

MEETING: DE.09: 11:12
DATE 02.02.12

South Somerset District Council

Draft Minutes of a meeting of the **District Executive** held on **Thursday 2nd February 2012** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(9.30 a.m. – 1.35 p.m.)

Present:

Members: Ric Pallister (in the Chair)

Tim Carroll
Tony Fife
Henry Hobhouse
Michael Lewis

Patrick Palmer
Sylvia Seal
Peter Seib (from 11.00am)
Angie Singleton (to 1.00pm)

Also Present:

Marcus Fysh
Tony Lock
Paul Maxwell
Nigel Mermagen
David Norris

Gina Seaton
Sue Steele
Martin Wale
Colin Winder
Nick Weeks

Officers:

Mark Williams
Rina Singh
Vega Sturgess
Donna Parham
Ian Clarke
Martin Woods
Laurence Willis
Helen Rutter
Kim Close
Andy Foyne
Jean Marshall
Sue Eaton
David Julian
Robert Murray
Emily McGuinness
Angela Cox

Chief Executive
Strategic Director (Place and Performance)
Strategic Director (Operations and Customer Focus)
Assistant Director (Finance and Corporate Services)
Assistant Director (Legal and Corporate Services)
Assistant Director (Economy)
Assistant Director (Environment)
Assistant Director (Communities)
Assistant Director (Communities)
Spatial Policy Manager
Spatial Policy Team Leader
Performance Manager
Economic Development Manager
Economic Development Officer
Scrutiny Manager
Democratic Services Manager

Others:

Paull Robathan
Steve Read
Andrew Croot

Chairman of the South Somerset Together (LSP)
Managing Director, Somerset Waste Partnership
Consultant, Thomas Lister

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

114. Minutes (Agenda Item 1)

The minutes of the meeting held on 5th January 2012, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

115. Apologies for Absence (Agenda Item 2)

An apology for absence was received from Councillor Jo Roundell Greene.

116. Declarations of Interest (Agenda Item 3)

Councillor Angie Singleton declared a personal and prejudicial interest in Agenda item 19, Transfer of responsibility for Public Conveniences off South Street, Crewkerne to Crewkerne Town Council as a member of the Town Council.

117. Public Question Time (Agenda Item 4)

It was agreed that members of the public present would speak at the time the Agenda item was discussed.

118. Chairman's Announcements (Agenda Item 5)

There were no announcements from the Chairman.

119. Review of South Somerset Together (SST) (Agenda Item 6)

Mr Paull Robathan, Chairman of South Somerset Together (The Strategic Partnership), advised that following the review of Partnerships by SSDC in October 2011 and the recommendation that the Strategic Partnership should be significantly funded by its external partners in future, he was pleased to report that the following funding had been secured:-

Yarlington Housing Group - £10,000

Yeovil College - £3,000

Yeovil Hospital - £5,000

Raglan Housing - £1,000

MIND - £100

Balsam Centre in Wincanton - £100

Other partner organisations had committed to support the Strategic Partnership by providing meeting accommodation and refreshments, which would more than total the remaining £800, of the £20,000 sought.

In response to questions from Members, the Chairman of South Somerset Together confirmed that:-

- A new Executive Committee would be formed in April 2012 comprising of the 10-12 partners representing public, private and voluntary sectors who would meet monthly.
- All the partner organisations would meet in full every 3 or 4 months and the meetings would be more focused.
- The Partnership was hosting a Health Conference on 24th February, to which all District, Town and Parish Councillors were invited.
- The Partnership would report directly to the Executive of each Partner organisation in future.
- The purpose of the Partnership was for the organisations to work together to resolve common problems and support similar local projects jointly.

The Chairman of South Somerset Together (The Strategic Partnership) concluded by paying tribute to the work of the SST Co-ordinator.

The Chairman and members thanked the Chairman of South Somerset Together for his report to the Committee.

RESOLVED: That the District Executive noted the current position of the South Somerset Together (SST) Partnership.

Reason: To inform Members of the outcome of a comprehensive review of the South Somerset Together (SST) Partnership.

*(Helen Rutter, Assistant Director (Communities) – 01935 462060)
(helen.rutter@southsomerset.gov.uk)*

120. Somerset Waste Partnership – Business Plan (Agenda Item 7)

The Strategic Director (Operations and Customer Focus) introduced Mr Steve Read, the Managing Director of the Somerset Waste Partnership. She paid particular tribute to the hard working crews of May Gurney who collected the waste and recycling in all weather and she thanked the Managing Director of the Somerset Waste Partnership and his staff for their assistance.

The Managing Director of the Somerset Waste Partnership referred to the financial difficulties they had faced 12 months previously and the proposed closures of Household Waste Recycling Centres (HWRC's) which had been avoided by the intervention of the District Councils. He advised that on the basis the amount of waste being collected continued to reduce, there were no proposed closures of HWRC's for the forthcoming year. It was hoped to attract Government funding to increase recycling to include disposable nappies, mattresses and carpet in the future. Construction of an anaerobic digester was due to start shortly near Highbridge which would be operational in 15 months, producing electricity and compost by-products.

