

## South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 20 August 2020** as a Virtual Meeting using Zoom meeting software.

(6.00 pm - 8.22 pm)

### Present:

**Members:** Councillor Paul Maxwell (Chairman)  
Councillor Jenny Kenton (Vice-Chairman)

Jason Baker	Ben Hodgson	David Recardo
Robin Bastable	Charlie Hull	Paul Rowsell
Mike Best	Kaysar Hussain	Dean Ruddle
Neil Bloomfield	Val Keitch	Peter Seib
Dave Bulmer	Andy Kendall	Garry Shortland
Hayward Burt	Tim Kerley	Alan Smith
Tony Capozzoli	Mike Lewis	Jeny Snell
Martin Carnell	Tony Lock	Andy Soughton
John Clark	Kevin Messenger	Mike Stanton
Nicola Clark	Graham Oakes	Rob Stickland
Louise Clarke	Tricia O'Brien	Lucy Trimnell
Nick Colbert	Sue Osborne	Gerard Tucker
Sarah Dyke	Robin Pailthorpe	Linda Vijeh
David Gubbins	Oliver Patrick	Martin Wale
Peter Gubbins	Clare Paul	William Wallace
Brian Hamilton	Crispin Raikes	Colin Winder
Henry Hobhouse	Wes Read	

### Officers:

Netta Meadows	Director (Service Delivery)
Clare Pestell	Director (Commercial Services & Income Generation)
Martin Woods	Director (Place)
Richard Ward	Monitoring Officer
Kirsty Larkins	Director (Strategy and Commissioning)
Jo Nacey	Section 151 Officer
Jan Gamon	Programme Director, Stronger Somerset
Angela Cox	Specialist (Democratic Services)
Michelle Mainwaring	Case Officer (Strategy & Commissioning)
Becky Sanders	Case Officer (Strategy & Commissioning)

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### 148. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Malcolm Cavill, Adam Dance, Karl Gill, Mike Hewitson, Mike Lock, Pauline Lock, Tiffany Osborne, Gina Seaton and Alex Parmley (Chief Executive).

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### 149. Minutes (Agenda Item 2)

The minutes of the Council meeting held on 16<sup>th</sup> July 2020, copies of which had been previously circulated, were approved as a correct record of the meeting and signed by the Chairman.

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

There were no declarations of interest made by Members.

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### **151. Public Question Time (Agenda Item 4)**

The Council were addressed by a member of the public who asked the following question:-

“The Government and many Councils declared a climate emergency last year yet many are still investing in their pension funds directly or indirectly into the fossil fuel industry. This must stop and Extinction Rebellion UK are asking all Councils to ask their pension providers to stop investing in fossil fuels. We understand there is currently no SSDC representative on the Somerset County Pensions Committee and we ask the Council to remedy this and take a firm stand on this matter. In light of SSDC's declaration of a Climate Emergency last year and commitment to reducing CO2 emissions wherever possible, what have you done regarding the issue of divestment from fossil fuels?”

The Section 151 Officer provided the following response:-

The four district councils in Somerset collectively have one dedicated representative on the Somerset Pensions Committee. The representative is chosen by the 4 districts with no involvement of the Pensions Committee or Somerset County Council. The current representative is Cllr Ross Henley, who is a Somerset West and Taunton councillor and he was newly elected in the 2019 district elections. He was one representative of 8 Committee Members who represented 170 employer bodies.

The Brunel Pension Partnership who administered the pension funds had launched their climate change policy and links to the document would be included within a detailed written response to the question.

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### **152. Chairman's Announcements (Agenda Item 5)**

The Chairman advised the Councillor Malcolm Cavill was now at home, having spent some time in hospital and he wished him a full and swift recovery.

The Chairman thanked all staff of the Council for their response to the Covid-19 pandemic. He also thanked all Members for the work they had done within their Wards and he reminded them that the business grant scheme was still open until the end of the month for any who had not yet applied.

He reminded Members of the Special Meetings of the Scrutiny Committee (8<sup>th</sup> September at 2.00pm), District Executive (10<sup>th</sup> September at 9.00am) and Council (10<sup>th</sup> September at 6.00pm) to discuss the Stronger Somerset business case for the future of Local Government in Somerset.

