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South Somerset District Council

Notice of Meeting



South Somerset District Council

Making a difference where it counts

Thursday 5th March 2015

7.30 pm

Council Chamber Council Offices Brympton Way Yeovil BA20 2HT

(disabled access is available at this meeting venue)



All members of Council are requested to attend the meeting:

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox, Democratic Services Manager**

This Agenda was issued on Wednesday 25 February 2015.

lan Clarke, Assistant Director (Legal & Corporate Services)



South Somerset District Council Membership

Chairman: Mike Best Vice-chairman: Carol Goodall

Cathy Bakewell
Mike Beech
Dave Bulmer
John Calvert
Tim Carroll
John Vincent Chainey
Tony Capozzoli
Pauline Clarke

Pauline Clarke
Nick Colbert
John Dyke
Tony Fife
Marcus Fysh
Nigel Gage
Jon Gleeson
Dave Greene
Anna Groskop
Peter Gubbins
Brennie Halse
Henry Hobhouse
Tim Inglefield

Andy Kendall
Jenny Kenton
Mike Lewis
Pauline Lock
Tony Lock
Ian Martin
Paul Maxwell
Nigel Mermagen
Graham Middleton

Roy Mills
Terry Mounter
David Norris
Graham Oakes
Sue Osborne
Patrick Palmer
Ric Pallister
Shane Pledger
Wes Read
David Recardo
John Richardson

Ros Roderigo Jo Roundell Greene

Sylvia Seal Gina Seaton Peter Seib Angie Singleton Sue Steele Paul Thompson Kim Turner Andrew Turpin Linda Vijeh Martin Wale Barry Walker Lucy Wallace William Wallace Nick Weeks Colin Winder **Derek Yeomans**

Information for the Public

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

Members of the Public are able to:-

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

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

The agenda, minutes and the timetable for council meetings are published on the Council's website – www.southsomerset.gov.uk

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

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

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

South Somerset District Council – Council Aims

Our key areas of focus are: (all equal)

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

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South Somerset District Council

Thursday 5 March 2015

Agenda

1. Apologies for Absence

2. 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.

3. 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.

4. Chairman's Announcements

Items for Discussion

- 5. Retail Relief from Business Rates (Pages 1 4)
- 6. Adoption of the South Somerset Local Plan (2006 2028) (Pages 5 9)
- 7. Appointment of Representative to the Somerset Waste Board (Page 10)
- 8. Motions (Page 11)
- 9. Questions Under Procedure Rule 10

No questions were submitted by Members under Procedure Rule 10.

10. Date of Next Meeting (Page 12)

Retail Relief from Business Rates

Lead Officer: Ian Potter, Revenues and Benefits Manager

Contact Details: ian.potter@southsomerset.gov.uk or (01935) 462690

Purpose of Report

To request that Full Council agree the implementation of the Business Rates Transitional Rate Relief for the 2015/16 and 2016/17 financial years and to inform members of an increase in the Retail Relief in relation to Business Rates for the 2015/16 financial year (second and final year of this relief).

Also to advise members that the enhanced Small Business Rate Relief has been extended for a further year and to request that members note the government's views on rate relief for childcare providers and the proposed SSDC response.

Public Interest

The purpose of rate relief is to reduce the amount of business rates payable in any given financial year.

There is a range of reliefs available each with a set of qualifying criteria. This report looks at three of those reliefs.

Recommendations

That Council:

- (a) agrees to use its discretionary powers to award Transitional Relief in accordance with Government guidance;
- (b) notes that the Retail Relief limit has been increased from £1,000 to £1,500 for 2015/16:
- (c) notes that the enhanced Small Business Rates Relief Scheme has been extend for a further year;
- (d) notes the government's views on rate relief for childcare providers.

Background

The Rating List produced by the Valuation Office agency and which contains details of the Rateable Value to be used in calculating the level of business rates payable normally lasts for a five year period. The current Rating List which came into effect on 1 April 2010 has been extended to a period of seven years, ending on 31 March 2017.

The Rateable Value of any given business rates hereditament can go up or down when the revaluation for each new rating list takes place. To provide some protection from large increases a Transitional Relief Scheme for small and medium size businesses phases in those increases over a number of years.