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

- Although the Waste Partnership did not currently have a Capital Programme, he would be willing to speak to Wincanton Town Council regarding a HWRC for the town.
- More research was required before asbestos could be accepted at all HWRC's.

- There had been a long-term year on year reduction in waste collected. The current economic downturn was one factor, but also, more people were also exchanging and re-using goods.

At the conclusion of the debate, Members were content to endorse the Somerset Waste Partnership Business Plan for 2012/13.

RESOLVED: That the District Executive:

1. approved the contents of the Somerset Waste Partnership's Draft Business Plan 2012 - 17 and associated Draft Communications Plan on behalf of the authority.
2. agreed the waste fees and charges as set out in the report.

Reason: To agree the Somerset Waste Partnership's Business Plan 2012 -17 and to agree charges for garden, business and bulky waste collections.

(Vega Sturgess, Strategic Director (Operations and Customer Focus) – 01935 462200)
(vega.sturgess@southsomerset.gov.uk)

121. 2011/12 Revenue Budget Monitoring Report for the Quarter ending 31st December 2011 (Agenda Item 8)

The Portfolio Holder for Finance and Spatial Planning introduced the report to Members. He advised that although there was a predicted overspend of £144,500 in the revenue budget, this was equivalent to 0.8% of the total budget.

The Assistant Director (Finance and Corporate Services) confirmed that the budget overall was in a better position than the previous quarter and some of the 2012/13 budget savings had been delivered early.

Members were content to agree the recommendations of the report.

RESOLVED: That the District Executive:

- a. noted the current 2011/12 financial position of the Council;
- b. noted the reasons for variations to the previously approved budgets as detailed in paragraphs 3.3 and that Management Board are taking steps to reduce the anticipated overspend;
- c. noted the transfers made to and from reserves outlined in paragraph 7.1 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in Appendix D;
- d. noted the reasons for the maintenance of each Corporate Reserves as detailed in Appendix E and approved the return to balances of any reserve that was no longer justified;
- e. noted the virements made under delegated authority as detailed in Appendix B.

Reason: to update Members on the current financial position of the revenue budgets of the Council and to report the reasons for variations from approved budgets for the period 1st April to 31st December 2011.

*(Donna Parham, Assistant Director (Finance and Corporate Services) – 01935 462225)
(donna.parham@southsomerset.gov.uk)*

122. 2011/12 Capital Budget Monitoring Report for the Quarter ending 31st December 2011 (Agenda Item 9)

The Portfolio Holder for Finance and Spatial Planning advised that there had been progress on most of the capital schemes listed.

Members were content to agree the recommendations of the report.

- RESOLVED:** That the District Executive:
- a. approved the revised capital programme spend as detailed in paragraph 6;
 - b. noted the progress of individual capital schemes as detailed in Appendix A;
 - c. approved the virements between projects of £271,000 and the revenue contribution to capital of £11,000 as detailed in paragraph 8;
 - d. noted the slippage in the capital programme as detailed in paragraph 9;
 - e. noted the total land disposals to registered social landlords as detailed in Appendix B;
 - f. noted the balance of S106 deposits by developers held in a reserve as detailed in Appendix C;
 - g. noted the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 12.

Reason: to update Members on the current financial position of the capital programme of the Council and to report the reasons for variations from approved budgets for the period 1st April to 31st December 2011.

*(Donna Parham, Assistant Director (Finance and Corporate Services) – 01935 462225)
(donna.parham@southsomerset.gov.uk)*

123. Revenue Budget 2012/13, Medium Term Financial Plan (MTFP) and Revised Capital Programme (Agenda Item 10)

The Portfolio Holder for Finance and Spatial Planning advised that they proposed accepting the Government's offer to freeze Council Tax for 2012/13 and accept the equivalent of 2.5% of the Council Tax in a government grant. He said that raising the

Council Tax was not right in the current economic climate. He noted that the budget had been considered by the Scrutiny Committee at various stages and the report would be considered by full Council on 23rd February.

Mrs M Willy of South Petherton Parish Council asked Members to reconsider the proposal to withdraw funding from the Parish Lengthsmen Schemes. She said that Somerset County Council had withdrawn their 25% funding in 2011 and if SSSC withdrew their 25% funding then the scheme was at risk. She reminded Members of the varied tasks carried out by the Lengthsman, saying it was very good value for money.

During discussion, whilst Members acknowledged the excellent work of the Lengthsmen Schemes, it was noted that SSSC depots and training would still be available free of charge to the workmen. It was suggested that the parishes apply to the Area Committees for funding in the future

It was further noted that the current Car Park Strategy was due to expire in 2012 and although discussions had taken place, the full review would take place later in the year, after the Local Development Framework consultations.

At the conclusion of the debate, Members were content to agree the recommendations of the report and approve that they be presented to Full Council for confirmation.

