, reduced to £50 if paid within 10 days. The statutory maximum amount that a fixed penalty can be set at, for an offence of contravening the PSPOs, is £100. It is proposed to leave the penalty at £80 reduced to £50 for early payment, as this is believed to be proportionate and reasonable.

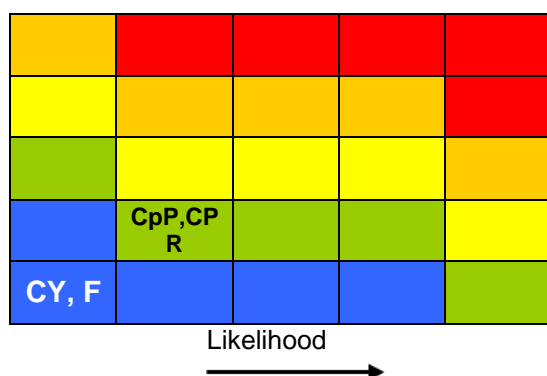
Financial Implications

- As the enforcement of the PSPOs would not change, there are no financial implications to the Council.

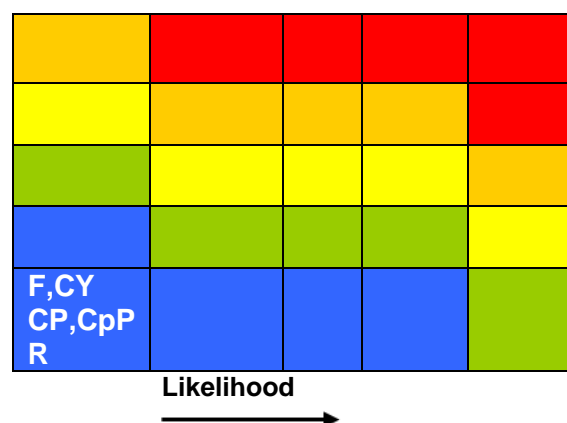
Risk Matrix

- The risk matrix shows risk relating to the Corporate Plan headings.

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability



South Somerset District Council

CpP - Corporate Plan Priorities
CP - Community Priorities
CY - Capacity
F - Financial

Major impact and major probability
Moderate impact and moderate probability
Minor impact and minor probability
Insignificant impact and insignificant probability

Council Plan Implications

13. The proposals in this report support the Council's Aims :

- To protect and enhance the quality of our environment

It also supports the Council's priorities to:

- Maintain Country parks and open spaces to promote good mental and physical health
- Keep streets and neighbourhoods clean and attractive

Carbon Emissions and Climate Change Implications

14. There are no carbon emission or climate change implications with regard to this recommendation.

Equality and Diversity Implications

15. An equality impact assessment has been completed. This is attached at Annex 3.

Data Protection Impact Assessment

16. No privacy implications have been identified.

Background Papers

- Annex 1: Restrictions on street drinking by Direction Public Spaces Protection Order
- Annex 2: Restrictions on begging by Direction Public Spaces Protection Order
- Annex 3: Equality impact assessment



The Anti-social Behaviour, Crime & Policing Act 2014

Public Spaces Protection Order

South Somerset District Council – Restrictions on street drinking by Direction Public Spaces Protection Order 2022

South Somerset District Council in exercise of its powers under Section 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby make the following order:-

THIS ORDER is made by South Somerset District Council (“the Council) because the Council is satisfied on reasonable grounds that;

- activities carried on or likely to be carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice

The Public Open Space to which this order applies is all public places (areas the public or any section of the public on payment or otherwise, have access to as of right or by virtue of express or implied permission) in the administrative area of South Somerset and is referred to as (“the restricted area”) as shown edged black on the attached plan, but does not include private Land (to which the public may have access).

This Order comes into force on

This Order applies to the public space outlined in black on the plan contained within Appendix 1 to this order (the Restricted Area)

The Requirement

1. No person shall fail to stop consuming alcohol when required to do so by a Police Officer, Police Community Support Officer or an authorised officer from the Council.

2. No person shall fail to surrender anything in their possession which a Police Officer, Police Community Support Officer or authorised officer from the Council reasonably believes to be alcohol or a container for alcohol when required to do so.

Duration of Order

This order shall remain in force for a period of three years unless extended under section 60 of the Act 2014

Appeal

An interested person may apply to the High Court to question the validity of this order on the ground that the local authority did not have power to make the order or that it has not complied with a requirement of the Act. An Appeal must be made within 6 weeks of the date on which the order is made.

