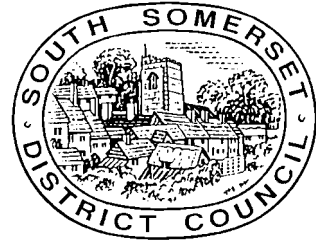


South Somerset District Council

Notice of Meeting



**South Somerset
District Council**

Making a difference where it counts

Thursday 15th January 2015

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**

This Agenda was issued on Wednesday 7 January 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

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

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 15 January 2015

Agenda

1. Apologies for Absence

2. Minutes

To approve and sign the minutes of the previous meeting held on Thursday, 11th December 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 15th 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. **Setting the Council Tax Reduction Scheme (CTRS) for 2015/16** (Pages 2 - 4)
8. **Council Tax - Discretionary Reduction in Liability Policy** (Pages 5 - 13)
9. **Final Recommendation of the Community Governance Review of Lopen Parish Council** (Pages 14 - 16)
10. **Report of Executive Decisions** (Pages 17 - 20)
11. **Audit Committee**

There was no meeting of the Audit Committee during December 2014.
12. **Scrutiny Committee**

The Scrutiny Committee met on 6th January to consider and comment upon the District Executive reports of 8th January 2015.
13. **Motions** (Page 21)
14. **Questions Under Procedure Rule 10**

There were no questions submitted under Procedure Rule 10.
15. **Date of Next Meeting** (Page 22)

Agenda Item 6

Chairman's Engagements

12th December

At the invitation of the Headmistress, Staff and Students of Chilton Cantelo School, Mike attended their Christmas Carol Service at Sherborne Abbey.

14th December

Mike and Liz attended the Salvation Army's Carols at Christmas which was held at The Octagon Theatre.

16th December

Mike and Liz attended the first Blue Light Christmas Carol Service involving the South Western Ambulance Services NHS Foundation Trust, Devon and Somerset Fire and Rescue Service and Devon and Cornwall Police Service which was held at Exeter Cathedral.

18th December

The Chairman of North Dorset District Council, Su Hunt, invited Mike and Liz to attend their Civic Carol Service which was held at Milton Abbey, Milton Abbas, Blandford Forum.

19th December

Mike visited the Royal Mail sorting office in Crewkerne to see first hand how the staff cope with the Christmas workload.

22nd December

Mike welcomed David Laws for his annual visit to the Council offices and introduced him to different departments where he met members of staff.

8th January

Mike was due to attend Wadham School's presentation evening held at the School in Crewkerne.

Agenda Item 7

Setting the Council Tax Reduction Scheme (CTRS) for 2015/16

Lead Officer: Ian Potter, Revenues and Benefits Manager
Contact Details: ian.potter@southsomerset.gov.uk or (01935) 462690

1. Purpose of Report

To request that Council agree the Council Tax Reduction Scheme (CTRS) for the 2015/16 financial year.

Note: Executive and Scrutiny Members should refer to the policy which was distributed as an appendix with the District Executive Agenda for 8th January 2015.

2. Public Interest

From April 2013 the Government changed the way in which financial help is given to residents to pay Council Tax. Council Tax Benefit was replaced with a local Council Tax Reduction Scheme to help with the costs of council tax for those with low incomes. As part of the change the Government also cut funding towards the scheme by 10% (in reality this was a cut of 17% for SSDC) and the SSDC scheme was set in this context.

3. Recommendations

The Council agree:

- (a) that personal allowances and premiums are uprated in line with those for Housing Benefit;
- (b) that non-dependent deductions are uprated in line with the annual percentage increase in Council Tax;
- (c) that the non-dependent income bands are increased by the same percentage as those in the Prescribed Scheme;
- (d) that the hardship scheme budget be set at £30,000 for the 2015/16 financial year;
- (e) that the remaining measures introduced from 1 April 2013 remain unchanged;
- (f) that the 2015/16 Council Tax Reduction Scheme attached at appendix A is adopted;
- (g) to note the scheme has been amended to reflect changes to the Council Tax Reduction Scheme (CTRS) Prescribed Requirements legislation.

