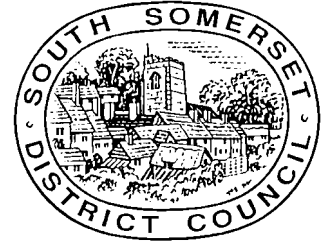


South Somerset District Council

Notice of Meeting



District Executive

Making a difference where it counts

Thursday 7th January 2016

9.30 am

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



Disabled access and a hearing loop are available at this meeting venue.

Members listed on the following page 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 01935 462148**, website: www.southsomerset.gov.uk

This Agenda was issued on Wednesday 30 December 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

District Executive Membership

Ric Pallister
Carol Goodall
Peter Gubbins
Henry Hobhouse
Shane Pledger
Jo Roundell Greene
Sylvia Seal
Peter Seib
Angie Singleton
Nick Weeks

Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

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 District Executive are held monthly at 9.30 a.m. on the first Thursday of the month in the Council Offices, Brympton Way.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site - www.southsomerset.gov.uk.

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

The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

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

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

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

District Executive

Thursday 7 January 2016

Agenda

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on 3rd December 2015.

2. Apologies for Absence

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. **Setting the Council Tax Reduction Scheme (CTRS) for 2016/17** (Pages 5 - 13)
7. **Approval of the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 and the Environmental Protection Enforcement Policy 2015-2020** (Pages 14 - 38)
8. **Proposed leasing of 80 South Street, Yeovil, BA20 1OT** (Pages 39 - 42)
9. **Medium Term Financial Plan and Capital Programme Update** (Pages 43 - 53)
10. **Community Right to Bid Quarterly Update Report** (Pages 54 - 64)
11. **Monthly News Snapshot** (Page 65)
12. **District Executive Forward Plan** (Pages 66 - 71)
13. **Date of Next Meeting** (Page 72)
14. **Exclusion of Press and Public** (Page 73)
15. **Notification of an Urgent Executive Decision: The installation of a 90.09 kW photovoltaic array at Brympton Way (Confidential)** (Pages 74 - 76)

Agenda Item 6

Setting the Council Tax Reduction Scheme (CTRS) for 2016/17

Executive Portfolio Holder: Peter Seib, Finance and Legal Services
Assistant Director: Donna Parham, Assistant Director (Finance and Corporate Services)
Service Manager: Ian Potter, Revenues and Benefits Manager
Lead Officer: Ian Potter, Revenues and Benefits Manager, Revenues and Benefits
Contact Details: ian.potter@southsomerset.gov.uk or (01935) 462690

Purpose of the Report

To request that the District Executive recommend the proposed amendments to the Council Tax Support scheme for the 2016/17 financial year to Full Council for approval.

Forward Plan

This report appeared on the District Executive Forward Plan with an anticipated Committee date of 7 January 2016.

Public Interest

From April 2013 the Government changed the way in which financial help is given to residents to pay Council Tax. The national Council Tax Benefit scheme was replaced with a local Council Tax Support scheme to help with the costs of council tax for those with low incomes. As part of the change the Government also cut the amount of money they give councils towards the scheme by 10%. The South Somerset scheme was set taking this into account. By January 31st each year the council is required to review and set a Council Tax Support scheme for the next financial year.

Recommendations

The District Executive is requested to recommend to Council:

- (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 Requirements relating to pensioners;
- (d) that approval is given for proposals A and C to be incorporated into the 2016/17 scheme;
- (e) that proposals B and D be rejected;
- (f) that the hardship scheme budget be set at £30,000 for the 2016/17 financial year;

- (g) to consider the Equalities Impact Assessment at Appendix 1 in approving (d) and (e) above;
- (h) to consider the public consultation responses at Appendix 2 in approving (d) and (e) above;
- (i) to note the recommendations of the Scrutiny Task and Finish Group attached at Appendix 3;
- (j) to note the scheme has been amended to reflect changes to the Prescribed Requirements;
- (k) that the 2016/17 Council Tax Support Scheme attached at Appendix A is adopted;
- (l) to note that the proposed Council Tax Support Scheme has been reflected within the overall Council Tax Base.

Background

The South Somerset Council Tax Support scheme (CTS) was introduced on 1 April 2013 and has now been running for almost three years. Councils are required to review and set their CTS scheme for each financial year by 31 January in the preceding financial year. Applications to the CTS hardship scheme are monitored, along with the Council Tax collection rate and reported to members each quarter.

We carried out an extensive consultation process prior to the introduction of CTS in April 2013 and the scheme proposals 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 original adopted proposals require amendment. It was the view of the Scrutiny Task and Finish Group that those adopted proposals be retained.

The SSDC Council Tax Support scheme states that certain elements of the needs assessment may be uprated each financial year but does not specify the level of that uprating.

The Scrutiny Task and Finish Group originally considered the methods of uprating and recommended the following:

1. That while Housing Benefit (HB) still exists it would be appropriate for the CTS applicable amount figures (basic need allowance) to mirror those in the HB scheme
2. That non-dependent deductions are uprated 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 Requirements relating to pensioners

These methods were adopted in the original scheme and have retained.

Equality Impact Assessment

Councils have a legal responsibility to have due regard to the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 when setting a Council Tax Support scheme. There has been a recent High Court ruling that there was insufficient evidence that members making the decision to implement a CTS scheme had given due regard to the Equality Impact Assessment (EIA) that had been attached to the council report in order that they could discharge their statutory obligation.

It is important that members have due regard to the PSED when making their decision on the various scheme proposals.

The EIA in Appendix 1 to this report sets out the implications of each of the four proposals to be considered by members and any mitigation or evidence relevant to each of them.

Council Tax Support scheme 2016/17 (Year 4)

The Somerset Benefit Managers group compiled a set of possible changes to the CTS scheme for 2016/17. The changes would provide options to reduce the cost of the scheme, to align the scheme with national policy and to incentivise a move into work. This list was considered by the Task and Finish Group and they proposed that four of those changes should be put forward for public consultation. The proposals are:

- a) To reduce the capital limit from £16,000 to £6,000
- b) To introduce a minimum income for the self-employed
- c) To introduce a Council Tax Band Cap
- d) To Increase the income taper for those not working while keeping the current lower income taper for those in work

The Proposals in detail

Proposal A - Reduce the amount of savings you can have and still receive Council Tax Support from £16,000 to £6,000

Current scheme: Up to £6,000 of capital/savings/investments and any other assets is ignored in calculating the level of Council Tax Support. Between £6,000 and £16,000 we add £1 to the weekly income used to decide entitlement for every £250 or part thereof. The value of a person's home is ignored.

Proposed change: Where the value of capital/savings/investments and any other assets held is £6,000 or more no Council Tax Support will be granted. The value of a person's home will still be ignored. This change would not apply to those on a passported benefit i.e. benefits paid at the basic needs level.

83 CTS recipients would be affected by this proposal and no longer receive support. This would save SSDC £6,200 and all preceptors £55,800.

The results of the consultation show that 58% of respondents agree or strongly agree with implementing this proposal.

Respondents considered £6,000 to be a significant level of savings with some commenting that they were in work and unable to save money. Savings of £6,000 would represent approximately four years of Council Tax at a Council Tax Band D.

It is recommended that this proposal is included in the 2016/17 scheme.

Proposal B - Introduce a self-employed minimum income

Current scheme: Actual income from self-employment is used in the calculation of Council Tax Support.

Proposed change: We would use a minimum income for the self-employed. This would be in line with the UK Minimum Wage/new national Living Wage for 35 hours a week. From October 2015 the Minimum Wage will be £6.70 an hour. The rate for 18 to 20 year olds will be £5.30 an hour. The new national Living Wage will be £7.20 from April 2016

This minimum income would not be applied during the first year of self-employment. If a self-employed person has restrictions on the number of hours they can work we will work out the minimum income proportionately.

393 CTS recipients would be affected by this proposal. This would save SSDC a maximum of £27,000 and all preceptors £243,000. We would need to take account of any limitations in the number of hours that could be worked and adjust the minimum income accordingly. This would reduce the level of savings which could be achieved.

The results of the consultation show that 46% of respondents agree or strongly agree with implementing this proposal.

This proposal was included in the consultation as it would align the CTS scheme with Universal Credit (UC). In UC the minimum income floor is designed to encourage people to be gainfully self-employed. Due to the limitations of the roll out of UC to date there is no evidence to determine whether it meets this objective and what the consequences of the policy are. There are several potential issues with this measure.

1. Consultation responses suggest that it could act as a disincentive to remaining self-employed.
2. **Equalities implications** - A significant proportion of self-employed CTS recipients are single parents (40%) who do some self-employed work around their childcare responsibilities and there would be a disproportionate impact on this group.
3. Assuming someone has an income higher than they actually do raises the risk that the additional Council Tax they are asked to pay could be uncollectable.

It is recommended that this proposal is not included in the 2016/17 scheme.

Proposal C - Introduce a Council Tax Band cap.

Around 95% of working age Council Tax Support recipients live in properties in Council Tax band A, B or C. This proposal limits the amount of help people who live in a higher value property can get.

Current scheme: The annual charge (less any discounts) for the Council Tax band of the property the applicant lives in is used to calculate Council Tax Support entitlement.

Proposed new scheme: Limit the charge used to calculate Council Tax Support entitlement to the Band C charge for the parish the applicant lives in.

254 CTS recipients will be affected by this proposal. This will save SSDC £6,400 and all preceptors £57,600

The results of the consultation show that 47% of respondents agree or strongly agree with implementing this proposal.

Respondents commented that people who live in larger properties should pay more and that it might act as an incentive to downsize to a smaller property where this is possible. Some concerns were raised about the impact on older people and whether it might cause financial hardship. The scheme only applies to working age recipients as pensioners are protected. An application to the hardship scheme could be made if financial hardship is experienced as a result of this measure.

Equalities implications - This proposal might have had a detrimental impact on families from minority ethnic groups who have larger families as part of their culture. Analysis of the 43 larger families* who would be affected by the proposal shows that:

33 households have indicated they are white British, 2 households British, 1 household white Irish and in the other 7 cases we do not hold details of their ethnic group.

*Larger families are those who have 4 or more children.

It is recommended that this proposal is included in the 2016/17 scheme.

Proposal D - Increase the Income taper for those not working while keeping the current lower income taper for those in work.

Current Scheme: For every £1 of weekly income above the basic needs allowance we reduce Council Tax Support by 20 pence a week. This is the same for those who work and those who do not.

Proposed new scheme: For those who do not work we will reduce Council Tax Support by 65 pence for every £1 of weekly income above their basic needs allowance. Those who are working will not be affected by this change.

311 CTS recipients would be affected by this proposal. This would save SSDC £13,800 and all preceptors £124,200 if the measure were applied to all non-working households including those unable to work.

The results of the consultation show that 57% of respondents agree or strongly agree with implementing this proposal.

Due to the very wide range of circumstances of CTS recipients in this group it was decided to put a general example in the consultation form. From the consultation responses it appears likely that the more general example has influenced the outcome. The measure is designed to encourage people in to work and the consultation response reflects this.

Equalities implications - However, a significant proportion of those in the non-working group are unable to move in to work and receive long-term out of work benefits. Also included in this group are those who receive maternity allowance.

It is recommended that this proposal is not included in the 2016/17 scheme.

Combination of recommended proposals

The value of savings from proposal A (capital limit) for SSDC is £6,200 and all preceptors £55,800. The value of savings from proposal C (Band cap at C) for SSDC is £6,400 and all preceptors £57,600.

The value of savings when proposal A and C are taken in combination for SSDC is £11,900 and for all preceptors £107,300.

Other options

We also consulted on alternative ways of helping to pay for the Council Tax Support scheme rather than reducing support.

Statement 1 – Increase in Council Tax

We asked if people would be willing to pay more Council Tax to help pay for the Council Tax Support scheme.

46% agreed or strongly agreed that they would be willing to pay more Council Tax

An increase in Council Tax would increase the overall cost of the scheme as each recipient would be entitled to a higher award. This would reduce the value of the increase.

It is recommended that this option is not pursued to help pay for the scheme.

Statement 2 – Service cuts

We asked if the level and range of local services should be reduced to help pay for Council Tax Support.

60% of respondents did not want to see a reduction in the services provided by SSDC for this purpose.

It is recommended that this option is not pursued to help pay for the scheme.

Cost of CTS scheme

The number of recipients of CTS is falling in both the working age and pensioner groups which reduces the overall cost of the scheme. However it is very difficult to determine how long this trend might continue.

The cost of the scheme will increase where the SSDC and other preceptors put up their share of the Council Tax.

There have been two announcements in the Chancellor's Autumn Statement/Spending Review that would impact CTS if they are taken up.

- a) Government is giving Police and Crime Commissioners greater flexibility in local funding decisions and rewarding those areas who have historically kept Council Tax low

- b) A new Social Care precept has been created to give authorities who are responsible for social care the ability to raise additional funding ring-fenced to spend on social care. Those authorities can raise additional council tax of up to 2% above the current threshold.

It is not yet known whether either of these increases will take place but we have allowed 1.95% as an overall increase.

Legislation Changes – Prescribed requirements

As at 18 December 2015 we are awaiting details of changes to the prescribed requirements – these are elements of the scheme that are set by central government. Confirmation that these have been received will be given as a verbal update and the draft of the scheme will be updated accordingly.

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 Support Scheme.

The level of demand in 2015/16 suggests that a Hardship Scheme budget of £30,000 for 2016/17 should be sufficient. This spend is monitored monthly and reported to members each quarter.

