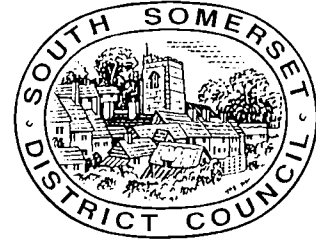


South Somerset District Council

Notice of Meeting



South Somerset District Council

Making a difference where it counts

Thursday 20th July 2017

7.30 pm

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

(disabled access and a hearing loop are available at this meeting venue)



All members of Council are requested to attend this meeting:

If you would like any further information on the items to be discussed, please contact the Democratic Services Manager on 01935 462148 or democracy@southsomerset.gov.uk

This Agenda was issued on Wednesday 12 July 2017.

Ian Clarke, Director (Support Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



INVESTORS IN PEOPLE

South Somerset District Council Membership

Chairman: Mike Best
Vice-chairman: Tony Capozzoli

Clare Aparicio Paul	Kaysar Hussain	Jo Roundell Greene
Jason Baker	Val Keitch	Dean Ruddle
Cathy Bakewell	Andy Kendall	Sylvia Seal
Marcus Barrett	Jenny Kenton	Gina Seaton
Mike Beech	Mike Lewis	Peter Seib
Neil Bloomfield	Sarah Lindsay	Garry Shortland
Amanda Broom	Mike Lock	Angie Singleton
Dave Bulmer	Tony Lock	Alan Smith
Hayward Burt	Paul Maxwell	Sue Steele
John Clark	Sam McAllister	Rob Stickland
Nick Colbert	Graham Middleton	Gerard Tucker
Adam Dance	David Norris	Andrew Turpin
Gye Dibben	Graham Oakes	Linda Vijeh
Sarah Dyke	Sue Osborne	Martin Wale
John Field	Tiffany Osborne	William Wallace
Nigel Gage	Stephen Page	Nick Weeks
Carol Goodall	Ric Pallister	Colin Winder
Anna Groskop	Crispin Raikes	Derek Yeomans
Peter Gubbins	Wes Read	
Henry Hobhouse	David Recardo	

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 Constitution (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Members of the Public are able to:-

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

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

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

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device and select 'South Somerset' from the list of publishers and then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

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

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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South Somerset District Council

Thursday 20 July 2017

Agenda

1. Apologies for Absence

2. Minutes

To approve and sign the minutes of the previous meeting held on Thursday, 15th June 2017.

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

4. Public Question Time

5. Chairman's Announcements

Items for Discussion

6. Chairman's Engagements (Page 6)

7. SSDC Street Trading Policy (Pages 7 - 58)

8. SSDC Council Size Submission to the Local Government Boundary Commission for England (Pages 59 - 85)

9. Report of Executive Decisions (Pages 86 - 89)

10. Audit Committee (Pages 90 - 92)

11. Scrutiny Committee (Pages 93 - 95)

12. Motions

There were no Motions submitted by Members.

13. Questions Under Procedure Rule 10

There were no questions submitted under Procedure Rule 10.

14. Date of Next Meeting (Page 96)

Agenda Item 6

Chairman's Engagements

8th July

At the invite of Commodore J Pentreath OBE, Mike and Liz attended the RNAS Yeovilton International Air Day.

Agenda Item 7

SSDC Street Trading Policy

Executive Portfolio Holder: Angie Singleton, Strategic Planning (Place Making)
Strategic Director: Martin Woods, Director Service Delivery
Assistant Director: Laurence Willis, Assistant Director Environment
Service Manager: Nigel J Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or 01935 462150

Purpose of the Report

1. To inform members of the results of the Street Trading Policy consultation and the Scrutiny Task & Finish Review and to present the revised Street Trading Policy for approval.

Public Interest

2. The report presents an updated and revised Street Trading Policy. The policy details how the Council will undertake the regulation of street trading for the next 5 year period.

Recommendations

3. That Council:-
 - a. Note the contents of the report
 - b. Adopt the revised Street Trading Policy as detailed in Appendix A
 - c. Delegate the power to make any minor amendments to the Street Trading Policy to the Licensing Manager in consultation with the Director for Service Delivery.

Background

4. The new policy was prepared and submitted to Licensing Committee in December 2016. The policy was also subject to a Scrutiny Task & Review Group
5. The group decided to undertake a consultation on the new policy from the 5th December 2016 to 3rd February 2017. This 9 week consultation period was felt necessary to ensure a wide range of responses were received and that traders who would be busy in the run up to Christmas, would have sufficient time to respond.
6. The consultation was sent to current street traders, carnival committee representatives and all town and parish clerks. In addition a press release was sent out to all press agencies drawing their attention to the consultation.
7. The major changes proposed to the policy were as follows:
 - Ice cream sellers and sandwich delivery rounds would require street trading consent.
 - A right of appeal against refusal has been added (page 8).
 - Right to work checks will be conducted on the applicant for permanent pitches and any assistants that they may employ (page 9).
 - ID badges will be issued to applicants and assistants (page 9).

- Basic criminal record checks will need to be provided for all applicants for permanent pitches and assistants (page 9).
- Vacant pitches will be advertised on the licensing website (page 12).
- Food trading consents will only be granted to those with a four or five star food hygiene rating (page 13).

Consideration of Responses

8. Members of the Task and Finish Group were supported by the Licensing Manager in this element of their work. A total of 15 responses from a wide variety of organisations were received to the consultation. A full list of the responses and the groups comments on each are attached as Appendix B.
9. Many of the comments were discounted after consideration as members felt that the policy already covered these points. Other comments were considered to be helpful and minor alterations to the policy were made as a result.
10. There were two particular areas that members felt required further input, these were carnivals and mobile traders such as ice cream sellers and sandwich rounds. The Licensing Manager was requested to look at both of these issues and provide members with an opportunity to look at these two particular areas in more detail.

Carnivals

11. The Licensing Manager reported back to members that other Somerset Council's do not charge a fee for street trading at carnivals. In other areas of the country street trading at carnivals is chargeable.
12. Members were keen to support carnivals but were not entirely convinced that such a large scale event should be totally exempt. It was therefore suggested that carnivals should be able to apply for an exemption from the requirements of street trading. This was on the proviso that they submitted an application with relevant supporting documentation and paid a nominal fee. The fee to be designed purely to cover the cost of dealing with the application and providing the exemption certificate. It was suggested that this fee should be no more than £50.00, with the exact fee to be determined via the normal fee setting process. It was agreed that the policy be amended to reflect this.

Mobile Sandwich Delivery & Ice Cream Sellers

13. Research was carried out looking at other licensing authorities and how they treat mobile ice cream vendors and sandwich rounds. It is clear that if they are at a venue in a fixed spot they will require a permission unless it is an event that requires payment to enter. However if they are mobile there is no uniform approach. It is apparent that some have treated them as roundsmen, South Somerset District Council is a case in point. However R v Bulldog which was an ice cream sales company who challenged Brighton council, states from the court ruling that ice cream vendors could not be treated as roundsmen.
14. Hillingdon Council in London were identified as a council who deal with them as itinerant vendors and therefore do not issue them with a licence or consent unless they are static. The same can be said of North Somerset Council, Sedgemoor District Council and more recently Taunton Deane.

15. The only issue that would need to be clarified is how long a trader can stay in one place to be regarded as static. This is a common sense issue and we would consider 15 minutes long enough in one road. As identified previously this is the time limit used by London local authorities.
16. The issue of enforcement of any kind in respect of itinerant street traders is very difficult as they may have a route they follow but this is open to change by the nature of their business and it would clearly be time consuming and inefficient to wait to see if someone is operating with or without a consent. In addition to this fact, the licensing team do not currently have any capacity to undertake further enforcement.
17. In conclusion members were of the opinion that any sort of control by the licensing department of mobile street vendors which are not static or part of an event was unnecessary and the policy should be amended to make it clear that these types of traders are to be considered exempt from street trading.

Financial Implications

18. The administration and enforcement of street trading will be cost neutral to the authority.

Council Plan Implications

19. There will be a positive impact on promoting a strong economy with thriving rural and local businesses by this policy enabling street trading to take place lawfully. It will also prevent those that are unlicensed from competing with those that are licensed and enable appropriate enforcement action to be taken.

Carbon Emissions and Climate Change Implications

20. None

Equality and Diversity Implications

21. EIA completed, no implications arising from this policy.

Background Papers

Licensing Committee 13/12/16, 13/06/17

Scrutiny Committee 29/11/16, 31/01/17, 28/02/17, 04/04/17 and 01/06/17

Street Trading Policy

Edition 4

May 2017



Issue and version :	Issue 4 Version A
Officer/Panel Controlling Procedure:	Licensing Manager
Authorisation Level:	Full Council
Authorisation Date:	March 2017
Review date:	March 2022

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1 Purpose of the Policy

The purpose of the Council's street trading policy is to create a street trading environment, within the District of South Somerset which: -

- complements premises-based trading establishments;
- promotes appropriate street trading activities, which provide diversity and consumer choice;
- supports community cohesion and equalities
- enhances the character, ambience and safety of local environments;
- is sensitive to the needs and concerns of residents;
- will complement and inform other Council initiatives including those on street entertainment and encouraging entertainment diversity
- highlights the requirements and standards expected of street traders
- is fairly, appropriately and proportionately controlled, in line with the Council's Enforcement Policy;
- provides clear guidance to the Council officers who will administer the street trading service under it.

2 What is Street Trading?

The purpose of the Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) is to ensure that Councils can properly regulate those who sell without the use of ordinary business premises and, particularly, traders who move from place to place. It is concerned, primarily, with commercial activities, excluding the provision of services, but there are grey areas and each case needs to be considered on its facts.

South Somerset District Council (SSDC) has adopted Schedule 4 of the Act for the whole of its area and has designated all streets in the District as 'consent streets' for street trading purposes.

The effect of this designation is that trading in any street is prohibited by law (subject to legal and other exemptions set out in Section 3 below), without first obtaining a Street Trading Consent (a Consent) from the Council.

Street trading means 'selling, exposing or offering for sale any article (including a living thing) in a street'. From this definition, any person offering purely a service e.g. a shoeshine (where there is no tangible good such as a picture or sketch) will not be caught by the street trading legislation.

The term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'. Any person street trading without a valid Consent commits a criminal offence.

The courts have held that the definition of a 'street' does not depend upon the area of land in question being in public ownership and private land may be classified as 'a street' too if it meets the definition in the Act and the precise circumstances of the trading indicate that it amounts to street trading.

The matters that the Council is likely to consider relevant when deciding whether an area is a 'street' include: -.

- whether the trading outlet is built on solid foundations;
- whether the trading takes place within a building including areas where the one or more sides are open to the elements e.g. the area known as the “undercroft” at Castle Cary would not be considered a ‘street’;
- the nature of construction of the trading outlet e.g. of brick/block
- which of the mains services are connected (if any)?
- whether permanent planning permission has been gained
- would the trading outlet be difficult to move? i.e. is a crane required to move it onto or off of a site?
- whether it comes and goes onto the site e.g. it is removed each day?
- is the trading outlet moved to a different site(s) each day?
- distance from the nearest highway. If you are trading within 15 metres of a street, road or car park, there is a presumption that you will need a street trading consent subject to the other exemptions applying. If you trade from a position of more than 15 metres from a street, road or car park, please contact the Licensing Service to see whether a Consent is required as each case is judged on its own set of circumstances.
- the original purpose/nature of the item for sale e.g. whether it is a wholly charitable or domestic purposes or is the sale of a service rather than goods.

The fact that a trader has a lease or licence i.e. a right to occupy the land, or has some other form of consent e.g. planning consent or a licence under the Licensing Act 2003, will not override the requirement to obtain a Consent where the trading amounts to street trading. Similarly, holding a Consent for street trading will not remove the obligation, on the trader, to comply with any other legal requirements e.g. holding a current food business registration nor override the duty to comply with the general law concerning e.g. trespass (the landowner’s permission to occupy the land must be obtained), highways, planning, licensing, health and safety, nuisance, waste disposal requirements etc. Appendix 1 provides some information about other legislative requirements, however, this is not intended to be a comprehensive guide and does not for example cover planning or highways matters.

The requirement to obtain an Consent for any street trading is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, or any other moveable or static structure. Mobile artists who sketch or paint, or similar artisans who sell their own work are also likely to be caught by the Act.

Advice should be sought from the Licensing Service on the proposed activity/location to see if a Consent is required before starting to trade: Telephone 01935 462462 or email licensing@southsomerset.gov.uk

3 Exemptions from the need to obtain a Consent

Some types of trading are legally exempt from the need to obtain a Consent; these include:

- a person trading as a Pedlar under certificate (currently issued by the Police);
- a market trader operating at a market venue which acquired this status by virtue of a grant, enactment or order.
- a news vendor selling only newspapers and periodicals. This exemption is subject to restrictions which are set out in Appendix 3

- trade which is carried on at premises used a petrol station
- shops do not require a Consent even if they operate outside the actual building providing it is, essentially, an extension of the shop etc. e.g. where a shoe shop has rails of shoes on display outside the shop; again this does not negate the need to comply with other legislation such as the requirement for a pavement licence (obtainable from Somerset County Council), if appropriate:
- trade carried out by 'roundsmen'. A 'roundsman' has been defined as one who visits a 'round' of customers delivering the orders of those customers". e.g. milkmen.
- charitable collection e.g. selling poppies in aid of the Royal British Legion (although a collection permit, under the Charities Act 1992 may be needed

The Council has decided that the following trading activities do not require a Consent:

- goods from working farms sold at the premises where they were produced
- goods sold at Local Farmers'/Producers' Markets etc. providing such markets meet the Code drawn up by the Somerset Farmers' Markets organisation (basically, this term means that the food is being sold within 30 miles of where it was produced. Advice should be sought from the Licensing Service to see if the market, in question, meets the required criteria before trading commences. These outlets are seen as part of the Council's rural investment and regeneration work, in supporting local producers, and, hence, are seen as extensions of the farms rather than street trading.
- Business premises are allowed, normally, the same exemption as shops in terms of goods displayed outside of the premises because their position is analogous to shops but the items displayed must be, still be, essentially, an extension of the business.
- sales of articles by householders on land within the boundary of their home providing that this is not a commercial concern e.g. selling home grown fruit and vegetables, homemade jams etc. Such sales are seen as disposal of surplus domestic produce rather than trading
- Trading at an illuminated carnival provided an exemption certificate has been applied for and granted.
- an event that is community-based and run, for non-commercial purposes, such as a fete or school fund raising activity, again, this is seen as non-commercial fund raising. Where **any** of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the trader will not benefit from the fee exemption (unless a fee is charged to those entering the event);
- Events run by charities or political or educational activities providing the profits from such events are wholly passed to the charity or political or educational organisation concerned because such activities are not commercial trading;
- Traders that are part of an established travelling fair.
- Trading in the "Undercroft" area of the Market House, Castle Cary.
- Mobile Ice Cream vans and mobile sandwich/hot food vendors.¹

Please contact the Licensing Service should you wish to discuss this further:
Telephone 01935 462462 or email licensing@southsomerset.gov.uk

¹ Mobile traders would not stay in any one street or location for longer than 15 minutes and would not return to the same location on the same day.

4 Nature of Goods, Activities and Trading Hours

The Council would not normally grant, a Consent for the sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent.

The type of goods allowed to be sold will be considered on a pitch-by-pitch basis having particular regard to local needs, product diversity and specialism e.g. artisan breads, and appropriateness of the proposed location in terms of space and balance.

Street trading hours will mirror, normally, those of the shops or businesses in the immediate vicinity except for hot food takeaways where trading hours will be determined on a pitch-by-pitch basis.

The design and appearance of the Trading Unit e.g. stall, barrow, van or cart etc. used must be agreed by the Council's Licensing Manager before a Consent would be granted.

5. Application for and Issue of a Consent

A Consent is needed before any person can trade in a street within South Somerset. Details of the application procedure, whom to contact and the current fees payable for a Consent is set out in the Application Form.

Where the proposed site for trading concerns land owned by this Council or Somerset County Council, as Highway Authority, then permission from the relevant Council must be obtained before an application for Consent is made. A separate charge may be payable for this permission.

For land in the ownership of the SSDC you need to contact the Senior Land and Property Officer, The Council Offices, Brympton Way, Yeovil, BA20 2HT or telephone on 01935 462462. .