4. Background

The SSDC Council Tax Reduction Scheme (CTRS) was introduced on 1 April 2013 and has now been running for 20 months. Councils are required to review and set their CTRS for each financial year by 31 January in the preceding financial year. As the scheme has been running for such a short period of time it is difficult to evaluate the impact of it on our residents and the Collection Fund to any great extent. Applications to the CTRS hardship scheme are monitored, along with the Council Tax collection rate.

We carried out an extensive consultation process in 2012 and the scheme measures were carefully and fully considered by the Scrutiny Task and Finish Group. We do not have any evidence at this stage to suggest that any of those scheme measures require amendment.

The SSDC Council Tax Reduction Scheme states that certain elements of the needs assessment may be updated each financial year but does not specify the level of that updating.

The Scrutiny Task and Finish Group have previously considered the methods of updating and recommended the following:

1. That while Housing Benefit (HB) still exists it would be appropriate for the CTRS applicable amount figures (basic need allowance) to mirror those in the HB scheme
2. That non-dependent deductions are updated in line with the annual percentage increase in Council Tax
3. That the non-dependent income bands are increased by the same percentage as those in the Prescribed Scheme
4. That the earned income disregards (which were increased by 50% in 2013/14) remain unchanged for 2014/15.

Members are recommended to retain this methodology for 2015/16.

5. Current year

We have received no legal challenges to the SSDC CTRS, nor have we had any formal complaints about the scheme design. Approximately a quarter of all CTRS recipients are paying their Council Tax by Direct Debit. There has been an increase in arrears of council tax not just within the CTRS group but overall that is being addressed with additional staff resources.

6. Hardship Scheme

A Hardship Scheme was set up as a safety net for households who could demonstrate they could not afford to pay their Council Tax contribution following the introduction of the SSDC Council Tax Reduction Scheme. The annual budget for 2014/15 was set at £30,000. By the end of November 2014 we had awarded a total of £8,933. Based on current year spend it is proposed to retain the £30,000 for the 2015/16 financial year.

7. Risks

The continued risk is that demand rises and the current reductions we are seeing in the number of recipients reverses with a downturn in the economy. We will also need to monitor and minimise arrears.

8. Financial Implications

The scheme was set with an overall budget of £9.200 million for 2014/15. The current profile shows £9.025 million allocated for the year. This is consistent with the reduction in the number of recipients. In assessing the likely costs for 2015/16 the current profile has been used with the following assumptions:

- No growth in demand;
- An arrears level of 1%;
- An average increase of 1.11% in the Council Tax across preceptors;
- The Hardship Scheme budget is maintained at £30,000.

This would set a budget of £9.012 million. A further projection will be made as part of the tax setting process and amendments made to the MTFP in December 2014. SSDC would need to fund 11% of the additional cost (£991k on these assumptions).

9. Corporate Priority Implications

Council Plan 2012 – 2015

Focus Three: Homes - "Minimise impact to our residents of the major changes to housing and council tax benefits proposed by the Government."

10. Carbon Emissions and Climate Change Implications

None associated with this report

11. Equality and Diversity Implications

An equalities impact was carried out as part of the introduction of the Council Tax Reduction Scheme

12. Background Papers

SSDC Council Tax Reduction Scheme - reports to District Executive and Council - January 2013.

Review of the SSDC Council Tax Reduction Scheme 2014/15 - Reports to District Executive and Council - December 2013 and January 2014.

Setting the Council Tax Reduction Scheme for 2015/16 - Report to District Executive – January 2015.

Agenda Item 8

Council Tax - Discretionary Reduction in Liability Policy

Lead Officer: Ian Potter, Revenues and Benefits Manager
Contact Details: ian.potter@southsomerset.gov.uk or (01395) 462690

1. Purpose of Report

To request that Council agree and adopt the Council Tax Discretionary Reduction in Liability Policy.

2. Public Interest

Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability where statutory discounts, exemptions and reductions do not apply. The policy sets out how the Council will deal with applications under these discretionary powers.