Council Tax Collection Rate

It was anticipated that the in-year collection rate would fall as a result of the introduction of the CTS scheme in April 2013.

There were also a number of changes to Council Tax discounts and exemptions introduced from April 2013 which impacted on the in-year collection rate.

The in-year collection rate has fallen in each of the last two financial years. In the current financial year the in-year collection rate at the mid-year point was identical to the same time last financial year. We are predicting a slight rise in the collection rate by the end of the financial year as there are more taxpayers opting to pay over 12 months than last year. This means that we expect to receive more Council tax during February and March 2016 than in those months earlier this year.

This suggests that the Council Tax Support scheme design is not adversely impacting collection rates.

Future monitoring and review

The Task and Finish Group have made a number of recommendations relating to the future monitoring of the Council Tax Support scheme. Officers are happy to carry out those recommendations for the coming financial year.

The Task and Finish Group have also made a number of suggestions relating to procedural matters on Council Tax arrears collection which officers will consider in the new year.

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. There is also a risk that reductions in other welfare support (e.g. Universal Credit) might result in an increase in entitlement to Council Tax Support. We will take any such changes into account when considering the Council Tax Support scheme for 2017/18 and beyond. It should be noted that the Task and Finish Group have raised concerns about the ability to make further reductions in the level of Council Tax Support in future years as the burden is placed solely on the working age recipients while the Government continues to protect pensioners.

Financial Implications

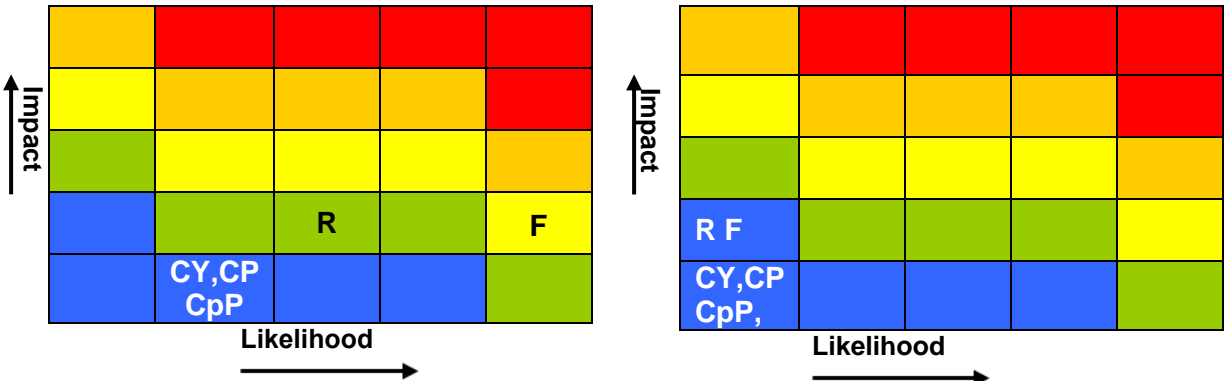
If members agree the proposals set out in this report it will reduce the cost of the CTS by £107,300. An estimate of the costs of the CTS along with assumptions for the number of new properties and council tax levels has been reflected within the Council Tax Base for 2016/17.

The main reason for review is to ensure that no groups are disproportionately affected by the scheme while balancing the expectations of the Council Tax Payer, the needs of low income households and the available resources.

Risk Matrix

Risk Profile before officer recommendations

Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan 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.”

Carbon Emissions and Climate Change Implications

None associated with this report

Equality and Diversity Implications

An equalities impact was carried out as part of the introduction of the Council Tax Support Scheme, which has been reviewed and updated for the proposed 2016/17 scheme.

Privacy Impact Assessment

None associated with this report

Background Papers

- Report to District Executive – January 2015 Item 8
 - Report to District Executive – December 2013 Item 10
 - Report to District Executive – January 2013 – item 8
-

Agenda Item 7

Approval of the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 and the Environmental Protection Enforcement Policy 2015-2020

Executive Portfolio Holder: Carol Goodall, Environmental Health, Health & Safety
Strategic Director: Vega Sturgess, Operations and Customer Focus
Lead Officer: Alasdair Bell, Environmental Health Manager
Contact Details: Alasdair.bell@southsomerset.gov.uk or (01935) 462056

Purpose of the Report

To adopt and approve as fit for purpose the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 in Appendix 1 and the Environmental Protection Enforcement Policy 2015-2020 in Appendix 2.

Forward Plan

This report appeared on the Executive Forward Plan with an anticipated presentation date of 7th January 2016.

Recommendations

That the District Executive adopt and approve as fit for purpose:-

1. the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 in Appendix 1
2. the Environmental Protection Enforcement Policy 2015-2020 in Appendix 2.

Report

Section 6 of the Regulators' Code¹ sets out Government's expectation that local authorities will ensure that their approach to their regulatory activities is transparent. The provisions of section 6 includes an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes their enforcement policy, explaining how they respond to non-compliance.

Published service standards serve to bring the provisions of the Regulators' Code to life and are important for regulators in meeting their responsibility under the statutory principles of good regulation² to be accountable and transparent about their activities. The Regulators' Code requires that published service standards should be easily accessible, clearly signposted, and kept up-to-date.

The Better Regulation Delivery Office (BRDO) has worked with a number of groups, including the Local Authority Reference Panel, Local Enterprise Partnerships (LEPs) and others, to explore and suggest what and how service standards might be presented and how the local authority can ensure that businesses can locate them.

¹For further information on the Regulators' Code visit BRDO's website: www.gov.uk/government/publications/regulators-code

²Section 21, Legislative and Regulatory Reform Act 2006, available at www.legislation.gov.uk

The framework of this policy and accompanying service standards of the first policy above has been developed from guidance provided by the BRDO and has been produced by the Somerset Heads of Regulatory Services Group and represents a common policy across the county. This common approach supports increased collaborative working and development of resilience across Somerset to provide a robust framework for enforcement within which authorised officers can work. This collaborative approach will support consistent working for the benefit of all businesses trading throughout Somerset.

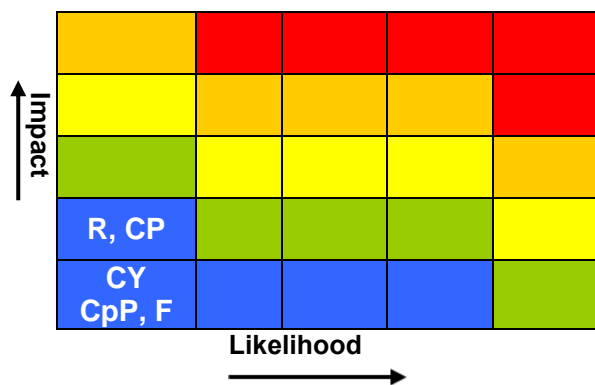
In addition to this it has been decided to produce and adopt the Environmental Protection Enforcement Policy in Appendix 2. This separate policy document has been produced to give more specific detailed advice covering the work of the Environmental Protection Unit, part of the Environmental Health service.

In May 2014 an audit was carried out of SSDC's Streetscene enforcement function, which is now part of the Environmental Protection Unit, which recommended that the existing Streetscene Enforcement policy was updated to reflect the latest developments concerning Streetscene offences. The Environmental Protection Enforcement Policy 2015-2020 document meets that aspiration.

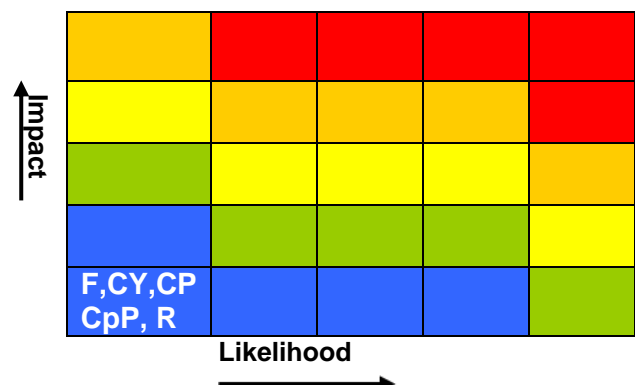
This latter policy document provides operational detail and policy guidance to officers in relation to enforcement options and various environmental offences dealt with by the Environmental Protection Unit. This policy should be read in conjunction with the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 referred to above.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
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CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Corporate / Financial / Other Implications

This report seeks to meet the corporate aim of providing outward looking, accountable, and responsive services.

Background Papers

Food & Safety Service Plan 2015/16
Streetscene Audit-SWAP 2014

Appendix 1

**Somerset District
Authorities
Regulatory Services
Enforcement Policy
2015 - 2020**

**Incorporating the Regulators'
Code**

Somerset Heads of Service Group

Status of Policy

Section 6 of the Regulators' Code¹ sets out Government's expectation that local authorities will ensure that their approach to their regulatory activities is transparent. The provisions of section 6 includes an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes their enforcement policy, explaining how they respond to non-compliance.

Published service standards serve to bring the provisions of the Regulators' Code to life for each regulator and are important for regulators in meeting their responsibility under the statutory principles of good regulation² to be accountable and transparent about their activities.

The Regulators' Code requires that published service standards should be easily accessible, clearly signposted, and kept up-to-date. The Code expects that local authorities will engage with those they regulate in relation to the development of their service standards.

Better Regulation Delivery Office (BRDO) has worked with a number of groups, including the Local Authority Reference Panel, Local Enterprise Partnerships (LEPs) and others, to explore and suggest what and how service standards might be presented and how the local authority can ensure that businesses find them.

The framework of this policy and accompanying service standards has been developed from guidance provided by the BRDO and has been produced by the Somerset Heads of Regulatory Services Group and represents a common policy across the county. This common approach supports increased collaborative working and development of resilience across Somerset and provides a robust framework for enforcement within which authorised officers can work. This collaborative work will support consistent approaches and will go some way to assist businesses trading throughout Somerset.

¹For further information on the Regulators' Code visit BRDO's website: www.gov.uk/government/publications/regulators-code

²Section 21, Legislative and Regulatory Reform Act 2006, available at www.legislation.gov.uk

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[Conduct of investigations](#)

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[Review of this policy](#)

[Comments and complaints](#)

Appendix A [Legislation, guidance and codes that influenced the policy](#)

Appendix B What to Expect from the Council's Regulatory Services

1 Introduction

1.1 South Somerset District Council's Environmental Health Service is committed to promote the health of the public, our environment and local economy and to be recognised as an excellent cost effective regulatory service that engages with and involves our communities, businesses and partners, to continually improve public health, environmental and economic outcomes.

1.2 The Environmental Health Service is split into 3 teams:

- **Food and Safety team**, deal with the following matters:
 - *Health & Safety enforcement*
 - *Accident investigation*
 - *Food Safety inspections*
 - *Food complaints*
 - *Infectious Disease Control*
 - *Public Safety at Events*
 - *Food hygiene rating scheme*
 - *Food sampling*
 - *Smoke-free Public Places*
 - *Public Health & Wellbeing*
 - *Support for Business Growth*

- **Environmental Protection team**, deals with the following matters:
 - *Pollution reduction*
 - *Contaminated land*
 - *Air quality*
 - *Noise and nuisance complaints*
 - *Stray and dangerous dogs*
 - *Dog fouling*
 - *Planning consultations*
 - *Environmental Permitting*
 - *Pest control service*
 - *Fly-tipping*
 - *Litter and graffiti*
 - *Abandoned vehicles*
 - *Public health complaints*
 - *Private water supply safety*
 - *Licensing consultations*

- **Private sector housing team**, made up of the following services:
 - *HMO inspections*
 - *HMO Licensing scheme*
 - *Energy efficiency advice*
 - *Private sector housing enforcement*
 - *Empty property work*
 - *Landlord accreditation scheme*
 - *Provision of grants and loans*
 - *Disabled facilities grants*

1.3 The Environmental Health Service aims to:

- Protect public health and target the major causes of health inequalities in our communities;
- Support economic growth through advice, guidance and promotion for local businesses and by educating consumers.
- Protect the environment from harm that impacts the quality of life
- Target enforcement activity to minimise the impact of criminal activity on our communities.

- 1.4 This policy seeks to communicate and explain the approach to dealing with non-compliance to businesses, residents, our officers and others affected by our enforcement activities.
- 1.5 The policy has been developed following guidance issued by the Better Regulation Delivery Office and in consultation with stakeholders and is influenced by good enforcement practice and current legislation, guidance, codes of practice (see details [Appendix A](#)).
- 1.6 South Somerset District Council (the Council) aims to deliver the services above by avoiding unnecessary regulatory burdens and enforcement. Wherever possible the Council will work closely with businesses and other organisations to assist them in meeting their legal obligations, without unnecessary expense. The Council will only intervene where there is a clear case for protection.
- 1.7 This Enforcement Policy is available via South Somerset's website www.southsomerset.gov.uk or if a hard copy is required please e-mail enhfood@southsomerset.gov.uk or telephone 01935 462462 and ask for Environmental Health.
- 1.8 This document has been approved in accordance with the Council's Constitution and is effective from August 2015
- 1.9 The Council's Environmental Health Service standards can be found on the Council's website www.southsomerset.gov.uk

2 What is this policy for?

- 2.1 This document communicates the Council's policy in respect of its approach to dealing with non-compliance to:
 - those affected by its activities; and
 - officers of the local authority
- 2.2 All authorised officers will act in accordance with the policy and refer to the policy when making enforcement decisions³.
- 2.3 The policy must be read in conjunction with all relevant guidance on enforcement and regard must also be had to any internal procedures.

