

South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 25 February 2021** as a Virtual Meeting using Zoom meeting software.

(6.30 - 9.00 pm)

Present:

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

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

Officers:

Alex Parmley	Chief Executive
Netta Meadows	Director (Service Delivery)
Martin Woods	Director (Place)
Nicola Hix	Director (Support Services & Strategy)
Kirsty Larkins	Director (Service Delivery)
Jill Byron	Monitoring Officer
Jo Nacey	Section 151 Officer
Peter Paddon	Lead Specialist (Economy)
Barry James	Interim Planning Lead Specialist
Paul Matravers	Lead Specialist (Finance)
Jan Gamon	Director (Place and Recovery)
Anna-Maria Lenz	Specialist (Strategic Planning)
Angela Cox	Specialist (Democratic Services)
Michelle Mainwaring	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)

226. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Hayward Burt, Malcolm Cavill (dispensation granted), Ben Hodgson, Michael Lewis, Robin Pailthorpe, Crispin Raikes and Gina Seaton.

227. Minutes (Agenda Item 2)

The minutes of the Council meeting held on 21st January 2021, copies of which had been previously circulated, were approved as a correct record of the meeting and would be signed by the Chairman.

228. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

229. Public Question Time (Agenda Item 4)

There were no members of the public present at the meeting.

230. Chairman's Announcements (Agenda Item 5)

The Chairman welcomed Jill Byron, the Council's new Monitoring Officer, to the meeting and said he hoped she would enjoy her time at SSDC.

The Chairman invited Councillor Martin Carnell to speak regarding his new position within the Devon and Somerset Fire and Rescue Service.

Councillor Martin Carnell spoke in his role of Group Commander for the Yeovil Response Group which covered all the fire stations in the South Somerset and Mendip areas. He said that he would like to engage with any local community safety initiatives which were targeted to work with vulnerable people or groups and he was Councillors first point of contact for the service.

The Chairman also paid tribute to director, Netta Meadows, who was leaving to take up the position of Chief Executive of the Scottish Borders Council. He said she had been invaluable in implementing the Transformation Programme, modernising communications, civil contingencies and emergency planning within the Council. She had also moved the planning service forward, ensured business grants were paid swiftly during the pandemic and co-ordinated support for the vaccine programme. He wished her well in her new role.

The Leader of Council and the Leader of the Conservative group also thanked the Director on behalf of the Liberal Democrat group and the Conservative group.

231. Chairman's Engagements (Agenda Item 6)

The Chairman advised that although official engagements were currently paused due to the pandemic, he was hopeful they would re-commence shortly.

232. SSDC Annual Action Plan 2021-2022 (Agenda Item 7)

The Leader of Council, as Portfolio Holder for Strategy and Housing, introduced the report and thanked the officers involved for their work in updating the Annual Action Plan and the Area Priorities. She drew Members attention to the proposed five Priority Projects for 2021-2022 at point 10 in the report and the key projects listed within the Area Chapters.

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

- Whatever the outcome of the consultation on future of Local Government in Somerset, SSDC would exist as a council until 2023 and as such it had to continue to operate for its residents and businesses during that time.
- One of the Priority Projects was to work with commercial providers and public sector programmes to increase the broadband speed and availability plus mobile connectivity throughout the district. There was a Member briefing on 10th March on this issue.
- Agriculture was mentioned as a key sector in the Action Plan under Economy.

At the conclusion of the debate, the recommendations were proposed and seconded and a named vote was taken. The recommendations were carried by 47 in favour, 0 against, 3 abstentions.

RESOLVED: That Council agreed to adopt the Annual Action Plan for 2021-2022 comprising of revised Areas of Focus, Priority Projects and Area Chapters.