Where the proposed site for trading concerns land in private ownership then permission from the relevant landowner must be obtained before a Consent will be granted. The relevant permission should be included with the application for a Consent.

Who can apply?

To apply for a Consent a person must be: -

- an individual (although 2 people can apply jointly) but not a company or other legal entity
- over 17 years of age
- legally entitled to live and work in the UK
- of good character (see below under Determination of the Application for Consent)

Receipt of Applications and Fees

An application will be treated as being received, only, when a correctly completed relevant application form and all the necessary supporting evidence has been received at the Brympton Way Council Office and the relevant fee has been paid.

The application can only be checked by a member of the Licensing Service, and only where a prior appointment has been made. Should an application be left at any other South Somerset District Council office or without an appointment, it will be treated as a postal application.

As a concession, if the applicant is applying for a yearly Consent then an instalment plan for the fee is available at the Council's sole discretion. The first monthly instalment must be paid in full when the application form is submitted and for the remaining instalments a Direct Debit mandate will be required.

If the fee is being paid by instalments, then, where the direct debit is dishonoured or stopped, the Council, will revoke any Consent issued, immediately, unless payment of the outstanding fee is made in cash, within 5 working days, at the Council office that issued the Consent. In such cases, an administration charge may also be added to the fee payable to cover any additional costs incurred by the Council.

Cheques are to be made payable to 'South Somerset District Council' -. Post-dated cheques will not be accepted.

Card payments can be made at one of the Council's offices or a member of the Council will contact the applicant where they have indicated they wish a card payment to be taken.

Insurance

The Council will accept no liability for the street trading activities undertaken by the Consent Holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the Consent Holder(s). National Market Traders Federation (NMTF) membership cards can be used as proof of public liability insurance.

The Insurance once accepted by a relevant Officer, must be maintain throughout the period of the Consent and the Consent will be revoked should the insurance be cancelled or breached or its terms altered so as to provide less than the level of cover required. Once the Consent is revoked the trading becomes illegal and the trader(s) may then be subject to enforcement action.

If the insurance is due for renewal during the period covered by the Consent, it is the responsibility of the Consent holder(s) to provide to the Council an original public liability insurance certificate to show that the insurance is continuous for the period of the Consent. Any breaks in the period of insurance may be grounds for revocation of the Consent.

Determination of the Application for Consent

Applications for a Street Trading consent will be determined by the relevant Licensing Officer, under delegated powers, using such of the criteria listed below or such other factors as are relevant and appropriate to the application in question. Each case will

be assessed on its own merits and individual circumstances, where appropriate, may be taken into consideration. The criteria include whether the application:

- is at an appropriate site or pitch. The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular, reference will be made to the matters referred to in Section 7 below
- creates more trading opportunities for small businesses or otherwise contributes to the economic vitality of the area. The existence of shops and businesses operating in the area will be considered if appropriate to avoid, amongst other things, unfair economic advantage,
- satisfies an unmet need for such goods in the immediate locality of the proposed activity e.g. fast food outlets on trading estates bearing in mind the presence of existing like outlets
- supports appropriate special events such as community, educational or charitable events (but see Section 3 – Exemptions - where the event is wholly charitable etc.)
- places an unreasonable burden on other agencies or bodies. The street trading activity should not present a significant risk to good public order in the locality in which it takes place.
- presents a significant risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading.
- supports community cohesion and the needs of under-represented groups
- is environmentally sustainable (including the applicant’s proposals for generating such power as is needed by the trading unit; dealing with any waste and litter arising from the activities)

The decision on whether to grant the consent may also take account of the suitability of the applicant to hold such a consent including relevant unspent convictions etc., levels of complaints received about the applicant(s) and whether and how such matters were resolved; whether any earlier Consent to the applicant(s) has been surrendered or revoked. The decision may take into account the attitude of the applicant and/or their staff etc. to dealing with concerns and queries raised by the Council Officers. It may also take account of the appearance of the trading outlet, quality of the goods to be sold and the hours and days for which it is intended to trade.

Where an application for a Consent is not acceptable, in some regard, e.g. the proposed hours of operation are too long; a Consent may be offered on terms which would be acceptable to the Council. Similarly, if after issue, problems or matters of concern arise, the Consent may be modified including adding, removing or substituting conditions, so as to take account of or deal with the concern or problem and ultimately, a Consent may be revoked.

The Act does not provide for a formal route of appeal to the Court where a Consent is not granted, nor does it limit the Council’s power to impose conditions; however, the Council has granted the power to the Licensing Manager to hear any appeal; the applicant must set out their case in writing and provide reasons why it should have been granted or conditions should not have been imposed. If the appeal is not successful, the applicant will be given full reasons for not granting the Consent in writing (this includes e-mail or other electronic means etc.). The applicant may, also, be able to seek judicial review of the decision through the courts

Issue of a Consent etc.

Consents shall only be issued to persons who have the legal right to work in the UK. Applicants applying for a 3 month consent or longer shall provide proof of this right to the Council where requested. If the applicant is assisted by any persons at their pitch, they shall also supply proof that their assistants have the right to work in the UK. The applicant is required to supply a current photograph of themselves and any assistants; the Council will upon successful application, issue a badge to the holder (and any assistants) which bears a their photograph. Badges must be visibly displayed upon their person during the period of trading.

The holder of the Consent shall ensure that any persons joining their employ - whether paid or unpaid has received their badge prior to assisting at the pitch and shall return their badge(s) to the Council when they have left this employment within one month of leaving.

The applicant and any assistants shall provide evidence of a suitable background check in the form a basic disclosure to the Council before any consents and/or badges are granted. The disclosure shall not be any older than three months at the time of submission to the Council.

In exceptional short term circumstances such as illness, injury etc then the Licensing Manager shall have the discretion to waive this requirement.

If the application is accepted, a Consent will be issued by the Council in the name of an individual person or jointly to two persons; the Consent is not transferable. Exceptionally, where the Consent was held jointly, the Council may at its sole discretion, allow the transfer from the joint holders to a sole holder.

The Consent will contain the specific terms under which it is granted such as the specific location(s) or area(s) where the street trading may take place, the days and hours permitted, the goods that may be sold together with any conditions that must be met.

The conditions attached to the Consent form part of the Consent and MUST be complied with at all times. Failure to meet the terms of the Consent could lead to the Consent being revoked or not renewed. The Council may vary the conditions, at any time, where it feels it is necessary or desirable and the holder of the Consent shall then comply with the Consent as amended.

Unit Identification document (known as the 'Plate') will be issued with the Consent. The Plate remains the property of the Council and must be returned to the Council if the Consent is revoked or surrendered e.g. because the holder ceases to trade. The form of the Plate will depend on the type of Consent issued.

The Consent and the Plates will be issued only at the Main Council Offices. The applicant (or one of them if joint applicants) will be required to attend in person to collect the Consent and/or Plate(s) including for any replacements. A charge will be made for replacement Consent(s)/Plate(s) unless the circumstances are exceptional, in the opinion of the Licensing Service,

All vehicles, stall, carts or other type of unit used for street trading must display, at all times whilst trading, a valid Plate. The Plate must be displayed in a prominent position on the trading unit so that it is clearly visible, to members of the public using the trading unit.

Under the current legislation, the maximum period for which a Consent may be issued is 12 months. A Consent may be issued, for block or individual bookings, for shorter periods where:

- the trading is at organised street markets, carnivals and similar events
- for mobile street artists/traders
- if officers feel that it is reasonable to allow, initially, a lesser period whilst the trader assesses if the site or pitch is viable

A Consent will state the date of its expiry and will lapse upon that date stated unless renewed; no reminder renewal notice will be issued advising of the imminent expiry of the Consent. The holder(s) of a Consent has full responsibility and liability for ensuring the renewal of the Consent in good time.

Where the existing holder(s) of a Consent wishes to renew it, that person(s) must ensure the application to renew, fee and other information is provided to the Council a minimum of 28 days prior to expiry for the renewal request to be processed.

Where a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. Where, exceptionally, the Licensing Manager agrees to waive this provision, the full fee will be charged for the whole period to ensure the continuity of the Consent whether or not the holder has actually traded during the period since the earlier Consent expired.

Where a Consent has expired but a valid application to renew and full fee was received before the expiry date but the applicant failed to allow sufficient time for the application to renew to be processed, the pitch would be re-offered, normally, to that applicant.

Payment by instalments may be available as set out above under 'Receipt of Applications and Fees'.

In other cases where a pitch becomes vacant, it may be offered to those person(s) who have expressed an interest either as a result of an advertisement placed by the Council or otherwise.

Revocation or Surrender of a Consent

A Consent may be revoked by the Council at any time after it has been granted, although, where possible, appropriate prior notice will be given to the Consent holder. The revocation may be for a variety of reasons including but not limited to non-compliance with conditions, because the Council or other agencies such as the utility companies require access to the location or because the Council wish to use the site for another purpose or where the landowner revokes his/her consent to use of the land for trading. Written reasons for the revocation will be given and a refund or remittance will be given of any sums paid in respect of any days which remain of the Consent period. The formula to be applied will be as set out below: -

*Number of complete days remaining x the daily fee paid.
This amount will be reduced to meet the costs of reinstatement/clearance etc.
of site where such works have not been carried out to the Council's
reasonable satisfaction.*

In addition, a Consent will automatically be revoked where the application is made by an individual (or both Consent holders if two people hold the Consent) who dies or who lacks capacity under the meaning of the Mental Capacity Act 2005.

The Consent will also be revoked where any public liability Insurance held by the Consent holder(s) is cancelled, not renewed or its terms are breached by the Consent holder(s) or varied so as to reduce the minimum cover stipulated in this Section.

A Consent holder has a duty, under the Consent, to notify the Council of any offences for which s/he is arrested, charged, convicted or cautioned since the grant of the Consent so that the Council can assess whether the Consent should be revoked or the Consent conditions modified.

No claim will lie against the Council where it revokes or varies a Consent and the Consent itself will make it clear that no liability attaches to the Council in respect of any revocation or variation or indeed any act or omission of the Consent Holder.

Where the holder of a Consent wishes to surrender that Consent, e.g. where s/he has stopped trading, then this must be confirmed in writing to the Council and the actual Consent and Plate returned to that Council.

Where a Consent is jointly held by 2 individuals, a surrender by either one of the holders may be accepted by the Council, (whether or not the other holder consents to the surrender) providing the actions mentioned in the last paragraph have been complied with in full. The Council may, at its sole discretion, transfer the Consent to the individual who was a joint Consent holder where they not wish to surrender the Consent

Upon receipt of the valid surrender, the Council may inspect the pitch to confirm that it has been vacated and check that the conditions of the Consent have been met in full. The Council will confirm the date upon which the surrender is accepted and will refund or remit any sum due to the Consent holder(s) for the remaining period of the Consent. The formula will be the same as that used for a revocation.

A deduction may be made by the Council, from any sums due to the holder of a Consent, following the revocation or surrender of that Consent to meet the reasonable costs incurred in ensuring compliance with the terms of the Consent where the Consent Holder(s) failed to do so e.g. the clearance of litter or other detritus from the site, the making good of damage etc. Where the sum expended by the Council on such matters exceeds the sum due to be refunded to the Consent holder(s) then no sum shall be payable to the Consent holder(s) and such sums in excess shall be recoverable by the Council from the Consent Holder(s) as a debt and interest may be added where payment is not made within 14 days of a demand being made.

If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply; the holder must then pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.

Consultation and Notice

Where the proposed pitch is situated in a lay-by outside a residential property the Council will consult with the resident(s) adjacent to the lay-by and will take their relevant representations into account when drafting the conditions to be attached to

any Consent granted. No consultation with other persons or bodies will be undertaken, normally, before a Consent is granted or refused but, where Licensing Officers consider it appropriate, advice or comment may be sought from other bodies, such as the police or the highway agency.

The Council does not promise the holder(s) of the Consent peaceful enjoyment of the pitch/site and will accept no liability to the Consent holder(s) whatsoever and will pay no compensation, costs, damages, expenses etc. in relation to any loss, damage or interference that the holder may suffer from any cause whatsoever related to or connected with the Consent including, for example, because the streets are being cleaned or maintained, where an emergency arises or where strikes, riots etc. ensue.

6 Established and Proposed Pitches

There are already certain established pitches at sites within the District where street trading is conducted. Any proposed new pitches will be subject to an assessment of the suitability of that site for the activity in question. The assessment will consider, amongst other matters, the suitability of the pitch for the street trading activities proposed, the implications upon nearby shops, businesses and markets and the accessibility of the pitch for those with disabilities.

Consents from static locations will not, normally, be granted where in the Council's view:

- A significant effect on road safety would arise either from the siting of the trading pitch/activity itself, or from customers visiting, parking or leaving the site; **or**
- There would be a significant loss of amenity caused by, noise, traffic or smell; **or**
- There is an already adequate like provision in the immediate vicinity of the pitch e.g. shops and markets; **or**
- There is a conflict with Traffic Orders e.g. waiting restrictions; **or**
- The pitch or trading unit obstructs either pedestrian or vehicular access, access to shops, traffic flows, or places the public or customers in danger; **or**
- The site does not allow the Consent Holder, staff and customers to park in a safe manner; **or**
- The street trading activity is carried out after dusk and the site is not adequately lit to ensure the reasonable safety of both customers and staff.

Where a Consent is surrendered or revoked, the Council will endeavour to advise the availability of that pitch on its website and should there be more than one applicant for that pitch, the Licensing Manager shall determine which applicant will be successful.

7 Fee for Street Trading Consents

Fee levels and fee structure for a Consent will be set by the Licensing Committee and will be reviewed, normally, on an annual basis. Where a change in fees or fee structure arises the revised fee will apply: -

- from the next renewal following the Committee's decision for existing Consent Holders or
- immediately following the decision for new applications received after the decision date.

Please see our current scale of fees & charges

If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply and the holder must pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.

8 Conditions which may be applied to the Consent

Each Consent will set out the following information: -

- names and address(es) of the Consent holder(s)
- the day(s) and hours when street trading is permitted
- the range of goods which may be sold
- the precise details of the location, size and orientation of the pitch itself.

The Licensing Officer dealing with the application will attach such reasonable and proportionate conditions as in all the circumstances is considered to be necessary to maintain adequate public safety, avoid nuisance and anti-social behaviour and generally preserve the amenity of the specific locality. Examples of such conditions are set out in Appendix 2.

Suitable exclusions of liability will be included in the Consent too and the holder(s) will be required, both, to indemnify, fully, the Council against any claims and actions and to maintain appropriate insurance cover as set out under Section 5

In addition, the Consent holder(s) may be held liable for any damage caused to the verge, pavement, highway or any other item of street furniture as a result of the operation of his/her business. Any such damage must be reported to the relevant agency. It is probable that the Consent will be revoked unless the full reinstatement costs (including the Council's reasonable administration costs) are met forthwith and appropriate undertakings provided guaranteeing future good behaviour.

Where the consent is given for a food unit, the Council will normally add the following condition to a consent unless it believes there are extenuating or other significant reasons for not doing so:

The holder of a street trading consent shall hold a four or five star food hygiene rating for the food unit; should that rating fall below four star, and shall ensure that at least a four star rating is obtained within 3 months of receiving a lower score; should this not be obtained; the consent shall be revoked.

9 Enforcement Action

Persons trading without a Consent and who are not exempt (see Section 3 for exemptions) will be the subject of enforcement action in accordance with the Council's Environmental Health Enforcement Policy, which can be found on our website at:

<http://www.southsomerset.gov.uk/environment/environmental-health/environmental-health-enforcement/>

This Policy will also apply to any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act and/or established case law.

The following principles will be followed when carrying out street trading enforcement activities:

Openness: The Council will be open about how it enforces the legislation in relation to street trading. Appropriate discussions on compliance failures or problems will normally be undertaken as part of the enforcement process.

Helpfulness: The Council will advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.

Proportionality: The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Appropriate regard will be given to the human rights of all parties involved in its enforcement activities.

Consistency: The Council will carry out its duties in a fair, equitable and consistent manner having regard to its Enforcement Policy, any national codes of practice and guidelines and the contents of this document.

In addition, other agency may take enforcement action where breaches of the law are found e.g. trading standards

Consent Holder(s) must allow access to authorised Officers of the Council, and Police Officers, at all reasonable times. Council officers will carry with them and produce on request official identity cards.