Transitional Relief

The Transitional Relief Scheme was introduced in 2010 to help those ratepayers who were faced with higher bills. The scheme ends on 31 March 2015 and as a result a small number of ratepayers will face a jump to their full rates bill from 1 April 2015. The government

announced in the Autumn Statement on 3 December 2014 that it will extend to March 2017 the current transitional relief scheme for properties with a rateable value up to and including £50,000.

The government will, in line with the eligibility criteria set out in the guidance, reimburse local authorities that use their discretionary relief powers, under section 47 of the Local Government Finance Act 1988, as amended, to grant relief. It will be for individual local billing authorities to adopt a local scheme and decide in each individual case when to grant relief under section 47.

Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). In view of the fact that such expenditure can be reimbursed, the government expects local government to grant discretionary relief to qualifying ratepayers.

Software suppliers have been unable to change the business rates IT system to automatically calculate entitlement to Transitional Relief so the Revenues Team will need to do this manually using government guidelines.

It is predicted that fewer than 100 businesses in each council area will qualify for this relief. The numbers are expected to be low because 2015/16 is the 6th year of the Rating List so much of the increase has already been phased in.

We will identify those businesses who qualify and issue a revised bill early in the new financial year.

Retail Relief increase

The Chancellor announced in his Autumn Statement on 5 December 2013 that Government would provide a business rates discount of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014/15 and 2015/16. Members approved the implementation of the two year Retail Relief in March 2014.

In his Autumn Statement on 4 December 2014 the Chancellor announced that for 2015/16 the relief would be increased from £1,000 to £1,500.

How many businesses have benefited in South Somerset?

The initial estimate was that approximately 700 businesses would receive Retail Relief. To date we have received 538 applications and more are being received on a daily basis. The Area Teams have supported this relief scheme by visiting or telephoning those businesses which had not applied during the original application process.

Small Business Rate Relief

The doubling of this relief which is awarded to businesses with a rateable value of up to £12,000 has been extended for a further year. This means that businesses with a rateable value of up to £6,000 will again pay no business rates in 2015/16.

Business Rates and Childcare Providers

Ministers would like to encourage local authorities to consider using their business rates local discounts powers to support access to local high quality childcare provision. The Government believes the provision of high quality childcare is crucial to stopping

development gaps emerging and ensuring all children get the best start in life. Good childcare provision can also help aid economic growth (source: Business Rate Information Letter 1/2015).

Government is therefore encouraging billing authorities to consider using their powers to introduce business rate relief to childcare providers where there is a clear community benefit, such as where it would help with narrowing the gap, school readiness, or maternal employment.

As this would be a local discount government will only fund 50% of the cost of any local discount granted, with SSDC funding 40% of the cost (the remainder is funded 9% County Council and 1% Fire and Rescue Authority in line with Rates Retention ratios).

The majority of childcare providers already receive either Small Business Rate relief or Charity Relief.

As there are budget implications of introducing a local discount and amending the Council's Discretionary Rate Relief Policy, it is proposed that a further report be brought before members later in the year as part of the budget setting process for 2016/17.

How will the Retail and Transitional reliefs be funded?

The up to £1,500 Retail Relief and Transitional Relief will be delivered through authority local discount powers (under s47 of the Local Government Finance Act 1988). Local Authorities will be refunded for the loss in receipts as a result of these measures. Refunds will be made through s31 grants.

State Aid rules

State Aid is generally prohibited by European Community rules. However, there are exceptions to this, and some financial aid is allowed if the sum given is below the 'de minimis' threshold. The 'de minimis' threshold is currently up to €200,000 over a three year period. As the State Aid rules apply across Europe it is expressed in Euros.

Financial Implications

SSDC will not be required to provide any funding for the increased Retail Relief and Transitional Relief Scheme.

The Government will not fund the relief where the State Aid 'de minimis' limits are exceeded. Applicants will be required to declare levels of State Aid received to ensure the award of relief remains within the permitted limits. Therefore there is a small risk of SSDC having to claim the relief back from any companies that breach the State Aid rules.

Corporate Priority Implications

Council Plan 2012 – 2015 (Focus 1 – Jobs)

Carbon Emissions and Climate Change Implications

None associated with this report.

