

South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 15 December 2022** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(7.30 - 8.50 pm)

Present:

Members: Councillor Paul Maxwell (Chairman)

| | | |
|-----------------|-----------------|---------------|
| Barbara Appleby | Val Keitch | Dean Ruddle |
| Ray Buckler | Andy Kendall | Gina Seaton |
| Dave Bulmer | Tim Kerley | Peter Seib |
| Hayward Burt | Mike Lewis | Jeny Snell |
| Martin Carnell | Tony Lock | Andy Soughton |
| Nick Colbert | Kevin Messenger | Mike Stanton |
| Karl Gill | Graham Oakes | Rob Stickland |
| Peter Gubbins | Sue Osborne | Lucy Trimnell |
| Brian Hamilton | Oliver Patrick | Gerard Tucker |
| Mike Hewitson | Crispin Raikes | Martin Wale |
| Henry Hobhouse | David Recardo | |

Also Present on-line (non-voting):

| | | |
|----------------|----------------|----------|
| Jason Baker | Nicola Clark | Wes Read |
| Malcolm Cavill | Jenny Kenton | |
| John Clark | Tricia O'Brien | |

Officers:

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|----------------|--|
| Jan Gamon | Director (Place, Recovery, Arts & Entertainment) |
| Kirsty Larkins | Director (Service Delivery) |
| Jill Byron | District Solicitor & Monitoring Officer |
| Karen Watling | Chief Finance Officer (S151 Officer) |
| Paul Matravers | Lead Specialist (Finance) |
| Peter Paddon | Acting Director (Place and Recovery) |
| Joe Walsh | Specialist (Economic Development) |
| Natalie Fortt | Regeneration Programme Manager |
| Angela Cox | Specialist (Democratic Services) |
| Becky Sanders | Case Officer (Strategy & Support Services) |

79. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Robin Bastable, Mike Best, Neil Bloomfield, Tony Capozzoli, Louise Clarke, Adam Dance, Sarah Dyke, David Gubbins, Ben Hodgson, Kaysar Hussain, Charlie Hull, Mike Lock, Pauline

Lock, Tiffany Osborne, Robin Pailthorpe, Clare Paul, Paul Rowsell, Garry Shortland, William Wallace, Colin Winder.

It was noted that Councillors Jason Baker, Malcolm Cavill, John Clark, Nicola Clark, Jenny Kenton, Tricia O'Brien and Wes Read joined the meeting on-line (non-voting).

80. Minutes (Agenda Item 2)

The minutes of the previous meeting held on Thursday 22 September 2022 were approved as a correct record of the meeting and signed by the Chairman.

81. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

82. Public Question Time (Agenda Item 4)

A resident of Yeovil asked if the clearing of snow and ice from a residents front door to the public pavement would render them liable to any claim if someone slipped and injured themselves, whereas leaving the snow and ice would mean they were not liable for any claim.

The Monitoring Officer advised that this would be a civil matter and she suggested that residents check their insurance policies carefully.

A resident of Yeovil said she was delighted that the work of the ground management team at Yeovil Recreation Centre had been recognised by the Grounds Management Association Awards as being the best. She said it was fitting that a top award had been given to an area which could have developed into a Sports Zone had not strong public opposition prevented it.

A resident of Crewkerne noted that Agenda item 9, Capital Budget Monitoring Report, had funding allocated to regeneration in Chard, Yeovil, Wincanton and projects in Castle Cary. But the funding allocated to build a car park on the Millers Garage site in Crewkerne had been removed to a contingency budget and provision of the car park was in the hands of a developer who was relying on a successful planning application to build houses on adjacent land. He said the land formed an important green corridor in the town and it was an opportunity for a green space and a safe active travel route. He noted the area was allocated in the Local Plan for recreation and although it involved several landowners he felt it would be worthwhile to be protected for the future.

The Chairman thanked the local residents for their contributions.