3 When does this policy apply?

- 3.1 The policy will apply to the Environmental Health service of SSDC. This service encompasses numerous powers and duties that enable the control of behaviour of individuals and/or businesses in the interest of the public and environment.
- 3.2 Enforcement activities will include any action carried out in the exercise of statutory powers and duties. This is not limited to formal enforcement action such as prosecution or the issuing of Notices. It also includes the inspection of premises for the purpose of checking compliance with regulation or conditions and the investigation of complaints.
- 3.3 A departure from this policy must only be in exceptional circumstances and capable of justification. Any departure will first be considered by the Environmental Health Manager unless a delay in making such a decision will result in serious risk of personal injury, risk to public health or impact effective running of the service. All such decisions will be recorded in compliance with the Openness of Local Government Bodies Regulations 2014.

³ Section 6.4, [Regulators' Code](#) requires regulators to have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

4 Our approach to dealing with non-compliance

- 4.1 Where we identify failure to meet legal obligations we will respond following the Principles of Good Regulation⁴, those being that our activities will be transparent, accountable, proportionate, consistent and targeted only at cases in which action is required.
- 4.2 Wherever possible, officers will seek to find solutions that are arrived at by agreement and co-operation and will keep in mind the maxim that prevention is better than cure. Officers are required to regulate activities across a wide range of businesses and with many types of individual. Full regard will be paid to the different abilities and an officer will be committed to ensuring that no one is discriminated against on the basis of their age, disability, employment status, ethnic or national origins, race or colour, marital status, religious or political beliefs, responsibilities for children or dependents, gender or gender reassignment, sexuality, social class, or unrelated criminal convictions.
- 4.3 We will deal proportionately with breaches of the law, including taking firm enforcement action when necessary, as set out in Appendix B “What to Expect from Environmental Health Service in the Council”.
- 4.4 We will encourage approaches from business or a regulated person and commit to providing opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance.
- 4.5 Those approaching the council requiring advice on non-compliance shall receive such advice on the understanding that where they are showing willingness to resolve the non-compliance the council will not directly trigger enforcement actions⁵.
- 4.6 Officers have delegated authority to undertake investigation and follow guidance and /or internal procedures with regard to making decisions on enforcement action. Approval by a service manager will be required for the decisions to issue simple cautions or prosecute.
- 4.7 The enforcement action that the local authority chooses to take will depend upon the particular circumstances and the approach of the business or regulated person to dealing with the breach⁶. Although the general rule will be to levy the minimum level of enforcement required to reach a satisfactory solution the Council will deal firmly with those that deliberately or persistently fail to comply.

⁴ Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at www.legislation.gov.uk

⁵ Section 5.4, [Regulators' Code](#)

⁶ Section 1.1, [Regulators' Code](#)

- 4.8 We will take account of the circumstances of small regulated businesses, including any difficulties they may have in complying and where appropriate, discuss options that will allow them to secure compliance.
- 4.9 We will have regard to the Primary Authority scheme with when dealing with non-compliance and will discuss the circumstances of breaches with the local authority representative within such partnerships. We will take these discussions into account when deciding on the best approach following the principles of the Primary Authority Scheme.
- 4.10 Where non-compliance has been dealt with by providing advice or guidance the Council will monitor that compliance in a variety of ways. For low risk low level non-compliance they will seek reassurance that compliance will be secured. For more serious non-compliance re-visits or further proactive monitoring may be undertaken.
- 4.11 In circumstance where non-compliance occurs involving more than one regulatory authority agencies should undertake collaborative working to seek the most effective regulatory outcome and least burdensome impact on the business or individual.
- 4.12 Non-compliance may be identified by other authorities. In these circumstances the Council will consider the information and if necessary carry out further investigation. Any enforcement action will be undertaken in accordance with this policy.
- 4.13 The Council will assess all complaints of non-compliance received.

5 Conduct of investigations

- 5.1 All investigations will be carried out following the requirements of the legislation listed below and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:
- the Police and Criminal Evidence Act 1984
 - the Criminal Procedure and Investigations Act 1996
 - the Regulation of Investigatory Powers Act 2000
 - the Criminal Justice and Police Act 2001
 - the Human Rights Act 1998

- 5.2 These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.
- 5.3 The Council's authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.
- 5.4 All authorised officers will carry an authorisation document identifying the legislation under which they are empowered to act.
- 5.5 The authorisation document will certify that an officer is duly appointed as an officer of the Council and that they are empowered to make inspections authorised under specific Acts of Parliament and any Regulations, Byelaws or Orders made under them and to exercise any:
- powers of entry,
 - carry out any investigations
 - procure samples
 - seize equipment and documents
 - serve legal notices
 - apply for warrants
 - institute legal proceedings
- 5.6 Obstructing an authorised officer of the Council carrying out duties as set out on their authorisation document is an offence. Obstruction may be physical or it may be the refusal to provide information or the giving of false information. If the officer believes that obstruction is occurring they will remind the offender of their powers and inform the person that they are committing an offence.
- 5.7 In order to investigate some alleged or suspected offences interviews may be conducted. These may either be:
- Informal interview where an offence may not have been committed but without further information compliance cannot be established
 - Interview under caution where evidence already exists that an offence has taken place
- 5.8 Council officers will keep alleged offenders and witnesses informed of the progress of investigations.

6 Decisions on enforcement action

6.1 The ranges of actions that are available to the local authority are set out in legislation. Those available to the Council in Respect of Criminal and Civil breaches include:

6.2 Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. We will clearly explain what the non-compliant item or activity is, the advice being offered, actions required or decisions taken, and the reasons for these⁷. We will provide an opportunity for dialogue in relation to the advice with a view to ensuring that they are acting in a way that is proportionate and consistent. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution/notice') will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

6.3 Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

6.4 Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. These include: 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', 'Improvement Notices', 'Abatement Notices' and other Enforcement Notices. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal

⁷ Section 2.2, [Regulators' Code](#)

offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

6.5 Financial penalties

The Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the discretion of the Council. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

6.6 Injunctive Actions, Enforcement Orders etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

6.7 Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

6.8 Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender;
- there has been a reckless disregard of regulatory requirements;
- there have been repeated breaches giving rise to significant risk, or persistent and significant poor compliance;
- there has been a failure to honour voluntary undertakings or comply with statutory notices; or there has been a repetition of a breach that was subject to a simple caution;
- false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
- authorised officers have been intentionally obstructed in the lawful course of their duties.

The Council will also consider prosecution where it is appropriate to draw attention to the need for compliance with the law and to deter others.

This is not an exhaustive list and the council acknowledges that there may be occasions where the above factors may be present but where the public interest does not require a prosecution.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

6.9 Refusal/Suspension/Revocation of Licences

The Council issues a number of licences and permits. It also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation, suspension or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

6.10 Explanation of how decisions are made on enforcement action

The principles set out in the McCrory Review, will influence the choice of enforcement action. In accordance with these principles the actions should:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- aim to deter future non-compliance.

6.11 We will also ensure that risk assessment⁸ precedes and informs all aspects of our approaches to regulatory activity, including advice, support, enforcement and sanctions by assessing the risks to regulatory outcomes.

6.12 Our risk assessments framework will:

- be based on all available relevant and good-quality data.
- include explicit consideration of the combined effect of the potential impact of non-compliance on regulatory outcomes, and the likelihood of non-compliance.
- evaluate the likelihood of non-compliance, consider all relevant factors including, past compliance records and potential future risks, the existence of good systems for managing risks, evidence of recognised external accreditation, and management competence and willingness to comply.

6.13 Where national schemes or authoritative guidance for enforcement risk assessment exist we will base our assessments upon them where it is appropriate to do so:

- HSE's Enforcement Management Model

6.14 We will consult other organisations before taking enforcement decision, including consulting Primary Authorities where appropriate.

6.15 We will monitor and review decisions taken on enforcement action at:

- internal service meetings
- county/regional liaison meetings.

6.16 Explanation of how decisions are communicated to those affected

When we decide to take enforcement action we will:

- Clearly explain any advice, actions required or decisions that we have taken
- Discuss and agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next and offer practical information on the process involved
- Keep in touch with you, where required, until the matter is resolved

⁸ Section 3.2, [Regulators' Code](#)

7 Review of this policy

- 7.1 This policy will be reviewed regularly in response to feedback received. Minor amendments to the Policy will be approved by the Portfolio Holder for Environmental Health. If the Portfolio Holder believes the amendment is not minor he will defer approval to District Executive and instruct a full consultation with stakeholders be carried out.

The policy will be fully reviewed in 2020. At this time the Council will consult with stakeholders through business groups, the Council website and other relevant local contacts.

8 Comments and Complaints

8.1 Complaints and appeals

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way.

We manage complaints about our service, or about the conduct of our officers, through the Council's Corporate Complaints Policy.

Details can be found at www.southsomerset.gov.uk/contact-us/making-a-complaint or by telephone 01935 462462.

8.2 Feedback

We value input from you to help us ensure our services and policies are meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time.

Details on how you can provide feedback to us can also be found at www.southsomerset.gov.uk/contact-us/making-a-complaint or by telephone 01935 462462.

Any compliments, comments and complaints that we receive will be acknowledged, considered and responded to.

South Somerset
District Council
Environmental
Protection
Enforcement Policy
2015 - 2020

Incorporating the Regulators'
Code

Environmental Health Service

Introduction

1. SSDC recently produced the Regulatory Services Enforcement Policy document 2015-2020 that covers all enforcement activity of the council but mostly focusses on the work of the Environmental Health service. This is an overarching document giving broad guidance to all departments concerned. Separate to that policy, this policy document has been produced which gives more specific detailed advice covering the work of the Environmental Protection Unit
2. In May 2014 an audit was carried out of SSDC's Streetscene Enforcement function, which is now part of the Environmental Protection Unit , which recommended that the existing Streetscene Enforcement policy was updated to reflect the latest developments concerning Streetscene offences. This policy document meets that aspiration.
3. This policy document provides operational detail and policy guidance to officers in relation to enforcement options and various environmental offences dealt with by the Environmental Protection Unit. This policy should be read in conjunction with the SSDC Enforcement Policy 2015-2020 referred to above.
4. All officers in the Environmental Protection Unit are fully trained in enforcement procedures and receive regular update training. All authorised officers will act in accordance with this policy and refer to this policy when making enforcement decisions.

Status of Policy

5. Section 6 of the Regulators' Code¹ sets out Government's expectation that Local Authorities will ensure that their approach to their regulatory activities is transparent. The provisions of section 6 includes an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes their enforcement policy, explaining how they respond to non-compliance.

¹For further information on the Regulators' Code visit BRDO's website: www.gov.uk/government/publications/regulators-code

When does this policy apply?

6. This policy applies to the work of the Environmental Protection Unit of the Council. This service encompasses numerous powers and duties that enable the control of behaviour of individuals and/or businesses in the interest of public health and the environment.
7. Enforcement activities will include any action carried out in the exercise of statutory powers and duties. This is not limited to formal enforcement action such as prosecution or the issuing of Notices. It also includes the inspection of premises for the purpose of checking compliance with regulation or permitted conditions and the investigation of complaints.

How are decisions made?

8. A range of enforcement options are available for each offence. The case officer dealing with a situation will act on his own initiative in routine/straightforward cases. In more complex cases he/she will liaise with the Principal EHO and/or the Legal department depending on the circumstances. Any cases recommended for simple caution or prosecution will be presented to legal services for comment and review prior to proceeding being instigated.
9. All options may not be available for all offences and officers will ensure the option applied is the most relevant to the offence in question. Given below are examples of some of the core areas of work we deal with and the procedures we adopt when taking enforcement action when dealing with them. Many of the procedures we use and copies of the relevant paperwork can be found on the RIAMS (Regulatory Information and Management System) website. www.riams.org. In addition further information on enforcement and case law can be found in the Environmental Health Encyclopaedia by Sweet & Maxwell and environmental health Procedures by W H Bassett.

Examples of Core offences:

The Environmental Protection team deal with a wide variety of legislation and offences. Some of these are rarely used and will be dealt with on a case by case basis. It is not practicable to give examples of all areas of enforcement work, there are however a number of core legal provisions and offences that the team regularly deal with and some examples of these are summarised below:

Statutory Nuisances

Dealt with under the Environmental Protection Act 1990 sections 79 to 81.

This covers a range of matters which cause significant interference with the normal use and enjoyment of someone else property, for example noise or dark smoke, can be classed as a statutory nuisance. An abatement notice can be served to deal with such nuisances. An offence is committed if such a notice is not complied with. Options available are:

Written Warning

Notice – abatement

Seizure and forfeiture of equipment

Simple caution

Prosecution

Officers will follow procedures to gather evidence to determine if a statutory nuisance exists. Each case will need to be considered on its merits and officers will have regard to the severity and impact of the nuisance, it's the frequency and duration as well as any attempts to rectify the situation in their decisions. In most domestic nuisance cases a warning letter will be sent in the first instance. Further nuisance will usually result in the service of an abatement notice in line with legal requirements.

In most commercial cases an abatement notice will usually be served unless agreement is reached within seven days for action to abate the nuisance. Continued nuisance following a notice is an offence. This will usually result in further enforcement which will again be dependent on the severity and impact of the nuisance and the frequency and duration and any attempts to rectify the situation. Seizure of equipment will normally only be considered for domestic cases of loud music where seizure of noise making equipment is considered the most expedient way of abating the nuisance.