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## **153. Verbal update on the Environment Strategy (Agenda Item 6)**

The Portfolio Holder for Environment thanked the staff working in the Community of Practice for their work and the projects which they had brought forward. She provided the following verbal update on the progress of the Council's Environment Strategy:-

### **Energy audit**

It has been recognised in the Environment Strategy work that in order to meet our target of being carbon neutral by 2030 we need to significantly reduce our energy use. It was decided earlier this year that to enable us to make some informed decision about how to do that we would need to engage some expert help to assess our options. Following a successful tender process we appointed Engie to carry out a detailed energy audit of our top 10 energy use sites to provide us with the basis for that options appraisal.

Despite all the challenges of the Covid pandemic, the survey was carried out week commencing 22<sup>nd</sup> June. The draft report on our buildings was received last week and we have already started conversations with Engie and our property team to think about next steps. We will shortly be working up some business cases for further consideration. The final report is expected by the end of August and this will give us a road map to getting our buildings to carbon neutrality.

### **Electric Vehicle charging**

Following some amazing work by the team an opportunity was identified to partner with the DELETTI (Devon Low carbon Energy & Transport Technology Innovator) project to deliver a network of EV charges points across the district in SSDC car parks and estate.

In order to join this project we needed to secure funding and this was approved by District Executive at their July committee. The tender is due to go out in September.

The project will allow SSDC to extend the EV charging network to meet the increasing demands and will link up with private enterprises, parish and town councils, neighbouring District Councils and Somerset County Council.

The initial plan is to have a charging points at a minimum 17 locations with two connectors at each completed by December 2021. SSDC will partner with DELETTI – (Devon Low-carbon Energy & Transport Technology Innovator), Devon County Council and most of the Devon District Councils to facilitate this project.

Future phases could expand this network still further in a range of locations based on feedback from our communities and usage data from the initial sites.

Further details can be found in the District Executive report and associated business plan.

### **Environment Champion survey**

As part of our engagement work we have developed a network of Environment Champions throughout our towns and parishes. We had planned a workshop in April to develop and share ideas however, the pandemic prevented that from taking place. To keep momentum going we therefore switched to a survey which was sent to all our champions. We had a great response and are now collating the results. Much of this is capturing all the good work that is taking place already in our communities, along with ideas for future work and requests for help and support.

Once we have collated all the information we will share this with Members and other stakeholders.

Following the success of this, and our desire to capture positive environmental outcomes of the pandemic, we will shortly be issuing a members survey.

### **Tree planting**

Tree planting across the district exceeded our 1,000 per year target for last year with SSDC planting 3,560 on its own estate and a further 3,050 being planted by parishes as part of the Great Parish Tree Giveaway. Work is ongoing to secure further grant funds for the coming planting season and this includes applications to the Urban Tree Challenge for projects across the district and confirmation of £7,000 of grants for planting at Yeovil Country Park in partnership with Friends of the Country Park.

### **Open Spaces Strategy**

Officers from across the CoP are pulling together an Open Spaces Strategy that will set the direction and priorities for green space management in our district. This will introduce themes around resilience, healthy and liveable South Somerset and ensure key elements like climate change are well handled in our future management of spaces. The strategy is delayed due to officer availability at the beginning of this year but with support from Strategy and Commissioning the draft document should be with members by the autumn.

### **Newsletter**

The first environment e-newsletter was issued in mid-July. This new monthly newsletter will include details on progress of SSDC led projects, best practice case studies both locally and nationally and links to consultations where we are keen to harness a local response. The newsletter will be sent to environment champions both in our parishes and internally and all Members for your information. If you have subjects you would like included, or suggested case studies, then please contact the team.

### **Carbon Footprint**

Finally – the updated carbon footprint for SSDC and its operations will be with you for the next Full Council meeting. Giving a comparison between last year and the first year of calculating our carbon impact. We have actually seen an improvement in our carbon footprint, which is great. We believe this year it is probably largely due to reduced heating demand following a warmer winter. With all our plans evolving hopefully we can continue this downward trend over coming years.

The Chairman thanked the Portfolio Holder for Environment for her update on a wide number of environmental activities

In response to questions, the Portfolio Holder for Environment and the Leader of Council confirmed:-

- a written response would be provided to the question of the Council's intentions regarding building on existing play areas or public open space owned by SSDC.
- feedback on the Great Parish Tree Giveaway would be provided.
- Monitoring the use of the electric vehicle charging points when installed should be possible and information on this would be provided.
- SSDC were part of the active travel cell with SCC and were working with SCC to encourage school students to walk or cycle to school.
- Provision of schools within walking distance of homes was within the planning system and walking routes to schools through built up areas, linking footpaths with crossings allowed students to walk or cycle to school.

At the conclusion of the debate, Members were pleased to note the verbal update on the progress of the Environment Strategy.