Reason: To adopt the SSDC Annual Action Plan 2021-2022

(Voting: 47 in favour, 0 against, 3 abstentions)

233. 2021/22 Revenue and Capital Budgets and Medium Term Financial Plan (Agenda Item 8)

The Portfolio Holder for Finance and Legal Services introduced the report and noted that several of the Council's income streams had reduced during the Covid pandemic, but, due to good financial planning, a balanced budget was proposed with services protected. He said the Council was also investing in regenerating town centres across the district and had a strong Climate Change Action Plan. He thanked the Council's staff who had helped with food parcels for those residents who were shielding, the distribution of business grants and assisted at vaccination centres. He also thanked the officers who had contributed to the budget process, particularly the Section 151 Officer. He noted that the precept for the Avon and Somerset Police and Crime Commissioner was now agreed so the figures in the report were final. He concluded by commending the recommendations to Council and they were seconded by Councillor Peter Gubbins.

In response to a question, the Section 151 Officer advised:

- The Government guidance that local authorities must not borrow more than or in advance of their needs had been in the prudential code for a number of years and it was originally added to discourage Councils from borrowing cheaply and investing the money to make a return which was seen at the time as gambling

This had now changed to borrowing for core services. Borrowing from the PWLB was not the cheapest way of borrowing and the Council's commercial investments were now protecting the Council's core services. This was lawful and officer were mindful of the prudential code whilst being regulated by other laws relating to borrowing.

At the conclusion of the debate, the recommendations were proposed and seconded and a recorded vote was taken. The recommendations were agreed by 49 in favour, 0 against, 1 abstention.

RESOLVED: That Full Council agreed to:-

- a. approve the Net Revenue Budget for 2021/22 of **£16,743,010** as set out in the Revenue Account Summary (paragraph 38) and in detail in Appendix A for the District Executive and four Area Committees, subject to any amendments;
- b. approve the 2021/22 Council Tax increase of 2.91%, increasing the annual Band D rate by £5 to £177.11. Full Council noted this new annual rate comprises £175.26 for SSDC services, raising £10,717,653; and £1.85 on behalf of the Somerset Rivers Authority, raising £113,133;
- c. approve the new capital programme as shown in Appendix D, which included an additional funding request of £7.787m as detailed in paragraph 59.

Reason: To approve the proposed budget, council tax and capital programme for 2021/22.

(Voting: 49 in favour, 0 against, 1 abstention)

		For	Against	Abstain
Cllr	Jason Baker	x		
Cllr	Robin Bastable	x		
Cllr	Mike Best	x		
Cllr	Neil Bloomfield	Absent		
Cllr	Dave Bulmer	x		
Cllr	Hayward Burt	Apologies		
Cllr	Tony Capozzoli	x		
Cllr	Martin Carnell	x		
Cllr	Malcolm Cavill	Apologies		
Cllr	John Clark	x		
Cllr	Nicola Clark	x		
Cllr	Louise Clarke	Absent		
Cllr	Nick Colbert			x
Cllr	Adam Dance	x		
Cllr	Sarah Dyke	x		
Cllr	Karl Gill	x		

Cllr	David Gubbins	x		
Cllr	Peter Gubbins	x		
Cllr	Brian Hamilton	x		
Cllr	Mike Hewitson	x		
Cllr	Henry Hobhouse	x		
Cllr	Ben Hodgson	Apologies		
Cllr	Charlie Hull	x		
Cllr	Kaysar Hussain	x		
Cllr	Val Keitch	x		
Cllr	Andy Kendall	x		
Cllr	Jenny Kenton	x		
Cllr	Tim Kerley	x		
Cllr	Mike Lewis	Apologies		
Cllr	Mike Lock	x		
Cllr	Pauline Lock	x		
Cllr	Tony Lock	x		
Cllr	Paul Maxwell	x		
Cllr	Kevin Messenger	x		
Cllr	Graham Oakes	x		
Cllr	Tricia O'Brien	x		
Cllr	Sue Osborne	Absent		
Cllr	Tiffany Osborne	x		
Cllr	Robin Pailthorpe	Apologies		
Cllr	Oliver Patrick	x		
Cllr	Clare Paul	x		
Cllr	Crispin Raikes	Apologies		
Cllr	Wes Read	x		
Cllr	David Recardo	x		
Cllr	Paul Roswell	x		
Cllr	Dean Ruddle	x		
Cllr	Gina Seaton	Apologies		
Cllr	Peter Seib	x		
Cllr	Garry Shortland	x		
Cllr	Alan Smith	x		
Cllr	Jeny Snell	x		
Cllr	Andy Soughton	x		
Cllr	Mike Stanton	x		
Cllr	Rob Stickland	x		
Cllr	Lucy Trimnell	x		
Cllr	Gerard Tucker	x		
Cllr	Linda Vijeh	x		
Cllr	Martin Wale	x		
Cllr	William Wallace	x		
Cllr	Colin Winder	x		