Equality and Diversity Implications

None associated with this report

Background Papers

Full Council agenda and minutes March 2014 – Item 12
Business Rates Information Letter 1 / 2015 found at:
https://www.gov.uk/government/publications/12015-business-rates-and-childcare-providers
Business Rates #Information Letter 11 / 2014 (Autumn Statement) found at:
https://www.gov.uk/government/publications/112014-autumn-statement-measures

Adoption of the South Somerset Local Plan (2006 - 2028)

Executive Portfolio Holder: Tim Carroll, Finance and Spatial Planning

Strategic Director: Rina Singh, Strategic Director, Place and Performance

Assistant Director: Martin Woods, Assistant Director Economy Service Manager: Paul Wheatley, Principal Spatial Planner Lead Officer: Paul Wheatley, Principal Spatial Planner

Contact Details: paul.wheatley@southsomerset.gov.uk or (01935) 462598

1. Purpose of the Report

1.1. To consider the conclusions of the Inspector's Report, and note how the 12 Main Modifications¹ and Additional Modifications² amend the South Somerset Local Plan (2006 – 2028).

1.2. To request that the final version of the South Somerset Local Plan (2006 – 2028) is formally adopted.

2. Public Interest

2.1. An adopted local plan provides the mechanism to guide the development industry and inform the public about the future strategy for growth in South Somerset. The local plan is the principal planning tool for South Somerset District Council to encourage investment, protect the environment, create jobs, and deliver sustainable development.

Recommendation(s)

That Council agree:

- 1. To accept the conclusions of the Inspector's Report and approve the necessary Main Modifications to make the South Somerset Local Plan (2006 2028) sound (**Appendix A**); and
- 2. To adopt the South Somerset Local Plan (2006 2028) (Appendix B).

N.B. In the event that the Council does not recommend adoption, the Council would need to withdraw the current local plan and prepare a new local plan from the beginning of the process.

- 3. To approve the Additional Modifications (Appendix C);
- 4. To approve the Adoption Statement (**Appendix D**), Sustainability Appraisal Adoption Statement (**Appendix E**), and revised Policies Maps (**Appendix F**); and
- 5. To delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Finance and Spatial Planning to make any final minor text amendments which may be necessary to enable the Adopted South Somerset Local Plan (2006 2028) and Policies Map to be published.

¹ Inspector's Report into the South Somerset Local Plan (2006 – 2028) and Main Modifications: https://www.southsomerset.gov.uk/media/700388/south-somerset-lp-final-report.pdf

² Additional Modifications to the South Somerset Local Plan (2006 – 2028): http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/adopted-south-somerset-local-plan/

3. Background

- 3.1. The Government through both legislation and policy has reiterated that the planning system should be genuinely 'plan-led'. To achieve this, each local authority is required to prepare, have examined, and then adopt a local plan which sets out policies for growth and regeneration.
- 3.2. The South Somerset Local Plan (2006-2028) was submitted to the Planning Inspectorate in January 2013. During May and June 2013 the plan was subject to an Independent Examination. The examination process was suspended in July 2013 to allow for additional work to be carried out and overcome some identified shortcomings relating to whether the plan was 'sound'. On completion of this work, the examination resumed with further Hearing Sessions held in June 2014.
- 3.3. As a result of the examination process, a series of Main Modifications to the South Somerset Local Plan (2006-2028) were proposed and consulted upon in March 2014³ and also in November 2014⁴. The Council has formally asked the Inspector to consider the Main Modifications in reaching a conclusion on whether the local plan is 'sound' and capable of being adopted.
- 3.4. The Inspector, in reaching his conclusion, has considered all of the evidence put forward by the Council and stakeholders; and on the 8th January 2015 formally wrote to the Council setting out his final Inspector's Report. His principal conclusion is that the South Somerset Local Plan (2006-2028) is 'sound' subject to 12 Main Modifications.
- 3.5. The Main Modifications to the local plan recommended by the Inspector have been made to create the final version of the South Somerset Local Plan (2006-2028). These changes have been considered by the Council's Project Management Board on the 2nd March 2015.