Dated

The Common Seal of etc

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Solicitor to the Council

For Information

Offences – s63 of the Act Consumption of alcohol in breach of prohibition in order

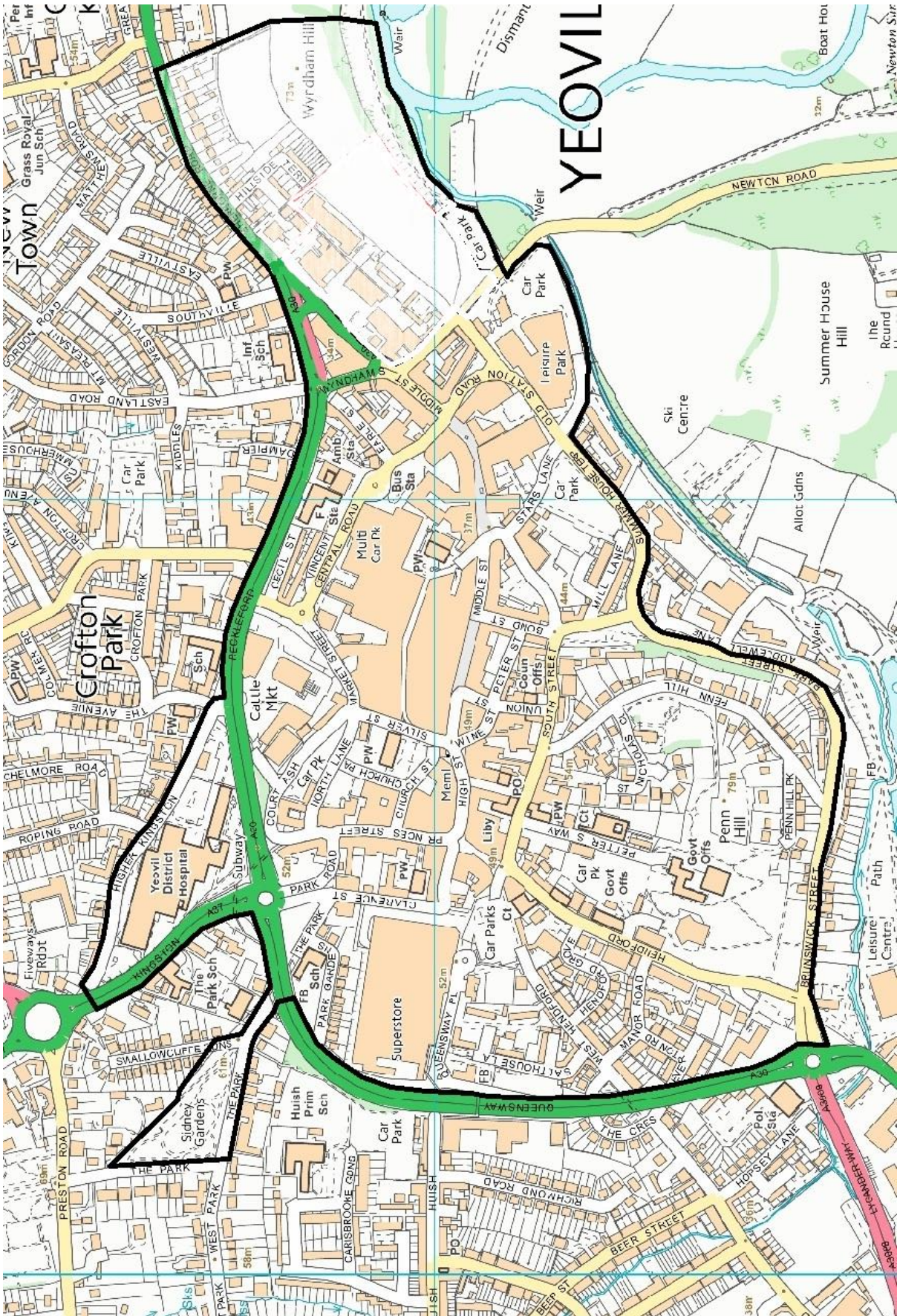
- (1) This section applies where a constable or an authorised person reasonably believes that a person P
 - a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P
- a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—
- a) is asked by P to show evidence of his or her authorisation, and
 - b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Fixed Penalty – s68 of the Act

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence by not complying with a requirement of this order. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.



Appendix 2 – Exemptions

Section 62 Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
 - a) premises authorised by a premise licence to be used for the supply of alcohol;
 - b) premises authorised by a club premises certificate to be used by the Club for the supply of alcohol;
 - c) a place within the curtilage of premises with paragraph (a) or (b);
 - d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s 115E of the Highways Act 1980 (highway related uses).

- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—
 - (a) when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

- (3) In this section—

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;

“premise licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.

- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premise licence to be used for the supply of alcohol and—
 - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

Anti-social Behaviour Crime & Policing Act 2014

Public Space Protection Order

South Somerset District Council – Restrictions on begging by Direction Public Spaces Protection Order 2022

THIS ORDER is made by South Somerset District Council (“the Council) because the Council is satisfied on reasonable grounds that;

- activities carried on or likely to be carried on in a public place have had or are likely to have a detrimental effect on the quality of life of the people in the locality
- the effect or likely effect of the activities is or is likely to be, of a persistent or continuing nature,
- the effect or likely effect of the activities is or is likely to be, such as to make the activities unreasonable, and;
- justifies the restrictions imposed by the notice

The Public Open Space to which this order applies is all public places (areas the public or any section of the public on payment or otherwise, have access to as of right or by virtue of express or implied permission) in the administrative area of South Somerset and is referred to as (“the restricted area”) as shown edged black on the attached plan, but does not include private Land (to which the public may have access).

This Order comes into force on

This Order applies to the public space outlined in black on the plan contained within Appendix 1 to this order (the Restricted Area)

The Requirement

1. All persons are prohibited from approaching another person, either in person, verbally or through action in a misleading manner in a public place in order to solicit monies from the other person.
2. All persons are prohibited from sitting or loitering in a public place between the hours of 08:00 to 20:00 hrs, being in possession of a receptacle used to obtain monies in

a misleading manner. This includes the use of signage, children or animals to solicit monies from members of the public.

Duration of Order

This order shall remain in force for a period of three years unless extended under section 60 of the Act 2014

Appeal

An interested person may apply to the High Court to question the validity of this order on the ground that the local authority did not have power to make the order or that it has not complied with a requirement of the Act. An Appeal must be made within 6 weeks of the date on which the order is made.

Dated

The Common Seal of

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Solicitor to the Council

For Information

Offence of failing to comply with order

It is an offence for a person without reasonable excuse—

- a. to do anything that the person is prohibited from doing by a public spaces protection order, or
- b. to fail to comply with a requirement to which the person is subject under a public spaces protection order.

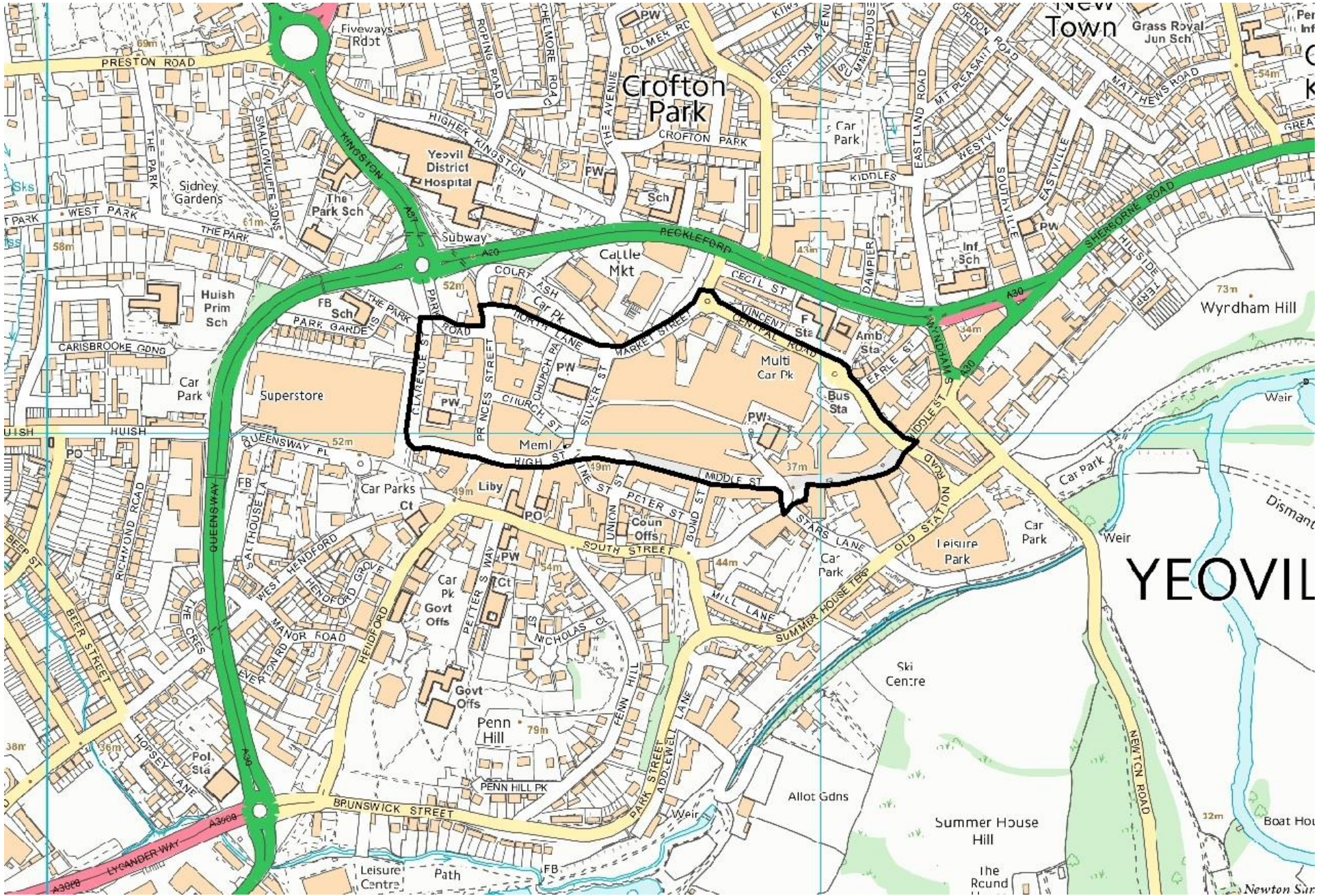
A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An authorised person may issue a Fixed Penalty Notice under Section 68 of the Act to anyone who he or she believes has committed an offence by not complying with a requirement of this Order. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