	Totals	49	0	1
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234. Council Tax Setting 2021 - 22 (Agenda Item 9)

The Portfolio Holder for Finance and Legal Services introduced the report and advised that this was the formal Council Tax resolution to be agreed. Recommendation C had now been confirmed as the Avon and Somerset Police and Crime Commissioner had now set their precept.

Councillor Martin Wale, as the SSDC representative on the Avon and Somerset Police and Crime Panel, said they had rejected the first budget proposed by the Police Commissioner but had agreed the revised budget which had been lower.

At the conclusion of the debate, the recommendations were proposed and seconded and a recorded vote was taken. The recommendations were agreed by 49 in favour, 0 against, 1 abstention.

RESOLVED: That Full Council agreed to:-

- a. approve the formal Council Tax Resolution in Appendix A.
- b. note the total Band D Council Tax as follows:

	2020/21 £	2021/22 £	Increase %
South Somerset District Council	172.11	177.11	2.91
Somerset County Council	1,176.31	1,201.97	4.99
Somerset County Council (Adult Social Care)	112.89	151.56	
Avon and Somerset Police and Crime Commissioner	227.81	241.20	5.88
Devon and Somerset Fire and Rescue Authority	88.24	90.00	1.99
	1,777.36	1,861.84	4.75
Town and Parish Council (average)	97.09	100.16	3.16
	1,874.45	1,962.00	4.67

- c. note that the level of precept required by the Avon and Somerset Police and Crime Commissioner had been set by the PCC and therefore no further adjustment to the council tax bills would be required. (See paragraph 7)

Reason: To approve the proposed council tax for 2021/22.

(Voting: 49 in favour, 0 against, 1 abstention)

		For	Against	Abstain
Cllr	Jason Baker	x		
Cllr	Robin Bastable	x		
Cllr	Mike Best	x		

Cllr	Neil Bloomfield	Absent		
Cllr	Dave Bulmer	x		
Cllr	Hayward Burt	Apologies		
Cllr	Tony Capozzoli	x		
Cllr	Martin Carnell	x		
Cllr	Malcolm Cavill	Apologies		
Cllr	John Clark	x		
Cllr	Nicola Clark	x		
Cllr	Louise Clarke	Absent		
Cllr	Nick Colbert			x
Cllr	Adam Dance	x		
Cllr	Sarah Dyke	x		
Cllr	Karl Gill	x		
Cllr	David Gubbins	x		
Cllr	Peter Gubbins	x		
Cllr	Brian Hamilton	x		
Cllr	Mike Hewitson	x		
Cllr	Henry Hobhouse	x		
Cllr	Ben Hodgson	Apologies		
Cllr	Charlie Hull	x		
Cllr	Kaysar Hussain	x		
Cllr	Val Keitch	x		
Cllr	Andy Kendall	x		
Cllr	Jenny Kenton	x		
Cllr	Tim Kerley	x		
Cllr	Mike Lewis	Apologies		
Cllr	Mike Lock	x		
Cllr	Pauline Lock	x		
Cllr	Tony Lock	x		
Cllr	Paul Maxwell	x		
Cllr	Kevin Messenger	x		
Cllr	Graham Oakes	x		
Cllr	Tricia O'Brien	x		
Cllr	Sue Osborne	Absent		
Cllr	Tiffany Osborne	x		
Cllr	Robin Pailthorpe	Apologies		
Cllr	Oliver Patrick	x		
Cllr	Clare Paul	x		
Cllr	Crispin Raikes	Apologies		
Cllr	Wes Read	x		
Cllr	David Recardo	x		
Cllr	Paul Roswell	x		
Cllr	Dean Ruddle	x		
Cllr	Gina Seaton	Apologies		