4. Report

- 4.1. The adoption of the local plan represents the final stage in the process of creating a statutory document that will shape the future growth and development in the district.
- 4.2. Having an adopted plan brings a number of advantages:
 - Future decisions on planning applications will be made in accordance with the policies in the plan, and those policies will be given full weight;
 - It provides greater certainty for communities and developers as to where development will be delivered;
 - It focuses investment into South Somerset and supports sustainable growth of our towns and villages; and
 - It provides a framework to prepare and confirm future work, including: a Community Infrastructure Levy and Charging Schedule, Site Allocation / Masterplanning work, and other development plan documents.

³ South Somerset Local Plan (2006 – 2028) – Proposed Main Modifications (March 2014): https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_su_bmission_to_pins.pdf

⁴ South Somerset Local Plan (2006 – 2028) – Further Main Modifications (November 2014): https://www.southsomerset.gov.uk/media/693581/south_somerset_local_plan_further_main_modifications_issue_version_november_2014_final_issue_to_pins.pdf

- 4.3. The receipt of the Inspector's Report on the 8th January 2015 marked the end of the examination process into the local plan. The report concluded that the South Somerset Local Plan (2006 2028) is 'sound', subject to 12 Main Modifications. It is these Main Modifications which make-up the important, substantive changes to the local plan; and it is these changes that need to be considered when reaching a decision on whether, or not, to adopt the local plan.
- 4.4. The 12 Main Modifications are set out alongside the Inspector's Report in Appendix B. They can be summarised as:
 - Clarifying that housing growth figures in the plan are minimum targets;
 - Updating the overall housing figure for Yeovil and revising the approach to delivery, including providing for two sustainable urban extensions;
 - Confirming the location and breakdown of growth in each of the two sustainable urban extensions in Yeovil, and a revision to the targets for sustainable travel;
 - Adding detailed wording on structural landscaping for the sustainable urban extension to the north-east of Yeovil;
 - Removing the policy relating to a buffer zone for East Coker and North Coker;
 - Revising the strategy for Ilminster by identifying a direction of growth to the southwest of the town;
 - Revising the amount of jobs and employment land to be delivered in South Somerset:
 - Removing a specific figure for employment land required in Rural Settlements;
 - Confirming the permissive approach to housing proposals adjacent to the development areas at Crewkerne, Wincanton, and Rural Centres (prior to Site Allocations DPD work);
 - Confirming the permissive approach to employment proposals adjacent to the development areas at Crewkerne, Wincanton, and Rural Centres (prior to Site Allocations DPD work);
 - Confirming that the Council will carry out an 'early review' of policy for delivering housing and employment provision in Wincanton within three years of the date of adoption; and
 - Updating the policy requirements for the provision of sites for Gypsies, Travellers and Travelling Showpeople.
- 4.5. In addition, the Main Modifications are supported by a series of Additional Modifications, which do not represent fundamental changes to the plan, but which aid comprehension and provide additional clarifications to the plan. These are minor text and grammatical changes necessary to bring the document up-to-date and clarify wording, but crucially do not have a material effect on whether the plan is sound. The Additional Modifications are set out in full in **Appendix C**.
- 4.6. To meet the legal requirements, the adoption version of the local plan is also accompanied by Adoption Statement (see Appendix D), Sustainability Appraisal and Sustainability Appraisal Adoption Statement (see Appendix E), and revised Policies Maps (see Appendix F).

5. Next Steps

5.1. It is important that the findings of the Inspector's Report and the recommended Main Modifications are read and understood. It is the changes brought about by the Main Modifications which make the South Somerset Local Plan (2006 – 2028) 'sound'.

- 5.2. The Council can only adopt the local plan if these changes are made. If it is decided that the recommended Main Modifications are not accepted, then the local plan cannot be adopted. In this scenario the Council would then need to withdraw the local plan and begin the preparation and plan-making process from the beginning.
- 5.3. If the South Somerset Local Plan (2006 2028) is adopted it will formally become part of the statutory 'development plan' for the district. It will then be a legal document that must be taken into account when reaching decisions on planning applications and development proposals in South Somerset.
- 5.4. If the South Somerset Local Plan (2006 2028) is adopted it will be publicised as per the Council's usual procedures, and according to Planning And Compulsory Purchase Act 2004 (as amended) and Regulation 26 of the Town And Country Planning (Local Planning) (England) Regulations 2012 (as amended).

