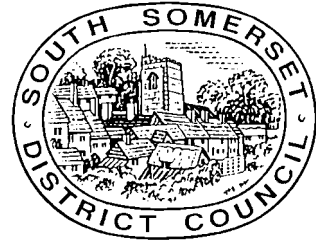


**South Somerset District Council**

*Notice of Meeting*



**South Somerset  
District Council**

*Making a difference where it counts*

**Thursday 21st August 2014**

**7.30 pm**

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

(disabled access is available at this meeting venue)



All members of Council are requested to attend the meeting:

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox, Democratic Services Manager**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Wednesday 13 August 2014.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



# South Somerset District Council Membership

**Chairman:** Mike Best  
**Vice-chairman:** Carol Goodall

Cathy Bakewell	Andy Kendall	Ros Roderigo
Mike Beech	Jenny Kenton	Jo Roundell Greene
Dave Bulmer	Mike Lewis	Sylvia Seal
John Calvert	Pauline Lock	Gina Seaton
Tim Carroll	Tony Lock	Peter Seib
John Vincent Chainey	Ian Martin	Angie Singleton
Tony Capozzoli	Paul Maxwell	Sue Steele
Pauline Clarke	Nigel Mermagen	Paul Thompson
Nick Colbert	Graham Middleton	Kim Turner
John Dyke	Roy Mills	Andrew Turpin
Tony Fife	Terry Mounter	Linda Vijeh
Marcus Fysh	David Norris	William Wallace
Nigel Gage	Graham Oakes	Colin Winder
Jon Gleeson	Sue Osborne	Derek Yeomans
Dave Greene	Patrick Palmer	Martin Wale
Anna Groskop	Ric Pallister	Barry Walker
Peter Gubbins	Shane Pledger	Lucy Wallace
Brennie Halse	Wes Read	Nick Weeks
Henry Hobhouse	David Recardo	
Tim Inglefield	John Richardson	

# Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Consultation (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Members of the Public are able to:-

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

Meetings of the Council are scheduled to be held monthly at 7.30 p.m. on the third Thursday of the month in the Council Offices, Brympton Way although some dates are only reserve dates and may not be needed.

The agenda, minutes and the timetable for council meetings are published on the Council's website – [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

The Council's Constitution is also on the web site and available for inspection in Council offices.

The Council's corporate aims which guide the work of the Council are set out below.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

## **South Somerset District Council – Council Aims**

**Our key areas of focus are:** (all equal)

- Jobs – a strong economy which has low unemployment and thriving businesses
- Environment – an attractive environment to live in with increased recycling and lower energy use
- Homes – decent housing for our residents that matches their income
- Health & Communities – communities that are healthy, self-reliant and have individuals who are willing to help each other

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# South Somerset District Council

**Thursday 21 August 2014**

## Agenda

### 1. Apologies for Absence

### 2. Minutes

To approve and sign the minutes of the previous meeting held on Thursday, 17<sup>th</sup> July 2014.

### 3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

### 4. Public Question Time

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. The total period allowed for public participation shall not exceed 15 minutes except with the consent of the Council and each individual speaker shall be restricted to a total of three minutes. Where there are a number of persons wishing to speak about the same matter, they should consider choosing one spokesperson to speak on their behalf where appropriate. If a member of the public wishes to speak they should advise the committee administrator and complete one of the public participation slips setting out their name and the matter they wish to speak about. The public will be invited to speak in the order determined by the Chairman. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Council at that meeting.

### 5. Chairman's Announcements

*Items for Discussion*

6. **Chairman's Engagements** (Page 1)
7. **Gold Star Awards 2014** (Page 2)
8. **Further Main Modifications to the South Somerset Local Plan (2006 - 2028)**  
(Pages 3 - 47)
9. **Appointment of Temporary Councillors to Rimpton Parish Council** (Pages 48 - 49)
10. **Constitution Update - HR Management Rules** (Pages 50 - 79)
11. **Report of Executive Decisions** (Pages 80 - 84)
12. **Motions**  
  
There were no Motions submitted by Members.
13. **Questions Under Procedure Rule 10**  
  
There were no questions submitted under Procedure Rule 10.
14. **Date of Next Meeting** (Page 85)



# Agenda Item 6

## **Chairman's Engagements**

### **26<sup>th</sup> July**

Mike and Liz attended the annual Air Day held at RNAS Yeovilton where they enjoyed various displays, including the Red Arrows, and the traditional Commando Assault demonstration at the end of the Air Show.

### **3<sup>rd</sup> August**

At the invitation of the Royal British Legion and Crewkerne Town Council, Mike attended a service at St. Bartholomew's Church Crewkerne, to commemorate the 100<sup>th</sup> anniversary of the start of World War I.

### **4<sup>th</sup> August**

At the invitation of the Royal British Legion, Mike attended the unveiling of a plaque in Falkland Square which was to commemorate all those who died during the wars since World War I.

The Chairman of Somerset County Council, David Fothergill, invited the Chairman to attend a civic service to commemorate the outbreak of the Great War at St. Mary Magdalene Church, Church Square, Taunton. Carol Goodall, Vice Chairman, was able to attend the service which was followed by refreshments.

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# Agenda Item 7

## **Gold Star Awards 2014**

*Lead Officer: Lynda Pincombe, Community Health and Leisure Manager*  
*Contact Details: lynda.pincombe@southsomerset.gov.uk or (01935) 462614*

The Community Health and Leisure Manager and the Young People's Officer will provide Members with a short presentation on the up-coming Gold Star Awards event being held on Tuesday 28<sup>th</sup> October 2014.

The Categories for nominations are:-

Against the Odds (Junior)  
Contribution to the Arts (Junior)  
Junior Club of the Year (Junior)  
Inspirational Young Person of the Year (Junior)  
Young Achiever (Junior)  
Sports Coach of the Year (Adult)  
Young Sports Performer of the Year (Junior)  
Young Carer  
Lifetime Achievement Award (Adult)

(Closing date for nominations: 12<sup>th</sup> September 2014)



# Agenda Item 8

## **Further Main Modifications to the South Somerset Local Plan (2006 – 2028)**

Lead Officer: Paul Wheatley, Principal Spatial Planner  
Contact Details: paul.wheatley@southsomerset.gov.uk or (01935) 462598

### **1. Purpose of the Report**

- 1.1 The purpose of this report is to inform Members of the further Main Modifications required for the Local Plan (2006 – 2028). The further Main Modifications stem from the Planning Inspector's Preliminary Findings letter of 16<sup>th</sup> July 2014<sup>1</sup>.

### **2. Public Interest**

- 2.1 An adopted Local Plan provides the mechanism to guide the development industry and inform the public about the future strategy for growth in South Somerset. The Local Plan is the Council's principal planning tool to encourage investment, protect the environment, create jobs, and deliver sustainable development.
- 2.2 The Council has prepared four further Main Modifications to address the concerns raised by the Inspector following the resumed Examination Hearing Sessions held in June 2014. Addressing these concerns will allow the Council to progress towards an adopted Local Plan.

### **3. Recommendations**

- 3.1 That Council:
  1. Approve the further Main Modifications (see Appendix A) for public consultation; and
  2. Note that the further Main Modifications have been subject to Sustainability Appraisal, Habitat Regulations Assessment and Equality Analysis as required.

### **4. Background**

- 4.1 The South Somerset Local Plan (2006-2028) is currently subject to an Independent Examination. Examination Hearing Sessions were held from 07 May to 18 June 2013 and from 10 June to 13 June 2014. The resumed Examination Hearing Sessions held in June 2014 discussed the Council's proposed Main Modifications<sup>2</sup>.
- 4.2 The Inspector has considered all of the evidence put forward by the Council and stakeholders, and has formally written to the Council setting out his 'Preliminary Findings' and proposed next steps.
- 4.2 In his letter, the Inspector identified that based on the evidence he has read and heard he considers there remain four "*small shortcomings...relating to soundness, which the Council should address through the agreement of Main Modifications (MMs)*".

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<sup>1</sup> Inspector's Preliminary Findings letter (16<sup>th</sup> July 2014):  
[https://www.southsomerset.gov.uk/media/674198/inspector\\_s\\_preliminary\\_findings\\_post\\_resumed\\_examination\\_hearing.pdf](https://www.southsomerset.gov.uk/media/674198/inspector_s_preliminary_findings_post_resumed_examination_hearing.pdf)

<sup>2</sup> South Somerset Local Plan (2006 – 2028) – Proposed Main Modifications (March 2014):  
[https://www.southsomerset.gov.uk/media/648229/south\\_somerset\\_local\\_plan\\_proposed\\_main\\_modifications\\_submission\\_to\\_pins.pdf](https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf)

## 5. Report

- 5.1 The further Main Modifications have been written to directly address the Inspector's remaining concerns. The Council's Project Management Board (PMB) has overseen the production of the further Main Modifications and approved them for submission to District Executive at a meeting on the 24 July 2014<sup>3</sup>. District Executive endorsed the further Main Modifications and recommended that Council approve for public consultation<sup>4</sup>.
- 5.2 The further Main Modifications proposed are related to the following policies:
- **Policy YV2: North East Yeovil Sustainable Urban Extension** – is amended to include detail on landscape mitigation measures at the North East Yeovil Sustainable Urban Extension.
  - **Policy YV3: East Coker and North Coker Buffer Zone** – Policy YV3 is deleted, and in so doing removes the east Coker and North Coker buffer zone.
  - **Policy SS3: Delivering New Employment Land** – the specific employment land figure for Rural Settlements is deleted. An explanation of the Council's approach to employment proposals in Rural Settlements and Rural Centres is added, and reference to an early review of housing and employment provision Wincanton is added.
  - **Policy SS5: Delivering New Housing Growth** – is amended to improve clarity on housing delivery in Crewkerne and Wincanton. Reference to an early review of housing and employment provision at Wincanton is added.
- 5.3 These further Main Modifications require consequential changes to supporting text, and in the case of Policy YV3, to the proposals map.
- 5.4 The further Main Modifications have been subject to a Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), and Equality Analysis (EqA). The SA and HRA have been undertaken by Enfusion Ltd. The documents are attached as Appendices B, C and D.

## 6. Consultation on Further Main Modifications

- 6.1 If approved, the further Main Modifications will be subject to public consultation for a six week period, provisionally commencing on 28 August 2014 and ending on 10 October 2014. The consultation strategy will include sending an email / letter to all those on the Planning Policy Consultation database (this includes all Local Plan respondents, Parish and Town Councils, adjoining Local Planning Authorities and other consultation bodies), placing notices in local newspapers and sending out a press release.
- 6.2 As well as being on the Council's web site the consultation documents will be placed in main Council Offices and in libraries across the district. The public will be able to make representations online through the iNovem system.

## 7. Next Steps

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<sup>3</sup> Project Management Board Workshop 32: Consideration of further Main Modifications (July 2014): [https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/local-plan-\(formerly-core-strategy\)-project-management-board-reports/pmb-24-july/](https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/local-plan-(formerly-core-strategy)-project-management-board-reports/pmb-24-july/)

<sup>4</sup> District Executive (07 August 2014): <http://modgov.southsomerset.gov.uk/ieDecisionDetails.aspx?ID=43>

- 7.1 Once the consultation period has ended all representations will be considered. Any subsequent proposed amendments will be discussed through the usual internal processes. It is envisaged that the final further Main Modifications will be presented to District Executive and Full Council in November 2014.
- 7.2 If the final further Main Modifications are approved by Full Council, they will be submitted to the Inspector. The modifications will then feature in the Inspector's Report. Based upon the current timetable, it is anticipated that the Inspector's Report will be received by the end of 2014. If this timetable occurs it is anticipated that adoption of the Local Plan could be achieved by early 2015.

## **8. Financial Implications**

- 8.1 The finalisation of the Local Plan will require continued use of internal resources and external consultancy support. This expenditure has already been factored into existing budgets.
- 8.2 If the Local Plan was to be found 'unsound' there could be medium term financial impacts on the Council, but this represents a low risk given the latest progress.

## **9. Corporate Priority Implications**

- 9.1 Adopting the Local Plan in 2014 is a priority in the Council Plan "Our Plan - Your Future 2012 to 2015" and remains a high priority. The progress of the Local Plan is important, principally to achieve adopted policies that will assist in the achievement of the Council's Corporate Aims relating to increased economic vitality and prosperity, improvement in the health and well-being of citizens, creation of safe, sustainable and cohesive communities and the promotion of a balanced natural and built environment.

## **10. Carbon Emissions and Climate Change Implications**

- 10.1 None.

## **11. Equality and Diversity Implications**

- 11.1 The Main Modifications have undergone Equality Analysis, Habitats Regulations Assessment and Sustainability Appraisal.

## **12. Background Papers:**

**Appendix A** – South Somerset Local Plan (2006 – 2028) Further Main Modifications (August 2014)

**Appendix B** – Further Main Modifications Sustainability Appraisal Addendum Report (August 2014)

**Appendix C** – Further Main Modifications Habitats Regulation Assessment Addendum Report (August 2014)

**Appendix D** – Equality Analysis (August 2014)

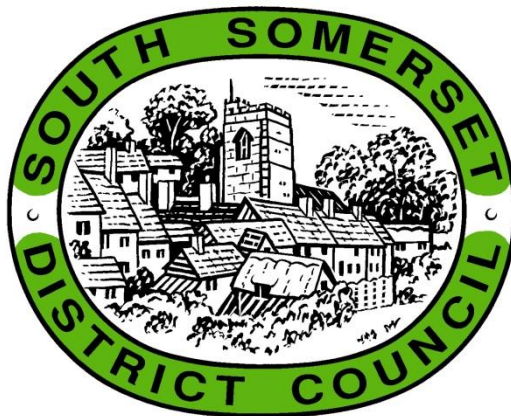
Project Management Board – Workshop 32: <https://www.southsomerset.gov.uk/pmb32>

Inspector's Preliminary Findings Letter (16 July 2014):

[https://www.southsomerset.gov.uk/media/674198/inspector\\_s\\_preliminary\\_findings\\_post\\_resumed\\_examination\\_hearing.pdf](https://www.southsomerset.gov.uk/media/674198/inspector_s_preliminary_findings_post_resumed_examination_hearing.pdf)

# Proposed Submission South Somerset Local Plan 2006-2028

## Main Modifications



**August 2014**

## Contents

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4.	Policy SS3: Delivering New Employment Land	6
5.	Policy SS5: Delivering New Housing Growth	9
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## 1. Introduction and Background

- 1.1. The Proposed Submission South Somerset Local Plan (2006 – 2028) was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter<sup>1</sup> to the Council outlining some issues of concern. The Local Plan Examination was suspended whilst additional work was undertaken by the Council to address the Inspector's concerns.
- 1.2. Further evidence base work led to the Council creating proposed Main Modifications (MMs). These were subject to consultation between November 2013 and January 2014. Following consideration of the consultation responses, the MMs were submitted to the Planning Inspectorate in March 2014<sup>2</sup>.
- 1.3. Examination Hearing Sessions on the MMs took place from 10 – 13 June 2014. During these sessions the Inspector raised a number of issues where the Local Plan would benefit from additional clarification.
- 1.4. Some other matters were debated during the Examination Hearing Sessions and the Council produced a series of Mid-Hearing Statements to clarify their position. The documents have been subject to consultation and comments received have been considered by the Council and the Inspector.
- 1.5. The need for further MMs was formally confirmed by the Inspector in his letter from the 16<sup>th</sup> July 2014<sup>3</sup>.
- 1.6. As a result, the Council are proposing further Main Modifications (MMs) relating to:
  - Policy YV2: North East Yeovil Sustainable Urban Extension;
  - Policy YV3: East Coker and North Coker Buffer Zone;
  - Policy SS3: Delivering New Employment Land; and
  - Policy SS5: Delivering New Housing Growth.
- 1.7. The further MMs have been subject to Sustainability Appraisal, Equality Analysis and Habitats Regulation Assessment.
- 1.8. The further MMs were approved for consultation by District Executive on the 7<sup>th</sup> August 2014 and by Full Council on the 21<sup>st</sup> August 2014.
- 1.9. The Council has sought to discharge its duties under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and its own Statement of Community Involvement<sup>4</sup>, by making the further MMs available to both specific consultation bodies and general consultation bodies. It has also sought to discharge the "Duty to Co-operate" as prescribed under Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), by actively engaging with the "Prescribed Bodies"<sup>5</sup>.