3. Recommendations

That Council confirm and agree:

- (a) that the proposed Council Tax Discretionary Reduction in Liability Policy be adopted.
- (b) that decisions on groups of applicants be delegated to District Executive.
- (c) that decisions on individual applications be delegated to the Revenues and Benefits Manager in consultation with the Portfolio Holder for Finance and Spatial Planning.

4. Background

In accordance with Section 13A 1a of the Local Government Finance Act 1992, the Council has a Council Tax Reduction Scheme which provides support, through a discount, to those deemed to be in financial need. The Scheme, which is set on an annual basis has been designed to take into account the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards.

Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability where statutory discounts, exemptions and reductions do not apply.

These discretionary awards can be given to:

- Individual Council Tax payers;
- Groups of Council Tax payers defined by a common set of circumstances;
- Council Taxpayers within a defined area: or
- To all Council Tax payers within the Council's area.

5. Use of the policy

This policy formalises how the Council will deal with any request for a discount under these regulations.

Members have previously used these powers to implement a reduction in liability to a specific group of Council Tax payers where they were affected by the flooding last winter.

Members will be able to use the policy to exercise the Council's powers to introduce discounts for certain groups of Council Tax payers as appropriate.

Council tax legislation provides a wide range of discounts, exemptions and reductions that have the effect of reducing the level of council tax due, including the Council Tax Reduction Scheme. Applications will be accepted under this policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship.

Applicants will be expected to have exhausted all other options to alleviate their financial situation, e.g. through employment, reducing outgoings or maximising income and other benefits before making an application under this policy.

Officers applying this policy will similarly consider whether alternative actions should be undertaken before applying this policy. As such, this policy will only consider exceptional circumstances, due to financial need or crisis, where it is appropriate and fair to provide a discretionary discount.

6. Risks

There are no risks associated with adopting this policy.

7. Financial Implications

The cost of this policy is borne by the Council, unless otherwise reimbursed by Government, and the decision to provide a discount will be considered against the needs of other local taxpayers and the financial constraints of the Council.

8. Corporate Priority Implications

None associated with this report

9. Carbon Emissions and Climate Change Implications

None associated with this report

10. Equality and Diversity Implications

The policy is open to all Council Tax Payers in South Somerset and in particular supports the most vulnerable.

11. Background Papers

Report to District Executive – 8th January 2015

**Council Tax
Discretionary Reduction in Liability Policy**

DRAFT

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DRAFT

1 Introduction

1.1 Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability where statutory discounts, exemptions and reductions do not apply.

1.2 These discretionary awards can be given to:

- Individual Council Taxpayers;
- Groups of Council Taxpayers defined by a common set of circumstances;
- Council Taxpayers within a defined area: or
- To all Council Taxpayers within the Council's area.

1.3 The legislation states the following:

.....in any case, may be reduced to such extent or, if the amount has been reduced under S13a 1 a (Council Tax Reduction Scheme) such further extent as the billing authority for the area in which the dwelling is situated thinks fit.....

1.4 The provision allows the Council the discretion to provide assistance to taxpayers where either the existing legislation does not provide a discount, exemption or reduction or in such circumstances where the Council feels that the level of discount; exemption or reduction is insufficient given the circumstances.

1.5 When deciding on whether to grant a discretionary award, the Council will consider each application on its merits. Principles of reasonableness will apply in all cases with the authority deciding each case on relevant merits.

1.6 Any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for an reduction in Council Tax income.

1.7 Likewise the period of any reduced liability will be considered in conjunction with the circumstances of the Council Taxpayer.

1.8 For the purposes of administration, the decision to grant any reduction in liability shall be considered within the following categories:

2 Exceptional Financial Hardship

2.1 In accordance with Section 13A 1a of the Local Government Finance Act 1992, the Council has a Council Tax Reduction Scheme which provides support, through a discount, to those deemed to be within financial need. The Scheme has been designed to take into account the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards.

