

South Somerset District Council

Minutes of a meeting of the **District Executive** held at the **Council Chamber, Brympton Way, YEOVIL, Somerset BA20 2HT** on **Wednesday 1 February 2017**.

(9.30 am - 12.15 pm)

Present:

Councillor Ric Pallister (Chairman)

Clare Aparicio Paul
Carol Goodall
Peter Gubbins
Henry Hobhouse

Jo Roundell Greene
Sylvia Seal
Peter Seib (to 11.35am)
Nick Weeks

Also Present:

Steve Read

Managing Director, Somerset Waste Partnership

Officers:

Ian Clarke
Donna Parham
Laurence Willis
Alasdair Bell
Vicki Dawson
Angela Watson
Tim Cox
Angela Cox

Director (Support Services)
Assistant Director (Finance & Corporate Services)
Assistant Director (Environment)
Environmental Health Manager
Principal Environmental Protection Officer
Legal Services Manager
Environmental Monitoring Officer
Democratic Services Manager

Note: All decisions were approved without dissent unless shown otherwise.

121. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the District Executive meeting held on 5th January 2017, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

122. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillor Angie Singleton, Alex Parmley, Chief Executive, and Rina Singh, Deputy Chief Executive.

123. Declarations of Interest (Agenda Item 3)

Councillor Peter Seib declared a personal interest in Agenda item 14: Final Recommendation of the Community Governance Review of Brympton Parish Council, as a member of the Parish Council.

124. Public Question Time (Agenda Item 4)

The Chairman agreed that members of the public present could speak at the time their item of interest was discussed.

125. Chairman's Announcements (Agenda Item 5)

The Chairman was pleased to announce the safe arrival of the Chief Executive and his wife's new baby boy the previous day.

126. Somerset Waste Partnership - Draft Business Plan 2017-22 (Agenda Item 6)

The Portfolio Holder for Waste and Recycling, introduced the report and drew Members attention to the proposed 3 weekly refuse collections and the enhanced recycling service. She noted that although some residents were unhappy at the use of Dimmer as a Waste Transfer Station, the waste sent to Avonmouth would be converted into energy.

Mr M Roberts then spoke on behalf of Cary Moor Parish Council. He said Dimmer had a long and controversial history due to the poor access road. The Managing Director of the Somerset Waste Partnership had said the site was time limited and it would close in some years however this appeared to contradict what had been said by planning officers and Viridor representatives at a SCC Regulation Committee meeting. He expressed concern that information regarding the business case for siting a waste transfer station at Dimmer had not been made available and called for it to be provided.

The Managing Director, Somerset Waste Partnership confirmed that he would share as much information on the business case as was possible, however, some relating to alternative sites was commercially confidential. It had been important not to compromise the SWP's negotiating position when looking at alternative sites. He also mentioned that the permit scheme for commercial vehicles and trailers at Household Waste Recycling Centres (HWRC's) appeared to have been successful in reducing the amount of material coming in from outside the county. The issue of charging residents to use the HWRC in Crewkerne would need to be revisited due to change of law and this would be part of a wider review of recycling sites. Further information on the Recycle More project would be issued in June 2017 and roll out in the SSDC area would commence in the autumn and conclude in 2018.

The Chairman of the Scrutiny Committee said they had requested further information on refuse treatment and the Recycle More project, mentioned in the report. They had also received representations from the public on the use of Dimmer as a Waste Transfer Station and they would be forwarding their concerns to the Somerset Joint Waste Scrutiny Committee and also to SCC's Scrutiny Committee. They were also pleased to note that the proposed new council for Taunton Deane BC and West Somerset Council was a low risk but required review of the inter-Authority agreement.

In response to questions from Members, the Managing Director of the Somerset Waste Partnership advised:-

- There were no immediate plans to relocate the waste vehicles away from the Lufton Depot, however, it was an aspiration to consolidate them in one central location at a future date.

- The former Secretary of State for the DCLG had issued an Order stating that Community Recycling Centres must operate within S51 of the Environmental Protection Act 1990 and should not charge for admission.
- It was usual for local authorities to enter into long term contracts without break clauses for projects of this nature, in order to secure the best price. The Pennon Group were making a large investment and would not do so without certainty of supply from an anchor contract. There was always a risk looking at the long term but the gate fee was competitive compared to the price most other Local Authorities had agreed for similar contracts and it was a very compelling deal.
- The Waste Partnership enjoyed a good relationship with Viridor and if circumstances changed it may be possible with both parties' agreement and where there was clear benefit to the local authority, to vary the contract at a future date if required.
- Although the Recycle More project would remove more plastic from incineration at the Avonmouth facility, it was environmentally preferable to recycle than generate energy from waste.
- Many schools now covered recycling as part of their general curriculum. The actual recycling service provided to schools was much improved so children had the opportunity to recycle at school and take good practice home.