Schedule

The designated area is the public spaces as outlined on the map in Appendix 1

Appendix 1: Restricted Area



Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for:	South Somerset District Council		
Version:	1.0	Date Completed:	16/09/2022

Description of what is being Equality Impact Assessed:

Public Space Protection Orders: Yeovil: Street Drinking and Begging.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Mental Health Foundation. Cheers Report. Available at <https://www.mentalhealth.org.uk/publications/cheers-understanding-relationship-between-alcohol-and-mental-health>

Shelter Scotland Street begging Research (Edinburgh) 2019
https://scotland.shelter.org.uk/data/assets/pdf_file/0005/1712291/Shelter_Scotland_Street_Begging_Final_Report_Jan_2019.pdf/nocache

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why

Somerset Drug and Alcohol Service
 South Somerset District Council Housing Service
 Pathways

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> 	☐	☒	☐
Disability	<ul style="list-style-type: none"> Individuals who are likely to breach the proposed PSPOs are more likely to be suffering from mental health issues. Alcohol problems are more common among people with more severe mental health problems. This does not necessarily mean that alcohol causes severe mental illness. Evidence shows that people who consume high amounts of alcohol are vulnerable to increased risk of developing mental health problems and alcohol consumption can be a contributing factor to some mental health problems, such as depression Recent research into the causes behind street begging shows that there was a very high incidence of mental health issues (80.6%) with the street begging population of Edinburgh. 	☒	☐	☐

Gender reassignment	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	•	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	•	□	⊗	□
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Negative outcomes action plan
 Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Any breaches of both the proposed PSPOs will be supported by “real” evidence. In this case body worn video footage supported by witness statements. As part of the public interest test of any case, proportionality must be considered including the capacity of the suspect. The suspect should be made aware, in clear and simple terms, what is required of them in order to avoid breaching the requirements of the PSPO. Via this process officers will ensure that any mental health issues are taken into account as part of the evidence gathering phase of any investigation. Police officers and Police Community Support Officers receive detailed training in how to interact with members of the public who may be suffering of mental health issues.	05/09/2020	Paul Huntington (PDH)	PDH will be reviewing evidence submitted on a case by case basis	□
Warning letters will signpost people to local drugs and alcohol services (SDAS), homeless services, local support charities (for example Gateway and Pathways). Should cases escalate, for example individuals repeatability breaching the PSPOs, any possible mental health issues will be taken into account before formal enforcement action is taken.	05/09/2020	PDH	PDH will be responsible for supervising enforcement response	□

If negative impacts remain, please provide an explanation below.