10 Equality Impact of the Policy

This Policy will be assessed for its impact on equalities issues by the Steering Group for Equalities and changes will be made, where necessary and appropriate, to bring the Policy into line with the equality duties of the Council.

The Council will take all reasonable steps to ensure that it takes account of equality issues in determining applications for Consents and in its enforcement of the street

trading regime. An appropriate monitoring system will be put in place to provide information on the future impact of the Policy on the different equalities strands.

11 Feedback and Review of the Policy

The Policy will be reviewed, normally, every three years to assess its effectiveness in meeting the purposes set out above. In addition, the Assistant Director – Environment in consultation with the relevant Portfolio Holder, may make minor changes.

Feedback on the Policy for future reviews should be sent to Licensing Manager or can be made via the Council's website www.southsomerset.gov.uk or by e-mail to licensing@southsomerset.gov.uk

Where an applicant or any other person has a complaint about how this policy has been applied or the administration or enforcement of street trading by the Licensing Service then the Council's Complaints policy will apply. A copy is attached at Appendix 4.

APPENDIX ONE

Other Legislative Requirements and Good Practice

The following does not form part of the policy on street trading; its aim is to provide useful information to applicants so that they are aware of other legislative requirements, however the Council does not accept any responsibility for this information, as it is subject to amendment and/or repeal which is not within its remit or control. Please note that this is not an exhaustive list and does not cover, for example, highways or planning consents for which further advice may need to be sought.

FOOD HYGIENE

As there are frequent changes to food legislation it is recommended that applicants and consent holders visit the website of the Food Standards Agency and view their latest publications such as "Food Hygiene – A Guide for Businesses"

<http://www.food.gov.uk/business-industry/food-hygiene>

HEALTH AND SAFETY

All businesses are required to comply with the relevant statutory requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. These regulations set out the requirements of the health, safety and welfare of staff and users. Further advice can be obtained from the Local Authority or the Health and Safety Executive website: www.hse.gov.uk

Safety Policy

If an employer employs 5 or more people, he/she is required by law to produce a written health and safety policy, which their staff must read, understand and follow.

The written policy must:

- i) state their general policy on health and safety.
- ii) state who is responsible for carrying out the policy.
- iii) be revised whenever appropriate detail the arrangements the business has for ensuring health and safety
- iv) be revised whenever appropriate

Risk Assessment

An assessment of the health and safety risks associated with your business must be carried out. To do this look for the hazards (the things which can do harm) associated with your business. Then decide who might be harmed (you, your staff, customers or other members of the public) and how. The next step is to evaluate the risks (the chance, high or low that somebody will be harmed by the hazard) and decide whether the existing precautions are adequate or whether more should be done. If you employ 5 or more people you have to record your findings. Finally you need to review your assessment on a regular basis and revise it if necessary.

Further information is available in the HSE Booklet 'Five Steps to Risk Assessment'

Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO), which came into force in England and Wales on 1st October 2006. Further information is available from the Council's Licensing Service or at:

www.devonandsomersetfire.co.uk .

First Aid

A proper first aid kit must be provided and all staff must know where to find it. The kit must contain plenty of waterproof dressings (blue if possible), bandages and protective fingerstalls. The level of first aid cover should be determined through the risk assessment process.

Fire Fighting Equipment

Equipment must be provided appropriate to the types of fire that may be faced e.g. Cooking fat, LPG, electrical etc. This will normally consist of a fire blanket and a dry powder fire extinguisher, both of which should be located near to the door or entrance of the vehicle or stall.

A dry powder extinguisher conforming to BS 5423 1987 (for current extinguishers) or BSEN3 (for all new extinguishers) must be provided.

Extinguisher size to be determined using the following table:

Length of Vehicle	Extinguisher Capacity
Up to 3.5 metres long	1 x 2 kg
Between 3.5 and 4.5 metres long	1 x 4 kg
Over 4.5 metres long	1 x 6 kg

Extinguishers should be mounted on wall brackets approximately 1 metre from floor level and adjacent to the exit. A competent person must service extinguishers at least once per year.

Electrical safety

If an electrical generator is used or a connection is made to a permanent electricity supply the consent holder must ensure that the electrical installation is safe. If there is any doubt as to the integrity of the supply or installation the council may ask for a safety certificate from a competent person or body. In most circumstances an inspection by an NICEIC or ECA approved electrician will be satisfactory.

At no time should electric cables be draped across roadway, public footpaths or any other area where the public have access.

Electricity Generators

If a generator is to be used to supply electricity for any stall or vehicle it shall be maintained in good condition and operate without producing any visible smoke. The generator shall be suitably silenced so that it cannot be heard by anyone at the nearest premises.

Liquefied Petroleum Gas (LPG)

All LPG installations must be in accordance with the following code of practice:

CODE OF PRACTICE FOR THE USE AND/OR OF STORAGE OF LIQUEFIED PETROLEUM GAS IN MOBILE SHOPS, SNACK BARS AND STALLS

Storage of L.P.G. Cylinders

1. If stored *externally*, these should be:
 - (a) Sited on a firm standing.
 - (b) Fitted in an upright position with the valve uppermost in an upright stand or otherwise securely held.
 - (c) Protected from accidental damage or interference.
 - (d) *So sited that the top is below the level of the stall openings, or 1 metre away from such openings.*

2. If stored *internally*, these should be:
 - (a) Cylinder should be kept in a compartment that is gas-tight from the interior having half-hour fire resistance.
 - (b) The compartment should be sufficient to contain spare cylinders.
 - (c) The compartment should be positioned away from the service area.
 - (d) Access to the compartment must only be from the exterior of the vehicle and must be fitted with a lock.
 - (e) Compartment ventilation must be at both high and low levels.
 - (f) The compartment must be identified with a suitable sign conforming to BS 5378 11980, e.g. 'L.P.G. HIGHLY INFLAMMABLE'

3. The total quantity of L.P.G. available at a premises should not exceed 50kg

Gas Pipes and Fittings

1. All ferrous pipe-work and fittings to be protected from corrosion. Non-ferrous pipes to be drawn copper or stainless steel with compression-type fittings.
2. No pipes to be run through box sections or cavities.
3. All joints and unions to be easily accessible.
4. Pipes to be securely fixed in position.
5. Flexible hoses to be as short as possible. Only hoses conforming to BS 3212 are to be used and should be changed every two years. All hoses should be secured with proper hose clips.
6. All valves and fittings to be tested with soapy water at regular intervals to ensure that they are tight.

Ventilation

Ventilation in the vehicle or trailer must be sufficient to provide oxygen for gas burning appliances and to remove the products of combustion. This should be by means of permanent vents at high and low levels.

WARNING – ALL L.P.G. EQUIPMENT IS DANGEROUS UNLESS INSTALLED PROPERLY AND REGULARLY MAINTAINED BY COMPETENT PERSONS. PROFESSIONALLY QUALIFIED PERSONNEL SHOULD CARRY OUT ALL INSTALLATIONS AND MAINTENANCE. THE USE OF L.P.G. SHOULD BE TREATED WITH RESPECT AT ALL TIMES. ALL STAFF MUST BE TRAINED WITH REGARD TO PROCEDURES IN CASE OF FIRE.

APPENDIX TWO

EXAMPLES OF CONDITIONS THAT MAY BE ADDED TO THE CONSENT

General

1. The Council retains the right to alter the allocated sale area in the event of unforeseen circumstances.
2. Consent holders and their assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch will have their Consent revoked.
3. The Council reserves the right to exercise its powers under the Local Government (Miscellaneous Provisions) Act 1982 to prohibit any street trading for a maximum of six days in any one year where it is deemed necessary by the Council subject to notice in writing at least 14 days prior to removing the consent day(s).
4. Traders and their assistants employed by them shall ensure the public are treated fairly and with courtesy at all times.

Site Conditions

1. The trader will be responsible for cleansing the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and refuse is disposed of in an approved manner on a daily basis.
2. Street traders must not utilise public bins for their commercial waste.
3. No trader shall wholly own or possess exclusive rights to a pitch. Should the trader be absent from the pitch for whatever reason, any pitch may then be used by an authorised markets organiser or as part of an event; details to be agreed prior to said market or event.
4. The trader when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons employed in the street trading activity.
5. Advertisements or other notices must not be placed outside of the area of the street trading site, without the written approval of the Councils' planning department. The trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of flyer, public address system or otherwise without the express written consent of the Council.
6. The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he/she must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.

7. The trader shall trade only from the position, which is detailed on the consent, unless directed to or agreed to by the Licensing Authority.
8. The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.
9. All goods, containers or other articles shall be contained within the consented pitch area and shall not project beyond.
10. Trading may only take place on the days and during the times specified on the consent without special authorisation being given in writing from the Council.
11. The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
12. The street trading consent plate issued by the Council must be conspicuously displayed in a place where the public may view it.
13. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which, consent has been granted.
14. No signage or objects shall be placed on the highway or area surrounding the vehicle/premises unless agreed by the Council. Fly posting within the South Somerset District Council area is not permitted.
15. Traders shall not allow any obstruction to fire hydrants, manholes or other street furniture etc., resulting from their business.
16. Where a casual trader has been given consent to use an electricity source owned by SSSDC a small charge will be applicable and instructions will be given on the proper use of the supply including health and safety measures.
17. No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that:
 - they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.
18. No combustible materials are to be stored in the vicinity of a generator and suitable first aid and fire-fighting appliance(s) must be immediately available.
19. Wherever possible all generators must be fuelled by diesel oil.
20. No fuel may be stored in the vicinity of a generator.
21. Generators must not be filled up during the trading day. All generators should be filled up at the start of the day before trading.
22. The consent holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.

23. All traders using any form of power must have a minimum of a one-litre fire extinguisher suitable for use on the type of equipment being used.

Food Trading

1. Vans and stalls used for cooking must be adequately ventilated.
2. Staff who handle food must be supervised and instructed and/or trained in food hygiene in a way that is appropriate for the work they do.
3. The person or people responsible for developing and maintaining the business food safety management procedures, based on the principles of Hazard Analysis and Critical Control Points (HACCP), must have received adequate training to enable them to do this
4. A valid food registration certificate is in force for the business
5. The holder of a street trading consent shall hold a four or five star food hygiene rating for the food unit; should that rating fall below four star, and shall ensure that at least a four star rating is obtained within 3 months of receiving a lower score; should this not be obtained; the consent shall be revoked.

APPENDIX THREE

Extracts from Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 re Street Trading (N.B the extracts are numbered as set out in the Act).

Interpretation

1.(1) In this Schedule

"consent street " means a street in which street trading is prohibited without the consent of the district council ;

" prohibited street " means a street in which street trading is prohibited ;

" street " includes-

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

" street trading " means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street;

(2) The following are not street trading for the purposes of this Schedule-

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading which-
 - (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- (f) selling things, or offering or exposing them for sale, as a roundsman;
- (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where-
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not-
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Designation of streets

- 2.(1) A district council may by resolution designate any street in their district as-
- a) a prohibited street;
 - b) a licence street; or
 - c) a consent street.

Street trading consents

- 7.(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted -
- (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent -
- (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street -

- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions -
- (a) as to where the holder of the street trading consent may trade by virtue of the permission;
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

General

8. The holder of ... a street trading consent may employ any other person to assist him in his trading without a further ... consent being required.
- 9.(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a ... street trading consent.
- (2) A council may determine different fees for different types of ... consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according -
- (a) to the duration of the ... consent ;
 - (b) to the street in which it authorises trading; and
 - (c) to the descriptions of articles in which the holder is authorised to trade.
- (3) A council may require that applications for the grant or renewal of ... consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
- (4) A council may determine that fees may be paid by instalments.
- (5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

Offences

- 10.(l) A person who-
- (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in ... a consent street without being authorised to do so under this Schedule; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -

- (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
- (e) contravenes a condition imposed under paragraph 7(9) above shall be guilty of an offence.
- (2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (3) Any person who, in connection with an application for ... a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
- (4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

Savings

11. Nothing in this Schedule shall affect -

- (a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act;
- (b) section 56 of the Food Act 1984 (prohibition of certain sales during market hours).

APPENDIX FOUR

The Council's Complaints Policy

If you are dissatisfied about the standard of service received by us, please tell us

You can make a complaint in writing to the Licensing Manager, South Somerset District Council, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT, or by phone to 01935 462462 or online through our website

<http://www.southsomerset.gov.uk/contact-us/contact-us-online?type=complaint>.

Your comment will then be handled in accordance with our complaints procedure outlined below.

Complaints procedure

We define a complaint as "an expression of dissatisfaction, however made, about the standard of our service, actions or lack of action by the Council or its staff affecting an individual customer or group of customers". They are dealt with in a series of escalating stages.

Stage 1:

Any South Somerset District Council officer receiving a complaint will:

1. Establish the exact nature of your complaint (this may be recorded by our Customer Services team).
2. Forward your complaint to the Assistant Director responsible for the relevant Service.
3. The Assistant Director will acknowledge your complaint in writing. A full reply will be posted to you within 10 working days; however if we are unable to reply to you within that period, we will acknowledge receipt of your letter within 5 working days and give you a realistic timescale.

Stage 2:

If you are not satisfied with the response, please ask for your complaint to be referred to the Strategic Director responsible for the Service. The Strategic Director will investigate the matter and respond to you in full within 10 working days or 5 working days for a holding reply (which will give you a realistic timescale to expect your response).

Stage 3:

If you feel your complaint has not been resolved by stage 2, you may wish to appeal to the Chief Executive of South Somerset District Council. The Chief Executive will ask a senior officer unconnected with the complaint to review the case. This stage of the procedure will be completed within 20 working days.

Stage 4:

If you feel your complaint has not been resolved after stage 3, you may wish to pursue your complaint through the Local Government Ombudsman. You will be forwarded the contact details for the Ombudsman after Stage 3. You can find out more about the Ombudsman by visiting their website at <http://www.lgo.org.uk/>

Comments received from :	Comments Made	Response to Comments
<p>Wincanton Carnival Association</p>	<p>Page 4, para 3, Exemptions from the need to obtain consent, 1st bullet</p> <p>Council’s implementation of persons trading as pedlars, needs to be improved. They should be included the same as any other street trader – they have mobile units, and do not walk to a carnival event.</p> <p>If the certificates are issued by the police, perhaps talks on the design of the certificate can be held. They currently have no photo, can easily be photocopied, need laminating to prevent fraud. Then it needs looking at whose responsibility it is to enforce what the guidelines are that they have to walk to hawk, and only carry their goods.</p> <p>As a carnival we have no powers to stop them turning up, they cause problems in the traffic flow of the procession, as at times dangerous in how they wheel their trolleys out of the procession vehicles, and the crowds, and so on. It needs establishing who is the authority who controls them, if the police issue the licence, then they say they have no powers to move them on, if it is a licensing issue then SSDC needs to up its game. It is difficult to see what they are charged for their certificate. They should be treated as Street Traders, when they attend carnivals – they trade - not peddle/hawk.</p> <p>Page 5, 5th bullet</p> <p>Insert Carnival wares, i.e. programmes, items such as hawkers sell, but at a much lower price. Hawkers should not be exempt.</p>	<ol style="list-style-type: none"> 1. This section relates entirely to pedlars/hawkers. The legislation that controls the activities of pedlars is the Pedlars Act 1871. The Pedlars Act 1871 contains its enforcement powers in sections 17 to 20. These sections all clearly state that a constable or officer of police has the power for enforcement within these sections. There is no duty, responsibility or authority within this act to allow for local authority enforcement. 2. Not necessary as selling for non-commercial purposes by carnival organisations or community groups is already covered by an exemption.