Cllr	Peter Seib	x		
Cllr	Garry Shortland	x		
Cllr	Alan Smith	x		
Cllr	Jeny Snell	x		
Cllr	Andy Soughton	x		
Cllr	Mike Stanton	x		
Cllr	Rob Stickland	x		
Cllr	Lucy Trimnell	x		
Cllr	Gerard Tucker	x		
Cllr	Linda Vijeh	x		
Cllr	Martin Wale	x		
Cllr	William Wallace	x		
Cllr	Colin Winder	x		
	Totals	49	0	1

235. Capital, Investment and Treasury Strategies 2021/22 to 2023/24 (Agenda Item 10)

The Portfolio Holder for Finance and Legal Services introduced the report and advised that table 3 in the report had been corrected since presentation at District Executive. He thanked the Members who had assisted in reviewing the detail of the strategies.

In response to a question, the Section 151 Officer advised that Table 3 listed funding for capital expenditure and CIL could only be used to fund very specific projects.

At the conclusion of the debate, the recommendations were proposed and seconded and a recorded vote was taken. The recommendations were agreed by 48 in favour, 1 against, 1 abstention.

RESOLVED: That Full Council agreed to:-

- a. approve the Capital Strategy, Investment Strategy and the Treasury Management Strategy 2021/22 to 2023/24;
- b. approve the proposed borrowing and investment limits included in the Capital Strategy;
- c. approve the Minimum Revenue Provision statement for 2021/22.

Reason: To approve the annual capital, investment and treasury strategies before the start of the financial year, in line with the CIPFA Prudential Code.

(Voting: 48 in favour, 1 against, 1 abstention)

236. Planning Reimagined - Changes to the Scheme of Delegation to Increase Efficiency of the Planning Service (Agenda Item 11)

The Portfolio Holder for Protecting Core Services introduced the report and thanked the Members who had participated in the Planning Reimagined workshops. He said they had worked closely with officers and had reached a unanimous decision on how to move the planning service forward. He said the working group would be re-convened in June to review how the changes were working and this should be an ongoing review process going forward.

In response to questions from Members, the Portfolio Holder for Protecting Core Services and the Director for Service Delivery advised:-

- there was no change for members of the public to be able to support or object to planning applications, but, not every planning application would be determined by an Area Committee. This was similar to many other Local Authorities. The cross-party working group had worked very well together and had reached a unanimous agreement on the proposed changes.
- a report on the outcomes from the Planning Reimagined workshops had been presented to District Executive in December 2020.
- the Regulation Committee would meet in the local area for a planning application which they were due to determine. However, if there was more than one application to be determined from two different areas, then the meeting would be held in the Brympton Way offices. This was a procedural change rather than a policy change.
- the decision to determine planning applications at an Area Committee meeting was still at the discretion of the Area Chairman.

At the conclusion of the debate, the recommendation was proposed and seconded and a recorded vote was taken. The recommendation was agreed by 50 in favour, 0 against, 1 abstention.

RESOLVED: That Council agreed the recommended changes to the Scheme of Delegation, in accordance with the recommendation of the Planning Reimagined Members working group.

Reason: To approve the proposed changes to the Scheme of Delegation in relation to planning applications.