2.2 Applications will be accepted under this part of the policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship. Other taxpayers may also apply, however the Council would normally expect the taxpayer to apply for Council Tax Reduction in any case.

2.3 As part of the process of applying for additional support, all applicants must be willing to undertake **all** of the following:

- a. Make a separate application for assistance;
- b. Provide full details of their income and expenditure;
- c. The taxpayer is able to satisfy the Council that they are not able to meet their full Council Tax liability or part of their liability;
- d. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
- e. Identify potential changes in payment methods and arrangements to assist the applicant;
- f. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted;
- g. The taxpayer is able to demonstrate that all reasonable steps have been taken to meet their full Council Tax liability including applications for employment or additional employment, alternative lines of credit;
- h. The taxpayer has no access to assets that could be realised and used to pay the Council Tax and benefits, Council Tax Support, discounts and exemptions
- i. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

2.4 The Council will be responsible for assessing applications against this policy and an officer will consider the following factors when applying this policy:

- a. Current household composition and specific circumstances including disability or caring responsibilities;
- b. Current financial circumstances;
- c. Determine what action(s) the applicant has taken to alleviate the situation;
- d. Consider alternative means of support that may be available to the applicant by:
 - i. re-profiling council tax debts or other debts;
 - ii. applying for a Discretionary Housing Payment for Housing Benefit (where applicable);
 - iii. maximising other benefits;
 - iv. determining whether in the opinion of the decision maker the spending priorities of the applicant should be re-arranged.

3 Crisis – Flood, Fire etc.

3.1 The Council will consider requests for assistance from Council Taxpayers who, through no fault of their own, have experienced a crisis or event that has made their property uninhabitable e.g. due to fire or flooding, where they remain liable to pay council tax and for which they have no recourse for compensation nor have recourse to any statutory exemptions or discounts.

3.2 All such requests must be made in writing detailing the **exact** circumstances of why reduction in the liability is required and specifying when the situation is expected to be resolved.

3.3 The Council will consider applications on a case-by-case basis in consultation with other

organisations as appropriate. Any reduction will be applied where they remain liable to pay council tax and for which they have no recourse for compensation nor to any statutory exemptions or discounts or where the crisis or event is not covered by any insurance policy. The Council will not consider requests from taxpayers where government guidance or policy provides for a reduction in liability in specific circumstances for example, flood relief schemes.

4 Other Circumstances

4.1 The Council will consider requests from Council Taxpayers for a reduction in their liability based on other circumstances, not specifically mentioned within this document. However the Council must be of the opinion that the circumstances relating to the application warrant further reduction in their liability for Council Tax having regard to the effect on other Council Taxpayers.

4.2 No reduction in liability will be granted where any statutory exemption or discount could be granted.

4.3 No reduction in liability will be granted where it would conflict with any resolution, core priority or objective of the Council.

5 Changes in circumstances

5.1 The Council may revise any discretionary reduction in liability where the applicant's circumstances or situation has changed.

5.2 The taxpayer agrees that he/she must inform the Council immediately either by phone or in writing about any changes in their circumstances which might affect the claim for under this policy. Failure to do so may result in the withdrawal of the reduction granted for the year and the requirement to repay any outstanding amount to the Council. All changes in circumstances should be notified within 21 days in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.

6 Duties of the applicant and the applicant's household

- 6.1 A person claiming any discretionary reduction in liability must:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

7 The award and duration of a reduction in liability

7.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

7.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

8 Payment

8.1 In line with legislation, any award shall be granted as a reduction in the liability of the Council Tax Payer thereby reducing the amount of Council Tax payable

9 Reductions in Council Tax liability granted in error or incorrectly

9.1 Where a reduction in liability has been granted incorrectly or in error either due to a failure to provide the correct or accurate information to the Council or some other circumstances, the Council Taxpayers account will be adjusted in the normal way.

10 Notification of an reduction in liability

10.1 The Council will notify the outcome of each application in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

11 Appeals

11.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.

11.2 The Council Taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the Council will reconsider its decision and notify the Council Taxpayer accordingly.