	<p>Page 5, 10th bullet</p> <p>Insert Carnival. Traders who donate to carnival should be exempt from paying the fee. Food traders in Somerset come from a long family tradition of supporting carnival. The hike in fees last year to £57, nearly resulted in us not having Food Traders. They did give a donation, but it must have hit their profit of the evening. In addition, one of the traders supported carnival by supplying food at 50% cost, and so gave even more to the carnival. I believe in other local District councils, the Food Traders on carnival night do not have to pay a fee, provided they make a donation. Alternatively, the council could look at reducing the fee to what it was £12, as they are only there for 3 hours, and not like a street trader trading all days for the same fee. Perhaps the council could reintroduce a reduced rate or even better still a zero rate for these traders.</p> <p>Page 6, para 4, last para</p> <p>After Council's Licensing Manger insert “, and needs to be included in the event's contingency plan,”</p> <p>Page 9 Yellowed paragraphs</p> <p>Should this consent apply to hawkers as well. They speak no English, they do not contribute to carnival. They may even be illegal immigrants. The identification badge/permit has to be of a better design, with photo ID and forger- resistant.</p> <p>Page 9, para 7</p> <p>Hawkers should be issued with a 'Plate for each of their</p>	<p>3. This was discussed at length and members felt that in order to support carnival an exemption scheme could be introduced. This would mean that a carnival could apply for their event to be exempt from the street trading regime. Upon receipt of an application supported by relevant documentation and a nominal fee to cover the cost (to be determined) an exemption certificate could be issued to the carnival.</p> <p>The carnival would then be free to organise their own traders.</p> <p>4. Not necessary</p> <p>5. See point 1 above.</p> <p>6. See point 1 above</p>
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	<p>'units, whether they be converted shopping trolleys or more sophisticated units. '. Issuing of the plate should only be given when the hawker can show they have donated to the charitable event.</p> <p>Page 10, para 5</p> <p>Food Traders have long memories in relation to position at a carnival, even after a 6 year gap. They demand a certain spot and get very aggressive if they do not get their spot. Need to have some wording here which indicate to traders that their pitch is not for ever, and that organisers can chose who they invite to a carnival. I recognise that the wording hers is meant for actual street market type trading.</p> <p>Page12 Section 6, yellow para</p> <p>This would not apply to carnival -the organisers should be free to invite who they wish.</p> <p>Page 12, section 7 Fees</p> <p>Strongly ask that street traders who come on invitation to a carnival be allowed a nil fee charge, provided they have donate to the carnival – they are only there a short time. Some councils do not charge for carnivals. It cost us over £8000 to put on this year’s carnival – a lot of expense for 2 hours of fun. We need the support of the traders.</p> <p>Final comments</p> <p>Licensing Officers, with police, should be in attendance at all events where Hawkers, in particular, attend, to enforce licensing measures.</p>	<p>7. See point 3 above which resolves this issue.</p> <p>8. See point 3 above, which resolves this issue for carnivals.</p> <p>9. See point 3 above which resolves this issue for carnivals.</p> <p>10. See point 1 above.</p>
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	<p>The problem of the Hawkers should be tackled and not just ignored. Both police and council say it is not their responsibility. It has to be someone's – they are trading, they are not hawking in the legal sense. They cause danger, and exploit the families that foolishly buy.</p> <p>Exemption of fees could follow practice of other district councils – Mendip for example does not charge food traders for carnival, which helps to cover the costs involved, as the traders donate to the carnival.</p> <p>On behalf of Wincanton Carnival Association</p>	
Yeovil Chamber of Trade	<p>I am writing in response to the Street Trading Policy consultation. I read through the 28 pages of the Street Trading Regulations, currently under consideration, and consulted with affected Chamber retail members, who have provided me with some insight into the proposals.</p> <p>At a time when SSDC Area South are working to encourage growth in the town centre and working positively with stakeholders such as Yeovil Chamber, creating opportunities and the potential for growth, I am dismayed at the apparent potential negative implications of the (district wide?) Street Trading proposals.</p> <p>Yeovil Chamber is the voice of the business community in and around Yeovil, and currently has a growing membership, comprising over 120 member businesses. I currently chair the Love Yeovil Group, and am a board member of Yeovil Vision, both of which exist to bring town centre businesses to the table; encouraging footfall into Yeovil via a programme of events and attractions.</p>	

	<p>The proposed changes to the SSDC street trading policy seem to fly in the face of all the good work currently being carried out by SSDC and other Stakeholders. One business is claiming that the new rules will impose an additional £800 per year, just to carry on delivering food & drink by motor vehicle to other businesses, some of which are located away from shops. Life for retailers is challenging enough, with high business rates and competition from internet trading. Why does SSDC require additional revenue from the business sector, by different means? I could understand (but would not be happy) if business rates were increased, but to apparently create additional policy conditions to generate additional revenue seems underhanded.</p> <p>The regulations apparently give SSDC scope to apply Street Trading legislation to certain areas under private ownership (SSDC definition of the term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'). That definition opens the door for SSDC as that could be interpreted as 'any property that a Company owns that you can walk onto by some route that is not entirely shut off'. That would include supermarket car parks, trading estates, shopping malls, the land YTFC own around their stadium, forecourts – the list is endless.</p> <p>The changes would mean that if a Chamber member business had commercial third party operators taking money in areas that meet this definition, even if it is private property owned by that Chamber member, aside from the Chamber member's own procedures the third party operator concerned would legally have to: (a); go through a SSDC Street Trading application process, and (b); would have to pay the Street Trading Fee which currently can be over £50 per day? It also</p>	<p>11. No decision on fees has yet been made, this will be a matter for Licensing Committee once the policy has been agreed.</p> <p>12. Delivery of pre-ordered food would not constitute street trading and would be exempt. It is only where sales are made of non pre-ordered product that street trading consent would be required.</p> <p>13. This is the current legal position in the UK and has been for some while. The definition is one that is set out in the relevant act and had been further decided by the Courts by case law. SSDC have been challenged on this in both the Magistrates' and Crown Court and has been successful in defending our current policy on appeal.</p>
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	<p>seems to suggest that even if a Chamber member was happy with the third party concerned coming onto their land, SSDC could enforce the Street Licensing system. I am aware of at least one Chamber member business which has already suffered under this system. Their projects and plans designed to bring much-needed footfall into town have collapsed because of the rules and cases where commercial users of their property would have to pay SSDC more for fees than they are paying the resident business. That business will also be making its views known as part of the consultation.</p> <p>SSDC Area South is investing time and money in Yeovil town centre, and working with business community stakeholders such as Chamber to build confidence and foster the right conditions for town centre businesses to flourish. It would be a shame if the current regeneration work being undertaken in the town centre, and investment by SSDC Areas South, is undermined by these proposed changes to the Street Trading Regulations.</p> <p>My main question is; what is driving the need for additional SSDC revenue, by these alternative means? The retail community and in particular, Yeovil town centre retail is beginning to fight it's corner, in the face of internet trading and high business rates, building a collective proposition and creating the conditions for prosperity for all in Yeovil. Why create additional financial challenges and red tape?</p>	<p>14. Area South have been consulted on the proposed policy.</p>
<p>Brenda Ford No5 Catering Ltd</p>	<p>I work for Charlie at No.5 Catering and I am responding, on behalf of the business, to the suggested £800 per vehicle levy proposed in your new street trading policy. Why is this levy being brought in at this time and what do SSDC hope to gain by it? I feel the implications of this charge for every vehicle delivering food and drink to business</p>	<p>15. See point 11, 12 and 13 above.</p>

	<p>premises in and around the area can only be negative. Most small delivery vehicles operate on a very tight budget and provide a valuable service to people working in areas where there is no easy access to any food and drink outlets. In the case of No5, this service is a fundamental part of the working day for a great many people. To keep such a vehicle on the road the costs leave very little margin already: fuel, wages, cost of production, share of overheads. etc. etc. To impose another £800 would result in many vehicles being taken off the road, jobs lost and a much needed service no longer available. I would appreciate your comments.</p>	
Tony Smith (1)	<p>Dear Nigel Something has been bothering me since reading through your draft. Was not sure what it was, but bizarrely it has now surfaced. Many, maybe all, market traders use the National Market Traders Federation insurance service to cover both public and employers liability. The cover is excellent and satisfies every market operator I have encountered. However.... your draft seeks to view the appropriate certificate, and there lies the potential problem. Maybe even danger. The Federation arranges a group policy, a Swiss company last time I looked. This annual policy has a "random" start/ finish not remotely likely to coincide with the cover given to insured members on their own specific membership renewal date. In times past, though I have not seen one lately, the Federation sent out a copy of the employers liability certificate, so it could be properly displayed. This however did not necessarily guarantee that the member was covered if he had not renewed his membership, even though the master policy still showed time to run. They never, routinely, send out copies of the public liability</p>	<p>16. A good point. The proposed policy will be amended to include sight of the traders NABMA membership card as proof of public liability insurance.</p>

Tony Smith (2)

certificate, but I can only assume the same system must apply, providing the same difficulty in guaranteeing cover from the presence of a current certificate.

Now.... the market world gets round the problem in simple fashion. It never asks for a certificate but instead accepts sight or photocopy of the trader's membership card. This card shows if the membership is current , and until when, and on the reverse details the extent of the cover both for public and employers liability.

I have attempted to attach a copy of my own card.

Simply put, maybe your draft can include wording to allow NMTF membership cards to be acceptable as though they are a certificate.

Little chance of a mistake, and no chance of lapsed cover

Sir,

Thank you for including me in your mailing list regarding the proposed revised street trading provisions.

Aside from a natural aversion to the length and complexity of any regulations, and the rules covering their enforcement, I have little to say regarding either the existing or proposed document, though there are some errors of grammar and it might be more sympathetic not to refer to activities being "caught" by legislation.

However,

These proposals fail to address the difficulties faced by seasonal traders, operating on limited profit margins, who are effectively excluded by virtue of the much larger fees you ask for short periods of trading.

It is worthy of note that the charges for market pitches in Yeovil are some of the highest of any locally, and yet your fees for street trading are around 3 times this amount!

I understand your need to recover costs, but if you had more traders, the cost to administer each would diminish in

17. Members discussed this matter and felt that there was no need for a seasonal consent as the quarterly fee of £425 was reasonable and gave the opportunity to trade for up to 3 months. The previous regime fee of £13 per day, would equate to £390 for only 30 days trading.

	<p>proportion.</p> <p>It is easy to see the problem, somewhat more difficult to find an equitable solution.</p> <p>One way might be to licence the town council, or shopping mall owner, in respect of all pitches within its boundaries, then empower them to examine, approve, and regulate traders they, with even more local knowledge, wish to have in their town, or mall. They could then charge a more modest rate for each pitch.</p> <p>This in some ways goes back to the previous system, and I understand you may prefer centralisation.</p> <p>To keep matters in your hands maybe you can consider some method of "advance approval "of a trader for a period, say 1 year, and this for a fee, say £50, to cover the documentary examination costs, without thereby defining on which specific days he will trade. Those trading days to be specified only by groups for example " the three weeks before Easter plus the four weeks before Christmas "</p> <p>The trader then, giving reasonable notice, being able to select the days he wants, on which he assesses the weather will permit trade, on which he expects to be able to secure adequate stock, etc.</p> <p>To pay, on giving above notice, a more reasonable daily rate , say £25.</p> <p>Such a system defrays your costs in advance,(even if the trader fails to reappear!) but encourages the trader to go to work on as many days as possible, thus, by apportionment, reducing the impact of his original registration fee upon his day's trade.</p> <p>It is important that such a scheme does not materially change the fees of an annual licence, but should encourage more seasonal traders whose presence is presently sadly lost to the town.</p> <p>Save that he would pay (both elements) in advance this would</p>	
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	<p>be similar to the ancient market system of the casual trader joining a casual queue at the start of a charter market, where he would be allowed a pitch if a regular failed to attend, but with the more modern benefit of his " credentials " being adequately scrutinised in advance.</p> <p>I would like to join any public debate you have planned, and welcome any other ideas you may have to encourage more street traders. That both in number and variety.</p>	
Jo Morrison	<p>Having read in the Western Gazette that 'the public's views [are] sought over street trading' and then read about a proposed additional £800 levy for businesses delivering food, I chose to view the consultation documents. Unfortunately, I was unable to find the information about the levy and was unsure what the yellow highlighting referred to in the document. Furthermore, the consultation letter (see below) doesn't mention anything about any proposed levy. Please can you clarify:</p> <p>a) are the changes to be consulted on found solely within the yellow highlighted sections?</p> <p>b) where is the information about the proposed additional levy located within the document?</p> <p>c) is the consultation document about street trading policy that I have viewed, the correct one?</p>	18. Questions answered directly to respondent, please see points 11 and 12 above.
Wayford Parish Council	<p>Wayford is a small village close to Chard and Crewkerne. Street trading is unlikely to take place in the village itself. However residents of Wayford attend events in both Chard and Crewkerne and possibly in Ilminster.</p>	19. See point 3 above.

	<p>Wayford Parish Councillors are concerned about the impact this new policy will have on community events, particularly the carnivals, which have a short duration of 2 - 3 hours. Mendip District Council reviewed their policy last year but following consultation with organisers of some of these types of events decided to include an exemption for events such as carnivals and locally organised community events.</p> <p>Although there are exemptions in SSDC's policy it is not wide enough and does not cover the short amount of trading at the sort of events described above where the trader will keep some of the profit.</p> <p>Wayford Parish Council would therefore like to see SSDC include an exemption similar to that in Mendip Council's policy.</p>	
Castle Cary Town Council	<p>This is the response from Castle Cary Town Council (CCTC) to the above document concerning Street Trading within South Somerset District.</p> <p>After several discussions and meetings we offer the following concerns and suggestions that we would ask you to consider when finalising the Street Trading Policy for 2017</p> <p>Charitable and Community Exemption</p> <p>Events run for Community or Charitable purposes should be included in the list of exemptions.</p> <p>The reasons for requesting this exemption is that there are several events in the Town, usually held on an Annual basis such as the Town Carnival, Big Christmas etc. These events are organised solely for charitable or community benefit purposes and a significant part of the attraction of such events is the quantity and diversity of street traders who</p>	<p>20. These are already included in the policy, but there is no exemption where there is an element of private gain.</p>

	<p>commonly make donations of part of their takings to the organisers.</p> <p>Recent changes to street trading charging tariffs mean that for the relatively short time (typically 3 or 4 hours) that these events last, several traders will not take part. This has already happened with the Town Carnival where there was a 30% drop in the number of traders and a 15% drop in donations from Traders</p> <p>As worded, the policy will apply to The Big Christmas event and the future of such popular community and charitable events would become unsustainable if they are included in the Policy.</p> <p>Householder Exemption</p> <p>Occasional sales by householders from land contiguous with their homes.</p> <p>This exemption is requested to allow householders to hold occasional “garage” sales and the sale of excess garden produce from their own land. The imposition of the Policy to these sales would be unreasonable.</p> <p>Exemption of the Market House Curtilage</p> <p>There already exists an exemption in the document for the Undercroft of Castle Cary Market House. This exemption is requested for the small cobbled area between the pavement and the railings at the front of the Undercroft.</p> <p>This exemption is requested as with some events the Undercroft quickly fills with public and traders and the small extra area would prevent this congestion. In addition the cobbled area is commonly used for tables & chairs for the public to use during events and these are sometimes directly served by food and beverage traders in the Undercroft. In the wording of the document this could be construed as “trading” outside the Undercroft and would therefore become subject to the new Policy, this exemption is requested to remove this uncertainty.</p>	<p>21. See point 3 above.</p> <p>22. This is already included as an exemption in the policy (see page 5 bullet point 9)</p> <p>23. Members considered this, but felt that as this area was an open outside area to which the public have free access then an exemption would not be appropriate.</p>
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General Comments on the Document

Note that passages in *“italics and enclosed by inverted commas”* are quotes directly from the Draft Street Trading Policy Version 4

1. It would be very helpful if a numbering system was used throughout to make referencing the relevant sections of the document simpler
2. Page 6 – *“The Council would not normally grant, a Consent for the sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent”* – this seems very “woolly” and who decides what conflicts, based on what criteria? We understand the aims behind this but consider it too broad and highly subjective and should be more specifically worded, or preferably removed.
3. Page 7 – *“Where the proposed site for trading concerns land owned by this Council or Somerset County Council, as Highway Authority, then permission from the relevant Council must be obtained before an application for Consent is made”*. This seems reasonable when a third party organisation owns the land concerned but for SSDC owned land could not both applications be rolled up into a single application?
4. Page 9 – *“Consents shall only be issued to persons who have the legal right to work in the UK. Applicants applying for a 3 month consent or longer shall provide proof of this right to the Council where requested. If the applicant is assisted by any persons at their pitch, they shall also supply proof that their assistants have the right to work in the UK. The applicant is required to supply a current photograph of themselves and any assistants; the Council will upon successful application, issue a badge to the holder (and any assistants) which bears their photograph. Badges must be visibly displayed upon their person during the period of trading”* After discussion with the

24. Members didn't feel that this was necessary.

25. Members felt that this should remain as it gave the Licensing Manager the ability to refuse consents that would seek to sell similar items to those already available in the vicinity from established premises.

