

South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 17 March 2022** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(6.30 pm - 8.33 pm)

Present:

Members: Councillor Paul Maxwell (Chairman)
Councillor Wes Read (Vice-Chairman)

Jason Baker	Henry Hobhouse	Sue Osborne
Robin Bastable	Ben Hodgson	Crispin Raikes
Ray Buckler	Charlie Hull	Gina Seaton
Dave Bulmer	Kaysar Hussain	Peter Seib
Tony Capozzoli	Val Keitch	Jeny Snell
Martin Carnell	Andy Kendall	Andy Soughton
John Clark	Jenny Kenton	Mike Stanton
Nicola Clark	Tim Kerley	Rob Stickland
Louise Clarke	Mike Lewis	Lucy Trimnell
Adam Dance	Tony Lock	Martin Wale
Sarah Dyke	Kevin Messenger	William Wallace
Karl Gill	Graham Oakes	Colin Winder
Peter Gubbins	Tricia O'Brien	

Also present on-line:

Neil Bloomfield	Clare Paul	Alan Smith
Hayward Burt	David Recardo	
Oliver Patrick	Paul Rowsell	

Officers:

Jane Portman	Chief Executive
Jan Gamon	Director (Place and Recovery)
Nicola Hix	Director (Support Services & Strategy)
Kirsty Larkins	Director (Service Delivery)
Jill Byron	Monitoring Officer
Karen Watling	Chief Finance Officer (S151 Officer)
Katy Menday	Leisure & Recreation Manager
Anna Matthews	Chard High Street HAZ Project Manager
Stephanie Gold	Specialist (Scrutiny & Member Development)
Angela Cox	Specialist (Democratic Services)
Michelle Mainwaring	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)

136. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Mike Best, Malcolm Cavill (dispensation granted), Nick Colbert, David Gubbins, Brian Hamilton, Mike Hewitson, Mike Lock, Pauline Lock, Tiffany Osborne, Robin Pailthorpe, Dean Ruddle, Garry Shortland and Gerard Tucker.

137. Minutes (Agenda Item 2)

Councillor Martin Wale stated that at the previous meeting (minute 133) he had not been given the opportunity to make a final statement on the motion proposed by himself and so had been unable to respond to points raised during the discussion.

It was agreed to record this point in the minutes.

The minutes of the previous meeting held on Thursday 28th February were approved as a correct record of the meeting and signed by the Chairman.

138. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

139. Public Question Time (Agenda Item 4)

There were no questions from members of the public present.

140. Chairman's Announcements (Agenda Item 5)

The Chairman welcomed Councillor Ray Buckler, the new District Councillor for Neroche Ward to his first Council meeting.

The Chairman spoke of his Ukrainian family connection and the current humanitarian crisis in the Ukraine. He encouraged members to donate to charity or sponsor a family.

The Leader of Council said she had met with the Minister for Refugees to discuss the sponsorship scheme which would allow people from the Ukraine to live and work in the UK for up to 3 years. She said the UK had a proud history of supporting refugees and as a local authority SSDC would also provide support.

The Chief Executive advised that a Concert for Ukraine was being held at the Octagon Theatre on 1st April and Rock for Ukraine at the Westland Entertainment Venue on 2nd April, the proceeds of which would be divided between School in a Bag's Ukraine Crisis Appeal and the Disasters Emergency Committee's Ukraine Humanitarian Appeal.

During discussion it was noted that:-

- The Mad Hatter Joke and Fancy Dress shop in Yeovil were collecting humanitarian aid items to take to the Ukrainian border.
- Councillor Colbert was driving to the Ukraine border to collect refugees and bring them to Somerset.
- SSDC may provide assistance to host families on Disclosure and Barring Service (DBS) checks.

Councillor Tony Lock said that SSDC should lead in providing assistance to Ukrainian refugees and he proposed an emergency motion under Council procedure rule 12 (Motions without notice) that Council urgently review the use of Acacia Lodge, Yeovil and other suitable properties in the area for use as temporary or longer term accommodation to house refugees from the Ukraine.