<sup>1</sup> Inspector's Preliminary Findings Letter (July 2013):

[https://www.southsomerset.gov.uk/media/572193/inspector\\_s\\_preliminary\\_findings.pdf](https://www.southsomerset.gov.uk/media/572193/inspector_s_preliminary_findings.pdf)

<sup>2</sup> South Somerset Local Plan Proposed Main Modifications (March 2014):

[https://www.southsomerset.gov.uk/media/648229/south\\_somerset\\_local\\_plan\\_proposed\\_main\\_modifications\\_submission\\_to\\_pins.pdf](https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf)

<sup>3</sup> Inspector's Preliminary Findings following the Resumed Hearing Sessions letter (July 2014):

<sup>4</sup> South Somerset District Council: Statement of Community Involvement, Appendix 2 (July 2007)

<sup>5</sup> A detailed account of the Duty to Co-operate process can be found here:

[http://www.southsomerset.gov.uk/media/457227/10\\_duty\\_to\\_cooperate\\_report.pdf](http://www.southsomerset.gov.uk/media/457227/10_duty_to_cooperate_report.pdf), with an update note scheduled to be tabled to District Executive and Full Council for approval prior to use at the resumption of the Examination.

- 1.10. The further MMs will be subject to consultation from 28<sup>th</sup> August – 10<sup>th</sup> October. The consultation responses on the further MMs will then be considered, and submitted to the Planning Inspectorate. This will discharge the Council's duty to request under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended), for the Inspector to recommend Main Modifications to the Local Plan.
- 1.11. The Inspector will consider the further MMs in conjunction with the rest of the Main Modifications and will decide whether there is the need for any further Examination Hearing Sessions. If additional Hearing Sessions are not required, the Inspector will move towards finalising the formal 'Inspector's Report'.
- 1.12. Each of the further MMs is set out below. Where the Council has proposed new text, this is shown in **bold and underlined**; any deleted text shown with a ~~strikethrough~~.

## 2. Policy YV2: North East Yeovil Sustainable Urban Extension

### Main Modification 9: Additional detail on mitigation required for North East Yeovil Sustainable Urban Extension

#### Summary

- 2.1. During the Local Plan Examination Hearing Session for Issue 4, the Inspector noted that a planning application had already been submitted for the North East Yeovil Sustainable Urban Extension. The Inspector requested that some additional text be added to Policy YV2 to provide greater certainty regarding mitigation of the landscape impact stemming from the North East Yeovil Sustainable Urban Extension.
- 2.2. The Council has proposed additional text to ensure that the planning application process does not counter the intended masterplanning process, and also to ensure that appropriate mitigation is forthcoming through the development management process. The addition of landscape text to Policy YV2 was subject to initial consultation between 13<sup>th</sup> June and 27<sup>th</sup> June 2014.
- 2.3. In order to be consistent with the approach in Policy SS3: Delivering New Employment Land, a consequential amendment to Policy YV2 is also presented which refers to land for economic development in general, rather than 'B' use land specifically.

#### Implication for Policy

Ref	PSSSLP Page and Policy	Main Modification
MM9	Page 76; Policy YV2	<p>Amend the second paragraph of Policy YV2 with the following:</p> <p>The north east area:</p> <ul style="list-style-type: none"> <li>• Approximately 2.58 hectares of '<del>B'</del> use class employment land <b>for economic development</b>;</li> <li>• Approximately 765 dwellings;</li> <li>• One primary school;</li> <li>• A health centre; <b>and</b></li> <li>• A neighbourhood centre; <b>and</b></li> <li>• <b><u>Structural landscaping to ensure that mitigation addresses the:</u></b> <ul style="list-style-type: none"> <li>○ <b><u>Skyline dominance of built form, particularly as viewed from properties to the north and east;</u></b></li> <li>○ <b><u>Potential for visual intrusion arising from development as viewed from the west and north-west of the A359.</u></b></li> </ul> </li> </ul>
	Page 76; Policy YV2	<p>The south area:</p> <ul style="list-style-type: none"> <li>• Approximately 2.58 hectares of '<del>B'</del> use class employment land <b>for economic development</b>;</li> </ul>



### 3. Policy YV3: East Coker and North Coker Buffer Zone

#### Main Modification 10: Deletion of Policy YV3

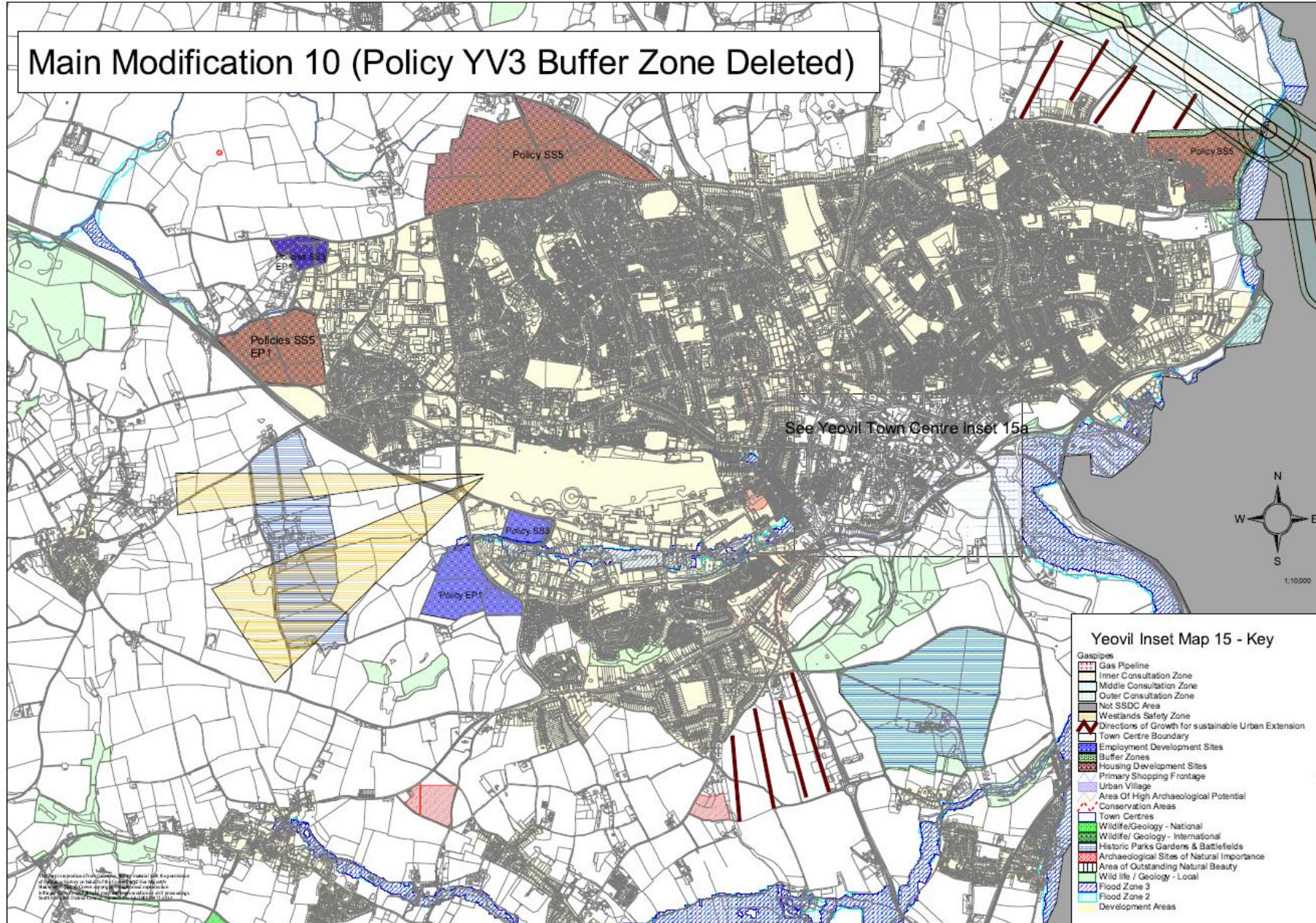
##### Summary

- 3.1. The intention of the buffer zone set out in Policy YV3 was to preserve the character of North Coker and East Coker, and prevent coalescence with Yeovil. However, at the Local Plan Examination Hearing Session for Issue 3, the Inspector raised concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil SUE.
- 3.2. The Council also notes how the recent Planning Practice Guidance (Paragraph: 015 Reference ID: 37-015-20140306) re-iterates Paragraph 77 of the National Planning Policy Framework in that Local Green Space designations should only be used where the green area concerned is not an extensive tract of land, and that the blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.
- 3.3. Therefore, the Council is proposing to delete the East Coker and North Coker Buffer Zone from the Local Plan. This involves a further Main Modification to delete Policy YV3 as set out in the table below; plus additional modifications to delete references to the buffer zone in the supporting text (paragraphs 5.34 and 5.50 – 5.54 of the Local Plan) and removing the buffer zone from Inset Map 15 (shown overleaf).

##### Implication for Policy

Ref.	PSSSLP Page and Policy	Main Modification
MM10	Page 78; Policy YV3	<p><del><b>Policy YV3: East Coker and North Coker Buffer Zone</b></del>                      An East Coker and North Coker Buffer Zone is identified to the west of the Yeovil Sustainable Urban Extension, within which development that results in coalescence with the settlements of East Coker and North Coker and/or adversely affects the setting of historic assets is precluded. Development (not of a built form) within the Buffer Zone may be acceptable as long as the coalescence of settlements is not caused as a result nor the setting of historic assets adversely affected. Existing development within the buffer zone will require special justification to add built development beyond existing permitted development rights.</p> <p>The development is compatible with features supporting bat movement; that access between feeding areas and roosts is maintained and any proposed lighting is compatible with the conservation objectives of a Natura 2000 site unless it can be proven that there would be no significant effect by the proposal.</p>

# Main Modification 10 (Policy YV3 Buffer Zone Deleted)



## 4. Policy SS3: Delivering New Employment Land

### Main Modification 11: Amendment to Policy SS3 to improve clarity on employment land delivery in Rural Centres and Rural Settlements

#### Summary

- 4.1. There are three parts to the proposed Main Modification 11 (MM11), which affect Local Plan Policy SS3 and its supporting text (Table 1). These clarify the Council's approach to delivering new employment land across the District.
- 4.2. The first two elements of MM11 relate to the figure for employment land in Rural Settlements included in Policy SS3 and Table 1.
- 4.3. In June 2014, concerns were raised during the resumed Examination Hearing Session for Issue 5 (Delivering New Employment Land) that having a target figure for the amount of employment land in the Rural Settlements could potentially result in large-scale, speculative development in the countryside. The Inspector requested the Council explain the reasons for the employment land figure. This work is set out in Hearing Document HD016<sup>6</sup>.
- 4.4. The Inspector's note to the Council (14 July 2014)<sup>7</sup> regarding Policy SS3 states that following consideration of the Council's response: "*the situation remains unclear*". As a result, the Inspector's Preliminary Findings letter (16 July 2014) invited the Council to make a further Main Modification to Policy SS3 to ensure that the plan is sound.
- 4.5. The Council proposes to remove the specific figure for the number of hectares of employment land in Rural Settlements. Together with a new reference to the policy framework provided by the NPPF and other Local Plan policies SS2, EP4, and EP5, this will continue to support the economic role and function of Rural Settlements. The Main Modification still allows for appropriate, sustainable employment opportunities in Rural Settlements to come forward.
- 4.6. The third part of MM11 relates to a text change required to give greater clarity for applicants and decision makers. This change makes it clear that development in Rural Centres needs to be adjacent to the existing development area of the settlement.
- 4.7. The Inspector also requested that the Council provide a stronger commitment to an early review of the policy framework for delivering growth in Wincanton. As a result, Policy SS5 is subject to a Main Modification (see Section 5 below). To ensure consistency and allow direct read-across between sections of the Local Plan a footnote has also been added to Policy SS3. The Council does not see this as a separate Main Modification, but a consequential change as a result of more detailed changes set out under Main Modification 12.

<sup>6</sup> [http://www.southsomerset.gov.uk/media/665107/explanation\\_of\\_policy\\_ss3\\_final.pdf](http://www.southsomerset.gov.uk/media/665107/explanation_of_policy_ss3_final.pdf)

<sup>7</sup> Note to Council from Inspector, Policy SS3: Delivering New Employment Land – Rural Settlements (July 2014)

Implication for Policy

Ref.	PSSSLP Page and Policy	Main Modification					
MM11	Page 40-41, Table 1, Policy SS3	<p><u>Table 1 (Page 40)</u></p> <p>Delete reference to specific employment land requirement for Rural Settlements, and amend justification in Table 1 as follows:</p>					
		Location	Local Plan jobs growth (B Use jobs in brackets)	Employment Land Required (for B Use jobs growth (ha))	Existing Employment Land Commitment s (ha)	Quantitative and Qualitative justification for employment land	Local Plan Additional Employment Land Requirement (ha)
		Rural Settlements	966-1,181 <del>(638)</del> (720)	4.20	7.86	<p>The additional employment land requirement will provide for the job growth (B Uses) identified for the Rural Settlements and given that the Rural Settlements are spread over a wide geographical area, the figure allows for some choice. Most development will be very small scale</p> <p><u>Any additional employment land required to support the jobs expected to come forward in the Rural Settlements will be small-scale and will be expected to accord with Local Plan Policies SS2, EP4 and EP5.</u></p>	4.50

Ref.	PSSSLP Page and Policy	Main Modification																		
MM11	Page 41, Policy SS3	<p><u>Policy SS3 (Page 41)</u></p> <p>Reference to a specific employment land requirement for Rural Settlements is deleted. Additional text clarifying the policy position in Rural Settlements is added. Subsequent amendments to the accompanying table showing employment land requirement figures (and totals) are also made.</p> <p>Policy SS3 is updated as follows:</p> <p><b>The Local Plan will assist the delivery of 11,250 jobs as a minimum, and <u>149.51</u> hectares of land for economic development between April 2006 and March 2028.</b></p> <p><b>The identification of B Use jobs and non B Use jobs for settlements establishes targets for growth in line with the Council’s forecast growth for the District and its settlements over the plan period. Economic development of a main town centre type will be expected to comply with Policy EP11.</b></p> <p><b>Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering employment land proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering <del>traditional</del>-employment land proposals (<del>wherever located</del>)-adjacent to <u>the development area at the Rural Centres</u></b></p> <p><b><u>The jobs target for Rural Settlements will be achieved through sustainable development, likely to be small-scale, which supports a prosperous rural economy and accords with Local Plan policies SS2, EP4 and EP5; and the NPPF.</u></b></p> <table border="1" data-bbox="411 1473 1525 1877"> <thead> <tr> <th></th> <th>Local Plan 2006-2028 Total Employment Land Requirement</th> <th>Existing Employment Land Commitments (as at April 2011)</th> <th>Additional Employment Land Provision Required (total employment land less existing commitments)</th> <th>Total Jobs to be encouraged 2006-2028</th> <th>B use jobs</th> </tr> </thead> <tbody> <tr> <td>Rural Settlements</td> <td>42.36</td> <td>7.86</td> <td>4.5</td> <td>1,181</td> <td>720</td> </tr> <tr> <td>Total</td> <td>464.85 <b><u>149.51</u></b></td> <td>119.35 <b><u>96.54</u></b></td> <td>42.5 <b><u>52.97</u></b></td> <td>11,249</td> <td>6,861</td> </tr> </tbody> </table>		Local Plan 2006-2028 Total Employment Land Requirement	Existing Employment Land Commitments (as at April 2011)	Additional Employment Land Provision Required (total employment land less existing commitments)	Total Jobs to be encouraged 2006-2028	B use jobs	Rural Settlements	42.36	7.86	4.5	1,181	720	Total	464.85 <b><u>149.51</u></b>	119.35 <b><u>96.54</u></b>	42.5 <b><u>52.97</u></b>	11,249	6,861
	Local Plan 2006-2028 Total Employment Land Requirement	Existing Employment Land Commitments (as at April 2011)	Additional Employment Land Provision Required (total employment land less existing commitments)	Total Jobs to be encouraged 2006-2028	B use jobs															
Rural Settlements	42.36	7.86	4.5	1,181	720															
Total	464.85 <b><u>149.51</u></b>	119.35 <b><u>96.54</u></b>	42.5 <b><u>52.97</u></b>	11,249	6,861															

## 5. Policy SS5: Delivering New Housing Growth

### **Main Modification 12: Amendment to Policy SS5 to improve clarity on housing delivery in Crewkerne and Wincanton**

#### **Summary**

- 5.1. At the Local Plan Examination Hearing Session for Issues 6 and 7, the Inspector sought greater clarity on how applications for residential development and overall housing growth will be managed in the Market Towns of Crewkerne and Wincanton.
- 5.2. The Council recognises that given Crewkerne does not have an identified 'Direction of Growth' and that Wincanton's 'Direction of Growth' is only for economic development there is the need to be more definite on how applications for residential development will be considered. To improve clarity for the development industry and the local community, the text in Policy SS5 is amended as set out below.
- 5.3. It is also proposed to amend Policy SS5 (as has been done in SS3) to refer to 'Development Areas' at Rural Centres, as this gives greater clarity for applicants and decision makers, by making it explicitly clear that development in Rural Centres needs to be well related to the existing built settlement.
- 5.4. In his Preliminary Findings letter of 16 July 2014, the Inspector requested that the Council provide a stronger commitment to an early review of the policy framework for delivering housing and employment in Wincanton. It is therefore proposed that a specific reference to this early review is included in the Implementation and Monitoring chapter of the Local Plan and a footnote be added to both Policies SS3 and SS5 to highlight the Council's intention to carry out this early review of housing and employment policy for Wincanton.