6. Financial Implications

- 6.1. If the South Somerset Local Plan (2006 2028) is adopted it will help to shape investment decisions in the district and encourage growth. It will also provide a policy framework to prepare further work, including the Community Infrastructure Levy. The resources required to prepare further work have been included in current and future budgets.
- 6.2. If the South Somerset Local Plan (2006 2028) is not adopted, the Council will need to withdraw the document. If this course of action was taken, the Council would face significant financial implications as a result of needing to begin the plan-making process again, from the beginning. Costs linked to generating new evidence, carrying out public consultation, and paying for further examination costs from the Planning Inspectorate would all be incurred.

7. Risk

- 7.1. Some major risks would arise if Members decide not to recommend that the local plan is adopted. If that decision is taken, the impacts would include:
 - Work will need to start again on preparing evidence, carrying out public consultation, suggesting growth options, and examining the policies. This will come with significant financial and staff resource implications, and result in a further 2 – 3 years' worth of time, funding and work before a new local plan was capable of being adopted.
 - The Council will fail to meet one of its Corporate Plan Priorities and will be unlikely to do so for 2-3 years.
 - From a reputational point of view the Council will be in a position where it has to start the process again, and will be the only Local Planning Authority in Somerset without an adopted local plan
 - Decision-making on planning applications will be less certain, with decisions made on out-of-date policies, which are more open to challenge by appeal, opening up a greater risk of inappropriate development;
 - The community and development industry will have no clear strategy for how development should proceed in the district;
 - There would be no strategy framework to inform future work, such as the Community Infrastructure Levy and Charging Schedule, Site Allocation / Masterplanning work, Neighbourhood Planning, and other development plan documents.

8. Corporate Priority Implications

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

9. Carbon Emissions and Climate Change Implications

9.1. None.

10. Equality and Diversity Implications

10.1. The adoption version of the South Somerset Local Plan (2006 – 2028) has been prepared in accordance with the legislative and statutory requirements of an Equality Analysis, Habitats Regulations Assessment and Sustainability Appraisal.

11. Background Papers

Appendix A – Inspector's Report and Main Modifications

Appendix B – South Somerset Local Plan (2006 – 2028)

Appendix C – Additional Modifications

Appendix D – Adoption Statement

Appendix E – Sustainability Appraisal and Sustainability Appraisal Adoption Statement

Appendix F – Policies Maps

Project Management Board – Workshop 34: http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/local-plan-(formerly-core-strategy)-project-management-board-reports/pmb-34-2nd-march/

Appointment of Representative to the Somerset Waste Board

Lead Officer: Ian Clarke, Assistant Director (Legal & Corporate Services)
Contact Details: Ian.clarke @southsomerset.gov.uk or 01935 462184

1. Purpose of the Report

This report seeks approval to appoint a replacement nominated member from South Somerset District Council to the Somerset Waste Board for the remainder of the municipal year 2014/15, following the resignation of Councillor Henry Hobhouse on 13 February 2015.

2. Recommendations

It is recommended that:

(1) Councillor Tim Carroll be appointed as nominated member of the Somerset Waste Board for the remainder of the municipal year 2014/15

3. Background

The Somerset Waste Partnership has been managing waste and recycling services since 1992; the partner authorities are Somerset County Council, Sedgemoor, South Somerset, Mendip and West Somerset District Councils, and Taunton Deane Borough Council.

The Somerset Waste Board is a Joint Committee and it consists of 2 representatives from each Partner Authority in Somerset.

Background Papers

Full Council appointments report, 15th May 2014.

Motions

The following Motion was submitted by Councillor Tim Carroll:-

That this Council acknowledges;

- a) That Global warming and finite resources are issues that affect us all.
- b) That a reduction in our Carbon footprint must be an achievable aim
- c) That a minimisation of energy bills for our residents is a high priority
- d) To facilitate the opportunity of easier switching between power providers through the provision of strictly impartial advice is an important element to the residents of SSDC.
- e) That to continue to follow an ethical policy as far as Carbon reduction as already illustrated by the Council's expanding use of PV arrays on Council buildings

To further these aims, Council resolves that;

In principle, it supports the initiative to further explore the potential benefits of a local Community Energy Company within the area of South Somerset.

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday**, **21**st **May 2015** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**

The reserve dates of 19th March and 16th April will only be engaged if there is any urgent business to progress.