This was seconded by Councillor Kaysar Hussain.

On being put to the vote, the emergency Motion was unanimously agreed by Council. It was noted that SSDC were working across the county with charities and health and social care providers to provide suitable accommodation and the Motion would be referred to the Portfolio Holder for Strategy and Housing to progress.

RESOLVED: That Council agreed to urgently review the use of Acacia Lodge, Yeovil and other suitable properties in the area for use as temporary or longer term accommodation to house refugees from the Ukraine.

Reason: To support the use of suitable empty properties in the area to provide accommodation for the people of Ukraine.

(unanimous in favour)

At the conclusion of the debate, Members observed a minute of silence to reflect upon the humanitarian crisis faced by the people of the Ukraine.

141. Chairman's Engagements (Agenda Item 6)

The list of Chairman's engagements were NOTED.

142. Presentation of SSDC's Environmental Achievements (Agenda Item 7)

The Portfolio Holder for Environment introduced a short film highlighting the environmental achievements of the Council since adopting its Environment Strategy in October 2019.

The film can be viewed on the SSDC's environment website at this link:
<https://www.southsomerset.gov.uk/your-council/your-council-plan-and-strategies/environment-strategy/>

During discussion the following points were made:-

- Wind turbines, which had previously been refused planning permission in the area, may be acceptable as renewable energy in the future with government backing.
- The film of environmental achievements should be shared with Town and Parish Councils.
- SSDC could do more regarding using a green energy supplier. The current energy supplier produced a certain amount of green energy but more could be done.

In response to a question, the Portfolio Holder advised:-

- Parish Councils could obtain dog fouling awareness posters from the Locality Team as PDF documents to print. The Locality team could also advise on fouling enforcement as it was linked to Public Space Protection Orders (PSPO's).
- The loan of litter picking kits could be arranged through the Locality team. Contact by email to locality@southsomerset.gov.uk was the swiftest way to arrange for the resources to be allocated to a Parish or group.

At the conclusion of the debate, the Chairman thanked the environment team for their achievements as presented in the film.

The presentation was NOTED.

143. Chard Shop Front Design Guide (Agenda Item 8)

The Portfolio Holder for Area West advised that the report requested the Shop Front Design Guide be formally adopted by Council as a supplementary planning document. He said the guide was part of the Chard Regeneration work and the High Street Heritage Action Zone and contributed to the improvement of the town centre by giving clear guidelines to businesses and property owners on quality shopfronts. He noted the widespread public consultation which had taken place and presentation to Scrutiny and District Executive Committees.

Councillor Martin Wale said the ongoing improvements would help to make local businesses more profitable and he seconded the recommendations.

During discussion the report was commended for its detail by members and the recommendations were proposed and seconded and unanimously agreed by Members.

At the conclusion of the debate, the Portfolio Holder for Area West thanked the High Street Heritage Officer for her work as she was shortly to leave SSDC.

RESOLVED: That Council:-

- a. agreed to formally adopt the attached Chard Shop Front Design Guide (Appendix A) as a Supplementary Planning Document (SPD), and subsequently to delegate to the HSHAZ Project Manager to make copies of the SPD and adoption statement available to the public for the prescribed period.
- b. noted that the Chief Executive had delegated to the Acting Director/HSHAZ Project Manager the authority to make any factual or typographical corrections to the SPD prior to making the copies available in this way.

Reason: To seek formal adoption of the Chard Shop Front Design Guide as a Supplementary Planning Document, supporting policies in the South Somerset Local Plan 2006-2028, in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

(Voting: unanimous in favour)

144. Review of SSDC Commercial Strategy (Agenda Item 9)

The Portfolio Holder for Economic Development reminded Council that they had made the property investments to create £2m income to fund services. He thanked the Property Investment Project Manager for his careful assessment of investment opportunities as he was shortly to leave SSDC and he noted that the Government had prohibited future property investment for gain although SSDC only had £8m of their original £150m left to invest. The changes to the Commercial Strategy were made in response to the Local Government Review (LGR) and the proposed changes were tracked in red in the report. He concluded that the report had been reviewed by both Scrutiny and District Executive and he proposed the recommendations be agreed.