Completed by (Officer name and role):	Paul Huntington: Specialist Environmental Health
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Date:	
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Manager/Director Sign off (Name and position)	
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Date:	
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Equality Lead sign off (Name):	
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Date:	
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To be reviewed by: (officer name)	
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Review date:	
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District Executive Forward Plan

Executive Portfolio Holder: Val Keitch, Leader, Strategy and Housing
Strategic Director: Jill Byron, Monitoring Officer
Lead Officer: Angela Cox, Democratic Services Specialist
Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

Purpose of the Report

1. This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

Public Interest

2. The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

Recommendations

3. That District Executive agree to:
 - a) approve the updated Executive Forward Plan for publication as attached at Appendix A

Executive Forward Plan

4. The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

Consultation Database

5. The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged. There is the SCC Local Community Networks – Consultation which all Members are encouraged to respond to. The closing date is 17 October 2022.

[Local Community Networks - Somerset County Council Consultations \(inconsult.uk\)](https://www.southsomerset.gov.uk/inconsult.uk)

Background Papers

6. None.

Appendix A - SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
20 October 2022	Economic Development Celebratory Report	Portfolio Holder - Economic Development including Commercial Strategy	Director Place and Recovery	Joe Walsh, Specialist (Economic Development)	South Somerset District Council
20 October 2022	Presentation on the Kickstart Scheme	Portfolio Holder - Strategy	Director Service Delivery	Trevor Green, Case Officer, Service Delivery	South Somerset District Council
December 2022	Revenue Budget Quarter 2 Monitoring Report	Portfolio Holder - Finance, Legal & Democratic Services	Chief Finance Officer	Karen Watling, Chief Finance Officer (S151 Officer)	District Executive
December 2022	Capital Budget Quarter 2 Monitoring Report	Portfolio Holder - Finance, Legal & Democratic Services	Chief Finance Officer	Karen Watling, Chief Finance Officer (S151 Officer)	District Executive
December 2022	Quarterly Corporate Performance Report	Portfolio Holder - Strategy	Director (Support Services & Strategy)	Kate Arscott, Specialist (Strategic Planning)	District Executive
December 2022	Briefing on Local Government Reorganisation (Confidential)	Portfolio Holder - Strategy	Chief Executive	Jane Portman, Chief Executive	District Executive
March 2023	Revenue Budget Quarter 3 Monitoring Report	Portfolio Holder - Finance, Legal & Democratic Services	Chief Finance Officer	Karen Watling, Chief Finance Officer (S151 Officer)	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
March 2023	Capital Budget Quarter 3 Monitoring Report	Portfolio Holder - Finance, Legal & Democratic Services	Chief Finance Officer	Karen Watling, Chief Finance Officer (S151 Officer)	District Executive
March 2023	Quarterly Corporate Performance Report	Portfolio Holder - Strategy	Director (Support Services & Strategy)	Kate Arscott, Specialist (Strategic Planning)	District Executive
TBC	Strategy and future deliverance of Community Infrastructure Levy (CIL) and Section 106 funding	Portfolio Holder - Protecting Core Services	Director Service Delivery	Tim Cook, Locality Team Manager	District Executive
TBC	Update on the delivery of the Economic Development Strategy and funding delivery	Portfolio Holder - Economic Development including Commercial Strategy	Director Place and Recovery	Peter Paddon, Acting Director (Place and Recovery)	District Executive
TBC	External Audit Value For Money (VFM) Audit	Portfolio Holder - Finance, Legal & Democratic Services	Chief Finance Officer	Karen Watling, Chief Finance Officer (S151 Officer)	South Somerset District Council
TBC	Opium Power presentation to Council	Portfolio Holder - Economic Development including Commercial Strategy	Director Place and Recovery	Robert Orrett, Commercial Property, Land and Development Manager	South Somerset District Council



Date of Next Meeting

Members are asked to note that the next meeting of the District Executive will take place on **Thursday, 03 November 2022** commencing at 9.30 a.m. in the Council Chamber, SSDC Council Offices, Brympton Way, Yeovil BA20 2HT.

Members and the public will also be able to join the meeting via Zoom and view the meeting on YouTube.



Exclusion of Press and Public

The District Executive is asked to agree that the following Agenda 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).”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.



Briefing on Local Government Reorganisation (Confidential)

Executive Portfolio Holder: Val Keitch, Strategy
Chief Executive: Jane Portman
Strategic Director: Jan Gamon, Place and Recovery
Lead Officer: Jan Gamon, Director – Place and Recovery
Contact Details: Jan.gamon@southsomerset.gov.uk or 01935 462095

The Chief Executive and Director for Place and Recovery will provide Members with a verbal update on any matters relating to the future of Local Government in Somerset.