## 154. SSDC Annual Achievements Report 2019-20 (Agenda Item 7)

The Leader of Council introduced the report and noted the highlights of the report as:-

- A balanced budget with no cuts to services.
- Regeneration projects launched in Chard and Wincanton and further work continued on the Yeovil regeneration.
- 10 year Economic Development strategy adopted.
- Commercial investments made to pay for valued council services.
- Improve customer services with new technology
- Dedicated services to protect the vulnerable and alleviate homelessness.
- Working to protect the environment
- Shortlisted for a range of national awards including shortlisting for Chief Executive of the Year.

She concluded by mentioning the achievements of the economic development service as detailed in the appendix to the main report and thanked those who had contributed towards it.

In response to questions from Members, the Leader of Council and Portfolio Holder for Economic Development advised:-

- The Government had recently put more funding into the Connecting Devon and Somerset Broadband and mobile connectivity scheme. Some of the commercial schemes were also attractive and mobile technology was advancing. SSDC also promoted a voucher scheme on its website.
- A written response would be provided on the cost of operating the Westland Complex (excluding the effect of closure during Covid-19).

During discussion the following points were made:-

- BT and other statutory providers were now obliged to provide a basic broadband service through the Universal Service Obligation.
- The Council provided a number of discretionary services in response to need from the public i.e. the Westlands Complex and community projects.
- The Council would engage with all the Chambers of Trade within the area in their economic development work.

The Leader of Council commended the report to Members and said the Council had achieved a great deal during 2019/20 to move forward. At the conclusion of the debate, the majority of Members were content to confirm the 2019/20 Annual Achievements report for publication.

**RESOLVED:** That Council:

- a. noted and commented on the attached Annual Achievements report at Appendix A.
- b. approved the 2019/20 Annual Achievements report for publication.

*(Voting: 52 in favour, 1 Against and 0 Abstentions)*

## **155. Review of SSDC Financial Procedure Rules (Agenda Item 8)**

The Portfolio Holder for Finance and Legal Services asked Council to approve the revised Financial Procedure Rules as part of the Council's Constitution and note that they would be reviewed annually in the future. He noted this was the first major review since various amendments had been made at Council meetings and he noted the various amendments proposed.

In response to questions from Members, the Leader of Council and Portfolio Holders confirmed:-

- The Council had a Commercial Strategy approved by Council and it would continue to be delivered until any new unitary proposal was confirmed. The Council would continue to look for safe investment opportunities with a good return. All potential investments had to be unanimously agreed by the Investment Asset Group and senior officers.
- SSDC would not have been in a healthy financial position at the start of the pandemic without the income from the commercial investments.
- The membership of each of the boards (both officers and Councillors) would be made clear on the Council's website.
- Any financial virements would be reported in the quarterly budget monitoring reports to the District Executive.

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

**RESOLVED:** That Council:

- a) approved the attached revised Financial Procedure Rules as part of the Council's Constitution.
- b) noted the Financial Procedure Rules will be reviewed annually.

*(Voting 52 in favour, 1 against and 0 abstentions)*

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## **156. Changes to the Constitution - Update of the Protocol on Member/Officer Relations (Agenda Item 9)**

The Chairman of the Standards Committee introduced the report and advised that following an investigation of a Code of Conduct complaint, the independent investigating company had recommended that the Member/Officer Protocol be reviewed as it was weak in regard to dealing with complaints by Councillors against staff and also dealing with staff complaints against Councillors. The Standards Committee had asked the Monitoring Officer to review the protocol and had subsequently unanimously confirmed it for adoption by Council.

The Monitoring Officer confirmed that the formal and informal dispute resolution had been adopted by many other authorities and the approach was working well as it resolved misunderstandings at an early stage. Councillors could not be forced to participate in this approach but they would be encouraged to resolve a situation.

During discussion, it was noted that the protocol stated that a Councillor may be required to offer a written or verbal apology to an employee, however, there did not appear to be

a similar arrangement for officers to do the same. The Monitor Officer advised that he would expect senior officers to direct employees to make an appropriate apology if required to a Councillor and, this minor change could be made to the protocol.

It was further noted that the policy was a workable procedure to resolve misunderstandings between Councillors and officers outside of the formal Code of Conduct complaint process.

The proposal to approve the changes to the Protocol on Member/Officer Relations (Appendix A to the report) was proposed and seconded and when put to the vote were confirmed by 44 in favour, 3 against and 4 abstentions.