In response to a question regarding increased interest rates, the Portfolio Holder said the investments were long term over some decades and money was put aside to pay back the debt which was backed by the asset investment.

The Chief Finance Officer confirmed that the Council only borrowed when cash flow required it and the borrowing was not related to the individual asset but the overall capital programme. The borrowing included for regeneration schemes as well as the past purchase of commercial property. The corporate budget had the ability to pay 1% interest rates and there were sufficient reserves.

At the conclusion of the debate the recommendations were proposed and seconded and agreed by 37 votes in favour, 1 against and 2 abstentions.

RESOLVED: That Council noted the report and agreed that the Commercial Strategy continue to 31 March 2023 subject to the amendments set out in paragraph 16 of the report.

Reason: To review of the Commercial Strategy 2017-2021 and recommend a course of action to cover the period to 31 March 2023, following which the new Somerset Council will take responsibility.

(Voting: 37 in favour, 1 against, 2 abstentions)

145. Proposed Update to the Audit Committee Terms of Reference (Agenda Item 10)

The Chairman of the Audit Committee thanked the Terms of Reference Working Group and officers for their work in reviewing the Audit Committee Terms of Reference. He thanked the Assistant Director of the South West Audit Partnership for his assistance and he proposed that the recommendations be agreed by Council.

In response to a question, the Chairman of the Audit Committee confirmed that the amendments to the terms of reference were around value for money effectiveness solely being a joint function with Scrutiny and although both looked at value for money, it was not necessary to look at it jointly. He said that risk was taken very seriously and it was part of the updated Terms of Reference.

The Chief Finance Officer confirmed that joint training of Audit and Scrutiny Committees on value for money was for consideration in the future.

At the conclusion of the debate, the recommendations were proposed and seconded and unanimously agreed by Council.

RESOLVED: That Council:-

- a. approved the proposed Audit Committee Terms of Reference at Appendix A;
- b. authorised the Monitoring Officer to make the necessary amendments to the Council's Constitution.

Reason: To approve the proposed updated Audit Committee Terms of Reference (Appendix A) produced by the Audit Committee Terms of Reference Working Group and update the Council's Constitution accordingly.

(Voting: unanimous in favour)

146. Report of Executive Decisions (Agenda Item 11)

The Leader of Council introduced the report and invited questions.

The Council NOTED the report.

147. Motion 1 (Agenda Item 12)

Councillor Mike Stanton thanked senior planning officers and planning policy officers and his fellow Councillors for their assistance in drafting the motion. He noted that a report from Royal Haskoning had very recently been published which proposed a number of options and one related to Wessex Water agreeing to phosphate stripping during the current cycle to 2025 but the water industry currently had no mechanism in place to accept developer contributions towards improvements to treatment works to allow phosphate stripping. He said further discussion with the Government and Ofwat was needed to establish a pathway to achieve phosphate mitigation which was the purpose of his motion. He noted the damage to plant and wildlife caused by the phosphates which was a problem that could be solved at a sewage treatment works. Wessex Water could install package treatment works for developments but they had no plans to do this until 2025 to 2030 and neither the Government or Ofwat were pressuring them to change their plans. He concluded that the problem had been known for 19 months and a phosphate credit mitigation scheme had been promised within months but none of the key agencies had faced the issue and the credit scheme would not immediately solve the issue. Householders and developers were unable to build or extend their properties and may have to pay up to £15,000 per property for the credit mitigation. Therefore his Motion sought to ask the Government to address the issues as house prices rose and young people could not afford to buy them.

Councillor Sarah Dyke confirmed that she would second the motion.