(Voting: 50 in favour, 0 against, 1 abstention)

237. Planning and Phosphates - Adoption of a Phosphate Load Calculator (Agenda Item 12)

The Portfolio Holder for Protecting Core Services introduced the report and noted that there had been a number of member briefings on the phosphates subject which was largely out of their control. He thanked the officers, who had been working with the officers from the other Somerset Councils to present a solution and a way forward. Adopting the proposed calculator would allow planning applications to be determined once again.

During discussion, the following points were made-

- Natural England had not yet completed their scientific assessment therefore it was not yet clear what level phosphates must be reduced to.

- The Government should instruct Wessex Water to deal with the issue and invest money to take phosphates out of the water system.
- This was a disaster for the housing economy of South Somerset.
- This was caused by privatising a public utility, which had failed to invest in regulating the environment.
- This was not only an issue in Somerset. It was also happening in Cambridgeshire and Poole harbour.
- Wessex Water, the Environment Agency and Natural England had known about this issue for some time and they should be obliged by the Government to install phosphate extraction plants now.

In response to questions from Members, the Lead Specialist for Planning advised

- There were a large number of planning applications which the Council were unable to determine because of the phosphates issue and they would be dealt with equally in due course.
- The calculator was a tool for developers and officers to assess the phosphate impact of the development and to work out what mitigation would work to achieve neutral phosphate impact. It had been submitted to Natural England for endorsement but developers could use their own calculations.

The Leader of Council said that she would raise this issue with both of the South Somerset MP's, who she was meeting shortly.

At the conclusion of the debate, the recommendations were proposed and seconded and a recorded vote was taken. The recommendations were agreed by 51 in favour, 0 against, 0 abstentions.

RESOLVED: That Full Council:-

- a. noted the update on the latest situation with regard to phosphates within the Somerset Levels and Moors catchment area and also note that until there is definitive guidance from Natural England a variety of methods may be legitimately be used to calculate phosphates.
- b. agreed that the Council adopt the position that the phosphate load budget calculator is our preferred method to assess the potential impact of development sites affected. We will accept applications using other methods to assess the impacts and potential mitigations, subject to the alternative calculations being justified and accepted by both Natural England and the Somerset County Ecologist Service.

Reason: To note the summary of the current situation with regard to phosphates within the Somerset Levels and Moors catchment area, and also to approve the use of a phosphate budget calculator which has been commissioned for use by all the Somerset Councils.

(Voting: 51 in favour, 0 against, 0 abstentions)

238. Proposed Changes to the Senior Management Structure (Agenda Item 13)

The Leader of Council introduced the report and said the proposed new structure retained 4 Directors but she said it was vital to have a Director dedicated to the economic recovery of the district. If agreed, there would be a recruitment process for the Director of Place & Recovery and the Director of Strategy and Support Services. If the Director of Place & Recovery was shared with another neighbouring authority then a joint recruitment process would take place.

There was no debate and the recommendation was proposed and seconded and a recorded vote was taken. The recommendation was agreed by 49 in favour, 0 against, 1 abstention.

RESOLVED: That Council confirmed the proposed changes to the Senior Management Structure as set out in sections 15 to 23 of the report.

Reason: To agree the permanent revisions to the Senior Management Structure as required by the Council's Constitution.

(Voting: 49 in favour, 0 against, 1 abstention)

239. Statutory Pay Policy Statement for Chief Officers 2021 - 22 (Agenda Item 14)

The Leader of Council introduced the report and advised that this was an annual report which must be agreed and published on the Council's website.

The Director for Strategy and Commissioning clarified that the figures in the report were from the previous financial year and so included the arrangement with Eastleigh BC for the Monitoring Officer role.

At the conclusion of the debate, the recommendation was proposed and seconded and a recorded vote was taken. The recommendation was agreed by 49 in favour, 1 against, 0 abstentions.

RESOLVED: That Council considered and approved the proposed Statutory Pay Policy Statement for Chief Officers 2021-22 for publication.

Reason: To agree the Statutory Pay Policy Statement for Chief Officers 2021-22 as required by Section 38(1) of the Localism Act 2011.