Implication for Policy

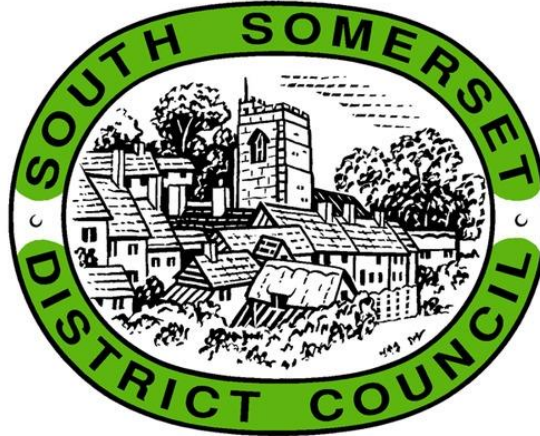
Ref.	PSSSLP Page and Policy	Main Modification
MM12	Page 53; Policy SS5	<p>Add the following in the third paragraph:</p> <p>“Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals (<del>wherever located</del>) adjacent to <b><u>the development area at Crewkerne, Wincanton and the</u></b> Rural Centres.”</p>
	Chapter 13 – Implementation and Monitoring. Insert new paragraph (after current paragraph 13.5)	<p><b><u>“An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.”</u></b></p>
	Page 54, Policy SS5	<p><b><u>***“An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.”</u></b></p>

## 6. Next Steps

### Overview

- 6.1. The further MMs will be subject to formal consultation for a period of six weeks between 28<sup>th</sup> August and 10<sup>th</sup> October 2014.
- 6.2. Comments will be invited from those consultees on the Council's database. These comments will be considered and used to determine the final further MMs to be submitted to the Planning Inspectorate.
- 6.3. On receiving the further MMs and consultation responses the Inspector will consider whether any further Examination Hearing Sessions are required. If hearing sessions are required, these will be programmed for later in 2014.
- 6.4. If no additional hearing sessions are required, the Inspector will draft his 'Inspector's Report'. The Examination into the Local Plan remains open whilst the Inspector is writing the report. In drafting the report, the Inspector will concentrate on:
  - Reaching clear conclusions, backed by reasoned judgements, on the compliance requirements within the Planning and Compulsory Purchase Act (2004) and Localism Act (2011); including the Duty to Co-operate, the regulations, and meeting the requirements of soundness; and
  - Setting out (where requested to do so by the LPA) precise main modifications to the policies or supporting text that are required to overcome any correctable aspect of unsoundness/legal non-compliance identified by the Inspector.
- 6.5. The Inspector will only make recommendations on the Main Modifications proposed by the Council that are necessary to make the Plan sound and legally compliant.
- 6.6. On receipt of the Inspector's Report the Council will make the necessary changes to the Local Plan and move towards adoption. The Council will need to have the final version of the Local Plan signed off by a full meeting of the Council. On adopting the Local Plan, the Council will make publicly available a copy of the plan, an adoption statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.





# South Somerset District Council Local Plan:

## **DRAFT** Sustainability Appraisal Addendum Report

**August 2014**

*enfusion*



# South Somerset District Council Local Plan: **DRAFT** Sustainability Appraisal Addendum Report

<i>date:</i>	<i>v1 Draft 28 July 2014</i> <i>v2 Final Draft 29 July 2014</i>	
<i>prepared for:</i>	<i>South Somerset District Council</i>	
<i>prepared by:</i>	<i>Alastair Peattie</i>	<i>Enfusion</i>
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## **South Somerset District Council Local Plan: DRAFT SA Addendum Report**

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## 1.0 Introduction

### Purpose of this SA Addendum Report

- 1.1 The purpose of this Addendum Report is to detail the findings of the screening of the further Main Modifications (MMs) being proposed by the Council and their significance with regard to the Sustainability Appraisal (SA). This Addendum Report builds on the previous SA work and should be read in conjunction with the Yeovil Strategic Growth Options SA Report (Oct 2013)<sup>1</sup>, Local Plan Proposed Modifications SA Report (Nov 2013)<sup>2</sup> and SA Addendum Report (March 2014)<sup>3</sup>.
- 1.2 This Addendum Report will accompany the further MMs on public consultation from 28 August to 10 October 2014.

### Background

- 1.3 South Somerset District Council (SSDC) has been undertaking Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) since 2009 to inform the preparation of the South Somerset Local Plan. The SA and Local Plan progress to date may be summarised as follows:

**Table 1.1: Local Plan and SA activities and published documents to date**

Local Plan Documents & Consultation	SA Documents & Consultation
Core Strategy Issues and Options (March 2008) Public consultation 7 March to 25 April 2008	SA Scoping Report Sent to statutory consultees and wider stakeholders 29 April to 03 June 2009
Area Based Workshops (Members, Town and Parish Councillors and other stakeholders) July 2009, Nov/Dec 2009, Jan 2010 & July 2010	SA Scoping Report (Sept 2009) incorporated changes as a result of consultation
Draft Core Strategy (incorporating Preferred Options) Public consultation 08 October to 03 December 2010	SA Report (Oct 2010) Public consultation 08 October to 03 December 2010
Proposed Submission Local Plan Public consultation 08 June to 10 August 2012	SA Report (June 2012) Public consultation 08 June to 10 August 2012
The Local Plan was Submitted to the Secretary of State on 21 January 2013	SA Addendum (Jan 2013) accompanied the Local Plan on Submission
Submission of Proposed Main	SA Addendum Report (March

<sup>1</sup> Core Document 161b: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>2</sup> Core Document 161c: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>3</sup> Core Document 161d: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

Modifications Submitted to the Secretary of State March 2014	2014) Submitted alongside the Proposed Main Modifications to the Secretary of State March 2014
Main Modifications Consultation Document (August 2014) Public consultation 28 August to 10 October 2014	SA Addendum Report (August 2014) Public consultation 28 August to 10 October 2014

- 1.4 The Proposed Submission Local Plan was submitted to the Planning Inspectorate on 21 January 2013. As part of the Independent Examination of the Local Plan, a number of Hearing Sessions were held between 07 May and 18 June 2013. Based upon the conclusions reached during these Hearing Sessions and consideration of the evidence base to support the Local Plan, the Inspector issued a Preliminary Findings letter on 03 July 2013.
- 1.5 The Inspector's Preliminary Findings identified six issues of concern - three significant issues of concern relating to soundness, and three points of clarification. The Inspector concluded that further comprehensive work was required in order to enable the Local Plan to be found sound. Based upon these findings the Council requested a six-month suspension to the Independent Examination on 15 July 2013 in order to rectify the issues raised.
- 1.6 The additional work undertaken by the Council to address the Inspector's Preliminary Findings formed the basis for the Proposed Main Modifications (PMMs). This included a fresh and independent SA of reasonable alternatives for strategic growth in Yeovil and Ilminster as well as the screening of the PMMs. The findings of this work were presented in the Yeovil Strategic Growth Options SA Report (Oct 2013), Proposed Main Modifications SA Report (Nov 2013) and the updated Non-Technical Summary (November 2013). These documents were placed on public consultation alongside the PMMs between November 2013 and January 2014.
- 1.7 Representations were received on the SA Reports, indicating that further clarity was required to explain the purpose of, and relationship between, the Yeovil Strategic Growth Options and Local Plan Proposed Modifications SA Reports. It was also necessary to more clearly present and better distinguish between the SA work that has been carried out in relation to Soundness Issues 1 and 2 and the proposed changes to the Local Plan. To address the responses a SA Addendum Report (March 2014) was prepared and submitted to the Planning Inspectorate alongside the PMMs in March 2014<sup>4</sup>.
- 1.8 Examination Hearing Sessions on the PMMs took place from 10 - 13 June 2014. During these sessions the Inspector raised a number of issues where the Local Plan would benefit from additional clarification. The need for further Main Modifications (MMs) was formally confirmed by the Inspector in his letter from

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<sup>4</sup> South Somerset Local Plan Proposed Main Modifications (March 2014):  
[https://www.southsomerset.gov.uk/media/648229/south\\_somerset\\_local\\_plan\\_proposed\\_main\\_modifications\\_submission\\_to\\_pins.pdf](https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf)

16 July 2014<sup>5</sup>. As a result, the Council is proposing further MMs relating to Policies YV2, YV3, SS3 and SS5.

- 1.9 It is important to ensure that the further MMs are screened through the SA process to determine if they significantly affect the findings of the previous SA work. The Council commissioned independent consultants Enfusion Ltd in July 2014 to ensure that the implications of all the proposed changes have been sufficiently considered through the SA process.

### **Structure of this SA Addendum Report**

- 1.10 Following this introductory Section, Section 2 provides a summary of the proposed changes to the Local Plan and the findings of the SA screening of the further MMs. Section 3 summarises the findings of the further SA work and sets out the next steps.

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<sup>5</sup> Inspector's Preliminary Findings following the Resumed Hearing Sessions letter (July 2014): [https://www.southsomerset.gov.uk/media/674198/inspector\\_s\\_preliminary\\_findings\\_post\\_resumed\\_examination\\_hearing.pdf](https://www.southsomerset.gov.uk/media/674198/inspector_s_preliminary_findings_post_resumed_examination_hearing.pdf)

## 2.0 SA of Proposed Main Modifications to the Local Plan

### Introduction

- 2.1 The key changes proposed by the Council through the further MMs are as follows:
- **Policy YV2:** The inclusion of detail on landscape mitigation measures at the North East Yeovil SUE;
  - **Policy YV3:** Deletion of the East Coker and North Coker buffer zone;
  - **Policy SS3:** Deletion of a specific employment land figure for rural settlements, with the inclusion of an explanation of the Council's approach to such proposals in these settlements; and
  - **Policy SS5:** Amendment to improve clarity regarding housing delivery in Crewkerne and Wincanton and reference in an appropriate section of the LP to an early review of housing and employment provision at Wincanton.
- 2.2 Each of these further MMs is considered in turn below.

### Policy YV2

- 2.3 The Council is proposing additional text to Policy YV2 to ensure that appropriate landscape mitigation is forthcoming through the development management process for the North East Yeovil Sustainable Urban Extension (SUE). It is considered that the proposed changes will help to strengthen the Policy and help to reduce the potential negative effects on landscape as a result of the North East Yeovil SUE. The proposed modification therefore, does not significantly affect the findings of the revised appraisal of Policy YV2, presented in Appendix IV of the SA Addendum Report (March 2014).

### Policy YV3

- 2.4 The Inspector raised concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil SUE. In response to this the Council is proposing to delete the East Coker and North Coker Buffer Zone from the Local Plan.
- 2.5 The original purpose of the buffer zone was to preserve the character of North Coker and East Coker and prevent coalescence with Yeovil as a result of the previously proposed the single and larger scale southern SUE. Given the reduction in the scale of proposed development, the distance of the South Yeovil SUE from the villages now means that there is no longer a need for the buffer zone. The appraisal of Policy YV3 presented in Appendix 7 of the SA Report published in June 2012 is therefore superseded. It is considered that the deletion of the buffer zone does not significantly affect the overall findings of the SA, given the distance (approx over 800 metres) between the currently proposed South Yeovil SUE and the villages of East and North Coker.

### **Policy SS3**

- 2.6 The proposed changes to this Policy seek to clarify the Council's approach to delivering new employment land across the District. The Council is proposing the removal of a specific employment hectarage figure for the rural settlements along with additional text to provide further clarification as to how employment land will be delivered in Rural Centres and Rural Settlements.
- 2.7 It is considered that the modifications do not significantly affect the findings of the appraisal of Policy SS3 in Appendix 7 of the Local Plan SA Report (June 2012). The sustainability effects of employment land will be further considered when more precise locations for development are proposed for each settlement through the Site Allocations DPD.

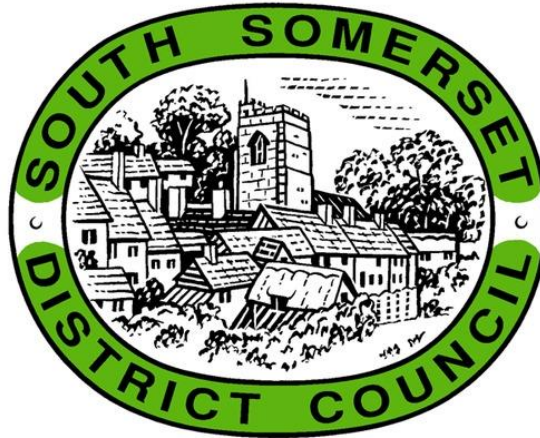
### **Policy SS5**

- 2.8 The proposed changes seek to provide greater clarity on how applications for residential development and overall housing growth will be managed in the Market Towns of Crewkerne and Wincanton. It is considered that the modifications do not significantly affect the findings of the appraisal of Policy SS5 in Appendix 7 of the Local Plan SA Report (June 2012). The sustainability effects of residential development will be further considered when more precise locations for development are proposed for Crewkerne and Wincanton through the Site Allocations DPD.



### **3.0 Summary and Next Steps**

- 3.1 The Council has proposed a number of further Main Modifications to the Local Plan as a result of discussions during the Hearing Sessions in June 2014 and the Inspector's Preliminary Findings (July 2014). These changes have been considered to determine if they significantly affect the findings of the previous SA work.
- 3.2 The screening of the further MMs concluded that proposed changes do not significantly affect the findings of the SA. The nature and significance of the effects identified through the SA during the life of the Plan therefore remain the same. The sustainability effects of residential and employment development will be further considered when more precise locations for development are proposed for settlements through the Site Allocations DPD.
- 3.3 This Addendum Report will accompany the further Main Modifications on public consultation from 28 August to 10 October 2014. Any further changes to the Local Plan that arise as a result of the consultation or any further hearing sessions should be subject to further screening to consider their significance with regard to the SA.