26. Members felt that this should remain as it is. Licence requirements for use of SSDC land are quite separate from the issue of street trading consents.

27. Members felt that this was clear enough, in that it only applied to persons requesting consents to trade for 3 months or more.

	<p>SSDC Licensing Manager it would appear that the whole of this section ONLY applies to applications for 3 months or more. This is unclear from the current wording, particularly the 1st sentence.</p> <p>5. Page 10 – <i>“The holder of the Consent shall ensure that any persons joining their employ - whether paid or unpaid has received their badge prior to assisting at the pitch and shall return their badge(s) to the Council when they have left this employment within one month of leaving. The applicant and any assistants shall provide evidence of a suitable background check in the form a basic disclosure to the Council before any consents and/or badges are granted. The disclosure shall not be any older than three months at the time of submission to the Council.”</i> This would appear to be unenforceable for “one off” replacement workers who help on short notice due to illness or emergency. This should be reflected in the wording</p> <p>6. Page 11 – <i>“Sufficient time”</i>. This expression (and similar) are used in the document. If possible specific time periods should be quoted. The applicant is in no position to judge what is sufficient time for SSDC to process requests</p> <p>7. Page 18 – First Aid – does this mean that every stall must have the relevant First Aid kit. If not and a suitable central area with a First Aid Kit should be given as an option</p> <p>8. Page 18 – Fire Extinguishers – as with comment above.</p> <p>9. Page 19 – fire extinguishers cannot be attached to a wall on most stalls</p> <p>10. Appendix 3 Page 25 – there are several places where ellipsis (...) are used as placeholders for</p>	<p>28. Members felt that this requirement should not be changed. However they did agree that in certain exceptional short term circumstances such as short term illness etc, then this requirement could be waived at the discretion of the Licensing Manager.</p> <p>29. Members agreed that where the phrase “sufficient time” is used then this should be replaced with the phrase a minimum of 28 days prior to trading.</p> <p>30. This is contained in Appendix One and is clearly stated as not forming part of the policy, it is providing useful information to applicants on other legislative requirements that they should be aware of.</p> <p>31. Noted, but this is a copy of the legislation as written.</p>
Odcombe Parish Council	<p>I was asked to read this document on behalf of Odcombe Parish Council.</p> <p>I found it easy to understand.</p>	

	<p>it contained all the information I expected it to.</p> <p>I cannot see the need to repay a portion of the licence fee if they have breached conditions but that is a minor point.</p> <p>What check is there on how the Licensing manager selects a new vendor for a pitch that falls vacant? There could be allegations of favouritism/bribery if it is a one person decision. is there at least a written record of applications and reasons for the decision?</p>	<p>32. The Licensing Manager is already required to make a written note of reasons for a decision and this is retained electronically within the Licensing IT systems.</p>
Misterton Parish Council	<p>Misterton PC has no comments to make re this consultation – except the length of the document.</p>	
Ilton Parish Council	<p>Ilton Parish Council considered SSDC's policy on street trading and would like to make the following comments. Reason for Ilton Parish Council's interest in the policy. - Ilton itself is a small village and does not often host street traders. However it is very close to towns such as Ilminster and South Petherton which do. Residents of Ilton enjoy local carnivals and other community events hosted and organised by the larger surrounding towns.</p> <p>Do you think there is anything missing? - Ilton Parish Councillors are concerned about the impact this policy has had and will continue to have on events such as the Carnival, the Ilminster Midsummer Experience, the Ilminster Christmas Lights Switching-on etc. Events such as these have traditionally invited a number of street traders who will set up for the few hours of the duration of the event, unusually only for 2 - 3 hours. Although the committees which organise these events do not receive any of the profit, traders have usually given a donation. SSDC increased their fees for a street licence quite considerably last year from £18 to £57. As</p>	<p>33. See point 3 above in relation to Carnivals.</p> <p>34. The costs incurred to SSDC are no different if</p>

	<p>a result a number of traders did not come to the Ilminster Carnival because they felt they could not cover the costs with only a few hours of trading. A number of traders who did come gave the Carnival Committee a reduced donation this year. This resulted in a considerable loss to the Carnival Committee which I understand was somewhere in the region of £250.</p> <p>Mendip District Council reviewed their policy last year but following consultation with organisers of some of these types of events decided to include an exemption for events such as carnivals and locally organised community events. Although there are exemptions in SSDC's policy it is not wide enough and does not cover the short amount of trading at the sort of events described above where the trader will keep some of the profit.</p> <p>The £58 fee is disproportionate for a 2 - 3 hour event. Do you have any suggestions for improving the policy? - Include an exemption similar to that in Mendip Council's policy. This reads as follows: Extract from Mendip District Council's Street Trading Policy <i>"10. Local Exemptions</i> <i>The Council has decided to exempt trading that takes place in certain circumstances. This means that the Authority will not ordinarily require its consent for street trading to take place in those situations. To benefit from this exemption, the trading must be carried out with the express written permission of the event organiser or be carried out by the householder concerned. The exemption applies to trading taking place in the following circumstances:-</i> <i>fetes, carnivals or similar community based and run events, organised for charitable purposes and/ or where there is no private gain by the organisers,</i> <i>non-commercial or charitable events,</i></p>	<p>the trader trades for 1 hr or 8hrs. the work required to process and deal with the application is exactly the same.</p>
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	<p><i>farmers markets, including producer-managed marketplace for local producers to sell their own produce direct to local people sales of articles by householders on land contiguous with their homes,</i></p> <p><i>This local exemption is provided to support both community based and charitable events enabling them to flourish. (The Authority may exempt trading in other similar circumstances, at the discretion of an Authorised Officer of the Council). However, notwithstanding this exemption the Authority does reserve the right to require consent where it is in the public interest to do so and in circumstances where it sees fit. Therefore, the Authority will maintain a register of all such activities. Full details of any trading that would otherwise require consent must be notified to the Authority in good time beforehand. This must be done in writing or by email to the Licensing Team and will ensure that this exemption is only provided in appropriate circumstances.</i></p> <p><i>In addition, the Council will exempt any street trading that takes place on land that is owned and/ or under the maintenance of Clark's Village or its agents. This exemption is provided due to the unique nature of the retail outlet in the Mendip District area and due to the existing checks that are carried out by the landowner or their agent's."</i></p> <p>Ilton Parish Council hope that the Council will think about the impact this could have on local events such as the Carnival and agree to include an exemption for these community based events similar to Mendip's exemption above or include other measures that would help to support them such as a reduction in fees for these short duration events..</p> <p>Yes, I am happy for an SSDC representative to contact me to discuss my response to this consultation exercise in more detail.</p>	
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Winsham Parish Council	<p>With regard to SSDC's Street Trading Policy Consultation and following the Parish Council's meeting last week, the Members have asked me to send the following response:</p> <p>Winsham Parish Council concurs with the policy. There are no additional comments.</p>	
Ilminster Carnival Committee	<p>I would like to make the following comments regarding the Street Trading Policy and ask that you give them due consideration when finalizing the policy.</p> <p>Ilminster Carnival Committee along with others in South Somerset are concerned about the effect that last year's large increases in street traders permits has had on our carnivals. A number of traders did not come to our event due to the increase which meant we lost their donation to the carnival and a number reduced the donation they gave us.</p> <p>As you are currently undertaking a consultation on street trading we feel this is an ideal opportunity to voice our concerns and propose a solution. This is something that does affect the larger towns with markets etc., but the recent changes to fees are already having a huge effect on charitable events such as carnivals.</p> <p>Please see below the paragraph that Mendip added to their policy to help support local events. I hope that this can be shared amongst members and given consideration before any final decision is made. This would be an ideal opportunity for South Somerset to show their support for the traditional events that take place in their district and will enable a fair</p>	35. See point 3 above in relation to carnivals.

	<p>and consistent approach across Somerset.</p> <p>I would also like to add that these traders only operate for a short period of time on Carnival night, probably only 3-4 hours and it is felt that the fees are excessive for the amount of time trading as well as the loss of donations to the event organisers due to the higher fees, something we have experienced this year.</p> <p><u>Extract from Mendip District Council Street Trading Policy</u></p> <p>10. Local Exemptions</p> <p><i>The Council has decided to exempt trading that takes place in certain circumstances. This means that the Authority will not ordinarily require its consent for street trading to take place in those situations. To benefit from this exemption, the trading must be carried out with the express written permission of the event organiser or be carried out by the householder concerned. The exemption applies to trading taking place in the following circumstances:-</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>fetes, carnivals or similar community based and run events, organised for charitable purposes and/ or where there is no private gain by the organisers,</i> <input type="checkbox"/> <i>non-commercial or charitable events,</i> <input type="checkbox"/> <i>farmers markets, including producer-managed marketplace for local producers to sell their own produce direct to local people sales of articles by householders on land contiguous with their homes,</i> <p><i>This local exemption is provided to support both community based and charitable events enabling them to flourish. (The Authority may exempt trading in other similar circumstances,</i></p>	<p>36. See point 34 above.</p>
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	<p><i>at the discretion of an Authorised Officer of the Council). However, notwithstanding this exemption the Authority does reserve the right to require consent where it is in the public interest to do so and in circumstances where it sees fit. Therefore, the Authority will maintain a register of all such activities. Full details of any trading that would otherwise require consent must be notified to the Authority in good time beforehand. This must be done in writing or by email to the Licensing Team and will ensure that this exemption is only provided in appropriate circumstances. In addition, the Council will exempt any street trading that takes place on land that is owned and/ or under the maintenance of Clark's Village or its agents. This exemption is provided due to the unique nature of the retail outlet in the Mendip District area and due to the existing checks that are carried out by the landowner or their agent's.</i></p> <p>Please contact me if you have any further questions</p>	
<p>David Mills Quedam Centre</p>	<p>This letter is a response to the current consultation process on this matter and should be considered separately to our existing 'appeal' as this letter contains additional information.</p> <p>Applying the street trading licensing system to the Quedam malls serves no one's interests because:</p> <ol style="list-style-type: none"> 1. We have a very strong record on management of activities on our mall yet the rules as drafted would require you to police the already intensively managed Quedam malls. 2. This in turn would leave you with less resource to tackle unlicensed activity elsewhere (in areas where perhaps management is not so intense). 	<p>37. Members discussed this issue and didn't see any reason why the Quedam should be treated differently to any other business trading in South Somerset. If the Quedam wish to manage street trading within the Quedam themselves, then they can apply for a consent in their own right.</p>

	<p>3. In the last part of 2016, as a result of the street licensing system applying to the Quedam, we had a project collapse and situations where operators were paying SSDC considerably more in street trading or market fees than they were paying the Centre.</p> <p>4. As a former President of Yeovil Chamber of Trade and Chairman of Love Yeovil (and current Board member of the Yeovil Vision)I feel that applying these street trading regulations to the Quedam is contradictory to the objectives of all of these organisations.</p> <p>This is specifically because no matter how loosely they are applied to the Quedam malls, the street licensing system makes it harder and more expensive for a commercial operator to trade on the Quedam malls than it was just two years ago.</p> <p>I know recently you have kindly suggested ways to make the street licensing system easier to use in the Quedam malls however even if these are accepted, the above issues will still apply.</p> <p>In summary therefore, including the Quedam malls in the street licensing system serves no one’s best interests.</p>	
<p>Marie Ainsworth – Area South</p>	<p>I have read through the draft policy and my comments and observations are as follows:</p> <p>I would like something added under the ‘site conditions’ section, in your words or amended to suit:</p> <p>No trader shall wholly own or possess exclusive rights to a pitch. Should the trader be absent from the pitch for</p>	<p>38. Agreed policy to be amended to include this.</p>

	<p>whatever reason this pitch may be used by an authorised markets organiser or as part of an event, details to be agreed prior to said market or event.</p> <p>Exemptions from the need to obtain a consent: Could consideration be given for an exemption to ‘not for profit’ groups with a constitution and aims and objectives to regenerate a town or village? for example; to have stalls as part of an event where the trader will be making money for themselves but where the pitch fee benefits the ‘not for profit’ group?? It could be a way of that organiser to bring in some income to cover other costs of providing entertainment for example. For us here we will likely be covered by our markets rights and ultimately DCLG and allow the likes of the Love Yeovil Marketing Group to run events and take pitch fees. There would of course need to be terms and conditions attached and each wold be judged on its merits.</p> <p>Electricity: Where a street trader has been given consent to use an electricity source owned by SSDC a small charge will be applicable and instructions will be given on the proper use of the supply including health and safety measures.</p> <p>Site conditions: Street traders shall not utilise public bins for their commercial waste.</p>	<p>39. Members discussed this but felt that the street licensing regime already contained adequate exemptions, and further exemptions should not be given where there was any element of private gain.</p> <p>40. Agreed</p> <p>41. Agreed</p>
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Agenda Item 8

SSDC Council Size Submission to the Local Government Boundary Commission

Chief Executive: Alex Parmley

Lead Officer: Ian Clarke, Director (Support Services)

Contact Details: ian.clarke@southsomerset.gov.uk or (01935) 462184

Purpose of the Report

1. To agree the attached submission on the future council size of South Somerset District Council to the Local Government Boundary Commission for England as the first stage of the electoral review of South Somerset.

Public Interest

2. An electoral review is an examination of a council's electoral arrangements. This means:
 - the total number of members to be elected to the council;
 - the number and boundaries of electoral areas (wards/divisions) for the purposes of the election of councillors;
 - the number of councillors for any electoral area of a local authority; and
 - the name of any electoral area.
3. Where it appears that an area's electoral arrangements should be changed in order to provide for better representation of an area's electors, a review will give rise to recommendations for changes which the Boundary Commission will lay before Parliament. Whenever the Local Government Boundary Commission undertake an electoral review, they aim to deliver good electoral equality across a local authority area. This means ensuring that, for any principal council, the ratio of electors to councillors in each electoral ward/division, is as nearly as possible, the same. The first stage in the process is to agree the number of councillors i.e. council size as that is the building block from which all subsequent considerations flow.

Recommendations

4. That Council:-
 - a) agree the attached submission on the future council size of South Somerset District Council to the Local Government Boundary Commission for England
 - b) note the next stage of the review

Background

5. In January 2017, officers from the Local Government Boundary Commission for England met with the Chief Executive, Leader of Council and Director (Support Services) to discuss the forthcoming electoral review of South Somerset District Council.
6. The review has been triggered because 13 of the Council's current 39 wards (33%) have an electoral variance of more than 10% from the average. One ward (Brympton) has a variance outside 20%. The Council recognises the importance of electoral equality to a fair democratic process by ensuring that each vote carries the same value,

whilst at the same time it must ensure that governance of the Council is maintained at a level which can best serve the electorate.

7. Members will recall the presentation by officers of the Local Government Boundary Commission for England made at Council in March 2017.
8. The Council's submission has been developed by a cross party working group consisting of executive and non-executive members in consultation with their respective group members.
9. Information in this Council Size Submission report has been provided by Spatial Planning, Development Control, Election Services, Scrutiny and a Councillor survey.

Next Stage of the Review

10. Once the Boundary Commission has agreed this submission of the total number of councillors, we then move on to Part 2 – warding patterns. This is the review of the boundaries of wards, number of councillors in each ward and (potentially) names of wards. In making these decisions the Commission must consider the following statutory criteria:-
 - Electoral equality – every ward to have a similar number of voters, based on our current electorate and forecasts for 2023.
 - Community identity – recognising communities and putting communities together rather than dividing them.
 - Effective and convenient local government – clear boundaries, not detached wards, ideally with complete internal transport links
11. SSDC will be given the opportunity to submit comments on warding patterns between 29 August 2017 and 30 October 2017. The Boundary Commission will then collate this evidence and visit the area. They will then put together a set of draft recommendations and publish a report and map. SSDC will then have a second opportunity to comment on the draft boundaries, number and names of wards between 16 January and 19 March 2018 and the final recommendations will be published by the Commission in June 2018. Any changes will take effect in time for the local election in May 2019.

Financial Implications

12. There are no direct financial implications in agreeing the recommendations of this report. There has been officer time spent in compiling the information, however, this is absorbed within current budgets.