Environmental Permits

Dealt with under the sections 20, 22, 36 to 38 Environmental Permitting Regulations 2010.

A range of process types, set out in the Environmental permitting (England and Wales) Regulations 2010, are required to have an environmental permit in order to operate. Operating without a permit is an offence. These permits set out conditions to control environmental impacts. Non-compliance with permit conditions is also an offence.

Options available:

Inspection report/written warning

Notices – enforcement, variation, suspension and revocation

Simple caution

Prosecution

Officers will inspect permitted processes for compliance with their permit conditions and issue inspection reports accordingly. Minor and advisory matters will be dealt with through the report. Significant e.g. emission limit breach, or repeated technical breaches e.g. failure to provide requested information, of permit conditions will usually result in service of an enforcement notice.

Any matter likely to result in risk of serious pollution will normally result in the service of a suspension notice. Variation notices will normally be used to change permit conditions. Revocation notices will normally only be used where a process ceases to operate or for continued non-payment of subsistence charges.

Private Water Supplies

Dealt with under the Private Water Supply Regulations 2009 regulations 14 to 20, and water Industry Act 1991 section 80 to 82.

Local authorities are required to monitor and risk assess private water supplies. Where these present a danger to health notices can be served. Non-compliance with such a notice is an offence. Options available are:

Inspection/risk assessment report

Notices – reg18, section 80

Simple caution

Prosecution

Officers will monitor and risk assess private water supplies in accordance with legal requirements. Minor and advisory matters will be dealt with through the risk assessment report and advisory letters. Where there is a potential danger to human health a regulation 18 notice will normally be served.

Non-compliance with the notice is an offence and will usually result in further enforcement action, either works in default, formal caution or prosecution depending on the circumstances. Where the private water is deemed to be unwholesome and/or insufficient and remedial action is not being taken by the relevant person(s), a section 80 notice will normally be used.

Prevention of Damage by Pests

Dealt with under the Prevention of Damage of Pests Act 1949, section 4

Local authorities can deal with any accumulations of rubbish etc. that give harbourage to rats.

Options available are:

Written warning
Notices
Simple caution
Prosecution

Normally a written warning would be issued in the first instance of action required under this legislation. However, for reasons of expediency or severity it may be necessary to issue notices without prior warning being given. Non-compliance with a notice is most likely to be dealt with by undertaking works in default and recovering costs. Other enforcement will be considered for repeat or serious offences.

Illegal deposit of waste and duty of care (Fly-tipping)

Dealt with under Environmental Protection Act 1990, sections 33 and 34. Local Authorities can deal with fly tipping

Options available are:

Written warning
Fixed penalty notice for non-production of correct paperwork
Simple caution
Prosecution

Where evidence is obtained that an offence of the illegal deposit of waste has been committed and the case meets the tests for prosecutions a prosecution file will be prepared. Depending on the seriousness of these offences either a Simple Caution may be issued or a prosecution case may be taken forward. In deciding whether to prosecute we consider whether he/she has made attempts to act in good faith to dispose of waste. Where a person has failed to produce documents required by the authority for the transfer of waste etc. then a fixed penalty notice may be issued. This will normally only be done if it is considered more proportionate than a prosecution having considered the circumstances and the evidence available.

Dog fouling

Dealt with under the Clean Neighbourhoods and Environment Act 2005 section 59

Options available are:

Written warning
Fixed penalty notice
Simple caution
Prosecution

South Somerset has a Dog control Order in place which creates an offence to not pick up dog foul in designated areas. Where a person is witnessed not picking up dog waste then normally they will be asked to do so. If this request is not complied with evidence will normally be gathered and a Fixed Penalty Notice(FPN) will be issued. Where an FPN is not paid or where there is a repeat offence then a prosecution file will be prepared. This may result in a Simple Caution being issued or a prosecution case being taken forward.

Enforcement action-dealing with those affected

10. When we decide to take enforcement action we will:

- Clearly explain any advice, actions required or decisions that we have taken
- Discuss and agree timescales that are acceptable to those concerned and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next and offer practical information on the process involved
- Keep in touch with those concerned where required, until the matter is resolved

Comments and Complaints

Complaints and appeals

11. Where we take enforcement action, there is often a statutory right to appeal. We will always tell those concerned about this at the appropriate time. We are always willing to discuss with those concerned the reasons why we have acted in a particular way, or asked them to act in a particular way. We manage complaints about our service, or about the conduct of our officers, through the Council's Corporate Complaints Policy. Details can be found by telephoning 01935 462462.

Feedback

12. We value input from you to help us ensure our services and policies are meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time. Any compliments, comments and complaints that we receive will be acknowledged, considered and responded to.

Agenda Item 8

Proposed leasing of 80 South Street, Yeovil, BA20 1OT

Executive Portfolio Holder: Cllr Ric Pallister, Leader, Strategy & Policy
Cllr Henry Hobhouse, Property & Climate Change
Strategic Director: Vega Sturgess, Strategic Director (Operations & Customer Focus)
Assistant Director: Laurence Willis, Assistant Director (Environment)
Lead Officer: Alasdair Bell, Environmental Health Manager
Contact Details: Alasdair.bell@southsomerset.gov.uk or 01935 4620560

Purpose of the Report

The purpose of this report is to seek members approval to lease 80 South Street, Yeovil BA20 1OT to two local developers with whom SSDC have worked with in the past.

Forward Plan

This report did not appear on the District Executive Forward Plan as a report had previously been submitted to District Executive in April 2014 and it was anticipated that the building would have been undergoing renovation by now. This is a follow up report as the previous scheme has been unsuccessful.

Public Interest

This report concerns the potential leasing of a prominent listed building in Yeovil owned by SSDC to two local developers of rented accommodation.

Recommendations

That District Executive approve:

1. The granting of a full repairing lease for 15 years to two local developers for 80 South Street, Yeovil BA20 1OT for conversion into four one bedroom flats in accordance with the rental value and conditions set out in this report.
2. That SSDC will retain nomination rights for the occupiers of the new flats with preference going to key workers and that the rent values will be set at Local Housing Authority (LHA) rental rates.
3. That the annual rental difference of £2,430 from the previous proposed scheme be found from the general fund for 2015/16 and added to the medium term financial plan for future years.

Background

80 South Street is a prominent listed building in the centre of Yeovil. It has been empty for several years and all attempts to rent it commercially or to interest a Registered Provider (RP) in renovating it for letting have been unsuccessful. In 2014, the Executive agreed to market the property for freehold disposal at a value of £175,000. The best offer received was £150,000, which was declined at that time because by then the council was considering the property for a project which incorporated a Day Centre. The property was not further marketed for a commercial tenant, or freehold disposal, either during the Day Centre project or since that project ended.

At the District Executive meeting held in April 2014 it was resolved that the property would be converted into accommodation and a Day Centre and be leased to a social Landlord, one of our local partner Registered Providers (RP). That RP has since pulled out of negotiations and with the recent changes made to the operating model for RPs, it is unlikely that it or any of our other RPs would be interested in the project again. All our other partner RPs were subsequently also offered and declined the offer of getting involved with the property.

After receiving confirmation that the Day Centre project was no longer proceeding, SSDC advertised in the Western Gazette for developers who might have been interested in taking on the residential conversion of this property. Two responses were received, one from two local developers who have worked in partnership with SSDC in the past and one from a local not for profit charity who also specialise in social housing provision. Having viewed the property, the not for profit charity has decided that the project was too extensive for them and they are no longer interested. This left the two local developers (potential tenants)

Report

Discussions have taken place with potential tenants and the following proposal has been brokered. The property will be leased to them for 15 years on a full repairing lease for £6,000 a year (£500 per month). They have agreed to a break clause in year five of the lease and then yearly thereafter, following the service of 12 months notice on the leaseholder. This will give SSDC more flexibility over the future use of the building.

The property will be converted into four one bedroom flats, subject to planning permission.

Funding will be as follows;

1. Empty property grant funding from SSDC at £12,000 per flat x 4 = £48,000. This is the maximum that can be awarded per flat under the council's empty property grant scheme.
2. Wessex Home Improvement Loan (WHIL) funding of £15,000 (at 4% fixed rate) per flat x 4 = £60,000. This is the maximum that can be awarded under the WHIL scheme. This loan will not be secured against the property but other assets held by the interested party

Total build cost = £108,000. This figure has been agreed with the potential tenants and they are confident they can do the conversion within this budget and maintain the building in good condition for the rest of the duration of the lease period.

Rental income at LHA rates = £399.98 per one bed flat x 4 x 12 = £19,199.04 p.a.

Repayment of WHIL loan (180 months at £443.81 per month) = £5,325.72 p.a.

Lease cost for building payable to SSDC at £500 per month = £6,000 p.a.

Potential tenants maintenance costs/voids/ profit = £7,873.32 p.a.

During the conversion works it is possible that a rear access will need to be created from SSDCs neighbouring short stay car park. There is also a damp problem in the side wall that needs to be resolved on the eastern boundary with the same car park which will also require the temporary loss of a few spaces. It is proposed that these rights will be granted without any consideration for the potential loss of revenue from the temporary loss of these spaces

After completion of the conversion it is proposed that a new pedestrian gate will be created, under licence, from the southern boundary of the property out onto the neighbouring short stay car park. The access will be licenced so that it can be terminated in the event that SSDC considers alternative uses for its asset.

Advantages of this Proposal

- 80 South Street will be brought back into use and will no longer be a liability to SSDC.
- Four flats will be created that will greatly increase the asset value of the building giving SSDC the option to sell them at a later date should this be desirable.
- SSDC will have nomination rights to the building and four local households from the Housing Needs Register will be rehoused during the lease period at the LHA rate which will be below the open market rate.
- This project and ‘deal’ should not be looked upon purely in terms of economic return. The fact that the new flats will be let to local residents at LHA rates arguably puts it in the same position as new build projects which SSDC helps fund in partnership with Registered Providers to create affordable housing for rent-often at much greater cost.
- This represents good value for the council and is unlikely that a similar outcome could be achieved without spending considerably more money.

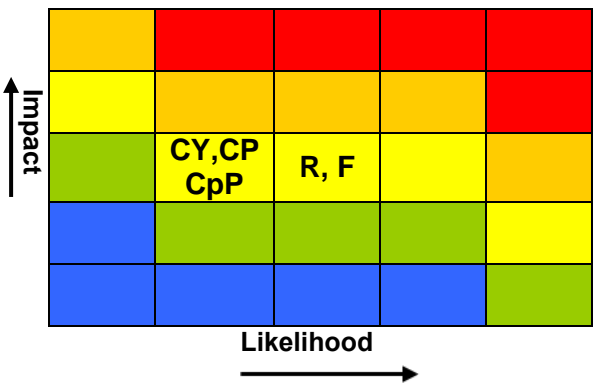
Financial Implications

In April 2014, District Executive noted the additional rent of £8,430 in relation to the Day Centre and related accommodation scheme proposed with the previous RP. When they (and our other RP partners) decided not to proceed it resulted in a potential loss to the MTFP of that amount. This revised proposal would go some way to mitigate that loss and generate a rental income of £6,000. This is a decrease of £2,430 from the previous scheme and therefore this amount would need to be found from the general fund for 2015/16, and added to the medium term financial plan for future years.

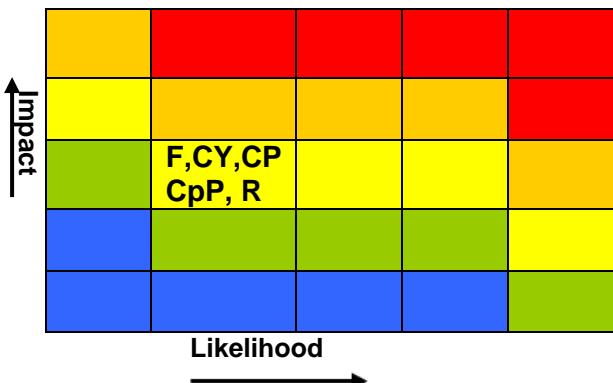
Had members decided to sell the property in 2014 when an offer was made, investing the sale price of £150,000 would have resulted in interest of £4,725 per annum over the longer term. This revised proposal with rental income of £6,000 per annum exceeds the value of any interest that would have been made.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours <i>(for further detail please refer to Risk management strategy)</i>
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

Homes - deliver appropriate housing for SSDC residents that match their income.

Carbon Emissions and Climate Change Implications

There will be significant carbon savings in refurbishing an old building as opposed to new build.

Equality and Diversity Implications

There are no adverse Equality policy or diversity implications to this report.

Privacy Impact Assessment

There are no adverse personal data implications to this report.

Background Papers

None

Agenda Item 9

Medium Term Financial Plan and Capital Programme Update

Executive Portfolio Holder: Councillor Peter Seib, Finance and Legal Services
Service Head: Donna Parham, Finance and Corporate Services
Lead Officers: Jayne Beevor, Principal Accountant – Revenues
Contact Details: Donna.parham@southsomerset.gov.uk or (01935) 462225

Purpose of Report

1. To update members of the current position on the Medium Term Financial Plan (Revenue Budgets for 2016/17 to 2020/21) and the Capital Programme.

Forward Plan

2. This report appeared on the District Executive Forward Plan for January 2016.

Public Interest

3. This report is an update on setting the Council's budget for the next financial year 2016/17 and beyond.

Recommendation

4. That the District Executive:
 - a) 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.
 - c) Approve in principle the additional budget pressures outlined in Appendix B.