83. Chairman's Announcements (Agenda Item 5)

The Chairman advised that the Yeovil Recreation Centre's Grounds team had won two highly contested categories at the Grounds Management Association Awards. He said they had been awarded the Best Environmental and Sustainability Impact award, beating national football clubs with millions of pounds of budget, due to their committed and innovative approach to introducing ecological improvements and management changes to combat climate change. The team also won Best Managed Artificial Surface for their diligent management of the All weather Grass Pitch which meant the Yeovil site had an exceptional reputation for quality of facilities and that the pitches would last longer. The team also received a highly commended mention in the Community Sports Grounds team section.

The Chairman also advised that the Countryside team were delighted that the National Lottery Heritage Fund had confirmed a 1.6million pound grant towards the Ham Hill project. This enabled the multifaceted project to start next year; with the ranger team looking at landscape improvements and better protection of the scheduled monument through a larger ranger team and more volunteering opportunities.

The Chairman concluded by asking Members to assist local residents who were suffering financial hardship to access designated warm hubs and information on help for them.

84. Chairman's Engagements (Agenda Item 6)

The list of Chairmens Engagements were NOTED.

85. Presentation on the Economic and business support response to Covid 19 (Agenda Item 7)

The Portfolio Holder for Economic Development introduced the report and thanked the Economic Development team for their work during the pandemic. He also thanked the Economic Development Specialist for his work at South Somerset as he was due to leave shortly for a new position.

The Economic Development Specialist provided Council with a power point presentation (presentation slides published as a supplement to the agenda). He listed the achievements as:

- SSDC distributed £72m of grants to over 3,500 businesses in South Somerset.
- Development of a Local Food and Drink Directory of local shops and businesses offering services during the pandemic.
- Town centres supported to re-open high streets to welcome the public back.

- Oscar Mayer Foods in Chard – redundancy support provided to the 850 employees.
- Business Support Week in partnership with Mendip DC – hosted over 100 businesses at 15 different support events
- Broadband Directory – over 1,200 Gigabit vouchers allocated within South Somerset.
- Employment Hubs established in Yeovil, Chard and Wincanton with funding from the Department for Work and Pensions. There had been over 266 engagements in 12 months.

The Chairman and Members thanked the Economic Development Specialist for his presentation and for his service to SSDC. Members were content to NOTE the presentation.

86. Local Government and Social Care Ombudsman: SSDC Annual Letter 2022 (Agenda Item 8)

The Leader of Council advised that the report showed the Council had 100% compliance with the Ombudsman’s decisions. She said she would endeavour to find why the report had not come before Council sooner.

The Portfolio Holder for Finance and Legal Services thanked the staff for the very low level of issues referred to the Ombudsman and the high level of satisfactory outcomes.

At the conclusion of the debate, Members were content to note the content of the Local Government and Social Care Ombudsman Annual Review letter for the year ending 31 March 2022.

RESOLVED: That Full Council agreed to note the content of the Local Government and Social Care Ombudsman Annual Review letter for the year ending 31 March 2022.

Reason: To note the contents of the annual summary of complaint statistics from the Local Government and Social Care Ombudsman (LGO) for the year ending 31 March 2022.

87. 2022/23 Quarter 2 Capital Budget Monitoring Report for the Period Ending 30th September 2022 and 2022/23 Revised Estimates (Agenda Item 9)

The Portfolio Holder for Finance and Legal Services advised that the report had been thoroughly discussed at both Scrutiny and District Executive Committees and all questions had been answered. He noted that some of the projects had been re-profiled to help the new Somerset Council and some would be paused

but not removed. He proposed that Council agree recommendation 3 (c) and the list of proposals beneath.

In response to questions from Members, the Portfolio Holder for Finance and Legal Services, the Director for Service Delivery and the Leader advised:-

- The Section 106 funding to improve the road junctions at Combe Street Lane, Lyde Road and Mudford Road were secured for when that scheme came forward.
- At the request of the Scrutiny Committee, the report of Section 106 funding would be presented to Scrutiny Committee and District Executive in January 2023.
- The annual Community Infrastructure Levy (CIL) report would shortly be published on the SSDC website.
- Every capital project was being looked at by SCC and the Octagon Theatre project would continue but costs would be kept under close review.