During discussion, the following points were made:-

- The issue was affecting the delivery of new homes and the building industry.
- Could the County Council provide enabling finance to bring forward the Wessex Water investment?

- The Government had used a Danish nitrate court case from 2018 as the phosphate issue on the Levels and required the phosphate levels to be reduced by 6 times their current level
- 90% of phosphate pollution originated from sewage and the Water Authority were only investing £10m per year in addressing the issue whilst paying £90m to overseas shareholders
- The Government must invest £300m + in the next two to three years to address the issue and allow houses to be built in Somerset.
- Developments could install their own treatment plants.
- The river Axe was now in danger of phosphate pollution and was also to be taken into the same scheme so the whole of the district was affected.
- Could SSDC also work with Dorset and Devon Councils who were also affected by the issue?
- The same phosphate issues were happening in Cambridgeshire and Hertfordshire and could spread across the country.
- The environmental impact of the issues affected the quality of the waterways and damaged the local ecology and recovery was uncertain as the levels were below sea level.
- In June 2020 Natural England downgraded the environmental condition of the Somerset Levels Sites of Special Scientific Interest due to water quality issues.
- The phosphate credit mitigation scheme would not remove the phosphate from the Levels and would not address the root cause.
- This impacted the Council's Environment Strategy and the County-wide Environment Strategy.
- The Government and Ofwat needed to lead on the issue and Wessex Water, Natural England and the Environment Agency needed to work with them.

In response to a question, Councillor Stanton said the motion would be progressed by officers at both SSDC and all the Councils in Somerset however, South Somerset was the most affected area

At the conclusion of the debate, the Motion was put to the vote and passed by 39 votes in favour, 0 against and 1 abstention.

RESOLVED: That Full Council agreed to:-

- a. Instruct the Chief Executive to write to the relevant Government Ministers, i.e. the Parliamentary Under-Secretary of State for Environment, Food and Rural affairs (Rebecca Pow MP), and the Secretary of State (The Right Honourable George Eustice MP) requesting urgent intervention and immediate resourcing for statutory agencies to address the issues of phosphate overload which are ravaging South Somerset's economy, ecology and communities.
- b. Press the recently-established Defra/DLUHC Ministerial Task

Force to work to reduce nutrient pollution by establishing a strategically-led co-ordinated approach through the Environment Agency (EA) or Natural England (NE) with non-government stakeholders such as the Home Builders Federation (HBF), Royal Institution of Chartered Surveyors (RICS) and Local Government Association (LGA), recognising that this is an industry responsibility. And press the EA and NE to recognise their joint responsibility to establish a strategically led co-ordinated approach.

- c. Urge Central Government to pressure Ofwat to adopt a strategic approach to adopting measures which ensure development is phosphate neutral in the catchment area for the Somerset Levels and Moors Ramsar Site, including short term temporary measures followed up by long term strategic mitigation measures, such as a large-scale habitat creation scheme, to ensure phosphate neutrality.
- d. Demand that Wessex Water bring forward and increase its 5-10 year investment in the removal of phosphates from sewage at its treatment plants of all sizes which discharge into the catchment of all local rivers, including their tributaries, rhines and ditches.
- e. Record its dissatisfaction with the severely delayed progress of Wessex Water EnTrade in setting up mitigation arrangements, especially that the necessary legal controls were not presented earlier in the process, thus to unlock development.
- f. Invite the LGA to bring further pressure on Government and non-Government stakeholders to deliver a strategic programme to ensure phosphate neutrality.

Council registers its considerable disappointment that neither the Environment Agency (EA) nor Natural England (NE) have been forthcoming with a solution.

Council is deeply concerned that this situation has a major negative effect on our local communities and economy, with our Five-year Housing Land Supply projections now negatively affected by NE's moratorium, disadvantaging South Somerset communities in the long term.

Reason: To propose a resolution to the excessive phosphate issue within the Somerset Levels and Moors Ramsar site which is delaying development.