# South Somerset District Council Local Plan:

## **DRAFT** Habitats Regulations Assessment Addendum Report

**August 2014**

*enfusion*



# South Somerset District Council Local Plan: **DRAFT** Habitats Regulations Assessment Addendum Report

<i>date:</i>	<i>v1 Draft 28 July 2014</i> <i>v2 Final Draft 29 July 2014</i>	
<i>prepared for:</i>	<i>South Somerset District Council</i>	
<i>prepared by:</i>	<i>Alastair Peattie</i>	<i>Enfusion</i>
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## South Somerset District Council Local Plan: DRAFT HRA Addendum Report

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## 1.0 Introduction

### Purpose of this HRA Addendum Report

- 1.1 The purpose of this Addendum Report is to detail the findings of the screening of the further Main Modifications (MMs) being proposed by the Council. As the 'competent authority' under the Habitats Directive<sup>1</sup> and Regulations<sup>2</sup> the Council have a responsibility to ensure that the changes being proposed to the Local Plan do not have significant effects on European sites<sup>3</sup>. This Addendum Report builds on the previous HRA work and should be read in conjunction with the HRA Report published in June 2012<sup>4</sup> as well as the Further Addendum Reports published in January 2013<sup>5</sup>, November 2013<sup>6</sup> and March 2014<sup>7</sup>.
- 1.2 This Addendum Report will accompany the further MMs on public consultation from 28 August to 10 October 2014.

### Background

- 1.3 South Somerset District Council (SSDC) has been undertaking HRA since 2008 to inform the preparation of the South Somerset Local Plan. The HRA and Local Plan progress to date may be summarised as follows:

**Table 1.1: Local Plan and HRA activities and published documents to date**

Local Plan Documents & Consultation	HRA Documents & Consultation
Core Strategy Issues and Options (March 2008) Public consultation 7 March to 25 April 2008	Screening Report for Bracket's Coppice SAC (Oct 2008) Sent to Natural England who responded stating the study is very thorough and concurred with the conclusions <sup>8</sup>
Area Based Workshops (Members, Town and Parish Councillors and other stakeholders) July 2009, Nov/Dec 2009, Jan 2010 & July 2010	Appropriate Assessment for Somerset Authorities Core Strategies: Somerset Levels and Moors and Severn Estuary (Bridgwater Bay) Natura 2000 sites Scoping Report Volume 1 Main

<sup>1</sup> European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna [the Habitats Directive].

<sup>2</sup> The Conservation of Habitats and Species Regulations 2010 (as amended) [the Habitats Regulations]

<sup>3</sup> Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites. The NPPF (Para 118) gives the same protection to potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

<sup>4</sup> Core Document 8: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>5</sup> Core Document 8a: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>6</sup> Proposed Main Modification Habitats Regulation Assessment Report (November 2013): [http://consult.southsomerset.gov.uk/consult.ti/Proposed\\_Main\\_Mods/view?objectId=11178501](http://consult.southsomerset.gov.uk/consult.ti/Proposed_Main_Mods/view?objectId=11178501)

<sup>7</sup> Core Document 8b: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>8</sup> Email from Melanie Heath (Natural England) to Larry Burrows (Somerset County Council Ecologist) on 26.03.09

	Report (Oct 2009) Consultation with Natural England and Environment Agency identified a number of key issues <sup>9</sup>
Draft Core Strategy (incorporating Preferred Options) Public consultation 08 October to 03 December 2010	Update Report for Bracket's Coppice SAC (Sept 2010) Sent to Natural England and placed on public consultation from 08 October to 03 December 2010
	HRA for the Somerset Levels and Moors International Sites (Oct 2010) Consultation with Natural England and other key stakeholders <sup>10</sup> , then placed on public consultation from 08 October to 03 December 2010
Proposed Submission Local Plan Public consultation 08 June to 10 August 2012	HRA Report (June 2012) Sent to Natural England and placed on public consultation from 08 June to 10 August 2012
The Local Plan was Submitted to the Secretary of State on 21 January 2013	Appropriate Assessment: HRA of emerging South Somerset Local Plan 2006-2028 Further Addendum (Jan 2013) accompanied the Local Plan on Submission – Natural England submitted Examination hearing statement. <sup>11</sup>
Proposed Main Modifications Consultation Document (Nov 2013) Public consultation 28 November 2013 to 10 January 2014	Proposed Main Modifications HRA (Nov 2013) Public consultation 28 November 2013 to 10 January 2014
Submission of Proposed Main Modifications Submitted to the Secretary of State March 2014	HRA Addendum Report (March 2014) Submitted alongside the Proposed Main Modifications to the Secretary of State March 2014
Main Modifications Consultation Document (August 2014) Public consultation 28 August to 10 October 2014	HRA Addendum Report (August 2014) Public consultation 28 August to 10 October 2014

<sup>9</sup> Section 2.4 of Appropriate Assessment for Somerset Authorities Core Strategies: Somerset Levels and Moors and Severn Estuary (Bridgwater Bay) Natura 2000 sites Scoping Report Volume 1 Main Report (Oct 2009).

<sup>10</sup> Section 2.6 of draft Core Strategy incorporating preferred options HRA for the Somerset Levels and Moors International Sites (Oct 2010).

<sup>11</sup> [http://www.southsomerset.gov.uk/media/474674/natural\\_england\\_017\\_.pdf](http://www.southsomerset.gov.uk/media/474674/natural_england_017_.pdf)

- 1.4 The Proposed Submission Local Plan was submitted to the Planning Inspectorate on 21 January 2013. As part of the Independent Examination of the Local Plan, a number of Hearing Sessions were held between 07 May and 18 June 2013. Based upon the conclusions reached during these Hearing Sessions and consideration of the evidence base to support the Local Plan, the Inspector issued a Preliminary Findings letter on 03 July 2013.
- 1.5 The Inspector's Preliminary Findings identified six issues of concern - three significant issues of concern relating to soundness, and three points of clarification. The Inspector concluded that further comprehensive work was required in order to enable the Local Plan to be found sound. Based upon these findings the Council requested a six-month suspension to the Independent Examination on 15 July 2013 in order to rectify the issues raised.
- 1.6 The additional work undertaken by the Council to address the Inspector's Preliminary Findings formed the basis for the Proposed Main Modifications (PMMs). The PMMs were placed on public consultation between November 2013 and January 2014. Following the consideration of the consultation responses, the PMMs were submitted to the Planning Inspectorate in March 2014<sup>12</sup>.
- 1.7 As the 'competent authority' under the Habitats Directive and Regulations the Council screened the proposed changes to the Local Plan and found that they were unlikely to have significant effects on European sites or affect the findings of the previous HRA work. The findings of this work were presented in the Proposed Main Modifications HRA Report (Nov 2013), which was published for consultation alongside the PMMs Consultation Document in November 2013. Over 1,000 representations were received on the PMMs Consultation Document (Nov 2013) and these along with updated evidence resulted in some minor further changes to the PMMs.
- 1.8 The final PMMs were then subject to further screening by Enfusion Ltd, with the findings presented in a HRA Addendum Report, which was submitted alongside the PMMs in March 2014. The Report concluded that the Local Plan, as modified by the Council, will not have significant effects either alone or in-combination on European sites, given the mitigation proposed in the HRA Report (June 2012) and through Local Plan Policies.
- 1.9 Examination Hearing Sessions on the PMMs took place from 10 - 13 June 2014. During these sessions the Inspector raised a number of issues where the Local Plan would benefit from additional clarification. The need for further Main Modifications (MMs) was formally confirmed by the Inspector in his letter from 16 July 2014<sup>13</sup>. As a result, the Council is proposing further MMs relating to Policies YV2, YV3, SS3 and SS5.

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<sup>12</sup> South Somerset Local Plan Proposed Main Modifications (March 2014):  
[https://www.southsomerset.gov.uk/media/648229/south\\_somerset\\_local\\_plan\\_proposed\\_main\\_modifications\\_submission\\_to\\_pins.pdf](https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf)

<sup>13</sup> Inspector's Preliminary Findings following the Resumed Hearing Sessions letter (July 2014):  
[https://www.southsomerset.gov.uk/media/674198/inspector\\_s\\_preliminary\\_findings\\_post\\_resumed\\_examination\\_hearing.pdf](https://www.southsomerset.gov.uk/media/674198/inspector_s_preliminary_findings_post_resumed_examination_hearing.pdf)

- 1.10 It is important to ensure that the further MMs are screened through the HRA process to determine if they have the potential for likely significant effects and significantly affect the findings of the previous HRA work. The Council commissioned independent consultants Enfusion Ltd in July 2014 to ensure that the implications of all the proposed changes have been sufficiently considered through the HRA process.

**Structure of this HRA Addendum Report**

- 1.11 Following this introductory Section, Section 2 provides a summary of the proposed changes to the Local Plan and the findings of the screening of the further MMs. Section 3 summarises the findings of the further HRA work and sets out the next steps.



## 2.0 Screening of Proposed Main Modifications to the Local Plan

### Introduction

- 2.1 The key changes proposed by the Council through the further MMs are as follows:
- **Policy YV2:** The inclusion of detail on landscape mitigation measures at the North East Yeovil SUE;
  - **Policy YV3:** Deletion of the East Coker and North Coker buffer zone;
  - **Policy SS3:** Deletion of a specific employment land figure for rural settlements, with the inclusion of an explanation of the Council's approach to such proposals in these settlements; and
  - **Policy SS5:** Amendment to improve clarity regarding housing delivery in Crewkerne and Wincanton and reference in an appropriate section of the LP to an early review of housing and employment provision at Wincanton.
- 2.2 Each of these further MMs is considered in turn below.

### Policy YV2

- 2.3 The Council is proposing additional text to Policy YV2 to ensure that appropriate landscape mitigation is forthcoming through the development management process for the North East Yeovil Sustainable Urban Extension. The HRA Report published in June 2012 and subsequent Addendum Reports (Jan 2013, Nov 2013 & March 2014) found that this Policy is not likely to have significant effects on European sites.
- 2.4 The proposed MM does not change the location or scale of proposed development; it is therefore concluded that the proposed change to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### Policy YV3

- 2.5 The Inspector raised concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil Sustainable Urban Extension. In response to this the Council is proposing to delete the East Coker and North Coker Buffer Zone from the Local Plan.
- 2.6 The HRA Report published in June 2012 found that this Policy is not likely to have significant effects on European sites as no development is being proposed. It is considered that the removal of the buffer zone will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### Policy SS3

- 2.7 The proposed changes to this Policy seek to clarify the Council's approach to delivering new employment land across the District. The Council is proposing

the removal of a specific employment hectarage figure for the rural settlements along with additional text to provide further clarification as to how employment land will be delivered in Rural Centres and Rural Settlements.

- 2.8 The HRA Report published in June 2012 found that this Policy has the potential for likely significant effects on European sites as a result of the location and overall quantum of proposed employment growth. The HRA concluded that there is appropriate mitigation available through Local Plan policies and available at the project level to ensure that there will be no adverse effects on the integrity of European sites. As there are no changes being proposed to the location or scale of employment growth; it is considered that that the further modifications to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### **Policy SS5**

- 2.9 The proposed changes seek to provide greater clarity on how applications for residential development and overall housing growth will be managed in the Market Towns of Crewkerne and Wincanton. The modification seeks to provide further clarification and there are no changes proposed to the location or scale of housing growth.
- 2.10 The HRA Report published in June 2012 found that this Policy has the potential for likely significant effects on European sites as a result of the location and overall quantum of proposed housing growth. The HRA concluded that there is appropriate mitigation available through Local Plan policies and available at the project level to ensure that there will be no adverse effects on the integrity of European sites. As there are no changes being proposed to the location or scale of employment growth; it is considered that that the further modifications to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### 3.0 Summary and Next Steps

- 3.1 The Council has proposed a number of further Main Modifications to the Local Plan as a result of discussions during the Hearing Sessions in June 2014 and the Inspector's Preliminary Findings (July 2014). These changes have been considered to determine if they are likely to have significant effects on European sites and therefore affect the findings of the HRA Report published in June 2012<sup>14</sup> and the Addendums published in January 2013<sup>15</sup>, November 2013<sup>16</sup> and March 2014<sup>17</sup>.
- 3.2 A screening of the key changes concluded that the Local Plan, as modified by the Council, will not have significant effects either alone or in-combination on European sites, given the mitigation proposed in the HRA Report (June 2012) and through Local Plan Policies. South Somerset District Council has been undertaking HRA iteratively since 2008, with HRA recommendations and consultation advice from Natural England influencing the development of the Local Plan. Given this approach, Natural England has stated that they are satisfied that the Local Plan is in compliance with the Habitats Directive and Regulations<sup>18</sup>.
- 3.3 This Addendum Report will accompany the further Main Modifications on public consultation from 28 August to 10 October 2014. Any further changes to the Local Plan that arise as a result of the consultation or any further hearing sessions should be considered through the HRA to ensure that there are no likely significant effects on European sites.

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<sup>14</sup> Core Document 8: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>15</sup> Core Document 8a: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>16</sup> Proposed Main Modification Habitats Regulation Assessment Report (November 2013):

[http://consult.southsomerset.gov.uk/consult.ti/Proposed\\_Main\\_Mods/view?objectId=11178501](http://consult.southsomerset.gov.uk/consult.ti/Proposed_Main_Mods/view?objectId=11178501)

<sup>17</sup> Core Document 8b: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>18</sup> Letter (10 August 2012) from NE (Laura Horner) to SSDC (Andy Foyne).



# Proposed Submission South Somerset Local Plan 2006 – 2028

## Main Modifications Equality Analysis (EqA)

August 2014

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## **Equality Analysis (EqA) of Main Modifications to the Proposed Submission South Somerset Local Plan 2006 - 2028**

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### **1. Introduction**

- 1.1 Following the conclusion of the resumed Local Plan Examination Hearing Sessions in June 2014 and the receipt of the Examination Inspector's Preliminary Findings in July 2014 a number of further Main Modifications are proposed to be made to the Proposed Submission South Somerset Local Plan. In accordance with Section 149 of the Equality Act 2010 EqA has been carried out of the further Main Modifications.

### **2. Main Modifications Consultation Document, August 2014**

- 2.1 A Stage 1: Screening and Summary Statement EqA has been carried out of the following Policies:
- Policy YV2: North East Yeovil Sustainable Urban Extension – inclusion of detail on landscape mitigation measures at the North East Yeovil Sustainable Urban Extension.
  - Policy YV3: East Coker and North Coker Buffer Zone – deletion of the East Coker and North Coker Buffer Zone.
  - Policy SS3: Delivering New Employment Land: deletion of a specific employment land figure for rural settlements, the inclusion of an explanation of the Council's approach to such proposals in these settlements and reference to an early review of housing and employment provision at Wincanton.
  - Policy SS5: Delivering New Housing Growth – amendment to improve clarity on housing delivery in Crewkerne and Wincanton and reference to an early review of housing and employment provision at Wincanton.
- 2.2 This initial screening process identified that no Stage 2: Full Equality Analysis Assessment was required. The Stage 1 screening is shown in Table 1 of this document.

### **3. Conclusion**

- 3.1 The further Main Modifications to the Proposed Submission South Somerset Local Plan 2006 - 2028 have undergone a robust process of Equality Analysis. Analysis which at this stage has not highlighted any issues and no new mitigations were identified. Due regard has been given to the General Equality Duty and the further Main Modifications to the Local Plan is sound in that respect.