Council Plan Implications

13. In reviewing the number of Councillors and ensuring their Ward Boundaries are relevant to the local area and have good levels of electoral equality we are contributing to the aims, values and focuses of the Council Plan 2016 – 2021:-
 - Protect and enhance the quality of our environment.

- Supporting people and communities, enabling them to help themselves.
- Work with partners to achieve economies, resilience and influence.
- Help keep our communities safe.

Carbon Emissions and Climate Change Implications

14. None arising from this report.

Equality and Diversity Implications

15. None arising from this report.

Privacy Impact Assessment

16. No personal data has been collected in the compilation of this report.

Background Papers

Ward and electoral information supplied by electoral services
Sites of 10 dwellings or more supplied by Spatial Planning
GIS mapping of SSDC polling districts
Councillor survey information (May 2017)



REVIEW OF ELECTORAL ARRANGEMENTS

Submission by South Somerset District Council on Council Size

1. Introduction

Local Authority Profile

South Somerset is the largest district council in the southwest and one of the biggest district councils in the country, both in terms of geographical size and total population.

The District covers an area of 370 square miles, has a population of 164,600 and is one of five Councils in the County of Somerset. Its characteristic is mainly rural, with Yeovil as its main centre and 8 other small market towns.

The District is parished with 102 parish and town councils and 19 parish meetings and over 820 parish and town councillors.

The Council currently has 60 District Councillors, and an electorate of 131,767 as at 1st June 2017. This equates to 2,196 electors per Councillor.

2. Overview of Council Size Submission

This submission sets out the response from South Somerset District Council to the Local Government Boundary Commission for England's (LGBCE) invitation to put forward a recommendation on future Council size.

The review has been triggered because 13 of the Council's current 39 wards (33%) have an electoral variance of more than 10% from the average. One ward (Brympton) has a variance outside 20%. The Council recognises the importance of electoral equality to a fair democratic process by ensuring that each vote carries the same value, whilst at the same time it must ensure that governance of the Council is maintained at a level which can best serve the electorate.

The Council's submission has been developed by a cross party working group consisting of executive and non-executive members in consultation with their respective group members. The Council's recommendation on Council size was unanimously approved by full Council so enjoys the cross party support of all Members.

This submission seeks to address the three areas contained in the LGBCE's technical guidance on:-

- **governance arrangements** of the council and how it takes decisions across the broad range of its responsibilities.
- the council's **scrutiny functions** relating to its own decision making and the council's responsibilities to outside bodies.
- the **representational role of councillors in the local community** and how they engage with people, conduct casework and represent the council on local partner organisations.

The primary objective for the overall review is in three key parts:

- Electorate equality – achieving a reasonably even spread of elector numbers across each ward. This will need to take into account current electorates and forecasts to 2023.
- Community Identity – do the ward boundaries fully encapsulate existing communities?
- Effective and Convenient Government – is the Council size appropriate to ensure the effective discharge of Council business and representation of the community?

3. Previous Review

The last review of electoral arrangements in South Somerset was in 1996-97, when the number of councillors was retained at 60 and the number of wards was reduced from 40 to 39.

Based on the 1 June 2017 electoral register the current elector to councillor ratio is 2,196. The electorate forecasts developed as part of this exercise suggest that by 2023 the ratio for the Council's recommended number of councillors will be an average of 2,293 electors per councillor.

4. Proposed Council Size

The district council area comprises a large and varied geographical area with a mixture of very rural areas and urban communities. This creates a variety of different local needs and priorities. Because of the complex mix of rural and urban, together with the identified growth within the district, it is felt that the current Council membership of 60 councillors should be retained.

The justification for this submission is:-

- a) The need to ensure an appropriate work/life balance for Councillors;
- b) Related to the above, the need to attract Councillors from a variety of backgrounds and ensure the Council is representative of its communities;

- c) The need for enough members to ensure effective scrutiny and properly represent the full diversity of the district;
- d) The role of the district councillor is seen to be a more active and demanding role as a consequence of developments in ICT and social media together with an increased interest in local democracy, planning and general societal changes;
- e) Increased role of councillors resulting from the implementation of transformation and the funding of services;
- f) The need to reflect the future growth in population in South Somerset, both in Yeovil and generally;
- g) The commitment of the Council to take account of the different needs of geographical communities through operation of an area system and associated committees making decisions in four local areas.

Retention of 60 Councillors does not represent a “stand still” proposal. The predicted electorate increase means the councillor:elector ratio will increase from 2,196 electors at present to 2,290 in 2023. Owing to the concentration of development in a number of Wards, there also will need to be a radical overhaul of the existing boundaries. The Council does not believe there will be a reduction in the development pressures on the District but it is confident efficiencies can be achieved in most of its areas of activity. The Council further believes that only by retaining the number of 60 Councillors will it be able to ensure that the governance, decision making and scrutiny functions will not be compromised and will remain effective, whilst still ensuring Councillors are able to fulfil their representational role within their communities.

5. Anticipated Growth in Population

The Polling District Forecasting Spreadsheet has been affected by Individual Electoral Registration. Many people were removed from the electoral register in December 2015 if they had not matched with the Department for Work and Pensions data, but, they came back onto the register in 2016 when the Referendum was announced and there an increased interest in registering to vote.

The electorate at December 2014 was 128,723. This dropped to 120,177 in December 2015 but has risen to 131,767 in June 2017. The Polling District Forecasting Spreadsheet is forecasting an electorate of 131,919 in 2023, however, in view of predicted development within the district this figure will be much higher. It is expected that a further 3,782 dwellings will be built by 2023 and taking an estimate of 1.5 people per dwelling, we expect the electorate of the district to rise to around 137,592 in 2023. This would mean an average of 2,293 electors per Councillor.

6. Near Neighbour comparison data

The comparison information below highlights the high councillor:elector ratio which already exists in South Somerset compared to the other Somerset District Councils and neighbouring authorities. It also compares equally with our CIPFA nearest neighbours of a comparable size across the country.

Somerset Authorities	Electors	Wards	Council Size	Electors per Councillor
South Somerset	131,767	39	60	2,196
Mendip	85,346	34	47	1,816
Taunton Deane	84,478	26	56	1,509
Sedgemoor	91,699	23	48	1,910
Neighbouring Authorities				
East Devon	113,169	32	59	1,918
North Dorset	53,023	19	33	1,607
West Dorset	80,703	24	42	1,922
CIPFA Nearest Neighbours				
Huntingdonshire	130,799	29	52	2,515
South Cambridgeshire	116,770	34	57	2,049
Aylesbury Vale	138,135	33	59	2,341
Wealden	121,783	35	55	2,214
New Forest	141,338	34	60	2,356

Submission by South Somerset District Council on Council Size Supporting Evidence

1. Governance and decision making – how does the Council manage its business and take decisions across its full range of responsibilities?	
<p>Leadership</p> <p>1.1 What kind of governance arrangements are in place for the authority?</p>	<p>Under the Local Government Act 2000, South Somerset District Council adopted a Cabinet style system with a Leader and Executive. The Council operates a “strong Leader” model whereby the Executive is appointed by the elected Leader. The Executive consists of 10 members; the Leader, Deputy Leader and 8 Executive Members. The Executive’s 10 members are also the Council’s 10 Portfolio Holders and are each the Council’s main representative and spokesperson on their nominated areas of responsibility.</p> <p>The Executive carries out all of the local authority’s functions which are not the responsibility of any other part of the authority. Some of these decisions/plans/policies/strategies require approval by Council e.g. Local Plan, Corporate Plan, Medium Term Financial Plan and Budget.</p> <p>There are approximately 12 formal meetings of the Executive per year and 12 informal briefings.</p>
<p>1.2 How many portfolios are there?</p>	<p>There are 10 portfolios; one held by each member of the Executive, as follows:</p> <ol style="list-style-type: none"> 1. Strategy and Policy (Leader of Council) 2. Environment, Economic Development and Transformation (Deputy Leader) 3. Finance and Legal Services 4. Leisure and Culture 5. Property, Climate Change and Income Generation 6. Strategic Planning (Place Making) 7. Area Chairman with responsibility for Yeovil Town Centre Regeneration, Community Safety and the Crematorium 8. Area Chairman with responsibility for Civil Contingencies, Heritage, Building

	<p>Control and Listed Buildings</p> <p>9. Area Chairman with responsibility for Waste and Recycling and Tourism</p> <p>10. Area Chairman with responsibility for Environmental Health, health & safety, Democratic Services, Member Development and Equalities & Diversity.</p>
<p>1.3 Describe how a portfolio holder carries out his/her work on a day to day basis.</p>	<p>Portfolio Holders exercise regular budget monitoring of the resources allocated by the Council and seek to achieve best value in the services for which they have responsibility. They monitor performance, hold regular meetings with the respective Directors and Managers and work with them to deliver the corporate objectives. There are monthly planned progress meetings with supplementary daily or weekly contact with individual officers, depending on the workload.</p>
<p>1.4 To what extent are decisions delegated to portfolio holders or are most decisions taken by the full Executive?</p> <p>What is the volume of decisions taken? How many decisions are taken by officers?</p>	<p>The majority of executive decisions are taken by the Executive or officers under delegated powers. A Portfolio Holder can take any decision within his/her remit other than a key decision and two or more Portfolio Holders may jointly agree to take a decision which is within their collective remits.</p> <p>Decisions taken by the Executive or a Portfolio Holder are subject to the Council's scrutiny "call-in" procedure.</p> <p>The Council takes around 180 – 200 Executive decisions, mostly taken by the District Executive. There are around 20 to 30 Portfolio Holder decisions taken each year. We do not currently record the decisions delegated to officers.</p>
<p>1.5 Do Executive (or other) Councillors serve on other decision making partnerships, sub-regional or national bodies?</p>	<p>Portfolio Holders and Councillors serve on a number of regional and national bodies:</p> <p>Local Strategic Partnership (Portfolio Holder)</p> <p>South West Internal Audit Partnership Ltd</p> <p>Housing and Exceptions Appeals Panel (Portfolio Holder)</p> <p>Police and Crime Panel</p> <p>Somerset Waste Board(Portfolio Holder)</p> <p>PATROL Joint Committee (Parking and Traffic Regulation Outside London)</p>

	<p>Somerset Growth Board (Portfolio Holder) Board of Governors for Yeovil District Hospital NHS Foundation Trust Board of Governors for Musgrove Park Hospital NHS Foundation Trust LGA General Assembly (Portfolio Holder) South West Provincial Employers South West Councils (Portfolio Holder) Somerset Rivers Authority (Portfolio Holder) Parrett Drainage Board Somerset Water Management Partnership Health & Well-Being Board (Portfolio Holder) Somerset Building Preservation Trust (Portfolio Holder) Access for All Armed Forces Community Covenant (Portfolio Holder) Heart of Wessex Local Action Group Yeovil Crematorium and Cemetery Joint Committee South Somerset MIND Blackdown Hills AONB Stop Line Way Steering Group Somerset Levels & Moors Local Action Group Executive Board</p> <p>The Council also makes 18 other appointments to local organisations and action groups.</p>
1.6 Is the role of the Executive Councillor considered to be full time?	None of the Executive Councillors are considered to have a full-time role but considerable demands are placed on them. In a recent survey (May 2017) the Executive Councillors all assessed their weekly hours spent on Council related business to be between 22 to 30 hours per week. This would equate to 3 to 4 working days per week.
Regulatory	In order to give local citizens a greater say in Council affairs, 4 Area Committees have been created. These are responsible for planning, local regeneration schemes and community development in their area. They involve all the district councillors for the

<p>1.7 How does the Council discharge its regulation functions?</p> <p>How many Councillors are involved in committees?</p>	<p>geographical area and their meetings are held monthly in public.</p> <p>A significant number of planning decisions (averaging around 95%) are made under delegated powers to officers without reference to the relevant Area Committee. Officers deal with most applications where there are no conflicting views to the recommendation and where there is no other reason to refer the matter to the Area Committee. A Member can request that an application be referred to the Area Committee for determination rather than determined by officers with the agreement of the Area Chairman.</p> <p>There are 15 Members appointed to the Licensing Committee which meets bi-monthly. The majority of licensing applications / matters (taxi matters, alcohol licensing etc.) are determined by officers under delegated powers, unless there are grounds to refer to a Licensing Sub Committee; on average 8 to 10 Licensing Sub Committee meetings are convened each year. They comprise three Members appointed from the main Committee.</p> <p>Not including Full Council or the 4 Area Committees, there are 7 Standing Committees with a total of 77 seats:-</p> <ul style="list-style-type: none"> • District Executive (10 members – not in political balance) (LD, 2 Cons) Meets 12 times annually plus 12 briefings and special meetings as required) • Scrutiny Committee (14 members in political balance) (7 LD, 6 Cons, 1 Ind) (Meets 12 times annually plus meetings of task and finish groups and special meetings for call-in of decisions) • Audit Committee (10 members in political balance) (5 LD, 5 Cons) (Meets 12 times annually) • Regulation Committee (14 members in political balance) (7 LD, 6 Cons, 1 Ind) • Licensing Committee (15 members – not required to be in political balance) • Appointments Committee (8 members in political balance) (4LD, 3 Cons, 1 Ind) • Standards Committee (6 District Council members in political balance plus 5 co-optees) (3 LD, 3 Cons)
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	<p>17 of the 60 District Councillors are not appointed to any standing committee but all are appointed to their respective Area Committee as well as Council.</p> <p>In addition to the formal decision making structure there are also a series of subgroups as follows:</p> <p>Income Generation Board Transformation Board Regeneration Board Strategic Alliance with Sedgemoor Appeals Panel Housing and Appeals Exceptions Panel</p> <p>These Boards and Panels are generally appointed in political balance.</p> <p>Further, the Council undertakes a significant number of briefings (approximately 15 to 20 per year) for all Members on important policy or developmental matters, such as Transformation, Peer Review, Housing Strategy etc.</p>
<p>1.8 Describe the arrangements for the delegation of decisions in respect of regulatory functions.</p> <p>To what extent are decisions delegated to officers?</p>	<p>The vast majority of planning applications are determined by officers, unless a local Ward Member has concerns or disagrees with the case officer's recommendations, or thinks that an application may be particularly contentious.</p> <p>The Council's Scheme of Delegation for Licensing authorises the Assistant Director (Environment) to decide specific categories of licence applications. These are typically non-contentious and/or uncontested applications, which the Council has no legal option but to grant.</p> <p>As a guide, approximately 95% of planning applications and 96% of licensing applications</p>

	<p>are determined by officers.</p> <p>The Council has a Scheme of Delegation. This was last updated in May 2015.</p>
<p>1.9 Is Committee Councillorship standing or rotating?</p>	<p>Following all-out elections, councillors are appointed to Committees at the first full Council meeting in May and are then reaffirmed annually. There is generally some movement of councillors between committees each year.</p>
<p>1.10 Are meetings ad hoc, frequent and/or area based?</p> <p>How are the Chairs allocated?</p>	<p>Most of the Committees meet monthly unless there is insufficient business to discuss or determine, with the exception of the Standards and the Regulation Committees which tend to meet on an ad-hoc basis.</p> <p>The Chairmen of the Committees are appointed at the first full Council meeting in May and are then reaffirmed annually.</p>
<p>1.11 What level of attendance is achieved?</p> <p>Are meetings always quorate?</p>	<p>Generally a good level of attendance is achieved and meetings are quorate.</p> <p>There have not been any occasions in last 10 years where meetings were not quorate.</p>
<p>1.12 What future issues may impact on the role of non-executive councillors in respect of regulatory functions?</p> <p>How might the role develop?</p>	<p>No change is anticipated.</p>

<p>1.13 Has the Council defined the role of Councillors?</p> <p>Has the Council adopted arrangements for training and developing Councillors and supporting them in their role?</p>	<p>The role of Councillor is defined as follows:-</p> <p>All members could be expected to carry out the following duties and responsibilities:</p> <ol style="list-style-type: none"> 1. To participate constructively in the good governance of the district, ensuring the effective running of the Council. The over-riding responsibility of a councillor is to the whole district. 2. To comply with the Code of Conduct for members, the Councils' Constitution and the law relating to councillors, and to ensure that no conflict of interest occurs which might undermine the integrity of the Council. 3. To develop and maintain close working relationships with officers and other members of the Council to promote the Council's objectives. 4. To represent all members of the public within the ward, providing information or a contact where appropriate; to deal with correspondence, emails and telephone calls from constituents and meet them, if necessary, to view or discuss problems. 5. To help parish councils and parish meetings within the ward to keep informed about District Council activities, to attend their meetings and, when invited, to discuss ward matters with them as appropriate. 6. To attend and effectively participate in all meetings of the full Council and the relevant area committee, and to participate in other member level bodies where appointed or appropriate. 7. To represent the Council on outside bodies as agreed and report back to the relevant member level body as appropriate. 8. To keep up to date with the corporate priorities of the Council, its policies and procedures and to read the relevant paperwork prior to participating in any meeting of the Council. 9. To play an active part in the development of the community and area plans, particularly through engaging and consulting local people. 10. To participate in training and development for elected members according to personal need and the needs of the Council, and to attend the annual forward planning workshops for all members and relevant area workshops.
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There are also Ward Councillor and Executive Councillor role descriptions.