11.3 Where the Council Taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Councils website or from the Valuation Tribunal <http://www.valuationtribunal.gov.uk/Home.aspx>

12 Fraud

12.1 The Council is committed to protecting public funds and ensuring funds are awarded to the people who are rightfully eligible to them.

12.2 An applicant who tries to fraudulently claim a reduction in liability by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

12.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

13 Complaints

13.1 The Council's 'Compliments and Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this policy.

14 Policy Review

14.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.

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Agenda Item 9

Final Recommendation of the Community Governance Review of Lopen Parish Council

Lead Officer: Angela Cox, Democratic Services Manager
Contact Details: Angela.cox@southsomerset.gov.uk or (01935) 462148

Purpose of the Report

To report the outcome of the final public consultation (Community Governance Review) which has taken place in the parish of Lopen on the proposal to increase the number of Parish Councillors from five to seven (under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007).

Public Interest

A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

The Local Government and Public Involvement in Health Act, 2007, sets down the principal legal framework within which councils must undertake these reviews.

A valid request was received from Lopen Parish Council in May 2014, requesting that the District Council conduct a consultation (Community Governance Review) of all the electors and local interested groups to ask if they would be agreeable to increase the number of Parish Councillors from five to seven. Consultation within the parish has now taken place and this report details the outcome of that consultation.

Recommendations

That Council:

1. note the results of the consultation agree to publish them;
2. agree that the final recommendation be: "To accept the majority vote from the people of Lopen to agree to increase the number of Parish Councillors to seven";
3. agree to draw up a Reorganisation Order to give effect to this recommendation;
4. agree to contact the statutory agencies to effect the requested alteration to increase the number of Parish Councillors to seven.

Background

Council at its meeting held on 17 July 2014 (Minute 29 refers) approved the commencement of a Community Governance Review for the parish of Lopen following the receipt of a valid request from the Parish Council. The results of the public consultation were presented to District Executive and Council in November 2014.

Proposal

In their request, the Parish Council gave the following reasons to support their request to increase the size of the Parish Council to seven members:-

- Apart from relatively brief casual vacancy periods (mainly due to house moving) the Council has maintained a full quota of members since 2007.
- At the 2007 elections, a local election was held as there were more candidates than vacancies.
- Whilst the 2011 elections did not trigger an election, the single remaining vacancy was filled through co-option near immediately after the election.
- Applications to fill a recent casual vacancy (as a result of a Councillor house move) was oversubscribed.
- The National Association of Local Councils promotes a minimum Council size of 7 irrespective of the local population size.
- A larger pool of Councillors is more likely to represent a more accurate local view.
- With only 5 members and a quorum of three, it can be difficult to arrange a quorate meeting especially during the holiday seasons.
- Quite often members live close to each other and this can cause difficulties maintaining a quorum when common interests are involved. Increasing the council size will reduce such occurrences.
- More workload is being passed on to Parish Councils and “many hands make light work”.

Consultation

The initial consultation period was held from 4th August to 15th September 2014. Consultation leaflets were delivered to all registered electors within the two Parishes (a total of 203 people) together with the Ward Members, Member of Parliament, Member of the European Parliament, Somerset Association of Local Councils, Somerset County Council, and the Police. Public comments were also invited by e-mail.

A total of 66 responses were received (33% of the total electorate). The responses were as follows:-

Proposal	In favour	Against
Increase Parish Councillors from five to seven	57	9

Part of the consultation leaflet asked for any comments on the proposals and 10 varied responses were received. They were broadly supportive of the proposals, however, some raised the point that five Parish Councillors had managed very well in the past and questioned the need for two extra.

Further Consultation

A second short consultation on this recommendation was undertaken in the parish from 10th November to 5th December 2014 (4 weeks). As the majority of the previous consultation responses were in favour of the original proposal, this further consultation was conducted through the SSDC website and posters in the Parish. **No further public responses were received.**

Conclusion

When confirmed by Council, South Somerset District Council will draw up a Reorganisation Order to give effect to these decisions. The following organisations will also be informed that the order has been made:

- a) the Secretary of State for Communities and Local Government
- b) the Electoral Commission
- c) the Office of National Statistics
- d) the Director General of the Ordnance Survey
- e) Somerset County Council.