Table 1: Stage 1 Screening of Main Modifications (August 2014)

Policy Number  Policies where Main Modifications are proposed	Is this a change to service delivery? (including, withdrawal or reduction of services)	Does the *policy/strategy/ function/service / affect our workforce or employment practices	Is this a financial or budget decision that may affect any of the protected groups differently?	Could this policy or service and the way we deliver it affect some groups in society differently?	Does the policy / strategy / function service affect service users or the wider community?	Summary Statement and Comments
Policy YV2: North East Yeovil Sustainable Urban Extension	No	No	No	No	Yes	<p>Proposed Submission Local Plan Policy YV2 underwent full Equality Analysis (EqA) as part of its formulation. The Policy underwent Stage 1 screening as a result of Proposed Modification M95 in January 2013 and the Proposed Main Modifications submitted in March 2014 (PMM2). This comprised a screening and summary statement, and at this stage it was considered that a Stage 2 Equalities Impact Assessment was not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p> <p>To address the issues raised by the Inspector in his Preliminary Findings of 16 July 2014 additional text is to be added to strengthen Policy YV2 regarding mitigation of the landscape impact of the North East Yeovil SUE. This additional text can then be used to inform masterplanning consideration through the development management process.</p> <p>A Stage 1 Equalities Impact Assessment of this Main Modification has been undertaken, and at this stage it is considered that a Stage 2 Equalities Impact Assessment is not required. <b>The revised Policy has no impact to equality.</b></p>

Policy Number  Policies where Main Modifications are proposed	Is this a change to service delivery? (including, withdrawal or reduction of services)	Does the *policy/strategy/function/service / affect our workforce or employment practices	Is this a financial or budget decision that may affect any of the protected groups differently?	Could this policy or service and the way we deliver it affect some groups in society differently?	Does the policy / strategy / function service affect service users or the wider community?	Summary Statement and Comments
						<b>No negative impacts were identified and a full Equality Analysis is not required.</b>
Policy YV3: East Coker and North Coker Buffer Zone	No	No	No	No	Yes	<p>Proposed Submission Local Plan Policy YV3 underwent Equality Analysis (EqA) as part of its formulation. The Policy underwent Stage 1 screening as a result of Proposed Modification M102 in January 2013. This comprised a screening and summary statement, and at this stage it was considered that a Stage 2 Equalities Impact Assessment was not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p> <p>The intention of the buffer zone was to preserve the character of North Coker and East Coker, and prevent coalescence with Yeovil. However, at the Local Plan Hearing Sessions held in June 2014 (and confirmed in his Preliminary Findings of July 2014) the Inspector had concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil SUE. The National Planning Practice Guidance re-iterates the advice in the NPPF that Local Green Space designations should only be used where the green area is not a large tract of land. The Council is therefore proposing to delete the East Coker and North Coker Buffer Zone from the</p>



<b>Policy Number</b>  <b>Policies where Main Modifications are proposed</b>	<b>Is this a change to service delivery? (including, withdrawal or reduction of services)</b>	<b>Does the *policy/strategy/function/service / affect our workforce or employment practices</b>	<b>Is this a financial or budget decision that may affect any of the protected groups differently?</b>	<b>Could this policy or service and the way we deliver it affect some groups in society differently?</b>	<b>Does the policy / strategy / function service affect service users or the wider community?</b>	<b>Summary Statement and Comments</b>
						<p>Local Plan. This involves deleting Policy YV3 and consequential modifications to delete references to the buffer zone in the supporting text (paragraphs 5.34 and 5.50-5.54) and removing the buffer zone from Inset Map15.</p> <p>A Stage 1 Equalities Impact Assessment has been undertaken of this Main Modification, and at this stage it is considered that a Stage 2 Equalities Impact Assessment is not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p>

Policy Number  Policies where Main Modifications are proposed	Is this a change to service delivery? (including, withdrawal or reduction of services)	Does the *policy/strategy/function/service / affect our workforce or employment practices	Is this a financial or budget decision that may affect any of the protected groups differently?	Could this policy or service and the way we deliver it affect some groups in society differently?	Does the policy / strategy / function service affect service users or the wider community?	Summary Statement and Comments
SS3: Delivering new Employment Land	No	No	No	No	Yes	<p>Proposed Submission Local Plan Policy SS3 underwent Equality Analysis (EqA) as part of its formulation. The Policy underwent Stage 1 screening as a result of Proposed Modification M34 in January 2013 and the Proposed Main Modifications submitted in March 2014 (PMM4.) This comprised a screening and summary statement, and at this stage it was considered that a Stage 2 Equalities Impact Assessment was not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p> <p>At the Local Plan Examination Hearing Sessions held in June 2014 (and confirmed in the Inspector's Preliminary Findings of 16 July 2014) there is concern regarding the inclusion of a target figure for employment land in Rural Settlements. The Council is therefore proposing the deletion of the figure for Rural Settlements as this would provide a more flexible approach. It is considered that this modification would not significantly threaten the balance between housing and employment across the District. Additional text is proposed to be added to Policy SS3 explaining that the remaining jobs in Rural Settlements will be expected to come forward through other Local Plan policies (SS2, EP4 and EP5). A footnote is also proposed to be added</p>

<b>Policy Number</b>  <b>Policies where Main Modifications are proposed</b>	<b>Is this a change to service delivery? (including, withdrawal or reduction of services)</b>	<b>Does the *policy/strategy/function/service / affect our workforce or employment practices</b>	<b>Is this a financial or budget decision that may affect any of the protected groups differently?</b>	<b>Could this policy or service and the way we deliver it affect some groups in society differently?</b>	<b>Does the policy / strategy / function service affect service users or the wider community?</b>	<b>Summary Statement and Comments</b>
						<p>to the policy to ensure consistency with Policy SS5 (early review of housing and employment policy at Wincanton).</p> <p>A Stage 1 Equalities Impact Assessment of this Main Modification has been undertaken, and at this stage it is considered that a Stage 2 Equalities Impact Assessment is not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p>

Policy Number  Policies where Further Main Modifications are proposed	Is this a change to service delivery? (including, withdrawal or reduction of services)	Does the *policy/strategy/function/service / affect our workforce or employment practices	Is this a financial or budget decision that may affect any of the protected groups differently?	Could this policy or service and the way we deliver it affect some groups in society differently?	Does the policy / strategy / function service affect service users or the wider community?	Summary Statement and Comments
SS5: Delivering New Housing Growth	No	No	No	No	Yes	<p>Proposed Submission Local Plan Policy SS5 underwent an Equality Analysis (EqA) as part of its formulation, as did the Policy as modified by Proposed Modification M74 in January 2013 and the Proposed Main Modifications PMM1 and PMM5 in March 2014. A Stage 1 Equalities Impact Assessment was undertaken, which comprised a screening and summary statement, and as this stage it was considered that a Stage 2 Equalities Impact Assessment was not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p> <p>At the Local Plan Examination Hearing Sessions held in June 2014 (and confirmed by his Preliminary Findings of 16 July) the Inspector sought greater clarity on how planning applications for residential development and overall housing growth will be managed in Wincanton and Crewkerne. The Council recognises that given Crewkerne does not have an identified 'Direction of Growth' and that Wincanton's 'Direction of Growth' is only for economic development there is the therefore a need to be more definite for how applications for residential development will be considered.</p>

<b>Policy Number</b>  <b>Policies where Further Main Modifications are proposed</b>	<b>Is this a change to service delivery? (including, withdrawal or reduction of services)</b>	<b>Does the *policy/strategy/function/service / affect our workforce or employment practices</b>	<b>Is this a financial or budget decision that may affect any of the protected groups differently?</b>	<b>Could this policy or service and the way we deliver it affect some groups in society differently?</b>	<b>Does the policy / strategy / function service affect service users or the wider community?</b>	<b>Summary Statement and Comments</b>
						<p>To improve clarity for the development industry and the local community it is proposed that Policy SS5 (third paragraph) now makes direct reference to Crewkerne and Wincanton (and to development areas at Rural Centres). In response to the Inspector's Preliminary Findings it is also proposed to add a footnote to Policy SS5 to explain that an early review of housing and employment delivery in Wincanton will be undertaken as part of the Site Allocations Development Plan Document process, this will commence within two years of the date of adoption of the Local Plan (for consistency this footnote is also to be added to Policy SS3). Additionally, a new paragraph will be added after paragraph 13.5 of the Local Plan explaining this intention.</p> <p>A Stage 1 Equalities Impact Assessment of this Main Modification has been undertaken, and at this stage it is considered that a Stage 2 Equalities Impact Assessment is not required. <b>The revised Policy has no impact to equality. No negative impacts were identified and a full Equality Analysis is not required.</b></p>

# Agenda Item 9

## **Appointment of Temporary Councillors to Rimpleton Parish Council**

*Lead Officer:* Ian Clarke, Assistant Director (Legal and Corporate Services)  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or (01935) 462184

### **1. Purpose of the Report**

To seek Members approval for the temporary appointment of three people to Rimpleton Parish Council to allow them to progress urgent business, until an election or co-option can be held to appoint new Parish Councillors.

### **2. Recommendation**

- a) That Council agrees to the appointment of the following persons as temporary members of Rimpleton Parish Council until such time as an election or co-option can be held and those elected or co-opted have taken up office:
  - Mr Michael Lewis
  - Mr Tony Capozzoli
  - Mr Henry Hobhouse
  
- b) That Council authorises the Assistant Director (Legal and Corporate Services) to make the necessary Order with effect from 22<sup>nd</sup> August 2014.

### **3. Background**

The Parish Clerk advised that she had received a letter of resignation on 24<sup>th</sup> July and that there were now only two Councillors remaining on Rimpleton Parish Council. South Somerset District Council now need to appoint temporary councillors, sufficient for there to be a quorum for them to conduct urgent items of business in the interim period and, to assist in the election of new Parish Councillors.

### **4. Report**

Following the recent resignations, there are now so many vacancies on the Parish Council that it is unable to act. Its quorum is three members. With fewer than three members a Parish Council cannot act. It cannot co-opt new councillors or exercise any of its functions. The Local Government Act 1972 gives this council the power to take action in such cases. This Council, pursuant to an Order made under Section 91 of the Local Government Act 1972, can appoint persons to fill such of the vacancies on the Parish Council as is appropriate to allow the Parish Council to progress urgent business, until such time as the election of new Parish Councillors can take place and those elected take up office.

Accordingly, three District Councillors, in political balance, have agreed to act as temporary Parish Councillors for this interim period to enable the Parish Council to continue to function.

## **5. Timescale**

The Parish Clerk has posted the statutory notice of vacancies for the vacancies and no request for an election has been received, therefore, the co-opted District Councillors should be required for one meeting to assist in the co-option of new Parish Councillors. It is envisaged that sufficient people will stand for co-option to provide the necessary quorum. Any new members take up office upon making their declaration of acceptance of office in the prescribed form before or at the meeting of the Parish Council.

## **6. Financial Implications**

There is currently budget provision made for members' travel expenses to attend approved duties. These appointments would be classed as approved duties.

## **7. Background Papers**

Section 91, Local Government Act 1972

*Ian Clarke*  
*Assistant Director (Legal and Corporate Services)*

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# Agenda Item 10

## **Constitution Update - HR Management Rules**

*Lead Officer:* Ian Clarke, Legal and Corporate Services  
*Service Manager:* Mike Holliday, HR Manager  
*Contact Details:* mike.holliday@southsomerset.gov.uk or (01935) 462161

### **1. Purpose**

This report recommends to Council updates to the HR Management Rules that are included in the SSDC Constitution. The changes relate to legislative and guidance changes, recommended minor changes to the Disciplinary Policy and some practical changes to authorisation levels.

### **2. Recommendation**

Council is asked to consider and approve the attached revisions to the HR Management Rules and Disciplinary Policy.

### **3. Background**

Since the HR Management rules were last updated there have been changes to legislation, guidance and practice in a number of areas. The recommended changes to the rules are highlighted in the attached policy in Appendix A.

Management Board and District Executive have considered and supported the proposed changes and the revised Disciplinary Policy was circulated to the recognised unions for comment.

### **4. Key changes to the HR Management Rules**

Appendix A attached highlights the changes proposed to the HR Management Rules section of the Constitution and Disciplinary Policy. With Appendix B proposed version without track changes and with the Disciplinary Policy moved to an appendix to simplify the process of making any future amendment to the Disciplinary Policy alone more practical.

Example changes include:

- Removal of the reference to require permission to work on over age 65 (resulting from the removal of the National Retirement Age).
- Removal of reference to lease cars (these are no longer available).
- Reference made to the allocation of car allowances in line with the Local Agreement has been added.
- Some practical changes on authorisation levels have been proposed to allow Service Managers to authorise up to 12 days unpaid leave and subsistence claims in line with policy.
- References to Police and Crime Commissioner Elections and National Referenda, 'leaving in the efficiency of service' and the Reservist policy have been added.

Additionally the Disciplinary Policy is included in the constitution and the following relatively minor changes are proposed and have been advised to the unions:

- To disallow an increase in sanction on appeal in-line with ACAS guidelines.



- To provide for an ‘independent person’ rather than just an ‘independent manager’ to carry out an investigation. This is to allow in exceptional circumstances an independent person to be requested to carry out an investigation so that impartiality can be seen by all parties.
- Re-ordering of the policy Appeals section to improve flow.
- It is recommended that the Disciplinary Policy is moved from the main body of the Constitution to an appendix to facilitate updating.
- Similarly it is also requested that the authorisation of minor updates to the Disciplinary Policy is delegated to the HR Manager in consultation with the Portfolio Holder for HR.

## **5. Financial Implications**

There are no financial implications unless an additional decision is taken by Council to support the payment of strain charges in a voluntary retirement situation.

## **6. Appendices**

**Appendix A** – HR Management Rules and Disciplinary Policy highlighting proposed amendments.

**Appendix B** – HR Management Rules showing final proposed version with Disciplinary Policy as an appendix.

## **7. Corporate Priority Implications**

The recommendation will have no impact on corporate priorities.

## **8. Carbon Emissions and Climate Change Implications**

There is no impact resulting from the recommendations of this report.

## **9. Equality and Diversity Implications**

No equality and diversity implications have been identified.

## **10. Background Papers**

SSDC Constitution Part 4 – Rules of Procedure (Standing Orders)

## Appendix A: With Track Changes

### Human Resources Management Rules

#### Senior Managers

1. The Council's organisational management structure comprises the Chief Executive, Strategic Directors and Assistant Director posts.
2. The Council's Management Board comprises (two) Strategic Directors and the (6) Assistant Directors. The Senior Management posts are the Chief Executive and the (two) Strategic Directors.

#### Approval of Staffing Structures

3. The Senior Management Structure, any revisions to it, and designation of Monitoring Officer and Chief Finance Officer, shall be approved by the full Council.
4. The Chief Executive and all other officers authorised by him may agree all other staffing structure changes including approval/deletion of posts, changes in reporting arrangements and variations to terms and conditions in accordance with local and national policies and financial procedure rules.
5. Any proposed changes to the number of posts (approval of new posts, deletion of posts) shall be reported to the Management Board who shall decide whether or not the proposed changes shall be recommended for approval to the District Executive. Changes to the Senior Management Structure shall be referred for approval to full Council.
6. Any permanent changes to the grades of posts may only be made in accordance with the Council's scheme of job evaluation.

#### Appointment of Chief Executive, Senior Managers, Chief Finance Officer and Monitoring Officer

7. Rules 7-13 apply to the appointment of the Chief Executive and the Strategic Directors; Rules 7-11 and 13 apply to the appointment of the Monitoring Officer (Assistant Director Legal & Corporate Services) and Chief Finance Officer (Assistant Director Finance & Corporate Services).
8. For all such appointments the Human Resources Manager or his/her nominee shall:
  - a) draw up a statement specifying:
    - (i) the duties of the post; and
    - (ii) any qualifications or qualities required;
  - (b) make suitable arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff); and
  - (c) make arrangements for the statement in paragraph (a) above to be sent to any person on request.

9. In all cases either all qualified applicants or a selected short-list will be interviewed as set out in the table below:

<b>Post</b>	<b>Appointing Body</b>	<b>Adviser</b>
Chief Executive	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make recommendation to full Council.	As agreed by the Appointments Committee
Strategic Directors	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee
Monitoring Officer and Chief Finance Officer (if not Senior Management Positions)	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee

10. The Appointments Committee when considering any appointment must include a member of the District Executive as a voting member.
11. Where no suitably qualified person has applied, the post shall be re-advertised.
12. When a Strategic Director ceases to hold that post or is likely to be absent for any length of time, the Chief Executive, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid.
13. No offer of an appointment as Chief Executive, a Strategic Director, Monitoring Officer or Chief Finance Officer may be made until:
- (a) all members of the District Executive have been notified of the name of the person to whom the offer is to be made and informed of the date and time by which any objection to the making of the offer can be made by any member of the Executive.
  - (b) in the case of the Chief Executive, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded; or
  - (c) in all other cases, no such objection has been made or the appointing body has considered any such objection and has resolved or decided that the objection is not material or not well-founded.
14. The Chairman of the Standards Committee shall be consulted before a new or existing officer is appointed or designated as Monitoring Officer.