(Voting: 49 in favour, 1 against, 0 abstentions)

240. Report of Executive Decisions (Agenda Item 15)

The report of Executive Decisions were noted.

241. Audit Committee (Agenda Item 16)

It was noted that the Audit Committee has not met since the last Council meeting and therefore there was no report.

242. Scrutiny Committee (Agenda Item 17)

One of the Vice Chairman of the Scrutiny Committee said she hoped to take their presentation on the Scrutiny Committee work to the Area Committees very shortly. She thanked the new Scrutiny Specialist for her work and enthusiasm.

The other Vice Chairman of the Scrutiny Committee said he was pleased their meetings had continued to be held when other had been cancelled as staff supported the vaccination programme and he also thanked the new Scrutiny Specialist for her work in supporting the Committee.

243. Motions (Agenda Item 18)

Phosphates Requirement by Natural England

Councillor Mike Stanton proposed his Motion to Council. He said that both Members, officers and developers were exasperated by the phosphates situation. The phosphates passing through the water treatment system caused algal bloom in the water on the Levels and so Wessex Water, developers and the Government needed to act. Wessex Water could install chemical separators and chemical treatment works in all their Somerset sewage farms more quickly. The developers could build phosphate removal into their sites or put some phosphate mitigation in place. The Government should support and adopt Phillip Dunne MP's private members bill on The Sewage (Inland Waters) with a requirement for phosphate removal to be added to it.

The Motion was seconded by Councillor Oliver Patrick.

During discussion, the following points were made:-

- Rebecca Pow, MP for Taunton Deane, was Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs and was currently investigating the overspill of raw sewage from flooded sewage treatment works in Somerset. A letter requesting her support should be written.
- There was a huge amount of phosphate in household items like toothpaste and dishwasher tablets and detergents. It could be chemically removed at sewage treatment works.
- The phosphate issue had been known about for some time and the Government had not acted on it. They should pressure the Water Authorities to act.
- Neil Parish, MP for Tiverton and Honiton, was the Chair of the Environment, Food and Rural Affairs Select Committee and he could be supportive in this issue.
- Wessex Water had a five-year infrastructure plan but were not proposing to change it to address the phosphate issue sooner.
- Wessex Water had a statutory obligation to supply water services but they should also ensure raw sewage was treated so it did not damage the environment.
- Two thirds of river phosphates came from human waste. Washing and dishwashing detergents made 16%. Toothpaste was only 1%. So people and sewage treatment were the most important factors.

Councillor Mike Stanton concluded by thanking Members for their support on what was a very serious issue for the district.

At the conclusion of the debate, a recorded vote was taken and the Motion was agreed by 50 in favour, 0 against, 0 abstentions.

RESOLVED: That Full Council agreed to:-

- a. write to Philip Dunne MP to express support for his bill, and ask him to add a requirement for biological or nature-based treatments to be installed by water authorities as a matter of urgency;
- b. request our local MPs in writing to support the bill, and press for its urgent advance to second reading, adoption as a government bill, and add the above treatment requirements;
- c. advise the appropriate person at Defra of Somerset's phosphates issue as an indicator of the consequences of failing to take the necessary action to tackle the Climate and Ecological Emergency.

Reason: To express the Council's deep concern about recent and continuing long delays in consideration of most residential planning applications as a result of Natural England's requirement of the Council to carry out greater scrutiny of the effects of plans or projects that are likely to increase discharge of nutrients and hence phosphate loads to unacceptable levels at internationally important sites, i.e. Ramsar Convention wetland sites within the Somerset Levels and Moors.

(Voting: 50 in favour, 0 against, 0 abstentions)

244. Questions Under Procedure Rule 10 (Agenda Item 19)

There were no questions submitted under Procedure Rule 10.

245. Date of Next Meeting (Agenda Item 20)

Members noted that the next meeting of the Full Council would be held on **Thursday, 25th March 2021** as a virtual meeting using Zoom meeting software **commencing at 6.30 p.m.**

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Chairman

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Date