During discussion, two Members expressed their concerns at the decision by SCC to permit a waste transfer station at Dimmer and for this reason, they said they would abstain from voting.

The Portfolio Holder agreed to take the comments made by Members to the next Waste Board meeting on 24th February.

At the conclusion of the debate, Members were content to approve the draft Somerset Waste Partnership Business Plan 2017-22 on behalf of the authority and requested that the reinstatement of funding for promotion of recycling in schools be included in the next iteration of the Plan.

RESOLVED: That District Executive:

1. approved the Draft Somerset Waste Partnership Business Plan 2017-22 on behalf of the authority.
2. provided the following suggestion for the Board to consider or for inclusion in the next iteration of the Plan:
 - The reinstatement of funding for promotion of recycling in schools.

Reason: To review and confirm the Somerset Waste Partnership's Business Plan 2017-22.

(Voting: 6 in favour, 0 against, 2 abstentions)

127. Loan to Somerset Waste Partnership for Waste Vehicles (Agenda Item 7)

The Chairman advised that in loaning the money towards the purchase of the new recycling vehicles, SSDC would retain a charge on them in the event of any subsequent collapse of the contract to collect waste and recycling.

In response to a question, the Assistant Director (Finance and Corporate Services) confirmed that Somerset County Council would reclaim the VAT from HMRC on the purchased vehicles.

The Chairman of the Scrutiny Committee confirmed their support for the recommendation as the interest received would be in excess of what was currently being received.

There was no debate and Members were content to propose the recommendations to Full Council for approval.

RESOLVED: That District Executive agreed:

1. to request that Full Council approve the loan of £3.5 million to Somerset Waste Partnership towards the purchase of new recycling vehicles;
2. to note that this capital expenditure would be added to the Capital Programme, and that the principal payments received would be capital receipts;
3. to note the additional interest in the region of £29,255 per annum would be added to the Medium Term Financial Plan for 2018/19.

Reason: To seek approval for South Somerset District Council to loan the Somerset Waste Partnership (SWP) £3.5 million towards the purchase of new refuse vehicles.

128. Heart of the South West Devolution Update (Agenda Item 8)

The Chairman advised that councils in the South West were no longer moving towards devolution however, they had worked well together and so it was proposed that they form a Joint Committee to produce a productivity plan in order to gain some influence over the Local Enterprise Partnership (LEP).

The Chairman of the Scrutiny Committee said they supported the recommendations but had concerns that they did not have enough sufficient information and so would be discussing this and the role of Scrutiny at their next meeting.

There was no debate and Members were content to propose the recommendations to Full Council.

RESOLVED: That District Executive endorsed and recommended that Full Council:

1. notes the update about the Heart of the South West (HotSW) Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for

recommendation to the constituent authorities);

2. approves the proposals for the HotSW Productivity Plan preparation and consultation proposals (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan);
3. agrees:
 - (a) 'In principle' to the establishment of a HotSW Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in this report;
 - (b) That the 'in principle' decision at (a) above is subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to: approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Join Committee; and appoint an Administering Authority.

Reason: The urgent and essential need to improve productivity across the HotSW area is the driver for the recommendations in this report.

129. Revenue Budget 2017/18 - Medium Term Financial Plan and Capital Programme (Agenda Item 9)

The Assistant Director (Finance and Corporate Services) introduced the report and drew Members attention to its main points. She noted that the capital projects would be presented in March 2017 along with the new Council Plan.

The Chairman reminded Members that a workshop was scheduled for 21st February to discuss future budget priorities.

In response to questions, it was noted that:-

- The current Car Parking Strategy was still valid and was being reviewed by the Senior Leadership Team.
- Most of the Somerset Councils were raising their council tax by £5.00.
- All the Somerset authorities were precepting for the Somerset Rivers Authority.

At the conclusion of the debate, Members were content to endorse the 2017/18 Revenue Budget and Medium Term Financial Plan and propose them for confirmation by Full Council.