A comprehensive training programme follows the election of Councillors every 4 years and we have a Member Development Manager who arranges a continuous programme of training throughout the period.

The programme is informed based on member 1 to 1 meetings, members survey results, discussions with specialists across the council, Political Leads, Committee Chairs and Portfolio Holders to identify potential training needs.

The training programme is developed around member's needs:

- As a collective group in terms of general skills and knowledge – legislation changes etc.
- To reflect groups/committees specialisms and required skill sets.
- To develop Individual's specialisms and skills for particular roles for example Portfolio Holders and Area Chairs.
- Developing individuals, reflecting their own personal needs and their plans for their future at SSDC including aspirations to take on more responsibility.

We also consider future need, succession planning and looking to prevent or reduce risks around single points of failure.

In addition to this formal/skills based training the Overview and Scrutiny Committee conduct specific Task and Finish reviews, this is an excellent opportunity for all members to develop a detailed knowledge of Council Services, partners, organisations operating in the SSDC area and policy development. Members regularly comment that this is an excellent training ground.

<p>1.14 Has the Council assessed how much time Councillors spend on Council business?</p>	<p>Evidence gathered in 2008 showed that on average, Councillors spent 19 hours per week on general councillor duties.</p> <p>In a recent survey (May 2017) we asked if this was still an accurate reflection for Members. Of the 42 responses, 14 agreed this was about right, 5 said it was less than 19 hours and 23 felt they spent a range of 22 to 40 hours per week on Council duties. In practice, this means that our Councillors already invest a significant time commitment in delivering their roles and that time commitment is increasing.</p>
<p>1.15 Do Councillors generally find that the time they spend on council business is what they expected?</p>	<p>The majority of Members said that prior to election, they had anticipated 10 to 15 hours per week, however, because of research required to provide a reasonable assessment of the questions on any particular agenda, attending Town and Parish Council meetings and because they were involved in more than one committee, the time spent exceeded what they had originally anticipated.</p>
<p>1.16 What is the extent of Councillors representational role on, and appointment to, outside bodies?</p> <p>How many are involved in this activity and what is their expected workload?</p>	<p>Service on outside bodies has always been an established part of a Councillor's role. An appointed Member on an outside body will be able to use their knowledge and skills as a Councillor to assist the organisation to which they are appointed.</p> <p>We appoint 50 members to 39 outside organisations. Following a Scrutiny Task and Finish review of Councillor representation on outside bodies in 2013/14, a guidance leaflet to Councillors appointed to Outside Bodies was produced to outline their responsibilities and obligations in that role.</p> <p>Members take their representational role very seriously and often involve themselves beyond the level expected by SSDC.</p>
<p>1.17 Does the Council have difficulty in retaining Councillors or attracting new candidates?</p>	<p>The Council does not play an overly active role in attracting and retaining members, although historically it has offered information sessions and other support for prospective new members.</p> <p>As the majority of members are affiliated to a political party SSDC cannot become involved in who will be put forward as candidates. In the 2015 elections all wards were</p>

	contested and there have been no instances where the Council has been unable to discharge its duties due to lack of councillors.
1.18 Have there been any instances where the Council has been unable to discharge its duties due to a lack of Councillors?	There have been no instances where the Council has been unable to discharge its duties due to a lack of Councillors.
1.19 Do Councillors have an individual or ward budget for allocation in their area? If so, how is the system administered?	Individual Ward Budgets were trialled approximately 10 years ago, but were discontinued and the funding re-allocated to the Area Committee grants budgets.
2. Scrutiny of the Council, outside bodies and others.	
2.1 What's the structure? How does it operate?	<p>There is one main Scrutiny Committee with 14 members, appointed in political balance. The Scrutiny Committee has 1 Chair and 2 Vice Chairs, one from each political group.</p> <p>The Scrutiny Committee undertakes the statutory Scrutiny functions such as Policy Development and Review, monitoring the performance of the authority and holding the Executive to account. All non-executive members support the committee and are invited to participate in reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee. The main Scrutiny Committee also has responsibility for managing the Call-in function. The Scrutiny Committee can 'Call-in' a decision that has been made by the Executive but not yet implemented. This enables members to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Executive reconsider the decision or can, if it wishes, ask Council to debate the issue.</p>

<p>2.2 What is the general workload of scrutiny committees?</p> <p>Has the Council ever found that it has had too many active projects for the scrutiny process to function effectively?</p>	<p>The general workload is one committee meeting per month unless special meetings are called due to urgent business.</p> <p>With regard to Task and Finish groups this can range from 1-5 depending on the urgency/need for the work to be undertaken, the amount of officer resource available, and the length of time it may take to collate information/collect evidence. Partnership or joint reviews can take considerably longer and take much more resource.</p> <p>Task and Finish groups are open to all Non-Executive members as general rule, a scrutiny member chairs the review, occasionally Executive Members are also invited depending on the topic.</p> <p>Members always try to manage their work in such a way that they can make provision to deal with any unforeseen issues, at the moment for example as shown in the Scrutiny Committee's agenda's the Task and Finish work will be set up to flexibly adapt around the need to effectively scrutinise Transformation a major investment of Tax payers money, critical to the success of the Council.</p> <p>Scrutiny Committee manage their own workload, they always consider all reports that are to be considered by District Executive to varying degrees, SSDC Scrutiny operates on the basis that pre-decision scrutiny is better. It prevents delays, ensures good quality reports, information and evidence to inform effective decisions. (This in no way prevents Call – In).</p>
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<p>2.3 How is the work programme developed and implemented?</p> <p>How many subjects at any one time?</p> <p>What's the time-span for a particular study?</p>	<p>All members are invited and encouraged to make suggestions to the work programme; these suggestions are considered at Scrutiny Committee unless urgent then other arrangements are made. The subject is then scored against a Selection Criteria (attached in Appendix A) and these subjects can be an item for a committee meeting or a Task and Finish review.</p> <p>We tend to operate on a maximum of 5 Task and Finish reviews, this is due to officer resourcing and being able to attract members to the Task and Finish groups. The maximum at any one time considers the complexity and the project plans/anticipated timescales for each.</p> <p>We have had reviews completed within 2 weeks and others take 10 months.</p>
<p>2.4 Are Councillors involved in scrutinising external issues?</p>	<p>Councillors can be involved in any issue that effects/impacts on the South Somerset Community. For example a Scrutiny review was conducted on Flooding and recommendations were made to several agencies which resulted in the formation of the Somerset Rivers Authority.</p>
<p>2.5 When not in scrutiny meetings what activities are Councillors expected to undertake?</p>	<p>Scrutiny members are expected to do preparatory work for both Scrutiny Committee meetings and contributing to Task and Finish reviews. This involves</p> <ul style="list-style-type: none"> • Reading reports, articles, best practice etc. • Conducting online research • Carrying out Public consultation, reviewing the responses • Meeting and questioning service users, witnesses and experts • Conducting site visits • Contacting other local authorities.

<p>2.6 How will the role of the scrutiny Councillor change?</p> <p>What are the emerging issues and trends?</p>	<p>Due to a combination of financial pressures and a desire to improve services and modernise the Council, SSDC is embarking on an ambitious Transformation Programme. This will involve a new operating model and way of delivering services, new technology and a more commercial approach including new activities to generate income.</p> <p>Scrutiny Committee will have a challenging and demanding role in its capacity as a critical friend throughout the process and monitoring the effectiveness of this transformation by reviewing:</p> <ul style="list-style-type: none"> • The effectiveness of the delivery of the Council's services • The sustainable savings • Reviewing the policy's governance and performance • Contributing to the locality element of the programme <p>The Council also has a number of ambitious programmes for the regeneration of the District, focussed on the towns of Yeovil and Chard. These will involve the Council becoming the developer of some sites and working in partnership with commercial developers on other sites.</p> <p>The role of the SSDC Scrutiny member will expand in terms of having to become more commercially minded and working to different governance and responding to different pressures for the service delivery arm of SSDC and the business income generation arm.</p>
<p>2.7 What kind of support do scrutiny members receive?</p>	<p>At present members have 2 days full support from a Scrutiny Manager and a Democratic Services Officer to support the Scrutiny Committee meetings. Additional support is available to assist with Task & Finish Reviews but members are required to do research etc as part of their role on T&F reviews.</p>
<p>3. Representational Role: Representing electors to the Council</p>	

<p>3.1 Has the representational role of Councillors changed since the council last considered how many elected Councillors it should have?</p>	<p>Councillors feel the public are more aware of them and their role along with a greater expectation of assistance and more opportunities for people to contact them. Social media provides the public with much greater access to them and there is a consequent expectation of instant replies.</p> <p>It is also important to reflect that councillors are seen more and more as advocates for their community and can get involved in issues that are not directly related to council services but serve and are of benefit to a wider public interest.</p>
<p>3.2 In general terms, how do Councillors carry out their representational role with electors?</p> <p>Do members mainly respond to casework from constituents or do they have a more active role in the community?</p>	<p>Most Councillors are proactively involved within their wards as opposed to simply responding to case work and consider that they play an active part within their communities. The approach they take varies from member to member, but most Councillors are involved in some or all of the following:</p> <ul style="list-style-type: none"> ➤ Holding surgeries – dealing with queries, providing advice and engaging with their constituents face-to-face; ➤ Working with, and/or offering support, to community groups and local organisations; ➤ Attending Town and Parish Council meetings - this is more prevalent than previously as there is more an expectation that they will attend. We have a large number of town and parish councils (102) which creates quite an additional workload for our members; ➤ Maintaining blogs and/or websites and social media;
<p>3.3 How Councillors engage with Constituents?</p> <p>Do they hold surgeries, public meetings, use IT etc?</p>	<p>In the recent survey (May 2017) almost every Councillor mentioned attendance at their Town or Parish Council meetings and other community events as a major part of their engagement with their constituents. However, Councillors also mentioned 1 to 1 meetings with residents, monthly surgeries, emails and telephone calls, regular articles for Parish Magazines and Parish websites. Also widespread use of the social media sites such as Facebook and twitter.</p>

<p>3.4 How do Councillors generally deal with casework?</p> <p>Do they pass on issues directly to staff or do they take a more in depth approach to resolving issues?</p>	<p>Councillors are expected to take accountability for their casework, and manage their work appropriately, albeit with officer support. Usually, Councillors will contact officers directly –whether in person or via telephone / e-mail, and then respond to the individual. There is a sense of ownership and need to ensure the residents issue is satisfactorily resolved.</p>
<p>3.5 What support do Councillors receive in discharging their duties in relation to casework and a representational role in their ward?</p>	<p>Councillors receive support and advice from staff at all levels of the Council. However, as the staff numbers at the Council have reduced, the amount of time officers are able to give to support Members is less than it used to be, meaning that they are having to shoulder more of the work themselves.</p>
<p>3.6 Has the Council put in place any mechanisms for Councillors to interact with young people, those not on the electoral register, or minority groups or their representative bodies?</p>	<p>The Council organises occasional events and visits to the Council offices for school groups and we hold an annual Gold Star Awards ceremony which focusses on celebrating inspirational young people and the adult volunteers working with them. School groups are welcomed at our two Country Parks for activity events and we hold annual country fairs in each park. Councillors are invited to participate in all these events.</p> <p>The Council also hosts an Equalities Steering Group to which Councillors are invited as well as representatives from carers groups, religious groups, migrant worker representatives, mental health organisations and gypsy and traveller representatives. There is also a separate Somerset Gypsy and Traveller Forum which brings together representatives and Councillors.</p>

<p>3.7 Are Councillors expected to attend meetings of community bodies such as parish councils or resident associations?</p> <p>What is the level of their involvement and what role do they play?</p>	<p>Attendance by Councillors at the Town and Parish Council meetings within their ward is expected and positively encouraged to keep them informed about District Council activities and to discuss ward matters with them as appropriate. As mentioned above we have a large number of town and parish councils in our administrative area.</p> <p>District Councillors are expected to brief their Parishes on key issues affecting their area and help to identify ways in which the District Council can support the resolution of Parish level issues.</p>
<p>4. The Future</p>	
<p>4.1 What impact do you think the localism agenda might have on the scope and conduct of council business and how do you think this might affect the role of Councillors?</p>	<p>There is no evidence to suggest that the localism agenda has significantly impacted on this council or will do so in the future. Few communities have an appetite for Neighbourhood Plans but the Council is supporting a small number. Other aspects of the Act in particular have had an impact upon our councillors e.g. seeking their support and advocacy in relation to Assets of Community Value.</p>
<p>4.2 Does the Council have any plans to devolve responsibilities and/or assets to community organisations, or does the Council expect to take on more responsibilities in the medium to long term?</p>	<p>The Council has implemented a programme of devolution to Town and Parish Councils for local facilities where those councils have a desire to take over their management. Whilst there are no specific plans to devolve further responsibilities at this stage, it is an area where the councillors remain willing to actively engage with their communities where opportunities arise.</p>

<p>4.3 Have changes to the arrangements for local delivery of services led to significant changes to Councillors workloads? (For example, control of housing stock or sharing services with neighbouring authorities)</p>	<p>The Council operates four local areas with associated committees. In recent years, whilst the workload and ambitions in the areas remains similar, the amount of staff to support both this work and our Councillors, has diminished. meaning that they have needed to be more actively involved to secure the same outcome for their communities</p> <p>Since the last boundary review there have been some significant changes in service provision. The Council transferred its housing stock and associated staff to a new social landlord, now named Yarlington Housing. Whilst Councillors are therefore not involved in the day-to-day management of significant housing, the Council is still the Housing Authority, so they are still involved in an active housing programme of securing the building of new homes including affordable homes, and the housing of homeless people. Their constituents will still approach them with their housing problems and issues and being more removed in one sense creates additional work rather than less as the Council no longer has control of the “levers”.</p> <p>The Council also now delivers its waste collection and recycling service in partnership with other Somerset councils through the Somerset Waste Partnership. Councillors are required to be members of the Partnership Board and the Council’s scrutiny committee scrutinises the performance and delivery of the partnership.</p>
<p>4.4 Are there any developments in policy ongoing that might significantly affect the role of elected members in the future?</p>	<p>Through the transformation programme, the Council is looking at how it might support Members better including through ensuring they have more ready access to data and information on their area and the performance of the Council and other public services in their wards, as well as electronic mechanisms to support their ward case work.</p> <p>The Council has a number of significant policy developments that will be an additional and significant call on their time for a number of years to come, notably:</p> <ul style="list-style-type: none"> - The Local Plan review and the need to identify significantly more land for housing and employment – this generates a lot of public interest and representations to members.

	<ul style="list-style-type: none">- The regeneration of the towns of Yeovil and Chard and the Council acting as developer of many sites.- The commercial development of the council including the investment in and development of new services that the council does not currently provide such as commercial property; housing development with the council as developer; energy generation and management.
4.5 What has been the impact of recent financial constraints on the Council's activities?	<p>To date, the Council has managed to work within the financial constraints whilst still providing all of its core services and many of its discretionary services. Some elements of discretionary services have been removed or reduced and in some areas service standards and performance have been reduced.</p> <p>In the future, the Council's financial strategy which has Transformation and Commercialisation at its centre, aims to avoid the need to cut or reduce services and seeks to improve service standards as well as develop new income generating services.</p>

**Selection Criteria for Scrutiny Work Programme
(Title of Subject/Issue)**

Subject / Issue	Score out of 10 (Where 10 indicates strong agreement)	Comments
1.This topic has not recently been or is due to be reviewed by another group of members and/or officers		
2.The Scrutiny work can be delivered within existing resources.		
3.This is an issue of local concern.		
4.This issue supports the delivery of the Corporate Plan (Local Strategic Partnership)		
5.The involvement of Scrutiny will lead to improved value for money.		
6.New Government guidance or legislation means a major change to service delivery. Scrutiny involvement will aid this process.		
7.This issue has been raised by External sources, best practice advisors, stakeholders, partners, other authorities etc.		
8.Scrutiny Involvement in this subject will improve member understanding of a complex but important issue and will consequently lead to improved decision making.		