(Voting: 39 in favour, 0 against, 1 abstention)

148. Motion 2 (Agenda Item 13)

Councillor Jason Baker said that many parts of the district had suffered increased and regular flooding and whilst development must take place, there should be more robust engagement between the planning department and the lead flood authority. Development must take account of the water on site and the flow further down. He thanked the Director for Service Delivery and the Lead Specialist for Planning for their assistance in drafting the Motion and he asked that Council support it.

Councillor Jenny Kenton confirmed that she would second the motion.

During discussion, the following points were made:-

- Would it be possible for outline planning permissions to detail the drainage at that stage?
- Regular maintenance would reduce the cost of flooding events across the county.
- Communities suffered flooding because the river authorities stopped at bridge levels
- There was a cost to the emergency services in responding to flooding events.
- Flooding had been widely discussed at Parish council meetings.
- The Local Lead Flood Authority currently only had one officer to deliver this work.
- Recent flooding in Chard had not been alleviated by an attenuation pond at a development site which should be addressed before another heavy rainfall event.
- Planning Officers should try to negotiate with developers and incorporate this into the planning system across Somerset.

In response to a question, Councillor Baker advised that the proposals within the Motion were achievable and he had worked with Director for Service Delivery and the Lead Specialist for Planning to ensure this.

At the conclusion of the debate, Members unanimously agreed the Motion.

RESOLVED: That Full Council agreed that:-

- a. all planning permissions must include sufficient information and conditions to ensure that not only are the surface water designs appropriate and meet best practice requirements but also that all future management arrangements are approved by the planning authority in conjunction with the LLFA;
- b. all relevant sites should have a maintenance plan in place that has been approved by the LLFA;

- c. members request that SSDC contact the LLFA to ask that schemes are be periodically inspected to ensure correct maintenance is taking place and an enforcement policy is put in place if schemes are not maintained;
- d. whether through providing feedback on individual planning applications or through direct representation, to seek the Council's support to ensure that water companies focus upon maintaining and improving existing infrastructure to meet current and future needs;
- e. to ensure that in setting priorities for the new Somerset Council and its planning policy works, that SSDC emphasises the importance of future proofing new developments in relation flood risk and flood management.

Reason: To propose a number of measures to reduce the risk of future flooding in the district.

(Voting: unanimous in favour)

149. Questions Under Procedure Rule 10 (Agenda Item 14)

Councillor Colin Winder asked the following question:

The council has now approved the audit committee terms of reference which states under governance and risk control:

- 1.6 To monitor progress in addressing risk related issues reported to the committee.
- 1.8 To review the assessment of fraud risk and potential harm to the council from fraud and corruption.

Bearing in mind that the Audit Committee budget was used to finance the investigation, will the CEO now present to the Audit Committee the full details of the investigation into bullying and corruption which resulted in the dismissal in senior staff?

The Chief Executive responded that she would be attending the Audit Committee meeting on 26 May to present a report with recommendations from the investigation and the progress made on them.

Councillor Martin Wale asked the following question:

Has a full independent or internal audit been carried out in respect of Lufton Depot since the Independent investigations and the dismissal of the Director Clare Pestell and the Manager Chris Cooper resigning?’

The Chief Executive confirmed that a full review had taken place and her report to Audit Committee on 26 May would include the outcomes and recommendations and actions to follow.

Councillor Wale responded and asked because of the seriousness of the allegations, had it been considered necessary to hold an independent investigation.

The Director for Strategy and Support Services confirmed that an independent audit had been carried out by SWAP Internal Audit Services, and the findings and actions from that would form part of the report to the Audit Committee on 26 May 2022.

150. Date of Next Meeting (Agenda Item 15)

Members noted that the next scheduled meeting of Full Council (Thursday 21 April) was a reserve date and would only be called if there was business to discuss.

Therefore, the next meeting of Full Council would be Thursday 19 May 2022 in the Council Chamber, SSDC Council Offices, Brympton Way, Yeovil commencing at 6.30 p.m

.....
Chairman

.....
Date