At the conclusion of the debate, the recommendations were seconded and confirmed by the majority of Members.

RESOLVED: That Full Council agreed the Revised Estimates for the 2022/23 capital budget of £28.801m which incorporated:

- (i) the slippage in the Capital Programme given in Table Two.
- (ii) the addition of five S106 funded projects totalling £0.095m as set out in paragraphs 47.
- (iii) a decrease to the Disabled Facilities Grants budget of £0.136m as explained in paragraph 40.
- (iv) the proposed pausing and removal of budgets for uncommitted projects listed in Appendix B totalling £1.840m.
- (v) the removal of remaining unspent budget amounts for completed projects totalling £0.050m listed in Appendix B.
- (vi) the establishment of an earmarked reserve, of £0.413m, to be funded by usable capital receipts already received to fund the capital required for building a car park at Millers Garage if the approach agreed by District Executive at its meeting in October 2022 did not materialise.
- (vii) the inclusion of a new budget programme to be called "Capital

works budget for investment property”. This would replace the separate budgets identified in the capital programme for individual commercial properties and did not require any new budget additions - just an amalgamation of current approved budgets into one programme line within slippage being taken into account in the overall reprofiling proposals.

- (viii) Approval of the splitting out and the renaming of the historic budget for the ‘Westlands building improvements’ budget of £0.552m with £0.452m moving to the ‘Westlands Events Hall Boiler Replacement and Improvements’ and £0.100m moving to the ‘Westlands Sports Hall Roof Repairs’.
- (ix) approval of the virement of £0.424m from Decarbonisation of Operational Buildings - Phase 2 to Westlands Events Hall Boiler Replacement and Improvements Budget.
- (x) approval of the refinancing of the 2022/23 revised capital programme as set out in Table Nine.

Reason: To note the current spending against the Council’s approved Capital Budget and the forecast position at year end (“outturn”), and to agree the Revised Estimates for the remainder of this financial year.

(Voting: 30 in favour, 0 against, 2 abstentions)

88. 2022/23 Revenue Budget Monitoring Report for the Period Ending 30 September 2022 and Revised Estimates for 2022/23 (Agenda Item 10)

The Portfolio Holder for Finance and Legal Services advised that the proposed changes to the Council’s revenue budget required a decision by Full Council. The thanked the members of the Strategic Leadership Team and the Finance Team for their work to close the budget gap created, due to the increasing interest rates and increasing cost of living pressures among other pressures with only £66,950 required from reserves. He proposed that recommendations e and f be agreed by Council.

In response to a question, the Director for Service Delivery undertook to provide a written answer to the leisure contract solar panels question.

At the conclusion of the debate, a recorded vote was taken and the majority of Members were content to confirm the recommendations of the report.

RESOLVED: That Council agreed the Revised Estimates for the 2022/23 revenue budget which confirm:

- (i) that the funding proposals (as set out in Table Two of this report) and the proposals set out in the Capital Budget Monitoring Report (also on this Council agenda) are approved. The Revised Estimates are given in Table Three and analysed between service areas in Table Four.
- (ii) the use of £66,950 from the Medium-Term Financial Plan Reserve to address in-year budget pressures.

Reason: To review the current forecast of spending and income against the Council's approved Revenue Budget for the financial year ("outturn"), and to agree the Revised Estimates for the 2022/23 revenue budget including proposals to balance the budget.