RESOLVED: That District Executive endorsed and recommended that Full Council agree to:

- a. approval of the overall Revenue Budget for 2017/18 of **£17,379,200**

and the Revenue Account Summary as shown at Appendix A and note future year projections outlined in paragraph 33;

- b. approval of the detailed budgets for the District Executive and four Area Committees as shown at Appendix B;
- c. approve the increase of £5.00 per annum in the Council Tax for 2017/18 for South Somerset District Council, which will result in a Band D charge of £157.48;
- d. approve the transfer of £109,729 to the Somerset Rivers Authority;
- e. approval of the additional expenditure for budget pressure bids and removal of 16/17 once offs as shown in Appendix C;
- f. approval of the savings proposals in Appendix D in conjunction with the equalities checks;
- g. note the current position and future estimation of reserves and balances as shown in paragraphs 59-62;
- h. note the deferral of new capital schemes pending the finalisation of the Council Plan 2017/18 Annual Plan;
- i. note the Minimum Revenue Provision (MRP) Statement and Capital Prudential Indicators as attached at Appendix E.

Reason: To seek approval for the proposed 2017/18 Revenue Budget, Medium Term Financial Plan (Revenue Budgets for 2017/18 to 2021/22) that will be recommended to Full Council.

130. 2016/17 Revenue Budget Monitoring Report for the quarter ending 31st December 2016 (Agenda Item 10)

The Assistant Director (Finance and Corporate Services) confirmed that there should be a small budget underspend by the end of the financial year.

The Chairman of the Scrutiny Committee said they had expressed concern at the number of outstanding applications for Discretionary Housing Payments listed in the report. The Chairman agreed they were concerning and said he had briefed David Warburton MP on this issue. He said it may also be necessary to use discretionary funding to cover this and if so, a report would be presented to District Executive.

In response to a question, the Assistant Director (Finance and Corporate Services) confirmed that when the senior leadership structure was confirmed by Full Council, it was agreed it should financially break even and the report confirmed this had been met.

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

RESOLVED: That District Executive agreed to:

- a. note the current 2016/17 financial position of the Council;
- b. note the reasons for variations to the previously approved Directorate Budgets as detailed in paragraphs 3.2;
- c. note the transfers made to and from reserves outlined in paragraph 11.2 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in Appendix D;
- d. note the virements made under delegated authority as detailed in Appendix B;
- e. return the save to earn reserve of £50,000 to general balances.

Reason: To agree the current financial position of the revenue budgets of the Council and to report the reasons for variations from approved budgets for the period 1st April to 31st December 2016.

131. 2016/17 Capital Budget Monitoring Report for the quarter ending 31st December 2016 (Agenda Item 11)

The Assistant Director asked if Members were minded to confirm whether the capital schemes approved prior to 2012 should remain in the programme.

In response to questions from the Scrutiny Committee, the Chairman confirmed that:

- the Market Towns Investment Group would continue and its funding was originally Government funding specifically for the project so it was not appropriate to use for other schemes.
- the new car parking in Crewkerne was progressing but it was now part of a larger project to maximise the opportunities in that area.

There was no further debate and Members were content to confirm the recommendations of the report.

RESOLVED: That District Executive agreed to:

- a. approve the revised capital programme spend as detailed in paragraph 6;
- b. note the slippage over £50,000 in the capital programme as detailed in paragraph 8;
- c. approve the virements of £30,000 outline in paragraph 9;
- d. note the allocation of additional funding to be used within the capital programme as detailed in paragraph 11;
- e. note the balance of capital receipts received for utilisation on the

transformation programme in paragraph 12;

- f. note the total land disposals to registered social landlords as detailed in paragraph 13;
- g. note the balance of S106 deposits by developers held in paragraph 14;
- h. note the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 15;
- i. note the progress of individual capital schemes as detailed in Appendix A;
- j. note the schemes that were approved prior to 2012, as detailed in Appendix B.

Reason: To agree the current financial position of the capital programme of the Council and to report the reasons for variations from approved budgets for the period 1st October 2016 to 31st December 2016.

132. Public Space Protection Order for dog fouling, dogs on leads and dog exclusion area (Agenda Item 12)

The Portfolio Holder for Environmental Health and Democratic Services introduced the report which she said was due to a change in legislation.

The Principal Environmental Protection Officer advised that the existing Dog Control Orders were now superseded by Public Space Protection Orders. Public consultation had taken place and all responses were in support of the introduction of PSPO's. She then outlined the two proposed orders covering dog fouling and dogs on leads on public land across the district and one for dog exclusion at the fenced area at Yeovil Country Park.

In response to questions from Members, the Principal Environmental Protection Officer confirmed that:-

- Only the District Council could introduce Public Space Protection Orders and any new PSPO must be evidence based for a particular location.
- It would be impossible to provide signage of the Orders on every piece of public land across the district.
- Although the Council had not issued any fixed penalty notices within the previous 12 months, the Orders did act as a deterrent.

At the conclusion of the debate, it was agreed that the change in legislation be notified to all Town & Parish Councils detailing the requirements should they wish to request a PSPO in their locality. With this additional recommendation, Members were content to confirm the introduction of the proposed Public Space Protection Orders and the associated level of fixed penalty notices.