Background

5. The Medium Term Financial Strategy and Medium Term Financial Plan report for the financial year starting in 2016/17 was presented to District Executive in October 2015 outlining the approach to balancing the budget. This report updates members of the current position and requests an "in principle" approval to enable officers to consult on individual savings proposals.

The Comprehensive Spending Review

6. The Spending review and Autumn Statement was announced on the 25th November 2015. There were a number of announcements that will affect SSDC's budgets going forward including:-
 - The removal of all Revenue Support Grant by 2019/20.
 - Local authorities to retain 100% of business rates.
 - Devolution of some costs in particular Housing Benefits administration.
 - A review of NHB – to be carried out in 2016 with a possible 4 year income stream rather than a one off in 2016 to save £800 million.

- Local government to be allowed to spend capital receipts on reform programmes.
- Councils will be allowed to cut business rates to boost growth and elected city-wide mayors allowed to raise them under certain circumstances.
- A social care precept may be introduced by local authorities who are responsible for social care. The precept will work by giving local authorities the flexibility to raise council tax in their area by up to 2% above the existing threshold for spend on adult social care.
- The Spending Review invests £1.8 billion in digital technology and transformation projects across the public sector over the next 4 years.

The Medium Term Financial Plan

7. Figures provided at this stage are still indicative and will continue to be amended until the budget is finalised in February 2016. Budget savings have been included to date and it is estimated that the budget for 2016/17 is balanced pending the final details being confirmed:-

	2016/17	2017/18	2018/19	2019/20	2020/21
	£'000	£'000	£'000	£'000	£'000
Base budget	17,389.6	16,904.1	16,156.7	16,023.9	16,142.0
Additional payroll requirement	593.9	401.2	390.9	168.0	158.8
Inflation allowance on contracts	8.9	211.4	215.6	220.0	224.4
Budget pressures	273.4	385.3	315.2	322.8	319.8
Change in Interest Receivable	(100.0)	0.0	0.0	0.0	0.0
Savings	(1,244.1)	(78.0)	0.0	0.0	0.0
Revenue effects of Capital Programme	71.8	130.7	95.7	40.0	40.0
Once-Off Expenditure	(89.4)	0.0	0.0	0.0	0.0
Total Budget Requirement	16,904.1	17,954.7	17,174.2	16,774.7	16,885.0
Financed by:					
Revenue Support Grant	1,679.8	799.6	270.3	0.0	0.0
Council Tax Reduction Scheme then passed to Town and Parish Councils	(314.1)	(103.7)	(35.1)	0.0	0.0
Business Rate Retention Base Line	3,360.0	3,420.0	3,520.0	3,640.0	3,700.0
Received/Confirmed New Homes Bonus	3,000.0	3,000.0	3,000.0	395.9	
Use of Revenue Balances for 2016/17	312.1				
Expected New Homes Bonus	0.0	0.0	0.0	2,604.1	3,000.0

Once-offs funded from revenue balances	48.0	0.0	0.0	0.0	0.0
Council Tax	8,923.9	9,040.9	9,268.7	9,502.0	9,741.0
Funding for the Somerset Rivers Authority	(105.6)	0.0	0.0	0.0	0.0
	16,904.1	16,156.7	16,023.9	16,142.0	16,441.0
Budget Shortfall	0.0	(1,798.0)	(1,150.3)	(632.6)	(444.0)

Assumptions Made

8. There are several assumptions in line with the MTFS as part of the overall estimates contained therein:

	2016/17	2017/18	2018/19	Notes
Inflation	contractual obligations	contractual obligations	contractual obligations	Assumes inflation remains below 2%
Council Tax	1.95% £2.88 per Band D	1.99% £3.00 per Band D	1.99% £3.11 per Band D	Assumes that remains broadly in line with inflation
Pay	1%	1%	1%	
Pensions	13.9% plus £1,040k	13.9% plus £1,240k	13.9% plus £1,440k	Assume employers contributions increases as per actuarial valuation
Investment Income	Base 0.5%	Base 0.5%	Base 0.5%	Assume earnings will be 1.01% for 2016/17. Interest rates may increase in 2016.
Revenue Support Grant	-38.0% -£1.03m	-52.4% -£0.9m	-66.2% -£0.5m	Based on provisional figures
Non-Domestic Rates	0.95% £31.6k	1.79% £60.0k	2.92% £100.0k	As per Government baseline
New Homes Bonus	£4.6m	£4.6m	£4.0m	Current estimates assuming no top slicing

Government Grants

9. The provisional grant for 2016/17 was announced on the 17th December. The figures show a £1.029 million (38.0%) reduction from 2015/16.

Savings

10. Savings plans are outlined in Appendix A. Members are requested to approve these in principle at this stage to enable any required consultation to take place.

Unavoidable Budget Pressures

11. Members are requested to approve in principle the unavoidable budget pressures attached at Appendix B.

Council Tax

12. The MTFP currently reflects an increase in council tax of 1.95% (£2.88 per Band D per annum) for 2016/17. The Government has made it clear in their funding plans for local government that there is an expectation of modest increases in council tax as part of an overall funding package. The Government has outlined that an increase greater than 2% will result in a local referendum.

Somerset Rivers Authority and Council Tax Impact

13. The Government has amended the Somerset Council Tax Levels to a notional amount to allow each of the Somerset authorities to raise 1.25% towards interim funding for the Somerset Rivers Authority. This enables the Somerset authorities to raise council tax for other service needs up to the referendum limits.
14. The intention is that the amount will then be reduced when the SRA becomes a separate precepting body. The amount raised by South Somerset will then transfer to the SRA to ensure that taxpayers are not in effect levied twice.

Council Tax Reduction Scheme

15. Members of the District Executive will be asked to approve the scheme for 2016/17 in January 2016. The Medium Term Financial Plan currently assumes the same number of recipients as at the end of November 2016 will continue into 2016/17. This reflects a further reduction in claimants and the estimated budget is £8.479 million compared to £9.012 million in 2015/16. This results in an expected reduction in costs of £0.533 million in 2016/17.
16. Unfortunately the announcement regarding the SRA was not received early enough to enable the tax base to be amended. If SCC and SSDC amend their council tax precepts to the maximum allowed (note SCC can raise a further 2% for adult social care) the additional costs of the CTRS is estimated to be £195,000.
17. The Government grant to support the Council Tax Reduction Scheme for local authorities and town and parish councils has been absorbed into Revenue Support Grant and cannot be identified separately. Members approved in October that £314,000 would be passported to Town and Parish Councils for 2016/17.
18. As the reduction in Revenue Support Grant has been frontloaded the reduction in grant to the Town and Parish Council will also reduce at a faster rate and the MTFP currently reflects that there will be no allocation by 2019/20.

Non-Domestic Rates

19. In 2013 the Government introduced Non Domestic Rate (NDR) Retention that passed some of the risks and rewards from NDR to local authorities. Each local authority must set a budget for the NDR they expect to retain and in South Somerset this has been delegated to the S151 Officer (Assistant Director – Finance and Corporate Services) because of the considerable time constraints in place. Central Government requires the budget to be set by the 31st January 2016.
20. Members agreed to pool NDR at full Council in December. All of the pool members are meeting up early in January to review the risks and early

estimates of the NDR1 calculations for each authority to check that pooling is still in the interests of the participating authorities.

New Homes Bonus

21. In October 2012 members agreed that New Homes Bonus would be mainstreamed as part of the overall funding package for SSDC services. This is because in effect it is top-sliced from Revenue Support Grant and then reissued as New Homes Bonus. SSDC has received a provisional figure of £4,658,223 for 2016/17. A consultation paper is currently in circulation proposing future reforms.

Car Parking Charges

22. At Full Council on Thursday 16th July it was “agreed to investigate a change to the Council Car Parking Policy to enable an initial free period of up to 2 hours of parking to be made available, where parking is currently charged at a timed rate”.
23. Officers have researched and investigated what might be the impact of applying an initial free period of up to 2 hours of parking for the short and medium stay car parks in Yeovil, Chard, Crewkerne, and Ilminster. They also considered the financial effect in towns where the council operate a parish or town financed free parking regime such as Castle Cary and Wincanton. Three main areas were considered as outlined below:-
 - **Financial modelling using South Somerset data to forecast financial impact.**
24. The current car parking income stands at £2.374m. The analysis indicates that implementing an up to two hours free parking scheme would result in a financial loss of between £1.2 and £1.5 m (a reduction of 53.5%). This would need to be added to the MTFP and therefore the savings requirement for 2016/17 would increase by a further £1.5 million to facilitate this. The capital costs of changing the machines and signage/advertising would be £20,000
25. The compilation of this report has required 30 hours of the Strategic Transport Officer, 60 hours of the Engineering and Property services officer and 7 hours of the Assistant Director Economy.
 - **The relevant policies in the South Somerset District Wide Car Parking Strategy (DWPS)**
26. The DWPS was reviewed and approved in April 2013. It acknowledges that charging is a vital element of managing car parks, and helps create compact and convenient town centres help match supply to demand by controlling duration of stay and turnover, which can have a positive effect on a town’s vitality.
27. A decision to implement a free parking would not require a further review of the Strategy as introducing an up to two hour free parking period accords with and is not contrary to any policy. However, there would be an impact on other aspects of the Strategy, such as the efficient use of long and short stay spaces, and the ability to reinvest in improvements to car parking.

- **A comparative impact analysis derived from the experience of towns in the UK where free car parking periods have been introduced.**

a) National Evidence

28. The national reports compiled by the Welsh government, The Association of Town & City Management & The British Parking Association and the RAC support 4 broad conclusions:
- There is a lack of robust evidence that can be used to link car parking strategies and town centre footfall.
 - Charging for car parking is one of a complex array of factors that can influence town centre vitality.
 - Town centre economies are highly localised and differ considerably. Parking strategies and charges need to be tailored to local areas to maximise the impact on footfall.
 - Car park charging should not be viewed in isolation from other factors (availability of parking, signage, and traffic flow) which affect willingness to drive in town centres.

b) Local Evidence

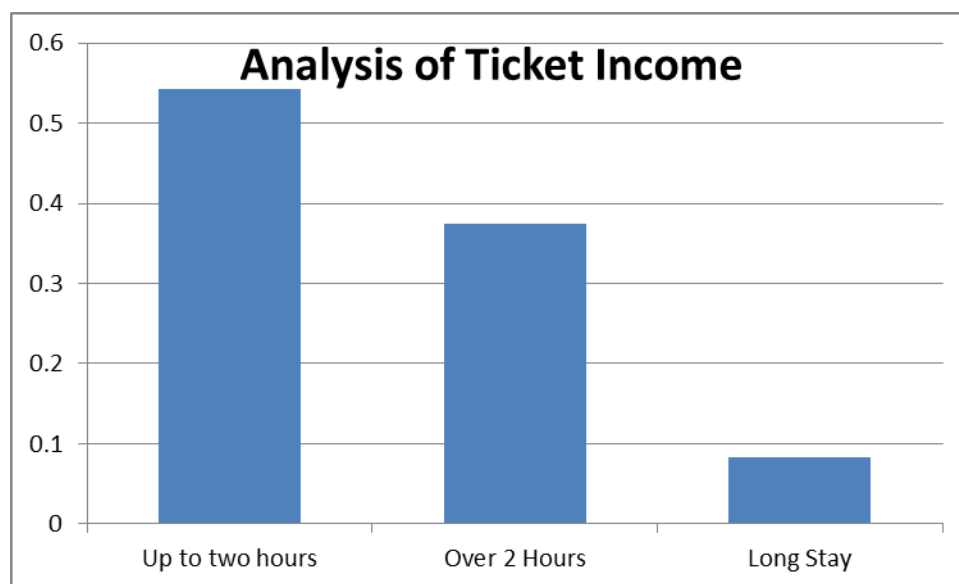
29. Some authorities that have introduced a free parking period have experienced a significant downturn in revenue. With 2 hours often being the most popular period of stay then this downturn has the potential to be considerable in South Somerset
30. There is a perception that reduced or free parking charges helps the high street, although it is very difficult to verify a direct link and a common theme of those consulted is that the actual town centre offer appears to have a greater bearing on the viability and vitality of a town centre than the tariff charged.
31. Any implementation of a free charging period should therefore be a targeted specific measure in a specific location that has been properly assessed to avoid an adverse effect on either the town centre or the revenue currently generated. It is also likely that should it subsequently prove to have an adverse impact, it would be very difficult to then remove what could still be a perceived benefit.