New or revised parish electoral arrangements come into force at ordinary parish elections, rather than parish by-elections, and so this will take effect from May 2015.

Financial Implications

The cost of producing the consultation leaflets (210) and distributing by second class post was £213. There has been a cost in staff time in the production of the consultation leaflets and the analysis of the responses and these costs have been absorbed within existing budgets.

The second consultation (as required) on the draft recommendations was conducted at minimum cost through the SSDC Website and posters in the villages. The cost was less than £10.

There is no specific budget for Community Governance Reviews and all costs have been absorbed within the existing Democratic Services budget for 2014/15. Additionally, there is no power to re-charge the cost of the review to any other Council, except by agreement. This is because the statutory power to conduct the review rests with this Council.

Corporate Priority Implications

None at the current time.

Carbon Emissions and Climate Change Implications

None at the current time.

Equality and Diversity Implications

All local government electors within the parish of Lopen have been consulted on the proposal and their views considered as part of the consultation process. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Background Papers

Local Government and Public Involvement in Health Act 2007
The Electoral Commission Guidance on Community Governance Reviews, April 2008
Terms of Reference of the Community Governance Review of the Parish Arrangements for Lopen as agreed by Council on 17th July 2014
Consultation responses provided by local residents
Interim reports to District Executive and Council – November 2014

Agenda Item 10

Report of Executive Decisions

Lead Officer: Angela Cox, Democratic Services Manager
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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 8th January 2015.

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
Policy & Strategy	Consent for disposal of a property at Curry Mallet by Yarlington Housing Group	The Portfolio Holder for Strategy and Policy has agreed to approve consent for the disposal of number 19, Pope's Cross, Curry Mallet by Yarlington Housing Group, on the proviso that Yarlington Housing Group give an undertaking to reinvest the net sums raised in new housing in the local area.	Portfolio Holder	Executive Bulletin No. 654 12/12/2014
Leader, Strategy & Policy	Notification of an Urgent Executive Decision – The Somerset Rivers Authority (SRA) Interim Funding	District Executive is being asked to note that, according to the provision of Section 3-47 (4) of the Constitution, the Chief Executive, in consultation with the Leader: (1) Agreed to a contribution of £43,750 as part of a £2.7million total package of funding for the 2015-16 financial year for the Somerset Rivers Authority.	District Executive	08/01/2015
Finance and Spatial Planning	Notification of an Urgent Executive Decision – Acquisition of the Former Millers Garage Site, Crewkerne	District Executive is being asked to note that the Chief Executive in conjunction with the Leader and Deputy Leader of the Council approved: 1. Officers to attend the Symonds and Sampson auction on 28 November 2014 in Sherborne to bid on the Millers Garage Site, Crewkerne 2. Officers to bid up to a maximum value of £275,000, this being the maximum value as set out in the District Valuer's report on the Site and taking into account that planning permission has not yet been sought for such use and detailed access arrangements have not yet been agreed.	District Executive	08/01/2015
Finance and Spatial Planning	Setting the Council Tax Reduction Scheme for 2015/16	The recommendations of this report appear elsewhere in this Agenda.	District Executive	08/01/2015
Finance and Spatial Planning	Council Tax – Discretionary Reduction in Liability Policy	The recommendations of this report appear elsewhere in this Agenda.	District Executive	08/01/2015
Finance and Spatial Planning	Medium Term Financial Plan and Capital Programme Update	District Executive is being asked to: Note the current position and timetable for the Medium Term Financial Plan and Capital Programme; b) Approve in principle the savings and additional income outlined in Appendix A.	District Executive	08/01/2015