Voting: in favour: Barbara Appleby, Ray Buckler, Dave Bulmer, Hayward Burt, Karl Gill, Peter Gubbins, Brian Hamilton, Mike Hewitson, Henry Hobhouse, Val Keitch, Andy Kendall, Tim Kerley, Mike Lewis, Tony Lock, Paul Maxwell, Kevin Messenger, Graham Oakes, Sue Osborne, Oliver Patrick, Crispin Raikes, David Recardo, Dean Ruddle, Gina Seaton, Peter Seib, Jeny Snell, Andy Soughton, Mike Stanton, Rob Stickland, Lucy Trimmell, Gerard Tucker, Martin Wale. Against: none. Abstentions: Nick Colbert.

89. 2022/23 Treasury Management Mid-Year Performance Report and Strategy Update (Agenda Item 11)

The Portfolio Holder for Finance and Legal Services advised that both the Scrutiny and Audit Committees had reviewed the process and he thanked The Chief Finance Officer and the Lead Specialist for Finance for their work in compiling the report. He drew Members attention to the work which was ongoing to reduce the costs of borrowing and the treasury management training which had taken place prior to the Council meeting. He asked that Council agree to note the actual and forecast treasury performance and approve the updated Treasury Management Strategy Statement and Investment Strategy for 2022/23.

The Chairman of the Audit Committee also recorded his thanks to the Lead Specialist for Finance and the Treasury team for their performance.

In response to a question, the Chief Finance Officer confirmed that the LGR Finance Workstream were combining the indebtedness of all the Somerset Councils ready for vesting day.

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

RESOLVED: That Full Council agreed to note the actual and forecast treasury performance and approve the updated Treasury Management Strategy Statement and Investment Strategy for 2022/23.

Reason: To present the Council's 2022/23 mid-year treasury performance report as required by CIPFA's Treasury Management Code.

(Voting: 28 in favour, 2 against, 0 abstentions)

90. Hackney Carriage Ranks in Yeovil Town Centre Consultation (Agenda Item 12)

The Regeneration Programme Manager advised that the report had been supported by the Licensing Committee during their meeting earlier that week. She noted issues with some of the existing taxi ranks for people with mobility problems and the need for a dedicated rank to support the night time economy at Stars Lane. The proposed public consultation of 28 days also included targeted consultation with taxi drivers and other stakeholders.

The Portfolio Holder for the Yeovil Refresh said the consultation was an integral part of the future of the town centre and he proposed the recommendation be agreed. This was seconded by Councillor David Recardo and was confirmed by the majority of Members.

RESOLVED: That Full Council agreed to support the Yeovil town centre hackney rank consultation.

Reason: To carry out a formal consultation on the position of hackney ranks in Yeovil town centre.

(Voting: 30 in favour, 1 against, 0 abstentions)

91. Continuation of Appointment of Returning Officer and Electoral Registration Officer (Agenda Item 13)

(The Monitoring Officer left the room during consideration of this item)

The Leader of Council advised that the Monitoring Officer had been appointed as interim Returning Officer and Electoral Registration Officer for South Somerset District Council at Full Council on 08 July 2021 for a period of 18 months. It was the intention for her to continue in the role for consistency until 31 March 2023. She proposed the recommendation and it was seconded by Councillor Peter Seib.

There was no debate and Members unanimously confirmed the continuation of the appointment.

RESOLVED: That Full Council agreed to extend the appointment of Jill Byron (Monitoring Officer) as Returning Officer and Electoral Registration Officer for South Somerset District Council until 31 March 2023.

Reason: To extend the appointment of the position of Returning Officer for South Somerset District Council to 31 March 2023.

(Voting: unanimous in favour)

92. Report of Executive Decisions (Agenda Item 14)

The Leader of Council introduced the report and invited questions.

There were no questions and the report of executive decisions was NOTED.

93. Audit Committee (Agenda Item 15)

The Chairman of the Audit Committee advised they had met earlier that day for the finalisation of the 2020/21 Statement of Accounts and delegated authority had been given to himself and the Section 151 Officer to sign them. He noted that the external auditors had given an unqualified opinion of the accounts and he thanked the Section 151 Officer, the Finance Team and the External Auditors for their assistance.