Other considerations

32. Before implementing such a scheme there are other considerations many of which would indicate an increased financial loss
- a) **Tariff Bands** – It is assumed that the existing tariffs for over 2 hours remain as they are now so in theory someone staying for an extra 1 hour over the 2 hour free period will be paying the existing 3 hour tariff and therefore not benefit from the first two hours free. The loss of income quoted above has been based on this assumption
 - b) **Tickets Machines** - The software in the 48 pay and display ticket machines across the district will have to be modified to enable the 2 hour free ticket to be issued. The cost of doing so is £292 per machine, total = £14,016

- c) Signage – The car park regulation notice boards will have to be changed to reflect the changes in free parking/tariffs and the cost of altering the signage will be £5,000.
 - d) Car park Orders – Any changes to the existing car park regulations/charges have to be advertised and a new off street car park order needs to be advertised as part of the consultation process, cost of advert and administration will be £1,000.
 - e) Incentive to stay longer than 2 hours – As indicated in point 1 above there is no incentive for the public to stay over and above the 2 hour free parking if the existing tariffs for over 2 hours remain in place. The only incentive would be to introduce new cheaper tariffs for 3 hours or more than those at present. The downside of this of course is that this would reduce the loss of annual income even further to that identified above.
 - f) Enforcement - Enforcement will be very difficult to implement and monitor. Unless vehicle registrations are noted there will be nothing to stop people returning to their car and obtaining another free 2 hour ticket or moving to another parking space in the car park or to another car park and obtaining a free ticket again. If the latter occurs it would be impossible to enforce due to logistics and time involved. The enforcement issues are a potential further loss of income over and above the figures quoted.
 - g) Displacement - The introduction of a free car parking period would have an impact on on-street car parking, especially (although not necessarily confined to) where charges are levied by SCC as drivers would be more likely to use SSDC's car parks instead. This displacement is likely to impact on the availability of spaces in SSDC's car parks at peak times.
 - h) Turnover of Bays - The impacts on turnover (positive or negative) would be dependent on the level of charges set for any subsequent period as indicated in point 5 above.
 - i) Impact on commercial providers of parking– At present the Quedam and the Yeo Leisure Centre generally reflect the car park charges and strategy this Council has in place for benchmarking initiatives. If free 2 hour parking is introduced this will have an impact on the viability of these commercial enterprises and their financial business plans.
 - j) Availability of income for reinvestment in car parks. The current operational budget uses a proportion of income allows for reinvestment and the car parking strategy policy Action PS14 suggests that the council will seek to reinvest a proportion of its car parking receipts to continually improve the parking experience through a variety of measures as indicated and as resources allow. A reduced receipt will reduce this opportunity and new measures such as pay on exit and new phone charging measures will need to be separately financed.
33. In conclusion whilst there is some evidence that footfall can increase with a free 2 hour parking period and also some evidence that measures such as the shop vacancy rate can improve, this is not a universal conclusion, and could equally or in part be due to the effect of town centre regeneration, new shops and other marketing initiatives.

34. In South Somerset 2 hours is the most popular period of stay therefore the loss in income has the potential to be considerable, and from the detailed work undertaken up to £1.5m per annum and £15m over a ten year period. The chart below shows clearly that the majority of income is from up to 2 hours. Currently there has been no provision made within the MTFP for a period of free parking given the financial impact it would have.



Public/Stakeholder Consultation

35. It is recommended that individual savings and additional income plans that are approved in principle are individually consulted upon where there is partnership, economic, or equalities issues to consider.

Budget Scrutiny

36. A report will be presented to Scrutiny Committee in January followed by a report to the District Executive and full Council in February 2016.

Diversity and Equality

37. Each saving put forward has been reviewed by the Equalities Officer to ensure that any impact the saving will have on diversity and equality has been assessed and to ensure that any issues are highlighted to members before a decision is made.

Capital Programme

38. New schemes will be presented to Members in February 2016.

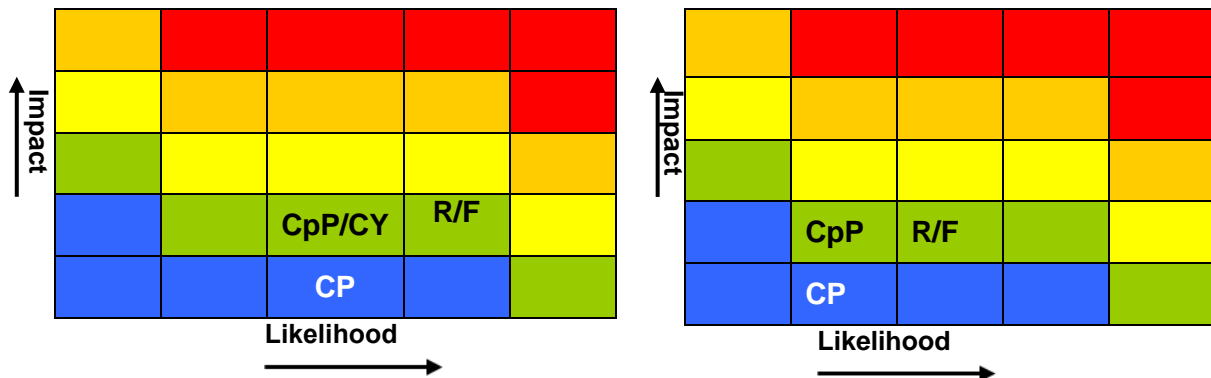
Next Steps

39. Work on the budget for 2016/17 will continue until February 2016. There are a number of issues and final adjustments outstanding:-

- A budget for NDR will be set in early January 2016;
- Confirmation of New Homes Bonus will be given in the middle of January 2016;
- Members will also review the results of consultation and equalities impacts of the savings outlined before approval in February 2016;
- Government Grants will be finalised by the middle of January 2016;
- The Council Tax Reduction Scheme will require approval in January 2016;
- The level of Council Tax will be approved in February 2016 and Council Tax surpluses in January 2016 as part of the MTFP;
- Use of Balances and final utilisation of NHB will be approved in February once the overall position of the MTFP is known.

Risk Matrix

Risk Profile before officer recommendations Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan	Orange = Major impact and major probability
Priorities	Yellow = Moderate impact and moderate probability
CP = Community Priorities	Green = Minor impact and minor probability
CY = Capacity	Blue = Insignificant impact and insignificant probability
F = Financial	

Background Papers

- District Executive Reports - February 2015
- October 2015
- Council Reports - February 2015

Appendix A**Savings & Additional Income**

	2016/17	2017/18	2018/19	2019/20	2020/21
	£'000	£'000	£'000	£'000	£'000
Operational Savings/ Economic Changes\Legislation Changes					
Closure of Resource Centre	(47.2)				
Democratic Services - Removal of members' pension	(6.6)				
Vacant Posts removed - Agreed by Management Board	(143.5)				
Further vacant posts	(108.2)				
Corporate training budget-Funding remains for £125 per person	(26.4)				
Local Strategic Partnership - Reduction in the contribution to reserve	(14.1)				
Sustainability - Hospitality & printing and stationery	(1.5)				
Land Charges - Savings in printing & stationery & postages	(1.5)				
Rights of Way - Savings in travel & advertising costs	(1.5)				
Legal - Savings in printing & stationery & postages	(0.5)				
HR - Savings in postage & long service awards	(1.0)				
Democratic Services - Savings in supplies & services	(14.2)				
Fraud - Salary savings	(11.7)				
Comm Health & Leisure - VAT savings at Yeovil Rec through revision to booking pro	(10.0)				
Area East - Savings in postages & telephones	(3.0)				
Area North - Savings in hospitality, postages & telephones	(1.5)				
Area West - Savings in postages & printing	(1.5)				
Area South - Savings in printing	(1.0)				
Transformation					
Savings in Housing once EDM implemented	(25.0)	(75.0)			
Income					
Dem Services - Burial recharge for administration work	(1.0)				
Waste - Increase in green bin take up	(40.0)				
Finance - Increased income through Crematorium fee increase	(100.0)				
Horti/Streetcleaning - Increased income from additional external work	(20.0)				
Horti/Streetcleaning - Sponsorship on vehicles	(2.0)				
Community Health and Leisure - Additional income at Yeovil Rec	(5.0)				
Welfare - Increase in Careline income	(10.0)				
Countryside - Additional income at Yeovil Country Park café	(10.0)				
Octagon - Increased ticket sales	(30.0)				
Legal - Increased fees	(7.0)				
Asset Management - Increased income from asset licences	(5.0)				
Economic Dev - Yeovil Innovation Centre additional income	(66.0)				
Museum - Sale of calendars	(2.5)				
Dev Control - Increased income from planning fees	(100.0)				
Property Services - Income from tenant towards security costs	(7.5)				
Area East - Income from room letting Churchfields	(1.0)				
Landcharges - Additional search fee income	(10.0)				
ANPR Scheme for car parks	(200.0)				
Assets					
HR - Transfer of Nursery to Mama Bears-variation in timing & value of savings	(1.6)				
HR - Further Nursery Savings	(7.2)	(3.0)			
Property Services - Tenant Lace Mill	(10.0)				
Property Services - New tenant Boden Centre	(5.0)				
Property Services - Churchfields nursery	(15.0)				
Env Health - Burial Recharge for managerial support	(10.8)				
Car Parks - Savings from transfer of Montacute car park	(1.0)				
Property services	(25.0)				
Property Services - Additional photovoltaics Brympton Way	(7.9)				
Contracts					
Strategic Management - Cessation of CEO contract	(88.7)				
Procurements savings in corporate printing and stationery	(10.0)				
Finance - Reduction in Audit Days	(10.0)				
Horti/Streetscene - Saving in diesel contract	(5.0)				
Sport & Leisure Facilities - Savings from Goldenstones Contract	(10.0)				
	(1,244.1)	(78.0)	0.0	0.0	0.0

**Appendix B
Budget Pressures**

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000
Already Approved					
Allowance for other new budget pressures	0.0	300.0	300.0	300.0	300.0
Waste additional properties	21.3	21.3	21.3	21.3	21.3
Replacement headsets for contact centre (budget required biennial)	(1.5)	1.5	(1.5)	1.5	(1.5)
Revs & Bens - Reduction in Housing Benefit Admin Grant re Benefit Fraud	77.1				
Investigation staff transfer					
Safer Somerset Partnership - Statutory activities	3.0				
Somerset Growth Board Contribution	4.6	0.0	(4.6)		
Westlands Complex - running costs		62.5			
New Budget Pressures					
Additional Bank Charges due to changes in fee structure for debit card payments					37.0
Reduced income from diversion & temporary closure orders					10.0
Termination of ICT support agreement with Yeovil CAB					4.0
Commutated sums ending at Bell Chase					9.0
Reduction in grant from Department of Works and Pensions					48.9
Reduction in charges to revenue for capital projects					60.0
Total Budget Pressures	273.4	385.3	315.2	322.8	319.8

Agenda Item 10

Community Right to Bid Quarterly Update Report

Executive Portfolio Holder: Cllr Ric Pallister, Leader of the Council, Strategy and Policy
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Helen Rutter, Communities
Lead Officer: Helen Rutter, Communities
Contact Details: helen.rutter@southsomerset.gov.uk (01963) 435012

Purpose of the Report

To inform members of the current status of the register of Assets of Community Value in South Somerset using the Community Right to Bid, for quarter three of 2015/16. The report also flags up our response to DGLG concerning the effectiveness of and issues arising from implementation of this duty.

Members are asked to consider and approve the adoption of a Compensation Scheme and Procedure for the Community Right to Bid.

Forward Plan

This is a standing quarterly report and it has appeared on the Executive Forward Plan with a presentation date of January 2016.

Public Interest

The Government is trying to provide communities with more opportunities to take control over the ownership and management of local assets. The Community Right to Bid came into effect on 21st September 2012 as part of the Localism Act 2011. It provides opportunities for voluntary and community organisations, as well as Parish Councils, to identify land and buildings which they believe to be important and which benefit their community. If they qualify, these can be placed on a Register of Assets of Community Value. If the asset comes up for sale, then in certain circumstances, an eligible community group can apply to be given time to make a bid to buy it on the open market.

Recommendations

That the District Executive:

1. agree the Council's 'Compensation Scheme and Procedure for the Community Right to Bid' at Appendix C.
2. note the report.

Background

In November 2012, District Executive agreed a process for considering nominations from communities to place assets onto the SSDC Register of Assets of Community Value. This was based on clear criteria set out in the Localism Act. When nominations are received, SSDC has 8 weeks to consider them and respond to the applicant.

The assessment of nominations is delegated to the relevant Area Development Manager in conjunction with the Ward Member(s) and Area Chair. The result of the assessment &

decision is presented to the relevant Area Committee for information. A quarterly report is presented to District Executive, also for information. Decisions about any SSDC owned properties will be brought to District Executive for decision.

Since the regulations came into force, SSDC has considered 30 completed nominations for the Register. Despite two appeals against registration all have been approved and placed on the Register of Assets of Community Value.

Recently Nominated Assets

Five further assets have been added to the Register during the period covered by this report

- Methodist Church – Stoke sub Hamdon
- All Saints Church – Yeovil Marsh
- Church Hall – Yeovil Marsh
- Johnson Sports & Social Club – Yeovil
- Great Lyde Inn - Yeovil

Current Overview

During consideration of the quarterly reports in July and October 2015 concerns were expressed by the Executive regarding the effectiveness of this legislation and the disappointment felt by communities unable to secure wanted community assets. A letter was sent to DCLG by the Leader, expressing these concerns and asking if a review of the Community Right to Bid's effectiveness is in hand. A response was received on the 4th September from the Secretary of State drawing our attention to an online Survey Monkey questionnaire being undertaken by the DCLG, inviting the council to submit a response.

The questionnaire was completed on behalf of the council in consultation with Cllr's Ric Pallister and Angie Singleton. A text version of the council response is attached at Appendix A.

Work has been done on bringing the Register of Assets of Community Value up to date with the addition of key dates. A copy is attached at Appendix B.

Work has also commenced during this period to review our current processes and associated documentation in order to improve their effectiveness. This will continue into the early part of next year. Once the review has been completed details will be reported to members in April 2016.