Portfolio	Subject	Decision	Taken By	Date
		<p>c) Approve in principle the additional budget pressures outlined in Appendix B.</p> <p>d) Approve in principle that the Capital Bids outlined in Appendix C are added to the Capital Programme in 2015/16.</p>		
Chair of Scrutiny Committee	Report of Scrutiny Task and Finish Group – Somerset Local Authorities Civil Contingency Partnership	<p>Members of the Task and Finish Group recommend that SSDC actively supports the review and re-launch of the Somerset Local Authorities Civil Contingencies Partnership as outlined in the Debrief Report and that:</p> <ul style="list-style-type: none"> - Clarification is sought from Somerset County Council at the earliest possible opportunity as to: <ul style="list-style-type: none"> o the anticipated timescale for the review and re-launch as described in the debrief document – It is strongly recommended that the entire, comprehensive review is completed well in advance of the current partnership arrangements expiring in April 2015. In order to ensure value for public money, members recommend that no funding is agreed beyond April 2015 until the review as proposed has been completed. o The Review process, in particular, who is conducting the review? Is the review sufficiently prioritised and adequately resourced? Such is the significance of this piece of work, members ask the Executive to consider offering some resource to assist with conducting the review. o What is the scope of the review, in detail, and how can partners influence the scope and be actively involved in the review process? 	District Executive	08/01/2015
		<ul style="list-style-type: none"> - Members recommend that the review considers the governance arrangements within the partnership. At the very least an annual report should be considered by each authority providing an opportunity for elected members to agree on shared aims, objectives and priorities and to consider performance over a preceding period. This is the minimum to ensure meaningful accountability within the 		

Portfolio	Subject	Decision	Taken By	Date
		<p>partnership.</p> <ul style="list-style-type: none"> - Any re-launch of the partnership should clearly state what each partner can expect in return for their funding contributions, something similar to the SLA model considered by members during this review could be a useful template? 		
Chairman of Area South Committee	Increasing Management Capacity at Yeovil Crematorium	<ol style="list-style-type: none"> 1. That subject to satisfactory consultation responses being received District Executive approves the implementation of new management arrangements for Yeovil Crematorium. 2. That responsibility is delegated to the Assistant Director – Communities in consultation with the Chair of the Area South Committee to carry out consultation with the Members of the Joint Burial Committee. 3. That responsibility is delegated to the Assistant Director – Communities in consultation with the Chair of the Area South Committee to develop a management agreement with YWPC. 4. That responsibility is delegated to the Assistant Director – Environment in consultation with the Chair of the Area South Committee to oversee the implementation of any new management arrangements. 	District Executive	08/01/2015
Property and Climate Change	Upgrade to the ICT Helpdesk System	<ol style="list-style-type: none"> 1. That members approve the upgrade to the ICT Helpdesk System; 2. That the Capital costs of £37,400 are found from the ICT Capital Reserve and that the ongoing revenue costs of £5,700 are added to the Medium Term Financial Plan for 2015/16 as an additional budget requirement. 	District Executive	08/01/2015
Finance and Spatial Planning	Commercial Property Disposals – Winsham Allotments and Band Hut	District Executive will be provided with a verbal update on the transfer of the Winsham allotment and band hut site to the Parish Council.	District Executive	08/01/2015
Regulatory and Democratic Services	Final Recommendation of the Community Governance Review of Lopen Parish Council	The recommendations of this report appear elsewhere in this Agenda.	District Executive	08/01/2015

Agenda Item 13

Motions

The following Motion has been submitted by Councillor Andrew Turpin:-

The process of planning delegation

There are occasions in our planning decision making process when the democratically elected members of the Parish Council and the respective Ward Member/s have disagreed with an officer recommendation. The decision as to whether the issues are fully debated at the Area Committee rest entirely with the Area Chairman.

There are other more specific issues where officers recommend refusal, the Parish Council members, residents, the Ward Member/s are in full support and the statutory consultees have no problem with the application, yet it is possible that the Area Chairman can rule that the application cannot be debated at the Area Committee.

Proposal: With a view to improving our existing system of delegation, facilitated by our Development Control Department, Members review the 'delegation' aspect of the Council's planning decision making process.

Agenda Item 15

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday, 26th February 2015** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**