In response to questions from Members, the Chairman of the Audit Committee confirmed that there had been huge pressure in the audit industry following the Redmond Review to achieve contractual arrangements under the existing fee structure and so it was not unusual for audit fees to be rising. The complexity of the valuation of the battery storage assets had been a further complication but the external auditors had given an unqualified opinion.

The report of the Audit Committee was NOTED.

94. Scrutiny Committee (Agenda Item 16)

The Chairman of the Scrutiny Committee advised that Scrutiny Task and Finish groups had been influential in their appraisal of the Section 19 reports on the flooding events in Chard and Ilminster. He also noted that the Scrutiny Committee had requested that the Section 106 report be brought to Scrutiny Committee and District Executive in January 2023 for a full discussion and this

had been agreed. He concluded by thanking officers for their work and for the work in the LGR process.

The Leader of Council joined the Chairman in thanking staff for their working in the LGR process and she commended the Scrutiny Committee for their excellent scrutiny work.

The report of the Scrutiny Committee was NOTED.

95. Motions (Agenda Item 17)

There were no Motions submitted by Members.

96. Questions Under Procedure Rule 10 (Agenda Item 18)

The following question was submitted by Councillor Henry Hobhouse:

Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary

Foxes Run planning application was granted at appeal on 25 April 2019 and conditions were applied.

On 25 April 2022 the planning consent was void. None of the pre-commencement conditions were carried out.

Legal Services have advised that this planning application is not dead as the conditions are not enforceable. Could Legal Services please explain at the Council meeting why planning conditions cannot be enforced?

The Monitoring Officer responded that a written response had been provided to Councillor Hobhouse as follows:

Dear Cllr Hobhouse

We are writing in response to your question regarding the above planning application.

Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary

The Foxes Run planning application was granted at appeal on 25 April 2019 and conditions were applied. On 25 April 2022, the planning consent was void. None of the pre-commencement conditions were carried out.

Legal Services have advised that this planning application is not dead as the conditions are not enforceable. Could Legal Services please explain at the Council meeting why planning conditions cannot be enforced?

Your question contains some key assumptions, and it is important to clarify these. Firstly, we would comment that the applicant undertook works on site prior to the expiry of the permission. Based on the information supplied by the applicant at the time, the Council confirmed that works had materially commenced to allow the permission to remain 'alive' but that response was caveated with provisos. Subsequently, the Council has received allegations from third parties that the development was not materially commenced within the correct time period or with correct works having been initiated. This is strongly refuted by the applicant. The Council is investigating evidence and comments submitted by the opposing parties and it has not yet been decided whether or not these works comprise a start on site.

You also state that none of the pre-commencement conditions were carried out. It is not clear what you are referring to here, but we can confirm that those conditions (or parts thereof) that needed to be discharged before the permission would expire (thus allowing the permission to remain 'alive') were approved and details of the correspondence discharging those conditions are on the website. Following this, the applicant was therefore able to make a meaningful start on site.

You say that 'Legal Services have advised that this planning application is not dead as the conditions are not enforceable'. Again, it is not clear what you are referring to. Conditions are enforceable, however whether the Council considers it expedient to take formal enforcement action would depend on the individual circumstances and whether such action is reasonable and proportionate, or whether a breach can be resolved through negotiation and compliance.

We hope we have been able to clarify the issues you have raised in your question, but please come back to us again if you have any further queries.

Yours sincerely

Kirsty Larkins
Service Delivery Director

Jill Byron
District Solicitor and Monitoring Officer

Councillor Henry Hobhouse responded that the reply given had not answered his question.

The Monitoring Officer responded that there had been delays in replying to correspondence due to staff shortages however, she understood that meetings had taken place on-site with officers and a solution was being sought.

97. Date of Next Meeting (Agenda Item 19)

Members noted that the next scheduled meeting of Full Council would take place on Thursday 19th January 2023 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 7.30 p.m.

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Chairman

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Date