Of the 30 registrations in South Somerset:

- a) 15 are village pubs/clubs; six former school properties or playing fields, two churches and a church hall, a car park, a Sports and Social Club, a former Youth Centre with the remainder being predominantly open spaces.
- b) Of the 30 nominations, 25 have come from parish or town councils.
- c) One asset has been transferred to the Parish Council using the county council's asset transfer process.
- d) One asset on the register was designated as exempt from the moratorium at the point of its first disposal, it remains on the register.

- e) To date no registration has resulted in a successful community bid.

As of April 6th 2015 the legislation has been amended so that pubs nominated to be included on the Local Authority's list will require planning permission to be demolished or converted to any other use. In effect existing permitted development rights will be removed for pubs listed as ACVs for as long as the pub is on the Local Authority's list. The new regulations can be summarised as follows:-

- All pubs listed as ACVs (including those already listed) will require planning permission prior to any change of use or demolition. This protection applies from the date of nomination and applies for the duration of the period the asset is listed (usually five years).
- If the building is nominated, whether at the date of nomination or on a later date, the Local Authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.
- The Local Authority has 56 days to confirm whether the pub is listed or nominated. This means that the owner cannot change use or demolish a pub lawfully within the prescribed 56 day period.

Compensation Scheme and Procedure for the Community Right to Bid for South Somerset District Council

In November 2012 District Executive were informed that the details of how the local authority must deal with compensation claims are set out in the Regulations and that it is up to the council to determine its own policy on what it will have to pay for, and the amounts payable, in respect of any claims. At the time it was noted that a further report would be brought to District Executive in due course to adopt a suitable policy.

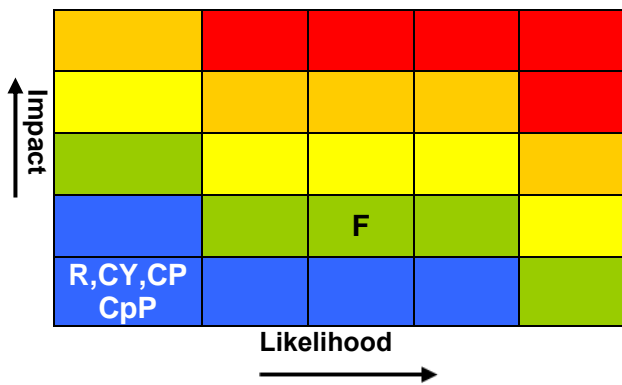
A draft policy and procedure has been produced and it is now necessary to adopt this in view of having received our first request for the details of the compensation scheme in respect of the listing of Barrington Primary School ACV24 on our Register of Assets of Community Value. The draft Compensation Scheme and Procedure, attached at Appendix C, has been drawn up by the Solicitor to the Council in accordance with the framework provided by Regulations in the Act.

Financial Implications

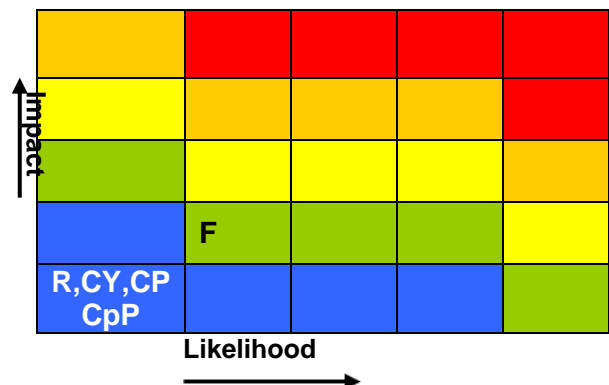
- There are none at this point in time. Initially DCLG provided some new burdens funding but from 2014/15 onwards any costs incurred through the compensation mechanism must be absorbed into the authorities' own finances.
- Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. Such claims must supply proof of eligible costs. Government recognises this as a potential risk to local authorities and provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

Evaluate the overall requirements of the Government’s Localism legislation and work with communities to develop plans for their community.

Carbon Emissions and Climate Change Implications

None in relation to this report.

Equality and Diversity Implications

None in relation to this report.

Privacy Impact Assessment

None in relation to this report.

Background Papers

- Localism Act 2011
- District Executive Agenda and Minutes November 2012;
- Assets of Community Value (England) Regulations 2012 Statutory Instruments 2012 n.2421;
- District Executive Agenda and Minutes August 2013; December 2013; September 2014; December 2014; March 2015; July 2015; October 2015
- Nomination Forms received

Community Right to Bid - Your views on the transfer of listed assets

* 1. Which Local Authority are you based in?

South Somerset District Council

* 2. How many assets of community value have been listed by your local authority since the asset register was opened?

25

* 3. How many of these assets have triggered the initial 6 week moratorium?

9

* 4. How many of these assets have triggered the full 6 month moratorium?

5

* 5. What happened to those assets once the 6 month moratorium was complete?

(For example were they sold to the community/parish who listed them? Was the use of the asset changed?) We have provided space for five moratorium examples from your register in response boxes below

Asset 1 RECREATIONAL SPACE - Town council is in discussion with site owner (the Environment Agency) to acquire asset.

Asset 2 WORKING MEN'S CLUB - No community bid was submitted within the 6 month moratorium period. Site has been sold and planning consent given for conversion to residential.

Asset 3 CONSTITUTIONAL CLUB - Asset exempt due to being in receivership. Agent appealed against listing and obstructed local interest. Now under new ownership and seeking consent to convert to residential.

Asset 4 PUB - A fully worked up community bid was unsuccessful despite a robust and fully funded offer at the market price. Pub was sold as a going concern and is due to reopen as a pub following refurbishment.

Asset 5 PUB - A fully worked up community bid was bid was unsuccessful. Community's bid deemed unacceptable by owner who accepted a higher offer from buyer who intends to reopen as a pub.

* 6. For assets of community value which were sold to the community after the 6 month moratorium, what factors contributed to the sale going through? Please feel free to mention specific factors for particular assets - mentioned in response to the previous question.

Two assets (a school and school field) that were registered by the Parish Council were not put on the open market, but one was sold and the other leased to the community utilising the County Council's Asset Transfer policy.

- * 7. For assets which were not sold to the community after the 6 month moratorium was triggered, what factors contributed to the sale not going through? Please feel free to mention specific issues for particular assets.

Owners initially resented the registration. This resulted in the Community's bids being treated unfavourably (two pubs).

- * 8. Based on your experience of Community Right to Bid, would any of the following factors enable communities to acquire assets they have nominated - if they were put up for sale?

Extending the moratorium period to more than 6 months)

Providing better sign posting to groups to help and advice available

Providing support or advice to groups on how to engage with the vendors of the property

Providing more support or advice on securing the necessary finance

Setting a clear reserve price for buyers to meet ✓

Other (please specify) **The most important factor would be offering the community First Refusal against a clear reserve price.**

- * 9. Could you tell us about any successful bids which could be seen as examples of good practice in your area?

N/A

- * 10. Do you have any other comments on how the Community Right to Bid could be made more effective?

The council's Executive has concerns about the costs and benefits of this Right which currently appears not to be achieving the outcomes that the Government had intended.

A number of communities have found it difficult and frustrating to hold meaningful discussions about community property acquisition with owners and agents when these are put onto the market.

In some instances work has gone into developing a strong community business case and finance, but ultimately the community option has been unsuccessful.

The pub chains and proprietors haven't really embraced the spirit of this legislation. We appreciate that this is a "Community Right to Bid" not a "Community Right to Buy", as enshrined in the legislation.

The lack of teeth for the community i.e. no first right of refusal on the property concerned, seems to us to be a weakness in the legislation.

**South Somerset District Council
Register of Assets of Community Value**



APPENDIX B

Reference	Nominator (name of group)	Name, address and postcode of property	Date entered on register	Current use of property/land	Proposed use of property/land	Date agreed by District Executive or date of Area Committee decision	Date SSDC received notification of intention to sell	Date of end of initial moratorium period (auto-fill ie.6 weeks after date of notification to sell is received)	Number of Expressions of Interest received	Date of end of full moratorium period (auto-fill ie.6 months after date of notification to sell is received)	Number of written intentions to bid received	Date for Review	Reason for review	Date to be removed from register (auto-fill ie. 5 years after listing)
ACV1	Kingsdon Parish Council	Kingsdon Primary School School Lane Kingsdon Somerton Somerset TA11 7JX	05/04/2013	Unoccupied	Community café & multi-functional community facility	04/04/2013	01/07/2014	11/08/2014						05/04/2018
ACV2	Kingsdon Parish Council	Fomer Kingsdon Primary School playing field Mow Barton Road Kingsdon Somerton Somerset TA11 7JX	05/04/2013	Closed but used by residents for informal sports	Village consultation underway	04/04/2013	15/01/2014	25/02/2014	1		1			05/04/2018
ACV3	Barrington Parish Council	Barrington Oak Public House Main Street Barrington Ilminster Somerset TA19 9JB	10/05/2013	Licensed public house	Licensed public house	09/05/2013	27/01/2014	07/03/2014						10/05/2018
ACV4	Langport Town Council	Cockle Moor Off Parrett Close Bow Street Langport Somerset TA10 9PR	05/07/2013	Recreational space	Recreational space	04/07/2013	01/11/2013	13/12/2013	1	30/04/2014	1			05/07/2018
ACV5	Compton Dundon Parish Council	Former School Playing Field School Lane Compton Dundon Somerton Somerset TA11 6TE	01/08/2013	Not used	Community Allotments	01/08/2013								01/08/2018
ACV6	Dinnington Parish Council	The Dinnington Docks Dinnington Hinton St George Somerset TA17 8SX	21/08/2013	Public House	Not known - would like it to remain as village pub	21/08/2013								21/08/2018
ACV7	Montacute Parish Council	Montacute Working Mens Club & Associated Land The Hall Bishopston Montacute Somerset TA15 6UU	04/11/2013	Working Mens Club	Village Hall	04/11/2013	04/11/2013	15/12/2013	1	03/05/2014				04/11/2018
ACV8	Combe St Nicholas Parish Council	Combe Wood Recreation Field Combe Wood Lane Combe St Nicholas Somerset TA20 3NJ	05/04/2014	Community Recreation Area	Community Recreational Area	05/04/2014								05/04/2019
ACV9	Queen Camel Community Land Trust	Mildmay Arms High Street Queen Camel Yeovil Somerset BA22 7NJ	28/05/2014	Public House	Public House	28/05/2014								28/05/2019
ACV10	Castle Cary Town Council	Castle Cary Constitutional Club Station Road Castle Cary Somerset BA7 7BY	13/06/2014	Constitutional Club	Private Club/Function House	13/06/2014								13/06/2019

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**South Somerset District Council
Register of Assets of Community Value**



Reference	Nominator (name of group)	Name, address and postcode of property	Date entered on register	Current use of property/land	Proposed use of property/land	Date agreed by District Executive or date of Area Committee decision	Date SSDC received notification of intention to sell	Date of end of initial moratorium period (auto-fill ie.6 weeks after date of notification to sell is received)	Number of Expressions of Interest received	Date of end of full moratorium period (auto-fill ie.6 months after date of notification to sell is received)	Number of written intentions to bid received	Date for Review	Reason for review	Date to be removed from register (auto-fill ie. 5 years after listing)
ACV11	Ash Parish Council	The Bell Public House 3 Main Street Ash Somerset TA12 6NS	11/07/2014	Public House	Public House with other community facilities	11/07/2014								11/07/2019
ACV12	Drayton Parish Council	Drayton Arms Church Street Drayton Langport TA10 0JY	25/07/2014	Public House	Public House in community ownership	25/07/2014	25/0714	04/09/2014	1	24/01/2015	1			25/07/2019
ACV13	Ilminster Town Council	Land known as the Hammerhead Access to Brittons Field & Wharf Lane Recreation Grounds Canal Way Ilminster Somerset TA19 0EB	16/07/2014	Access to recreation area	Access to recreation area	16/07/2014								16/07/2019
ACV14	Save our Kings Head.org	The Kings Head Church Street Merriott Somerset TA16 5PR	06/08/2014	Public House	Public House in community ownership	06/08/2014	19/08/2014	29/09/2014						06/08/2019
ACV15	Hinton St George Parish Council	Parking Area Green Street/Hinton Close Hinton St George Somerset TA17 8SQ	28/11/2014	Car park	Car park	28/11/2014								28/11/2019
ACV16	Hinton St George Parish Council	Lord Poulett Arms High Street Hinton St George Somerset TA17 8SE	28/11/2014	Public House	To be determined but ideally a public house	28/11/2014								28/11/2019
ACV17	Hinton St George Parish Council	School House & Playing Fields West Street Hinton St George Somerset TA17 8SA	28/11/2014	School & Playing Field	To be determined but ideally a school & playing field	28/11/2014								28/11/2019
ACV18	Streetspace South Somerset	Chard Young People's Centre Essex Close Chard Somerset TA20 1RH	28/01/2015	Youth & Community Club	Youth Club	28/01/2015								28/01/2020
ACV19	North Cadbury & Yarlington Parish Council	The Catash Inn High Street North Cadbury Yeovil Somerset BA22 7DH	04/02/2015	Public House and Bed & Breakfast	Public House	04/02/2015								04/02/2020
ACV20	East Chinnock Parish Council	The Portman Arms High Street East Chinnock Yeovil Somerset BA22 9DP	26/02/2015	Public House	Public House	26/02/2015	02/03/2015	10/04/2015	1	01/09/2015				26/02/2020
ACV21	Yeovil Dragons Community Association	The Green Dragon St Michaels Avenue Yeovil Somerset BA21 4LX	25/03/2015	Public House	Public House	25/03/2015								25/03/2020