15. In terms of appointment to other posts:

<b>Post</b>	<b>Appointing Body</b>	<b>Adviser</b>
Assistant Director	Chief Executive and Strategic Directors shall undertake all elements of the appointments process.	Human Resources Manager
All Other Posts	Assistant Director or appointed representative and other officers in line with policy on recruitment.	Human Resources Manager

### **Disciplinary Action – Senior Managers**

16. Disciplinary action or suspension during investigation of allegations of misconduct in relation to Senior Manager (as defined in para. 2 above) may only be taken as provided in the table below:

	<b>Suspension</b>	<b>Investigation</b>	<b>Disciplinary Action/ Dismissal/Appeal</b>
Chief Executive (Head of Paid Service)	Appointments Committee on advice of the Human Resources Manager.	Designated independent person appointed by the Appointments Committee.  Report to Appointments Committee or Council	Council
Chief Finance Officer and Monitoring Officer	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Designated independent person* appointed by the Appointments Committee.  Report to Appointments Committee	Appointments Committee  Appeal to a Committee appointed by the Council
Other Strategic Directors	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Other Officer or independent person appointed by the Appointments Committee.	Appointments Committee  Appeal to a Committee appointed by the Council

**The designated independent person is defined in the Local Authorities (Standing Orders) (England) Regulations 2001 paragraph 7(2) as such a person as may be agreed by the authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.**

17. No disciplinary action, other than suspension as provided for above, may be taken in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
18. All suspended officers shall be on full pay during the investigation of the alleged misconduct (**see appendix for guidance on what may constitute misconduct**), which must be completed no later than two months after the suspension takes effect (subject to any direction by the designated independent person in the case of the Head of Paid Service, Chief Finance Officer or Monitoring Officer).
19. The Chairman of the Standards Committee shall be consulted after any investigation of an allegation of misconduct by the Monitoring Officer; and his/her advice shall be presented to the Appointments Committee.

#### **Dismissal of a Senior Manager, Chief Finance Officer or Monitoring Officer**

20. No decision to dismiss a Senior Manager (as defined in para. 2 above), Chief Finance Officer or Monitoring Officer shall take effect until:
  - (a) the Monitoring Officer has recorded the name of the person to be dismissed and any other particulars the Appointments Committee (or other responsible body or person) considers relevant to the dismissal;
  - (b) that information has been sent by the Monitoring Officer to the Leader and all members of the District Executive with a date and time by which any objection to the dismissal can be made;
  - (c) the Monitoring Officer has confirmed that the date and time for objection has elapsed and either the Council (in the case of the Head of Paid Service) or the responsible body (in all other cases) has considered any such objection and has resolved or decided that the objection is not material or not well-founded;

Provided always that should the decision relate to the Monitoring Officer then the requirements contained in paragraphs (a) –(c) above shall be undertaken by the Chief Executive Officer

#### **Appeals by a Senior Manager, Chief Finance Officer or Monitoring Officer**

21. Any appeal must be lodged with the Monitoring Officer (or the Chief Executive where the appeal is made by the Monitoring Officer) within 10 working days of written confirmation to the officer of the disciplinary action and must include a written statement of the grounds on which the appeal is made.
22. Subject to these rules, all disciplinary procedures, including hearings and appeals, shall be conducted as far as possible in accordance with the provisions of the South Somerset Scheme of Conditions of Service.
23. Appeal hearings shall not include Members involved in the decision to take disciplinary action.

## Other Officers

24. Members may not take part in the appointment of any other officers (except assistants for political groups) nor in any disciplinary or dismissal action, except as provided for above or as a member of an appeal panel.

## Staff Appeals

25. Unresolved employee grievances and appeals by employees of the Council against dismissal, transfer or downgrading are determined in accordance with the District Council's Disciplinary Procedures. Members, appointed by the Council and having received the appropriate training, may only be involved in an appeal against dismissal.

## Delegations to Officers

26. Officers at the level stated and above are empowered to take the decisions about staff set out in the table below.
27. Managers are also authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment. A list of these authorisations is held by the Human Resources Manager and may be altered by the Chief Executive.

Issue	Decision	Minimum Level of Decision
Recruitment and Appointment of Staff	Agree the recruitment and appointment of all staff below Assistant Director level	Assistant Director
Assistance with Employee Relocation Costs	Application of Relocation Scheme within scheme limits.	Assistant Director
Acting Up Arrangements	Agree Acting Up arrangement and determine appropriate payment where an employee is required to undertake the duties of a higher graded post on a temporary basis.	Assistant Director (in consultation with their Strategic Director)
<del>Extending service beyond the age of 65 years.</del>	<del>Approval to extend the service of an employee beyond the normal retirement age of 65 and the employment of a pensioner, subject to the guidelines and Conditions of Employment manual, the Local Government Pension Scheme Regulations and insurance provision.</del>	<del>Strategic Director (in consultation with Human Resources and Pensions Department)</del>

Issue	Decision	Minimum Level of Decision
Termination of Employment	Termination of employment on redundancy, early retirement, <u>efficiency of service</u> , incapacity and disciplinary grounds in accordance with Council's severance policy.	<p>Decisions on redundancies and early retirements for senior managers to be taken by the Chief Executive following consultation with the Leader of the Council.</p> <p>All other redundancies, <u>efficiency of service</u> and early retirements (other than on ill health grounds) to be jointly agreed by the Director and the Human Resources Manager. All details of early retirements to be circulated to all members for information.</p> <p>All other terminations of employment to be agreed by Director (or Assistant Director to whom this power has been delegated by the Strategic Director) in all cases in accordance with the Disciplinary and Capability Procedures.</p>
Use of Ex Employees as Consultants	Approval to use ex-employees as consultants on a "contract for service" basis with reference to the Financial Procedure Rules, pension restrictions and Contract Standing Orders.	Strategic Director (in consultation with Human Resources and Pensions Department, if applicable)
Changes to <b>National Joint Council</b> (NJC) Pay and Conditions	Agree the implementation of NJC pay awards and changes to conditions of service in accordance with NJC agreements.	Human Resources Manager
Advances of Salary	Agree payment of an advance of salary, in exceptional circumstances.	Strategic Director (in conjunction with Human Resources)

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Dealing with salaries and pay progression outside of the normal procedures	Agreement of starting salaries and subsequent pay movement for staff.	Chief Executive
	Withholding of increments in accordance with the provisions of the staff handbook.	Assistant Director
Extension of Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay.	Strategic Director
	Agree extension of sick pay beyond the aggregate of full and half pay.	Chief Executive
Recovery of Sick Pay	Agree recovery of sick pay where employees have been off sick due to their own misconduct.	Human Resources Manager and Assistant Director
Payment of Honoraria to National Joint Council (NJC) Staff	Approval to pay honoraria to NJC staff	Assistant Director
Standby Allowances	Approve updating of Standby allowance rates under the JNC Scheme.	Strategic Director
Annual Leave Buyout	Agree, for exceptional reasons, to buy-out an employee's annual leave to a maximum of 5 days in any one leave year.	Strategic Director (in consultation with Human Resources)
Leave for Extraneous Duties, e.g. JPs, Local Authority Members, School Governors	Grant an employee up to 18 days paid leave per year for undertaking extraneous duties.	Assistant Director
Special Leave for Trade Union Conferences	Approval for representatives nominated by a recognised Trade Union to be granted up to 5 days paid leave to attend annual/biennial conferences	Assistant Director



Special Leave for Retained Fire Fighters	Approval for retained fire fighters to be granted up to 2 weeks additional paid leave to attend recognised courses concerning their fire service duties.	Assistant Director
Special Leave for Election Duties	Grant paid leave to employees acting as Presiding Officers and Poll Clerks at Parliamentary, European Parliament, County Council, District, <u>Police and Crime Commissioner</u> or Parish Council elections <u>and any National Referendum</u> .	Chief Executive
Special Leave for Service in Non-Regular Forces	Grant volunteer members of the non-regular forces up to two weeks additional <u>paid</u> leave per year to attend camp <u>as per the Reservist Policy</u> .	Assistant Director
Participation in the Reserve Armed Forces	Where appropriate grant approval for an employee to enter an agreement to become a reservist in the regular reserve forces or the volunteer reserves as appropriate <u>as per the Reservist Policy?</u> .	Assistant Director
Compassionate Leave beyond normal provisions	In exceptional circumstances grant paid compassionate leave beyond the normal provisions as in the staff handbook.	Chief Executive
Unpaid Leave	Approval for employees to be granted up to and including <u>7-12</u> days unpaid leave.  Approvals for employees to be granted between <u>8-13</u> days and 3 months unpaid leave.	<u>Assistant Director</u> <u>Service Manger</u>  Strategic Director (in consultation with Human Resources Manager)
Additional Paid Leave	Approval in exceptional circumstances for additional paid leave up to a maximum of ten days per year.	Chief Executive

<p>Reimbursement for Meals and Subsistence payments</p>	<p>Agree the payment levels for reimbursement of expenditure on meals and other subsistence expenses.</p> <p>Authorise the reimbursement of expenditure on meals and other subsistence expenses <b>(excluding alcohol)</b> in line with the agreed scheme of payments on production of receipts.</p>	<p>Chief Executive</p> <p><del>Assistant Director</del> <u>Service Manager</u></p>
<p>Travelling Allowances</p>	<p>Allocation of car user status (casual, essential) in accordance with <del>established procedures</del> <u>Local Agreement on Car Allowances</u> to posts where use of a motor vehicle is required in order to perform the duties.</p> <p><del>Exceptionally grant essential car user status on criteria other than that set out in the Procedures and Conditions of Employment manual, and allocation of lease car user status.</del></p> <p>Use of Council vehicles in exceptional circumstances and subject to insurance clearance.</p>	<p>Assistant Director (in consultation with Human Resources Manager)</p> <p><del>Strategic Director</del></p> <p>Assistant Director</p>
<p>Payment of Travelling Expenses at work</p>	<p>In exceptional circumstances agree the payment of travelling expenses to and from work.</p>	<p>Assistant Director</p>

Car Loans	<p>Setting the maximum amount that can be granted for a car loan. Setting the rate of interest for car loans.</p> <p>Approval of payment of car loans in accordance with Assisted Car Purchase Scheme.</p>	<p>Assistant Director Finance &amp; Corporate Services</p> <p>Assistant Director (in consultation with Human Resources Manager).</p>
<del>Benchmark Lease Car</del>	<del>Setting the benchmark cars for the lease car scheme.</del>	<del>Chief Executive</del>
Secondments	<p>Agree secondments outside of SSDC.</p> <p>Agree secondments within the Council.</p> <p>Agree secondments to SSDC from other employers.</p>	<p>Strategic Director (in consultation with Human Resources Manager).</p> <p>Assistant Director</p> <p>Assistant Director (in consultation with Human Resources Manager).</p>
Changes to the delegations and authorisations to Line Managers	<p>Agree changes to the Officer delegations. Such changes to be variations to the existing scheme in terms of the officers responsible for exercising the delegated power only. Changes to the powers delegated to officers require the approval of Council.</p>	Chief Executive
<u>Disciplinary Policy</u>	<u>Agree minor updates to Disciplinary Policy</u>	<u>Portfolio Holder for HR in consultation with HR Manager in consultation with the Portfolio Holder for HR.</u>

## **Policy Group: Disputes Resolution Disciplinary Procedure**

### **1. Purpose**

1. The purpose of this Procedure is to:
  - Outline the disciplinary rules relating to the conduct of SSDC employees.
  - Outline the steps to be taken when there is a breach of these rules by an individual
  - Ensure that SSDC complies with the law relating to handling disciplinary matters and that employees' rights are protected
2. The ACAS Discipline and Grievances at Work Handbook and guidance available on the ACAS website should be used as a reference guide by managers and employees should further information be required. The website address is [www.acas.org.uk](http://www.acas.org.uk)
3. This procedure applies to all employees of SSDC except: the Head of Paid Service, Strategic Directors, the Monitoring Officer and the Section 151 Officer. For these exceptions, similar principles will apply, but as modified by the Council's 'Human Resources Management Rules' in relation to suspension, investigation, disciplinary action and appeals. Any disciplinary action against staff during their probationary period will follow the Standard Statutory Dismissal and Disciplinary Procedure detailed in section 10 below.
4. A separate procedure deals with matters of capability i.e. inability to perform the requirements of the role, either due to illness or lack of competence.

### **2. Core Principles**

1. All employees have a duty to act reasonably and with due regard to defined and reasonable standards of conduct and should expect to be held accountable for their behaviour and actions.
2. Managers at every level have a responsibility to uphold standards of discipline of the employees reporting to them.
3. Managers will use this Procedure primarily to obtain an improvement in behaviour and conduct and not see it as simply a means to impose sanctions. In particular, other than for gross misconduct, no employee will normally be dismissed for a first disciplinary breach. (During probationary period modified procedure in section 10 maybe applied).
4. Formal disciplinary action will only be taken after:
  - a thorough investigation of the facts
  - an employee has been informed in writing of the complaint against them and formally advised of their right to be accompanied at any subsequent meetings
  - a meeting with the employee has been held
5. Employees will be informed in writing of the outcome of any disciplinary meeting(s) and will have the right to appeal any action taken to a more senior manager who was not involved in the earlier meeting or the investigation.
6. Employees have the right to be accompanied at all disciplinary and appeal meetings by a fellow employee or a trade union officer. Disciplinary proceedings affecting a lay trade union officer will only take place after consultation with the paid union officer.

7. Each instance will be dealt with as speedily as possible, taking account of the seriousness and complexity of the matter in hand.

### **3. Disciplinary Rules**

1. It is not possible in this document to define all acts of misconduct that could lead to the Procedure being used.
2. Misconduct is a breach of the express or implied terms of an employee's contract of employment and is essentially behaviour which does not meet defined standards or standards which any person would accept as reasonable.
3. A distinction is made between:
  - Minor misconduct – such cases will be dealt with informally and the full Procedure will not be used
  - Misconduct – this may be repeated minor misconduct or allegations of misconduct which require formal investigation and possible action. This Procedure will be invoked in such cases.
  - Gross misconduct – this is alleged misconduct so serious that, if substantiated, represents a fundamental repudiation of the contract of employment by an employee and which would justify summary dismissal i.e. dismissal without notice. While there may be some conduct that will always be classified as 'gross', the distinction between 'misconduct' and 'gross misconduct' may be a question of seriousness.

Examples of conduct which will normally be regarded as gross misconduct include:-

- theft or fraud;
- physical violence or purposeful bullying;
- deliberate and serious damage to property;
- serious misuse of the Council's property or name;
- deliberately accessing and/or disseminating internet sites or electronic material containing pornographic, offensive or obscene material; serious insubordination;
- unlawful discrimination or harassment;
- bringing the Council into serious disrepute;
- serious incapability at work brought on by alcohol or illegal drugs;
- causing loss, damage or injury through serious negligence;
- a serious breach of health and safety rules;
- a serious breach of confidence; and
- breaches of the Code of Conduct.

### **4. Minor Misconduct**

1. For a first minor breach of discipline, a manager may issue an informal warning without the need to follow any set procedure. A note that such a warning has been given will be kept on the employee's personal file and a copy given to the employee. Although no right of appeal is available against such informal action an employee may raise a grievance if the issue of such the warning was unreasonable and/or the note made was inaccurate and the matter cannot be resolved informally.
2. The period for retaining any such note on the personal file will be set down on the note however, this period will not exceed 4 months in normal circumstances. Once

the period is 'spent' the note (and any copies whether 'hard' or 'soft') will be removed from the file and securely destroyed.

## 5. Misconduct

For more serious suspicions or allegations of misconduct the following formal procedure will apply:

1. The employee's Manager will verbally advise the employee of the allegation(s) against them and that these will be investigated. In some cases it may be appropriate and reasonable to seek the employee's version of events immediately as part of that investigation, but in many instances it will be more appropriate to interview the employee later as part of the investigation. In any event, the employee will be advised that this meeting is to investigate the facts of the matter and is not a disciplinary hearing.

The allegations, and that there will be an investigation, will be confirmed in writing, as will the possible outcomes of the investigation and the right of employees to be accompanied at any subsequent meetings to discuss the allegations.

2. The Manager will institute an investigation, which will involve collection of relevant documents if applicable and, where appropriate, interviews with witnesses and the employee concerned. The facts ascertained will be documented.