RESOLVED: That District Executive agreed:

- a. to introduce the two new Public Space Protection Orders: one for dog fouling and dogs on leads across the district and one for dog exclusion at the fenced area at Yeovil Country Park, as set out in Annex 1 of the Agenda report;
- b. to set the level of fixed penalty notices for contravening the Public Space Protection Orders at £80, reduced to £50 if paid within 10 days;
- c. that the change in legislation be advised to all Town & Parish Councils detailing the requirements should they wish to request a PSPO in their locality.

Reason: To agree to the approval of two Public Space Protection Orders; one for dog fouling and dogs on leads across the district and one for dog exclusion at the fenced area at Yeovil Country Park.

133. Allowenshay Private Water Supply (Agenda Item 13)

The Committee were addressed by Gillian Brierley, Chris Baranowski, Susan Gibson, Paul Tomlin and David Gordon, residents of Allowenshay, regarding their water supply. Their comments included:-

- Neither of the two water supplies in operation worked properly.
- The Rutter family had not supplied any quotes or given any indication of ongoing maintenance if connected to the Allowenshay Water Company.
- It was the Council's duty to enforce a wholesome water supply.
- Only Rutter Brothers should be accountable.
- The community would prefer a mains water connection.

The Committee was also addressed by Mr Robert Wood, on behalf of the Rutter family. He said that in 2013, a cost of connecting the village to mains water through Wessex Water was obtained but was rejected due to the cost (over £250,000). He outlined the works carried out by the Rutter family to the water supply and their offer to include the profit from a building plot if the residents agreed to share the cost of connecting to the Allowenshay Water Company. He said the proposed recommended option in the report would fulfil all the requirements of the S80 Notice.

The Legal Services Manager said that under the relevant legislation, the Council had a discretion to take action, however, if the water was unwholesome then they had a duty to act. The Section 80 Notice under the Water Industry Act 1981 was issued to the Rutter Bros (as they had maintained the water supply) under an insufficiency of supply and carried no criminal proceedings so there was no power to prosecute. Should SSDC decide to facilitate a water connection for the village, it would involve considerable expense and could involve court action to recoup costs if residents did not contribute.

The Principal Environmental Protection Officer outlined the history of the Council's involvement in the water supply in Allowenshay which led to the serving of a Section 80 Notice under the Water Industry Act 1981. She confirmed that where a private water supply was provided, the Council had regulatory powers to ensure it was wholesome and sufficient, but, there was no duty to insist it was supplied.

During a lengthy discussion, Members concluded that the Council should not be drawn into what was a civil matter. The original recommendation to offer the residents the option to apply for a low cost loan to assist with connection to a water supply was proposed and seconded, however, when put to the vote, this was lost (voting, 3 in favour, 5 against). The Chairman then proposed that the Council take no further action on the Allowenshay Private Water Supply after considering that all reasonable efforts to resolve the matter had been made. This was seconded and unanimously agreed by Members.

RESOLVED: That District Executive agreed to take no further action on the Allowenshay Private Water Supply after considering that all reasonable efforts to resolve the matter had been made.

Reason: To consider the options available following partial non-compliance with a notice served under Section 80 of the Water Industry Act 1991 regarding improvements to the private water supply in the village of Allowenshay.

134. Final Recommendation of the Community Governance Review of Brympton Parish Council (Agenda Item 14)

There was no debate on this item and Members were content to propose the recommendations to Full Council for confirmation.

RESOLVED: That District Executive recommend that Council:

- i. note the results of the consultation and agree to publish them
- ii. agree that the final recommendation be: "To accept the vote from the people of Brympton to agree to increase the number of Parish Councillors to twelve"
- iii. agree to draw up a Reorganisation Order to give effect to this recommendation.

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

135. District Executive Forward Plan (Agenda Item 15)

Members noted the following amendments and additions to the Executive Forward Plan and Consultation Database:-

- Revisions to the Discretionary Rate Relief Policy for 2017/18 – March 2017
- Building our Industrial Strategy Consultation

RESOLVED: That the District Executive:-

1. approved the updated Executive Forward Plan for publication as attached at Appendix A, with the following amendments;
 - Revisions to the Discretionary Rate Relief Policy for 2017/18 – March 2017
2. noted the contents of the Consultation Database as shown at Appendix B, with the following additional consultation:
 - Building our Industrial Strategy.

Reason: The Forward Plan is a statutory document.

136. Date of Next Meeting (Agenda Item 16)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 2nd March 2017 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

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Chairman

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Date