Scoring Guidance

Alternative terms for the subject/issue being scored:

1. This is to avoid duplication of work.
2. Members with the Scrutiny Manager can complete the work needed in a reasonable time to achieve the required outcome(s).
3. This is something the community (not just an individual or a group) want to be looked at or improved.
4. The Council has identified this area as a priority.
5. Scrutiny may be able to reduce costs, improve the service, make a difference.
6. Scrutiny can help the Council respond to change quickly and continue to provide a good service.
7. It has been identified as an area that needs improvement.
8. Members will learn and be able to make better decisions.

When Scrutiny has several proposed issues or topics to be looked at or already has a full work programme and more proposed topics are received, each topic will be scored; the topic with the highest score will be looked at first or as soon as it is practical to do so.

The maximum score that can be awarded is 80

Agenda Item 9

Report of Executive Decisions

Lead Officer: Angela Cox, Democratic Services Manager
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This report is submitted for information and summarises decisions taken by the District Executive and Portfolio Holders since the last meeting of Council in June 2017. The decisions are set out in the attached Appendix.

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

Background Papers

All Published

Ric Pallister, Leader of the Council
Angela Cox, Democratic Services Manager
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Appendix

Portfolio	Subject	Decision	Taken By	Date
Leisure & Culture	Westlands Leisure Complex	That the District Executive noted the progress achieved to date at the Westland Leisure Complex.	District Executive	06/07/17
Strategy & Policy	SSDC Corporate Peer Challenge and Review	That District Executive agreed to:- <ul style="list-style-type: none"> i. note the findings of the Peer Review Team set out in their report attached as Appendix A; ii. note the recommendations of the Peer Review Team set out in section two of their report attached as Appendix A and summarised in section 3 of the report; iii. agree the high level action plan set out in Appendix B, in response to the Peer Review findings; iv. request the Transformation Programme Board monitors progress with delivery of the action plan and updates on progress be provided to District Executive through the regular reporting on Transformation; v. invite a follow-up visit by the Peer Review Team within the period of the next 12 to 18 months, to help the Council monitor progress with delivery of our plans and ambitions. 	District Executive	06/07/17
Environment & Economic Development & Transformation	SSDC Transformation Programme – Progress Report	That the District Executive noted the report	District Executive	06/07/17
Strategy & Policy	Affordable Housing Development	That District Executive agree to:-	District Executive	06/07/17

Portfolio	Subject	Decision	Taken By	Date
	Programme	<ul style="list-style-type: none"> a. Confirm ringfencing of the £175,000 grant returned from Spectrum for deployment to produce new affordable housing in Yeovil [ref section 7]; b. Note the outturn position of the Affordable Housing Development Programme for 2016/17 [ref section 10]; c. De-allocate £2,300 from Magna Housing Association for the single acquisition in Chard which came in under budget [ref section 11]; d. De-allocate a further £312,500 from Stonewater for the Learning Disability (LD) scheme at West Hendford, Yeovil [ref section 11]; e. Allocate an additional £11,000 for Stonewater for the supply and fitting of cookers at the Queensway scheme, Yeovil [ref section 11]; f. Confirm an allocation of £92,500 to BCHA for acquisition of five bought not built properties [ref section 11]; g. Note the progress made on Community Led Housing and use of the specific fund allocated by central Government [ref section 13]. 		
Finance & Legal Services	2016/17 Capital Budget Outturn Report	<p>That District Executive agreed to:-</p> <ul style="list-style-type: none"> a. note the net spend of £6.187 million on capital schemes for the 2016/17 year and approve the financing of the capital programme (paragraph 7 and 18); b. note the progress of individual capital schemes and the lead officers' comments as detailed in Appendix A; c. approve the revisions, including profiling amendments to the Capital Programme for 2017/18 and future years as detailed in paragraph 10; d. approve the virement of £67,000 outlined in paragraph 12; e. approve the addition £1,220,000 to the Capital Programme budget, funded from additional income as set out in para 13; f. note the post completion reports on the completed schemes as detailed in Appendix B; 	District Executive	06/07/17

Portfolio	Subject	Decision	Taken By	Date
		g. note the balance of S106 deposits by developers held in a reserve as outlined in paragraph 23.		
Finance & Legal Services	2016/17 Revenue Budget Outturn Report	<p>That District Executive agreed to:-</p> <p>a. note the outturn position of £17,391,660 (an under spend of £390,670) and explanation of variances from budget holders for the 2016/17 financial year as shown in paragraphs 4-6;</p> <p>b. approve the carry forwards listed and recommended for approval by Senior Leadership Team in Appendix B into the 2017/18 budgets;</p> <p>c. approve individual service overspends are funded from general balances and the net underspend of £144,310 is transferred to the Transformation Reserve;</p> <p>d. note the use of the specific reserves in paragraph 19;</p> <p>e. note the transfers to and from balances outlined in the General Fund table paragraph 20;</p> <p>f. note the position of the Area Committee balances in paragraph 23;</p> <p>g. approve the virement in paragraph 28 and note the virements in Appendix G.</p>	District Executive	06/07/17
Leisure & Culture	Prevention Charter for Somerset	That the District Executive agreed to commit to signing up to the Somerset Prevention Charter on behalf of South Somerset District Council.	District Executive	06/07/17
Property, Climate Change & Income Generation	Property Investment Acquisition for Income Generation (Confidential)	That District Executive approved the recommendation that SSDC acquires a property investment for income generation purposes.	District Executive	06/07/17

Agenda Item 10

Audit Committee

This report summarises the items considered by the Audit Committee on 22 June 2017:

13. Internal Audit Annual Report and Opinion (Agenda Item 6)

The Assistant Director of SWAP introduced Laura Wickes, a Senior Auditor at SWAP. She explained that Laura had been involved with overseeing delivery of the Audit Plan for SSDC.

The Assistant Director explained that this was an annual opinion report to provide an update on the position of the Internal Audit Plan for the year ending 2016/17.

She advised members that she was able to offer reasonable assurance to the Annual Governance Statement, as detailed on page 10 of the agenda. She advised that due to the snap election which had recently taken place, Elections and the Scheme of Delegation were areas of audit which had been removed from the plan. However, she would be working alongside the S151 Officer to ensure that these items are included in the future.

She further advised that she would be meeting with the Senior Leadership Team to discuss the Risk Management audit.

She clarified that there had been 1 partial assurance audit, which was for Data Protection as detailed on page 13 of the agenda.

She advised that summary of priority recommendations had reduced as detailed on page 14 of the agenda.

She informed members that the figures stated on page 17 had increased slightly since the report had been written and that the audit plan was now closer to completion.

RESOLVED: that members noted the report.

14. Internal Audit Plan 2016/17 Review and Progress 2017/18 (Agenda Item 7)

The Assistant Director, SWAP, presented her report to members. She advised that a summary of the internal audit programme could be found on page 29 of the agenda. She explained that the audit which was detailed within the report to be in progress, was the Data Protection Audit, had now been completed.

She further advised that work had commenced on the following audits;

- Yeovil Cemetery and Crematorium Accounts
- Cyber Security
- Records Management
- Organised Crime Checklist.

She explained that there were some changes to the Audit Plan which were detailed on page 33 of the agenda. These included the removal of Elections and the Scheme of Delegation from the plan. She advised that the Risk Management Follow Up had been referred; however she would be discussing this with the Senior Leadership Team as a priority.

She advised members that the Partial Opinion list, which included Data Protection, would be looked at in quarter 3 of the plan with the involvement of the Procurement and Risk Manager and the Fraud and Data Manager.

In response to a member's question, the Assistant Director SWAP confirmed that the Cyber Security Audit was ongoing.

RESOLVED: that members noted the report.

15. 2017/18 SWAP Internal Audit Charter (Agenda Item 8)

The Assistant Director SWAP, presented her report to members. She advised that this report had previously been reviewed at the Audit Committee meeting which had been held in March. She advised that the only updates to the Internal Audit Charter were to reflect the recent staffing change to the S151 Officer.

On being put to the vote, it was unanimously agreed that the Internal Audit Charter should be approved.

RESOLVED: that the 2017/18 Internal Audit Charter be approved as detailed in the agenda.

16. Risk Registers for the Westlands Projects (Agenda Item 9)

The Arts and Entertainment Manager presented the report to members. He explained that the project was near to completion and advised that a further update report would be presented to the next District Executive meeting.

In response to a question from a member, the Arts and Entertainment Manager advised that a fire officer had visited the complex to agree the fire safety of the building. He agreed that he would seek confirmation that the other buildings such as the cricket pavilion had also been agreed with the fire officer.

RESOLVED: members noted the report.

17. Treasury Management Performance Outturn 16-17 (Agenda Item 10)

The Principal Accountant summarised her report for members. She pointed out that the report detailed how investments had been performing.

Following the short discussion, members agreed to note the contents of the report.

RESOLVED: that members noted the report.

18. 2016/17 Annual Governance Statement (Agenda Item 11)

The S151 Officer presented his report to members. He explained that this was an annual report, the contents of which were an important part of the control framework.

He suggested that there had been good structure in the approach to the Annual Government Statement and had been collated from a variety of sources. He advised members that the review had not identified anything major.

Following the short discussion, it was proposed and seconded that the Annual Governance Statement be approved.

On being put to the vote, this was carried unanimously.

RESOLVED: that the 2016/17 Annual Governance Statement be approved as per the agenda report.

(Voting: Unanimous)

19. Review of Internal Audit (Agenda Item 12)

The S151 Officer presented his report to members. He highlighted the criteria set out on page 82 of the agenda. He advised members that overall performance was good and that there had been notable improvements.

He summarised the Service Standards which were detailed on page 83 of the agenda. He pointed out that training had been provided earlier in the year.

He advised members that items listed in the Action Plan were in progress.

The S151 Officer thanked the SWAP Assistant for the teams' hard work.

RESOLVED: that members noted the report.

20. Audit Committee Forward Plan (Agenda Item 13)

The Assistant Director, SWAP, suggested that the Internal Audit – First Quarter Monitoring report was to be moved to the September meeting. This would allow the report to include Quarter 2 Monitoring within the report.

It was further suggested by the S151 Officer that the Debt Write Off Report and the Treasury Management report be included on the agenda for the September meeting and he requested that the External Audit – VFM report be removed from the Forward Plan.

It was agreed that the August Audit Committee meeting would be cancelled.

RESOLVED: that the Forward Plan be approved, subject to the amendments agreed and that the August meeting of the Audit Committee be cancelled.

Councillor Derek Yeomans
Chairman of Audit Committee

Agenda Item 11

Scrutiny Committee

This report summarises the work of the Scrutiny Committee since 15 June 2017

The committee met on 4th July 2017 considered the items on the District Executive 6th July Agenda and provided the comments as listed below:

Westlands Leisure Complex

- Members requested clarification as to who would be the point of contact in the future for updates on the Westlands Leisure Complex.
- Scrutiny noted that the overspend is not quantified and queried if there was an adequate project contingency to cover the amount. An indication of the overspend figure as a percentage would be useful to context.
- Members were concerned that the overspend may have an impact on other projects across the district or even prevent them.
- Some members were concerned by the list of items causing the overspend (para 15) as it was felt most should have been predicted/anticipated or included within the contingency.
- Scrutiny felt the 'requirement creeps' should have been better managed. Several members noted that in the early stages members had been assured that costings had been based on worst case scenarios and professional advice had been sought. Members wished to make it clear they were not critical of the project outcome but had concerns about the management of the project and felt lessons should be learnt.

SSDC Corporate Peer Challenge and Review

- Scrutiny agreed that the activity had been worthwhile and comments of the Peer team were encouraging.
- It was queried if the costs associated with the resourcing and recruitment referred to in the Action Plan were already reflected in future financial planning?
- Members sought reassurance that timeframes for completion of actions in the Action Plan were on target, and if there was any option to bring forward the review of capacity in Economic Development (bottom of page 36).
- Scrutiny asked if there was a need for a Task and Finish Group to look at car parking charges.
- Members were content that the recommendations go forward.

SSDC Transformation Programme – Progress Report

- Members commented that it was good to see a brief, rather than a lengthy report. Clarification was sought about the purpose of the appendix. Members requested that future reports include detailed monitoring of timescales and savings against the table and programme milestones. Another line at the bottom of the table was requested to clearly show the current position in comparison to targets.
- Scrutiny requested reassurance that any slippage could be picked up.

Affordable Housing Development Programme

- Members noted the updates to the report provided by the Corporate Strategic Housing Manager at the Scrutiny meeting.
- With reference to recommendation (e) Scrutiny noted the costs for the cookers and raised concern if it may set a precedence for other schemes. It was also queried if there was a policy or minimum specification of what should be provided or expected in properties for which SSDC provides financial assistance.

2016/17 Capital Budget Outturn Report

- Page 80 – it was queried in the funding allocated for bus shelters would be returned to balances?

2016/17 Revenue Budget Outturn Report

- Page 91 – table in para 6 – Scrutiny asked for a little more detail regarding the adverse variance for Development Control.
- Page 103 – Fraud and Data – some members were concerned about the comment and asked what was being done to address the resourcing issue.

Prevention Charter for Somerset

Scrutiny queried who would be responsible for raising awareness of the Charter across SSDC.

Property Investment Acquisition for Income Generation (Confidential)

Members made a number of comments in confidential session.

Performance Management and Reporting arrangements

In response to a Scrutiny Committee request to review the Performance Management and Reporting arrangements throughout Transformation and moving forward.

The Performance Manager provided a short presentation about performance and key points included:

- A reminder of the five themes in the Council Plan 2016 – 2021
- A list of the current key performance indicators (KPIs)
- Priority projects in the Council Plan
- The structure of the Senior Leadership Team
- The annual cycle for performance monitoring and reporting
- Performance indicators for the Transformation programme to monitor financial and non-financial benefits.

Members were asked to consider the data they would like to see collected and in what form. During discussion several comments were made, members agreed for an Informal meeting to be arranged for Scrutiny members with the Scrutiny Manager to discuss possible future performance indicators.

Appointment of Members to Somerset Waste Board Informal Joint Scrutiny Panel

It was agreed that Councillors Carol Goodall, Martin Wale and Jason Baker be appointed to the Somerset Waste Board Informal Joint Scrutiny Panel. Members did not identify who would be the substitute member, but in the event of a meeting it would be agreed between the three members which two would attend that particular meeting of the Panel.

Verbal update on Task and Finish reviews

Council Tax Support – The Revenues and Benefits Manager had agreed with the Portfolio Holder to identify savings in administration costs rather than changing the scheme for 2018-19. The Task and Finish group would meet with the officers to review the monitoring information by the autumn.

Local Discretionary (Business Rates) Relief Scheme – the role of this group is to consider how best to allocate a limited amount of funding from Central Government to help businesses who as a result of the Business Rate (National Non Domestic Rate) Revaluation 2017 have been adversely affected (Rateable value has increased significantly with effect from 01 April 2017). Two meetings have taken place to date with a third planned later this month.

Homefinder Somerset – there had been no further progress and a response was still awaited from the Housing Team about recommendations made previously.

Local Discretionary (Business Rate) Relief Scheme – Scrutiny Committee members agreed its meeting on 1st June to set up a Task and Finish review group to work with business rate officers to
The outcome of the review will be to produce a Local Discretionary (Business Rate) Relief Scheme.

Transformation – Locality Working - Scrutiny Committee have agreed to prioritise a Task and Finish group to be involved in the locality design and development. The scope for the review has not been agreed as of yet and will be considered at the next meeting.

Rural Allocations Policy – The Disposal of Third Party properties had highlighted issues with the Rural Allocations Policy and some work now needs to be done to review the policy, no start date has been agreed for this.

Councillor Sue Steele
Chairman of Scrutiny Committee

Agenda Item 14

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council is a reserve date of 17th August 2017. Unless there is any urgent business to progress on this date, the next scheduled meeting of the Full Council will take place on **Thursday, 21st September 2017** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**