The manager must ask for an independent ~~manager~~ person to conduct the investigations etc where s/he considers that they have been too closely involved in the incident in question or have not been able to keep a sufficiently open mind to ensure that fairness and natural justice are maintained. They may also opt for an independent investigation where they consider it advisable for maintaining future good relations within the team or where there are allegations of bias against them.

3. On the basis of an investigation the Manager will decide if there is a 'case to answer'. If not, the employee will be advised accordingly, both verbally and in writing. Where there is, the Manager will organise a formal disciplinary meeting which will include:
  - Setting out in writing the basis of the allegation and an explanation of the 'case to answer', including providing a copy of all the documented evidence ascertained in the investigation
  - Arranging a date, time and venue for a meeting with the employee. This must provide a reasonable time for the employee to prepare and consult with whoever might be accompanying them. Reasonable and genuine requests to postpone the meeting will be considered sympathetically and the statutory grounds for postponing the meeting are set out ACAS handbook.
  - Confirming in writing to the employee the date, time and venue for the meeting and re-confirming their right to be accompanied
4. A disciplinary meeting will be held between the Manager and the employee with their accompanying representative if appropriate. The Manager should be accompanied too and, depending on the nature of the case (its seriousness and complexity), others may also attend e.g. a note-taker and/or witnesses.
5. The Manager will have due regard to the following matters before deciding whether any action should be taken: -
  - the facts identified in the investigation report;
  - the employee's explanation (including any relevant mitigating circumstances),
  - their length of service and employment record

- the decisions made in other cases
- any general considerations of fairness, reasonableness and consistency

The outcome will be advised both verbally and in writing.

## 6. Appeals

1. Employees have the right to appeal to a more senior manager against any disciplinary sanctions imposed. Any such appeal should be submitted as soon as practicable, but generally no later than five working days after receiving written confirmation of the action being taken. The employee will again be advised of their statutory right to be accompanied to the meeting and their right to postpone the meeting.
2. Appeals will be considered at a meeting within a reasonable timescale by an independent Manager who where practical is more senior to the one chairing the original meeting and normally within the same management reporting line providing that they were not involved in the earlier investigation. For sanctions other than dismissal the appeal will normally review the specific grounds of appeal and, where these were not clear from the appeal letter, the employee will be encouraged to provide details of the grounds of the appeal to allow a review to take place.
3. Where, exceptionally, a rehearing of the whole case may be needed the HR Manager will make this decision after consultation with the employee and the relevant Union or workplace representative. Where it is decided that a rehearing is required the implications of a rehearing, particularly in relation to a possible increase in sanction, must be explained to the employee and confirmed in writing by the HR Manager. The employee must then be allowed a reasonable amount of time to consider whether they wish to pursue their appeal or withdraw it.
4. Where an employee feels that the HR Manager's decision to hold a rehearing rather than a review is unreasonable, they may lodge a grievance.
5. Appeal meetings about a dismissal will always represent a full re-hearing of the case and will be heard by a panel made up of at least two Directors/Chief Executive and 2 two elected Council Members
6. Where the appeal is a rehearing of the case, the decision of the Appeals Panel may include confirmation of the original decision, the quashing of the original decision or a ~~greater or~~ lesser sanction being substituted (including a decision to dismiss) for the original decision.
7. The outcome of any appeal will be confirmed in writing. This outcome will be final, ~~except where, exceptionally, the appeal decision substitutes dismissal for any action short of dismissal, in which case there will be a further right of appeal to a panel made up of at least 2 different Directors/Chief Executive and 2 different elected Council Members~~

## 7. Gross Misconduct

Where the allegations could amount to gross misconduct, the following Procedure will apply:

1. As soon as the employee's Manager is aware of the allegations which (s)he considers could amount to gross misconduct, (s)he should discuss the matter with the HR Manager, their Assistant Director or their Strategic Director. If they agree,

then they can authorise immediate suspension which should be confirmed verbally and in writing to the employee.

2. Suspension will be on full pay pending investigation and is not to be regarded as a disciplinary sanction in its own right. It is to be for the minimum period necessary and should be regularly reviewed to confirm it is still necessary.
3. Thereafter the Procedure follows that listed from step 1 in the Misconduct section of the Procedure, except that in all cases an independent ~~manager person~~ will conduct the investigation and make a recommendation on whether there is a case to answer and the employee's Assistant Director or Strategic Director will normally chair the disciplinary meeting.

## 8. Suspension

~~Other than for alleged gross misconduct (section 7 above), an employee may be suspended on full pay. Suspension won't be necessary in all cases, however an employee may be suspended on full pay in cases of serious misconduct or other instances whilst an investigation is conducted if:~~

- (a) such a suspension would facilitate the investigation
- (b) there is a risk to the Authority's property or to other people

## 9. Disciplinary outcomes/sanctions

A disciplinary meeting can have a variety of outcomes as shown in the table below.

Outcome	Used in these circumstances	Applied by
No action	Where Manager chairing the meeting considers that there is no real substance to the allegations, or  Where, although the allegations have substance, there are strong mitigating factors which means that it would be unreasonable to impose a warning	Any level of Manager
Informal verbal warning	Where allegations have substance but it is a first breach or discipline and the Manager chairing the meeting concludes that the misconduct is of a minor nature, or  Where, although allegations have substance, there are strong mitigating factors which means that it would be unreasonable to impose stronger warning.	Any level of Manager
Written warning	Where allegations of misconduct have substance, there are no mitigating factors justifying lesser sanction but, taking past record into account, it would be unreasonable to impose a stronger sanction	Any level of Manager



Outcome	Used in these circumstances	Applied by
Final written warning (i.e. dismissal could result from any further misconduct)	Following a failure to heed previous warnings (in which case another hearing is necessary), or A substantiated serious disciplinary offence, even though no warnings have previously been given	3 <sup>rd</sup> tier manager and above
Dismissal with contractual notice	Following a failure to heed a final warning, or <del>A substantiated serious disciplinary offence where formal warnings of any kind have been given</del> <u>Dismissal for a reason other than Gross Misconduct</u>	Assistant Director and above
Dismissal without notice	Substantiated Gross Misconduct	Assistant Director and above
Demotion and/or transfer	Only as an alternative to dismissal and with employee's formal written agreement	Assistant Director and above

Appeal meetings can: quash the original decision entirely; or substitute a lesser sanction; or substitute a greater sanction, but only if the appeal is a full rehearing of the case. In most cases the appeal will be a review of the earlier decision and the employee will be encouraged to identify the specific point(s) of the appeal so that the appeal panel can address this issue(s). In these cases no greater sanction may be substituted.

If written warnings are issued, the employee will also be advised of the improvement required and the consequences of failure to improve. All warnings will be kept on file for the period specified on the warning. This period would normally be:-

- 4 months for informal warnings
- 6 months for a formal verbal warning
- 12 months for a written warning
- 24 months for a final written warning

Once the period is 'spent' the warnings will be removed from the personal file.

Even when a warning is 'spent' and documents removed from the personal file, in order that the Council can meet any possible obligations under the TUPE regulations, all documentation in relation to formal disciplinary proceedings will be retained for a total of two years before being destroyed. In such cases, the records will be securely stored and kept separate from any personal file that may be available to managers generally. Information relating to 'spent' warnings will not be made available to those involved in selection decisions.

## 10. Probationary Periods

An employee ~~with less than 11 months' service and still~~ in their probationary period can be dismissed using a modified procedure as follows.

**Step 1:** The manager must set out the reasons in writing detailing the issues of concern or alleged conduct or other circumstances which lead them to contemplate dismissing or taking disciplinary action against the employee.

The manager will send a copy to the employee inviting the employee to attend a meeting advising them of their right to be accompanied at the meeting.

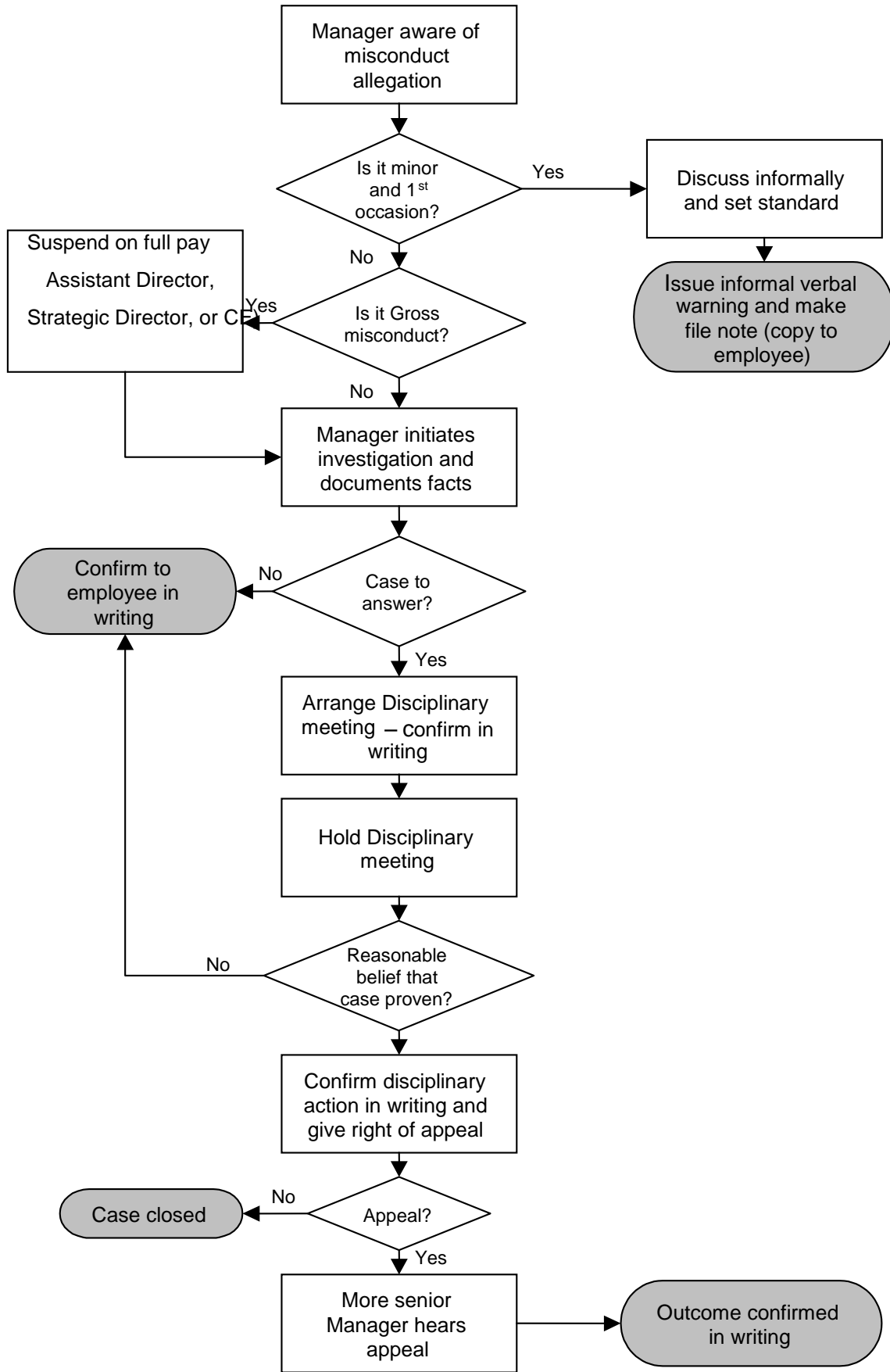
**Step 2:** The meeting must take place before action is taken except where a decision is taken to suspend the employee. The employee should be given reasonable time to have considered their response to the information in the letter. The employee must take reasonable steps to attend the meeting and will have an opportunity at the meeting to put their point of view.

After the meeting the manager will inform the employee in writing of their decision and, if applicable, advise them of their right of appeal against the decision.

**Step 3:** If the employee wishes to appeal they must put the request in writing and they will be invited to a further meeting at which they can be accompanied. A more senior manager than at the first meeting (usually a Assistant Director or Strategic Director) should hear the appeal. After the appeal meeting the manager must inform the employee of their decision in writing

~~If this modified procedure is used and may result in dismissal, step 2 (including the written confirmation) MUST be completed before the employee has 51 weeks' continuous service i.e. any dismissal is effective (including the statutory entitlement to a minimum of one week's notice) before the employee has 52 weeks' service.~~

**South Somerset District Council  
Disciplinary Procedure – Outline Flow Chart**





## **Appendix B Without track changes**

### **Constitution Part 4**

## **Human Resources Management Rules**

### **Senior Managers**

1. The Council's organisational management structure comprises the Chief Executive, Strategic Directors and Assistant Director posts.
2. The Council's Management Board comprises (two) Strategic Directors and the (6) Assistant Directors. The Senior Management posts are the Chief Executive and the (two) Strategic Directors.

### **Approval of Staffing Structures**

3. The Senior Management Structure, any revisions to it, and designation of Monitoring Officer and Chief Finance Officer, shall be approved by the full Council.
4. The Chief Executive and all other officers authorised by him may agree all other staffing structure changes including approval/deletion of posts, changes in reporting arrangements and variations to terms and conditions in accordance with local and national policies and financial procedure rules.
5. Any proposed changes to the number of posts (approval of new posts, deletion of posts) shall be reported to the Management Board who shall decide whether or not the proposed changes shall be recommended for approval to the District Executive. Changes to the Senior Management Structure shall be referred for approval to full Council.
6. Any permanent changes to the grades of posts may only be made in accordance with the Council's scheme of job evaluation.

### **Appointment of Chief Executive, Senior Managers, Chief Finance Officer and Monitoring Officer**

7. Rules 7-13 apply to the appointment of the Chief Executive and the Strategic Directors; Rules 7-11 and 13 apply to the appointment of the Monitoring Officer (Assistant Director Legal & Corporate Services) and Chief Finance Officer (Assistant Director Finance & Corporate Services).
8. For all such appointments the Human Resources Manager or his/her nominee shall:
  - a) draw up a statement specifying:
    - (i) the duties of the post; and
    - (ii) any qualifications or qualities required;
  - (b) make suitable arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff); and
  - (c) make arrangements for the statement in paragraph (a) above to be sent to any person on request.

9. In all cases either all qualified applicants or a selected short-list will be interviewed as set out in the table below:

<b>Post</b>	<b>Appointing Body</b>	<b>Adviser</b>
Chief Executive	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make recommendation to full Council.	As agreed by the Appointments Committee
Strategic Directors	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee
Monitoring Officer and Chief Finance Officer (if not Senior Management Positions)	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee

10. The Appointments Committee when considering any appointment must include a member of the District Executive as a voting member.
11. Where no suitably qualified person has applied, the post shall be re-advertised.
12. When a Strategic Director ceases to hold that post or is likely to be absent for any length of time, the Chief Executive, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid.
13. No offer of an appointment as Chief Executive, a Strategic Director, Monitoring Officer or Chief Finance Officer may be made until:
- (a) all members of the District Executive have been notified of the name of the person to whom the offer is to be made and informed of the date and time by which any objection to the making of the offer can be made by any member of the Executive.
  - (b) in the case of the Chief Executive, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded; or
  - (c) in all other cases, no such objection has been made or the appointing body has considered any such objection and has resolved or decided that the objection is not material or not well-founded.
14. The Chairman of the Standards Committee shall be consulted before a new or existing officer is appointed or designated as Monitoring Officer.