**South Somerset District Council
Register of Assets of Community Value**



Reference	Nominator (name of group)	Name, address and postcode of property	Date entered on register	Current use of property/land	Proposed use of property/land	Date agreed by District Executive or date of Area Committee decision	Date SSDC received notification of intention to sell	Date of end of initial moratorium period (auto-fill ie.6 weeks after date of notification to sell is received)	Number of Expressions of Interest received	Date of end of full moratorium period (auto-fill ie.6 months after date of notification to sell is received)	Number of written intentions to bid received	Date for Review	Reason for review	Date to be removed from register (auto-fill ie. 5 years after listing)
ACV22	Gainsborough Community Interest Group	The Gainsborough Arms 74 Gainsborough Milborne Port Dorset DT9 5BB	27/03/2015	Public House	Public House	27/03/2015								27/03/2020
ACV23	Charlton Musgrove Parish Council	The Smithy Inn Charlton Musgrove Wincanton Somerset BA9 8HG	08/06/2015	Public House	Public House	08/06/2015	09/09/2015	20/10/2015	1	08/03/2016				08/06/2020
ACV24	Barrington Parish Council	Barrington Primary School Water Street Barrington Ilminster Somerset TA19 0JR	09/09/2015	School	Education & social opportunities	09/09/2015	05/11/2015	15/12/2015	1	04/06/2016				09/09/2020
ACV25	Barrington Parish Council	Barrington Primary School Playing Field Water Street Barrington Ilminster Somerset TA19 0JR	09/09/2015	School playing field	Community play space	09/09/2015								09/09/2020
ACV26	Stoke sub Hamdon Parish Council	Methodist Church West Street Stoke sub Hamdon Somerset TA14 6QG	03/12/2015	Community meeting facility	Community meeting facility	03/12/2015								03/12/2020
ACV27	Yeovil Without Parish Council	All Saints Church Yeovil Marsh Yeovil Somerset BA21 3QG	05/12/2015	Place of worship	Community use	05/12/2015								05/12/2020
ACV28	Yeovil Without Parish Council	Johnson Sports & Social Club Coronation Avenue Yeovil Somerset BA21 3DX	04/12/2015	Social club & sporting facilities	Social club & sporting facilities	04/12/2015								04/12/2020
ACV29	Yeovil Without Parish Council	Yeovil Marsh Church Hall Yeovil Marsh Yeovil Somerset BA21 3QG	04/12/2015	Village Hall	Village Hall	04/12/2015								04/12/2020
ACV30	Yeovil Without Parish Council	Great Lyde Inn 1 Cavalier Way Yeovil Somerset BA21 5UA	04/12/2015	Public house	Public house	04/12/2015								04/12/2020



Compensation Scheme and Procedure for the Community Right to Bid for South Somerset District Council

Under Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012, private landowners may claim compensation for loss and expense incurred as a result of their asset being listed or previously listed on the List of Assets of Community Value.

Under this scheme claims can be made for reasons including:

- Loss incurred arising from a period of delay in entering into a binding agreement to sell, which is wholly caused by a moratorium period.
- Reasonable Legal expenses incurred in a successful appeal to the First-tier Tribunal.
- Loss incurred as a result of the land being listed.

The Council will not consider any compensation claims that request the full market value. Following any moratorium period owners may proceed with the sale of the asset and therefore this is not a loss incurred. Claims can only be made for the actual loss, or the expense outlaid by owners, with a clear cause and effect relationship between the loss and the moratorium period or to the asset being listed. Any costs must be reasonably and justifiably incurred and directly relate to the listing.

A compensation claim must be made by the owner within the earliest of:-

- 13 weeks from the end of the appropriate moratorium period or
- the date when the land ceases to be listed, depending on the nature of the claim.

Claims must be made in writing, stating the amount of compensation sought and owners must provide full evidence to support the claim being made. **The responsibility of proving the claim falls on the owner.**

Claims should be sent to:

Assistant Director Communities
South Somerset District Council
Brympton Way
Yeovil
Somerset
BA20 2HT

Or to: communities@southsomerset.gov.uk

The Council will consider the validity of any claim made as soon as practical. Whilst there is no specified time limit for the Council to respond to claims, as it may take time to assemble all the necessary evidence and come to an informed decision, the Council will endeavour to reach a decision as quickly as practicable once all the evidence has been assembled. An Assistant Director in consultation with the Section 151 Officer (Assistant Director Finance & Corporate Services) makes decisions on compensation claims for the Council. Once a decision has been reached a written response will be provided to the owner giving reasons for the compensation decision.

If the owner is unhappy with the Council's decision on compensation, owners have the right to request an internal review within 8 weeks of receiving the written response. This review is conducted by a senior officer (Chief Executive, Corporate Director or Monitoring Officer) who was not involved in the original compensation decision in consultation with the Section 151 Officer (Assistant Director Finance & Corporate Services). If the owner continues to be unsatisfied following the outcome of an internal review, owners have the right to appeal to the First-Tier Tribunal, within 28 days of receiving the Councils' outcome of the internal review.

Owners should send their appeal in writing to the First-Tier Tribunal at:

Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
PO Box 9300
Leicester
LE1 8DJ

Or at GRC.Community.Rights@hmcts.gsi.gov.uk

This compensation scheme does not extend to public bodies defined as:

- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
 - Bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
 - Local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998
-

Monthly

Snapshot

Published by SSSDC Communications –
Tuesday 22 December 2015



- Countryside hosted the annual Christmas volunteer party for their dedicated practical volunteers and Friends group members. 60 volunteers attended; enjoying the quiz hosted by the Rangers and good food at the Muddled Man in West Chinnock. Over 2,400 days of practical work were donated by volunteers at the countryside sites in 2015, and £35,000 of grant income raised by the dedicated Friends Groups.
- £50,000 has been secured in principle from Badminton England by the Community Health and Leisure team, towards future sports hall improvements at the Westland Leisure Complex.
- Discover is hot off the press and is South Somerset's main tourist guide. It's hoped that the publication will build on last year's success, as 92% of tourist's surveyed used print as their key source of information whilst on holiday. Discover will be distributed in January via Take One, Tourist Information Centres and Local Information Centres.

Latest headlines:

- The winter edition of South Somerset News, the residents' newsletter from South Somerset District Council, is now available to download. Residents can view the latest newsletter online at <http://goo.gl/JG1aWk>.
- Funding of £5,000 from Devon & Somerset Fire & Rescue Service will help pay for the installation of 250 smoke alarms in Careline customers' homes in the next year. The grant has been awarded to increase safety in the homes of South Somerset District Council's (SSDC) Careline's customers. Find out more information about the scheme at <http://goo.gl/3i8qBZ>.
- Recently published Sport England data has shown a 5.8% increases in adult participation in sport and active recreation in South Somerset; the highest increase of any district over the 10 year recording period.
- For the fourth consecutive year, South Somerset District Council's Octagon Theatre has broken last year's Box Office record and 'Sleeping Beauty' is now officially the most successful pantomime in the history of the theatre. Over 25,114 tickets have been sold (as of Monday 21 December morning) and there are still plenty of tickets and time to purchase before the end of the pantomime season. A press release confirming the overall ticket sales will be distributed later in January.

Agenda Item 12

District Executive Forward Plan

Executive Portfolio Holder: Ric Pallister, Leader, Strategy and Policy
Assistant Director: Ian Clarke, Legal and Corporate Services
Lead Officer: Ian Clarke, Legal and Corporate Services
Contact Details: ian.clarke@southsomerset.gov.uk or (01935) 462184

1. Purpose of the Report

1.1 This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

2. Public Interest

2.1 The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

3. Recommendations

3.1 The District Executive is asked to:-

- I. approve the updated Executive Forward Plan for publication as attached at Appendix A;
- II. note the contents of the Consultation Database as shown at Appendix B.

4. Executive Forward Plan

4.1 The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

5. Consultation Database

5.1 The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged and the current consultation documents are attached at Appendix B.

6. Background Papers

6.1 None.

SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
February 2016	Leasing of 72 South Street, Yeovil	Portfolio Holder for Property & Climate Change	Assistant Director (Environment)	Alasdair Bell, Environmental Health Manager	District Executive
February 2016 February 2016	Adoption of the Revised County Wide Tenancy Strategy	Portfolio Holder for Strategy and Policy	Assistant Director (Economy)	Colin McDonald, Corporate Strategic Housing Manager	District Executive South Somerset District Council
February 2016	Westland Leisure Complex Progress Report	Portfolio Holder Leisure & Culture	Assistant Director (Health and Well-Being)	Steve Joel, Assistant Director (Health & Well-Being)	District Executive
February 2016 February 2016	South Somerset District Council - Future Management Options	Portfolio Holder for Strategy and Policy	Strategic Director (Place & Performance)	Vega Sturgess, Strategic Director (Operations & Customer Focus) / Interim Chief Executive	District Executive South Somerset District Council
February 2016 February 2016	Budget for 2016/17 and Capital Programme	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive South Somerset District Council
February 2016	Capital & Revenue Budget monitoring reports for Quarter 3	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
February 2016	Somerset Waste Board Business Plan	Portfolio Holder for Environment & Economic Development	Strategic Director (Operations & Customer Focus)	Vega Sturgess, Strategic Director (Operations & Customer Focus) / Interim Chief Executive	District Executive
February 2016	New Waste Collection Model	Portfolio Holder for Environment & Economic Development	Strategic Director (Operations & Customer Focus)	Vega Sturgess, Strategic Director (Operations & Customer Focus) / Interim Chief Executive	District Executive
February 2016	Asset Transfer - Castle Cary Market House, Castle Cary	Portfolio Holder for Property & Climate Change	Assistant Director (Environment)	Laurence Willis, Assistant Director (Environment)	District Executive
March 2016	District wide Grants - approval of funding for SSVCA and SSCAB	Portfolio Holder for Strategy and Policy	Assistant Directors (Communities)	Assistant Directors (Communities)	District Executive
March 2016	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Strategic Director (Place & Performance)	Andrew Gillespie, Performance Manager	District Executive
April 2016	Community Right to Bid Quarterly Update Report	Portfolio Holder for Strategic Planning (Place Making)	Assistant Directors (Communities)	Helen Rutter, Area Development Manager (East) / Assistant Director (Communities)	District Executive
April 2016	South Somerset Together Annual Update	Portfolio Holder for Strategy and Policy	Assistant Directors (Communities)	Chereen Scott, South Somerset Together Co-ordinator	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
May 2016	Capital & Revenue Budget monitoring reports for Quarter 4 (out-turn reports)	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive
June 2016	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Strategic Director (Place & Performance)	Andrew Gillespie, Performance Manager	District Executive

APPENDIX B - Current Consultations – January 2016

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p>Have your say on the future of Somerset bus services and bus pass use Somerset County Council is asking for views on proposed changes to bus routes and to its Discretionary Bus Pass Policy. There are two separate consultations and further details of each consultation can be found at:-</p> <p>www.somerset.gov.uk/concessionaryfareconsultation www.somerset.gov.uk/bussubsidysurvey</p>	Property & Climate Change	Assistant Director (Economy)	Portfolio Holder in consultation with officers	Nigel Collins	11 th January 2016
<p>National Planning Policy: consultation on proposed changes This consultation seeks views on specific changes to national planning policy to support delivery of new homes, including low cost homes for first time buyers.</p> <p>www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes</p>	Strategic Planning (Place Making)	Assistant Director (Economy)	Portfolio Holder in consultation with officers	David Norris	25 th January 2016
<p>Provisional local government finance settlement 2016 to 2017 and an offer to councils for future years This consultation invites the views of interested parties on proposals for the local government finance settlement for 2016 to 2017, and for the approach to future local government finance settlements.</p>	Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Portfolio Holder in consultation with officers	Donna Parham	15 th January 2016

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
www.gov.uk/government/consultations/provisional-local-government-finance-settlement-2016-to-2017-and-an-offer-to-councils-for-future-years					
<p>Consultation on the level of banded support for new solar PV under the Renewables Obligation</p> <p>This consultation sets out the Government's proposals for reduced support under the Renewables Obligation for solar PV up to 5MW, to apply from 1 June 2016.</p> <p>It also sets out the proposed eligibility criteria for the banding reduction exception that was announced in the government response to the consultation on changes to financial support for solar PV.</p> <p>www.gov.uk/government/consultations/consultation-on-the-level-of-banded-support-for-new-solar-pv-under-the-renewables-obligation</p>	Property and Climate Change	Assistant Director (Environment)	Portfolio Holder in consultation with officers	Keith Wheaton-Green	27 th January 2016
<p>New Homes Bonus: sharpening the incentive: technical consultation</p> <p>This consultation seeks views on options for changes to the New Homes Bonus to better reflect authorities' delivery of new housing.</p> <p>It also seeks views on reducing the number of years in which current and future payments are made.</p> <p>https://www.gov.uk/government/consultations/new-homes-bonus-sharpening-the-incentive-technical-consultation</p>	Finance and Legal Services / Strategy and Policy	Assistant Director (Finance and Corporate Services)	Portfolio Holder in consultation with officers	Donna Parham	10 th March 2016

Agenda Item 13

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the District Executive will take place on **Thursday, 4th February 2016** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

Agenda Item 14

Exclusion of Press and Public

The Committee is asked to agree that the following item (agenda item 16) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3:

“Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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