**RESOLVED:** That Full Council approved that the changes set out in the Protocol on Member/Officer Relations (Appendix A to the report) be made to the Council's constitution.

*(Voting: 44 in favour, 3 against, 4 abstentions)*

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## **157. Change to the Constitution - Review of Delegation of Decision Making (Agenda Item 10)**

The Leader of Council introduced the report and reminded Members that the decision had been taken in March 2020 because of the impending lockdown due to Coronavirus to transfer decision making powers to the Chief Executive in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable, if meetings of a committee were unable to be held. She asked that the delegation continue

Councillor Neil Bloomfield stated that when the decision was taken to transfer powers in March 2019, an amendment was agreed to review the delegation within 3 months, and it was now 5 months since that decision. The Leader of Council referred to the report which listed the decisions taken by the Chief Executive since March 2019.

The Monitoring Officer advised that any decision taken by the Chief Executive would not be unlawful although the review of the decision to delegate powers had not taken place within the agreed 3 months. He confirmed that the all the decisions taken had occurred within the first 4 weeks of the lockdown whilst the Council prepared to move to virtual meetings. From May 2019, decisions had been made at the virtual Committee meetings under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. He advised that the request to continue the delegated powers was in the event of a further local lockdown.

During discussion the following points were made:-

- Virtual meetings were subject to interruption by poor internet signal and the Government may never declare that the Coronavirus is over.
- Until the Government allow meetings of more than 10 people in person then it was likely that virtual meetings would continue.
- The delegated powers could have been reviewed by the Chief Executive.

- The virtual meetings had enabled Council meetings to continue during the lockdown period but agreeing the recommendation may mean they continue for a long period.
- Some Councils and organisations were operating hybrid meetings where some people were present in a room and some on-line and SSDC may move to this in the future as technology improved.
- Whilst the on-line meetings were not perfect, they did allow democracy to continue.
- The Council were saving on travelling expenses to attend meetings and also helping to reduce Co2 emissions by not attending in-person meetings.
- Socially distanced Parish Council meetings could continue to meeting in person provided they complied with advice from NALC and SALC.
- It would take an Act of Parliament to change the current regulations and it was good that more public could watch the meetings on-line.
- A local-lockdown would damage the local economy.
- Should the decision be reviewed in February or March 2021.
- Virtual meetings were very useful for working councilors to allow them to attend meetings and so hybrid meetings should be considered in the future.

The Monitoring Officer advised that the Government would be reviewing their Coronavirus Regulations before May 2021 when they currently ceased to exist and he suggested that a further report be brought to Council in March/April when it was known what changes were proposed.

The Leader of Council said the decision would be reviewed once further advice had been received from the Government.

The recommendations were proposed and seconded and when put to the vote, were carried by 46 votes in favour, 3 against and 1 abstention.

**RESOLVED:** The Council agreed to continue the following changes to the Council's Constitution:

- a) To amend Part 3, Responsibility for Functions, Sections 3 and 4 of the Council's Constitution to allow delegated authority to the Chief Executive, and to the relevant Director in the Chief Executive's absence where not already delegated, to take Executive and Quasi-Judicial decisions in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable, if meetings of the relevant committee are unable to be held;
- b) To continue to enable Councillors to make decisions by remote, virtual meetings using available technology.
- c) To continue the delegated authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect any further changes that are required as a direct result of Government Legislation /Guidance resulting from the coronavirus (COVID-19) situation.
- d) These changes in procedure will cease when the Government announces that the coronavirus (COVID-19) crisis is over and when normal meetings can resume.



*(Voting: 46 in favour, 3 against and 1 abstention)*

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**158. Report of Executive Decisions (Agenda Item 11)**

The report of Executive Decisions was noted.

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**159. Audit Committee (Agenda Item 12)**

The Chairman of the Audit Committee introduced the report and said it was pleasing to see Councillors who were not members of the Committee able to join the virtual on-line meetings and join in the debates. He said that a further meeting of the Committee would be held during September to discuss the effect of Covid-19 on the Council's finances.

The Portfolio Holder for Finance and Legal Services thanked the Committee for their work during the last 3 months, particularly on the new Finance Procedure Rules.

The report of the Audit Committee was NOTED.

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**160. Scrutiny Committee (Agenda Item 13)**

The Chairman of the Scrutiny Committee introduced the report and advised that they had held two informal briefings and their work continued as normal in their virtual meetings.

The report of the Scrutiny Committee was NOTED.

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**161. Motions (Agenda Item 14)**

There were no Motions submitted by Members.