15. In terms of appointment to other posts:

Post	Appointing Body	Adviser
Assistant Director	Chief Executive and Strategic Directors shall undertake all elements of the appointments process.	Human Resources Manager
All Other Posts	Assistant Director or appointed representative and other officers in line with policy on recruitment.	Human Resources Manager

### Disciplinary Action – Senior Managers

16. Disciplinary action or suspension during investigation of allegations of misconduct in relation to Senior Manager (as defined in para. 2 above) may only be taken as provided in the table below:

	Suspension	Investigation	Disciplinary Action/ Dismissal/Appeal
Chief Executive (Head of Paid Service)	Appointments Committee on advice of the Human Resources Manager.	Designated independent person appointed by the Appointments Committee.  Report to Appointments Committee or Council	Council
Chief Finance Officer and Monitoring Officer	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Designated independent person* appointed by the Appointments Committee.  Report to Appointments Committee	Appointments Committee  Appeal to a Committee appointed by the Council
Other Strategic Directors	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Other Officer or independent person appointed by the Appointments Committee.	Appointments Committee  Appeal to a Committee appointed by the Council

**The designated independent person is defined in the Local Authorities (Standing Orders) (England) Regulations 2001 paragraph 7(2) as such a person as may be agreed by the authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.**

17. No disciplinary action, other than suspension as provided for above, may be taken in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer other than in accordance with a recommendation in a report made by a designated

independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

18. All suspended officers shall be on full pay during the investigation of the alleged misconduct (**see appendix for guidance on what may constitute misconduct**), which must be completed no later than two months after the suspension takes effect (subject to any direction by the designated independent person in the case of the Head of Paid Service, Chief Finance Officer or Monitoring Officer).
19. The Chairman of the Standards Committee shall be consulted after any investigation of an allegation of misconduct by the Monitoring Officer; and his/her advice shall be presented to the Appointments Committee.

#### **Dismissal of a Senior Manager, Chief Finance Officer or Monitoring Officer**

20. No decision to dismiss a Senior Manager (as defined in para. 2 above), Chief Finance Officer or Monitoring Officer shall take effect until:
  - (a) the Monitoring Officer has recorded the name of the person to be dismissed and any other particulars the Appointments Committee (or other responsible body or person) considers relevant to the dismissal;
  - (b) that information has been sent by the Monitoring Officer to the Leader and all members of the District Executive with a date and time by which any objection to the dismissal can be made;
  - (c) the Monitoring Officer has confirmed that the date and time for objection has elapsed and either the Council (in the case of the Head of Paid Service) or the responsible body (in all other cases) has considered any such objection and has resolved or decided that the objection is not material or not well-founded;

Provided always that should the decision relate to the Monitoring Officer then the requirements contained in paragraphs (a) –(c) above shall be undertaken by the Chief Executive Officer

#### **Appeals by a Senior Manager, Chief Finance Officer or Monitoring Officer**

21. Any appeal must be lodged with the Monitoring Officer (or the Chief Executive where the appeal is made by the Monitoring Officer) within 10 working days of written confirmation to the officer of the disciplinary action and must include a written statement of the grounds on which the appeal is made.
22. Subject to these rules, all disciplinary procedures, including hearings and appeals, shall be conducted as far as possible in accordance with the provisions of the South Somerset Scheme of Conditions of Service.
23. Appeal hearings shall not include Members involved in the decision to take disciplinary action.

#### **Other Officers**



24. Members may not take part in the appointment of any other officers (except assistants for political groups) nor in any disciplinary or dismissal action, except as provided for above or as a member of an appeal panel.

### Staff Appeals

25. Unresolved employee grievances and appeals by employees of the Council against dismissal, transfer or downgrading are determined in accordance with the District Council's Disciplinary Procedures. Members, appointed by the Council and having received the appropriate training, may only be involved in an appeal against dismissal.

### Delegations to Officers

26. Officers at the level stated and above are empowered to take the decisions about staff set out in the table below.
27. Managers are also authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment. A list of these authorisations is held by the Human Resources Manager and may be altered by the Chief Executive.

Issue	Decision	Minimum Level of Decision
Recruitment and Appointment of Staff	Agree the recruitment and appointment of all staff below Assistant Director level	Assistant Director
Assistance with Employee Relocation Costs	Application of Relocation Scheme within scheme limits.	Assistant Director
Acting Up Arrangements	Agree Acting Up arrangement and determine appropriate payment where an employee is required to undertake the duties of a higher graded post on a temporary basis.	Assistant Director (in consultation with their Strategic Director)

Issue	Decision	Minimum Level of Decision
Termination of Employment	Termination of employment on redundancy, early retirement, efficiency of service, incapacity and disciplinary grounds in accordance with Council's severance policy.	<p>Decisions on redundancies and early retirements for senior managers to be taken by the Chief Executive following consultation with the Leader of the Council.</p> <p>All other redundancies, efficiency of service and early retirements (other than on ill health grounds) to be jointly agreed by the Director and the Human Resources Manager. All details of early retirements to be circulated to all members for information.</p> <p>All other terminations of employment to be agreed by Director (or Assistant Director to whom this power has been delegated by the Strategic Director) in all cases in accordance with the Disciplinary and Capability Procedures.</p>
Use of Ex Employees as Consultants	Approval to use ex-employees as consultants on a "contract for service" basis with reference to the Financial Procedure Rules, pension restrictions and Contract Standing Orders.	Strategic Director (in consultation with Human Resources and Pensions Department, if applicable)
Changes to <b>National Joint Council</b> (NJC) Pay and Conditions	Agree the implementation of NJC pay awards and changes to conditions of service in accordance with NJC agreements.	Human Resources Manager
Advances of Salary	Agree payment of an advance of salary, in exceptional circumstances.	Strategic Director (in conjunction with Human Resources)
Dealing with salaries and pay progression outside of the normal procedures	<p>Agreement of starting salaries and subsequent pay movement for staff.</p> <p>Withholding of increments in accordance with the provisions of the staff handbook.</p>	<p>Chief Executive</p> <p>Assistant Director</p>

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Extension of Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay.  Agree extension of sick pay beyond the aggregate of full and half pay.	Strategic Director  Chief Executive
Recovery of Sick Pay	Agree recovery of sick pay where employees have been off sick due to their own misconduct.	Human Resources Manager and Assistant Director
Payment of Honoraria to National Joint Council (NJC) Staff	Approval to pay honoraria to NJC staff	Assistant Director
Standby Allowances	Approve updating of Standby allowance rates under the JNC Scheme.	Strategic Director
Annual Leave Buyout	Agree, for exceptional reasons, to buy-out an employee's annual leave to a maximum of 5 days in any one leave year.	Strategic Director (in consultation with Human Resources)
Leave for Extraneous Duties, e.g. JPs, Local Authority Members, School Governors	Grant an employee up to 18 days paid leave per year for undertaking extraneous duties.	Assistant Director
Special Leave for Trade Union Conferences	Approval for representatives nominated by a recognised Trade Union to be granted up to 5 days paid leave to attend annual/biennial conferences	Assistant Director
Special Leave for Retained Fire Fighters	Approval for retained fire fighters to be granted up to 2 weeks additional paid leave to attend recognised courses concerning their fire service duties.	Assistant Director
Special Leave for Election Duties	Grant paid leave to employees acting as Presiding Officers and Poll Clerks at Parliamentary, European Parliament, County Council, District, Police and Crime Commissioner or Parish Council elections and any National Referendum.	Chief Executive

Issue	Decision	Minimum Level of Decision
Special Leave for Service in Non-Regular Forces	Grant volunteer members of the non-regular forces up to two weeks additional leave per year to attend camp as per the Reservist Policy.	Assistant Director
Participation in the Reserve Armed Forces	Where appropriate grant approval for an employee to enter an agreement to become a reservist in the regular reserve forces or the volunteer reserves as per the Reservist Policy.	Assistant Director
Compassionate Leave beyond normal provisions	In exceptional circumstances grant paid compassionate leave beyond the normal provisions as in the staff handbook.	Chief Executive
Unpaid Leave	<p>Approval for employees to be granted up to and including 12 days unpaid leave.</p> <p>Approvals for employees to be granted between 13 days and 3 months unpaid leave.</p>	<p>Service Manger</p> <p>Strategic Director (in consultation with Human Resources Manager)</p>
Additional Paid Leave	Approval in exceptional circumstances for additional paid leave up to a maximum of ten days per year.	Chief Executive
Reimbursement for Meals and Subsistence payments	<p>Agree the payment levels for reimbursement of expenditure on meals and other subsistence expenses.</p> <p>Authorise the reimbursement of expenditure on meals and other subsistence expenses <b>(excluding alcohol)</b> in line with the agreed scheme of payments on production of receipts.</p>	<p>Chief Executive</p> <p>Service Manager</p>

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Travelling Allowances	Allocation of car user status (casual, essential) in accordance with Local Agreement on Car Allowances to posts where use of a motor vehicle is required in order to perform the duties.  Use of Council vehicles in exceptional circumstances and subject to insurance clearance.	Assistant Director (in consultation with Human Resources Manager)  Assistant Director
Payment of Travelling Expenses at work	In exceptional circumstances agree the payment of travelling expenses to and from work.	Assistant Director
Car Loans	Setting the maximum amount that can be granted for a car loan. Setting the rate of interest for car loans.  Approval of payment of car loans in accordance with Assisted Car Purchase Scheme.	Assistant Director Finance & Corporate Services  Assistant Director (in consultation with Human Resources Manager).
Secondments	Agree secondments outside of SSDC.  Agree secondments within the Council.  Agree secondments to SSDC from other employers.	Strategic Director (in consultation with Human Resources Manager).  Assistant Director  Assistant Director (in consultation with Human Resources Manager).
Changes to the delegations and authorisations to Line Managers	Agree changes to the Officer delegations. Such changes to be variations to the existing scheme in terms of the officers responsible for exercising the delegated power only. Changes to the powers delegated to officers require the approval of Council.	Chief Executive
Disciplinary Policy	Agree minor updates to Disciplinary Policy	Portfolio Holder for HR in consultation with HR Manager.

# Agenda Item 11

## **Report of Executive Decisions**

*Lead Officer: Angela Cox, Democratic Services Manager*

*Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148*

This report is submitted for information and summarises decisions taken by the District Executive and Portfolio Holders since the last meeting of Council. The decisions are set out in the attached Appendix.

A Meeting of the District Executive was held on 7<sup>th</sup> August 2014.

Members are invited to ask any questions of the Portfolio Holders.

## **Background Papers**

All Published

*Ric Pallister, Leader of the Council*  
*Angela Cox, Democratic Services Manager*  
*angela.cox@southsomerset.gov.uk or (01935) 462148*

## Appendix

Portfolio	Subject	Decision	Taken By	Date
Strategy & Policy	Affordable Housing Development Programme: Larkspur Crescent, Yeovil	That the Portfolio Holder for Strategy and Policy agreed to allocate a further £55,600 from the affordable housing development programme to support Raglan Housing Association to develop a single bespoke four bedroomed bungalow for rent at Larkspur Crescent, Yeovil.	Portfolio Holder	27/06/14 Executive Bulletin no: 631
Property & Climate Change / Finance & Spatial Planning	Wincanton Car Parks – Income Compensation Scheme	That the District Executive agreed:-  1. to refuse the request from Wincanton Town Council to end the agreement in May 2015 without giving the agreed three years notice. 2. to request that work continues with the Town Council and local groups to try to reduce the cost burden of the compensation agreement on them. 3. to note that when the agreement is terminated that charges will be levied in the Wincanton car parks.	District Executive	07/08/14
Finance & Spatial Planning	Commercial Property Disposal – Winsham Allotments and Band Hut	That the District Executive approved:-  1. the freehold transfer of the former Winsham Band Hut and neighbouring allotment site at Bakersfield, Winsham to the Parish Council for £1 such transfer to include an overage clause that should planning permission be granted for (i) commercial or business use (ii) residential housing or residential occupation (iii) use as an access to adjoining land (iv) any other use other than public recreation/allotments/community hall then the Parish Council could serve notice on SSDC requiring SSDC to allow such use to take place upon payment to SSDC of a sum equivalent to 50% of the increase in value of the land resulting from the grant of planning permission; 2. that the freehold transfer includes the following restrictions of use namely that the land is not to be used for:- Any commercial or business use; use for residential housing or	District Executive	07/08/14

Portfolio	Subject	Decision	Taken By	Date
		<p>occupation of any description; use as an access with or without vehicles to any adjoining land other than for access solely and exclusively in connection with the use and maintenance of that adjoining land for public recreation purposes and in any event any use other than for public recreation and/or public allotments and/or as community hall and/or for some other Community Use Provided Always that the use of the land or any part thereof for community and public events and activities of whatever description that generates any income or profit for Winsham Parish Council shall be deemed not to be a breach of this covenant provided that the number of days the land or any part thereof is used for such events and activities does not exceed 28 in any 12 month period (without the prior written consent of SSDC);</p> <ol style="list-style-type: none"> <li>3. that SSDC cover all reasonable legal costs incurred by Winsham Parish Council up to £2,000;</li> <li>4. that the final details of the contract be delegated to the Solicitor to the Council in consultation with the Portfolio Holder and Ward Member and reported back to the District Executive.</li> </ol>		
Finance & Spatial Planning	Further Main Modifications to the South Somerset Local Plan (2006 – 2028)	This report was recommended to Council and appears elsewhere on the agenda.		
Yeovil Vision & Community Safety	Enhancement of Yeovil CCTV	<p>That the District Executive:-</p> <ol style="list-style-type: none"> <li>1. authorised the further development of the Yeovil CCTV project by allowing officers to access up to £29,000 of capital funding required to complete and run the project;</li> <li>2. agreed that the installation and monitoring of the five cameras are installed as a matter of urgency;</li> <li>3. added £6,600 to the Medium Term Financial Plan for 2015/16 as an inescapable commitment with £6,600 allocated from balances in 2014/15.</li> </ol>	District Executive	07/08/14



Portfolio	Subject	Decision	Taken By	Date
Strategy & Policy	Somerset Intelligence Partnership – Data Sharing	That the District Executive:-  1. confirmed that data supplied by SSDC be shared via the Somerset Intelligence Partnership up to and including at postcode level;  2. noted that the cost and benefit to the council of continued membership of the Somerset Intelligence Partnership would be reviewed by the Strategic Director (Place and Performance) by April 2015.	District Executive	07/08/14
Leisure & Culture	SSDC Partnerships – Annual Update	That the District Executive:-  1. noted the annual review process and observations for each of the partnerships on the Partnerships on the Register;  2. agreed that the Yeovil Innovation Centre is added to the Partnerships Register;  3. agreed that the Strategic Partnership Against Hate Crime be removed from the Partnerships Register.	District Executive	07/08/14
Finance & Spatial Planning	2014/15 Capital Budget Monitoring for Quarter 1 to 30th June 2014	That the District Executive:-  a. approved the revised capital programme spend as detailed in paragraph 6; b. noted the progress of individual capital schemes as detailed in Appendix A; c. noted the slippage over £50,000 in the capital programme as detailed in paragraph 8; d. approved the allocation of any additional funding to be used within the capital programme as detailed in paragraph 10; e. noted the total land disposals to registered social landlords as detailed in Appendix B; f. noted the balance of S106 deposits by developers held in a reserve as detailed in Appendix C; g. noted the schemes that were approved prior to 2010, as detailed in Appendix D, and confirmed approval for the	District Executive	07/08/14

Portfolio	Subject	Decision	Taken By	Date
		<p>projects that they wish to remain in the programme;</p> <p>h. noted the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 13;</p> <p>i. noted the post completion report submitted as detailed in Appendix E.</p>		
Finance & Spatial Planning	2014/15 Revenue Budget Monitoring for Quarter 1 to 30th June 2014	<p>That the District Executive:-</p> <p>a. noted the current 2014/15 financial position of the Council;</p> <p>b. noted the reasons for variations to the previously approved budgets as detailed in paragraphs 3.3;</p> <p>c. noted the transfers made to and from reserves outlined in paragraph 11.1 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in Appendix D;</p> <p>d. noted the virements made under delegated authority as detailed in Appendix B;</p> <p>e. approved the virements reported in paragraph 4.</p>	District Executive	07/08/14
Strategy & Policy	Constitution Update – HR Management Rules	This report was recommended to Council and appears elsewhere on the agenda.	District Executive	07/08/14
Leisure & Culture	Report from Yeovil District Hospital NHS Foundation Trust	That the District Executive noted the quarterly report from the Yeovil District Hospital NHS Foundation Trust.	District Executive	07/08/14
Strategy & Policy	Update on the Family Focus Programme	That the District Executive noted the progress made in delivering a multi-agency family support programme in the District and considered Somerset County Council's proposals for mainstreaming the programme into its Getset service from April 2015 based on the options provided.	District Executive	07/08/14

# Agenda Item 14

## **Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday, 18<sup>th</sup> September 2014** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**