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**162. Questions Under Procedure Rule 10 (Agenda Item 15)**

Councillor Martin Wale submitted the following questions under Procedure Rule 10:-

Due to the continuing adverse publicity, both in the local and national media in relation to our planning service and its performance, I request that a VERBAL answer be given to Council on the following-

- (A) The establishment for the Planning Service.
- (B) The current number of Planners, not including agency.
- (C) In the last year how many Planners have resigned/retired.
- (D) What exit enquiries are made of resigning Officers.

(E) Approximately, the current caseload of each Planner.

Supplementary question - what steps are being taken in relation to any shortage and overloading of Officers re casework and what is the Councils position in relation to being taken into 'special measure'.

Councillor Tony Lock, Portfolio Holder for Protecting Core Services provided the following response:-

It is fair to say that there have been some difficulties in our planning service over the last 18 months, and you will have received an update from the Director for Service Delivery, where she acknowledged this and set out what has been done so far, and future plans. We want to deliver a great service for our residents and we are doing all we can to support the service and team to put in place sustainable solutions.

To answer the specific questions raised –

**(A) The establishment for the Planning Service.**

There are currently the following roles on the establishment - 1 Lead Specialist for Built Environment, 12 Specialists, 13 Case Officers, 2 Graduate roles

**(B) The current number of Planners, not including agency.**

There are currently 1 interim Lead Specialist for Built Environment, 11 Specialists, 12 Case Officers, 2 Graduate roles

**(C) In the last year how many planners have resigned/retired.**

There have been the following leavers:

1 x Case Officer

1 x Specialist

1 x Lead Specialist

There are a further 2 Specialists who have resigned but have not yet left the organisation.

**(D) What exit enquiries are made of resigning Officers.**

Before someone leaves an exit interview form is sent to the line manager prior to the leaving date, where a meeting is conducted. The form is then sent to the Chief Executive's office for the Service Director/Chief Executive to view along with the People Team. There have been occasions where the employee has requested that the exit interview is conducted by an alternative person to the line manager, which we would then make appropriate arrangements for.

**(E) Approximately, the current caseload of each Planner.**

The caseload assigned to each existing officer varies greatly and the average, as measured from statistics in July, indicates 56 per officer. This excludes enforcement cases, as these are managed in a different way (not per officer)

**Supplementary question - what steps are being taken in relation to any shortage and overloading of officers re casework and what is the Councils position in relation to being taken into 'special measure'.**

As outlined in the Director’s recent update to Members, there is a new plan that has been created by the team that includes many elements, including to recruit to key posts, as well as ways of addressing the backlog of applications. There are case planning sessions which have been put in the diary with the team and these will also serve as a way of training the less experienced officers and exposing them to new planning issues. We are also reviewing processes in order to make them more efficient. In addition to this, Members will be very aware of the work being undertaken between Members and Officers on Planning Reimagined. Lots of changes to the way we make planning decisions locally have been proposed and when these workshops finish we will be bringing forward these changes for agreement. These will greatly benefit the system and Officers with workload.

We will also be undertaking a review of all enforcement cases and of the way the Council processes applications to ensure the fundamental basics of the system are as efficient and effective as possible.

On 4<sup>th</sup> September we will be interviewing for the new Lead Specialist - Built Environment, and the work they will do with Members on the importance of good and sound planning decisions will be a key part of their role.

Special measures means the Government have served a designation notice on the planning service. The Government sets a target of 13 weeks for major planning applications to be determined, and authorities failing to consistently deliver this risk a designation notice. Obviously we ask for time extensions with agents, and if they agree then the clock stops ticking. If someone doesn’t agree to an extension, and it goes beyond the 13 weeks then we risk a designation notice if this consistently and repeatedly happens. It’s why the Government monitor the statistics, and we have to submit national statistics regularly on this. We are also monitored on our performance at planning appeals; a report will be presented to the District Executive on this issue in October.

In practice, if there are special measures imposed then this can mean that until further notice, a major developer will have the choice of having a decision made by the authority’s planning service or by the Planning Inspectorate. It takes away the power from us as a Council and we effectively lose our status as determining authority for potentially some of the most important applications in the district, as many developers would choose the Planning Inspectorate.

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**163. Date of Next Meeting (Agenda Item 16)**

Members noted that there would be a Special meeting of the Full Council on **Thursday, 10<sup>th</sup> September 2020** as a virtual meeting using Zoom meeting software **commencing at 6.00 p.m.**

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Chairman

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Date