- RESOLVED:** That the District Executive recommends to Full Council the following:
- a. approval of the overall Revenue Budget for 2012/13 of **£16,577,000** and the General Account Summary as shown at Appendix A and note future year projections;
 - b. approval of the revised detailed budgets for the four Area Committees and the District Executive as shown at Appendix B;
 - c. approve there is no increase in the Council Tax for South Somerset District Council, which will result in a continued Band D charge of **£150.74**;
 - d. approval of the change to the Car Park Strategy outlined in paragraph 38c to allow evening charges to commence in Yeovil.
 - e. approval of the additional expenditure for inescapable bids as shown in Appendix C;
 - f. consider the Equalities Impact Assessments in Appendix H in approving the savings identified;
 - g. approval of the savings proposals in Appendix D;
 - h. approve the once-off items of expenditure as shown in Appendix E;
 - i. approve the use of New Homes Bonus as outlined in Appendix F;
 - j. approve a further set aside of New Homes Bonus of £0.9 million to support the budget and the loss of government grant for council tax in 2013/14;
 - k. note the current position and future estimation of reserves and

balances as shown in paragraphs 41 to 44;

- l. note that there is no provision for a District Executive contingency in 2012/13 but that a carry forward of 2011/12 provision of up to £45,020 can be made;
- m. approval of the revised Capital Programme as shown in Appendix I;
- n. approval of the new schemes to be included in the Capital Programme as shown in Appendix J;
- o. note the scoring of new capital schemes outlined in Appendix L;
- p. note the proposed funding of the Capital Programme as shown in paragraph 61.
- q. note the detailed Capital Investment appraisal forms for new schemes, as shown at Appendix K;

RESOLVED: That the District Executive:

- a. approved the revised car parking and season ticket charges under the current Car Park Strategy as shown in Appendix G(i) that reflect these budget proposals;
- b. agreed appropriate amendments to the Car Parking Order that would be advertised as necessary;
- c. noted the benchmarking of car park charges outlined in Appendix G(ii).

Reason: To seek approval for the proposed 2012/13 Revenue Budget, Medium Term Financial Plan (MTFP) and revised Capital Programme that will be recommended to Full Council.

*(Donna Parham, Assistant Director (Finance and Corporate Services) – 01935 462225)
(donna.parham@southsomerset.gov.uk)*

124. Castle Cary Car Parks – Income Compensation Scheme (Agenda Item 11)

The Portfolio Holder for Finance and Spatial Planning said this was an excellent example of joint working and he paid tribute to the Ansford Parish and Castle Cary Town Councils for their decision. He said this was a three year agreement which could be reviewed in the future.

The Assistant Director (Legal and Corporate Services) said there had been some question over the legality of the Council's decision to charge in these car parks, however, there were specific powers to District Councils in the Road Traffic Act 1984

The Strategic Director (Operations and Customer Focus) confirmed that the car parks in Castle Cary would be managed jointly with the Town Council in future.

During discussion, it was noted that:-

- It would be helpful to know which car parks were owned by SSDC and at which they were proposing to charge parking fees in the future.
- SSDC should assist the Castle Cary Town Council in securing an area of land adjacent to the Millbrook Car Park for additional parking spaces.

At the conclusion of the debate, Members were content to accept the offer from Castle Cary Town Council and Ansford Parish Council and agree the recommendations of the report.

RESOLVED: That the District Executive agreed to accept the offer from Castle Cary Town Council and Ansford Parish Council of a three-year agreement to compensate SSDC for the loss of proposed income in the car parks in Castle Cary.

Reason: To inform Members of the agree to a 3-year agreement between Castle Cary Town Council, Ansford Parish Council and South Somerset District Council

*(Vega Sturgess, Strategic Director (Operations and Customer Focus) – 01935 462200)
(vega.sturgess@southsomerset.gov.uk)*

125. New SSDC Corporate Plan 2012 - 2015 (Agenda Item 12)

The Chairman thanked those involved in producing the new SSDC Corporate Plan, from the Members contributions in various workshops, to the final printed document. He noted that although no resources were currently allocated, it set out the present and future priorities of the District Council.

The Strategic Director (Place and Performance) advised that the Corporate Plan would be monitored annually and a Member Workshop would be held to discuss which performance indicators would be applied.

During discussion, Members put forward several points to improve and refine the document which would be included in the version to be presented to Council on 24th February 2012.

It was further agreed that a printed copy of the Corporate Plan be circulated to every District Councillor, all Town and Parish Councils and placed on the SSDC website. The main points of the document would also be included in the next newsletter to residents with a link to the full document on the website.

At the conclusion of the debate, Members were content to endorse the new Corporate Plan (as amended) and recommend that it be adopted by Council.

RESOLVED: That the District Executive recommends that Full Council adopts the new Corporate Plan 2012 to 2015 (as amended).

Reason: To consider the new Corporate Plan with a view to endorsing it and recommending its adoption at Full Council

*(Rina Singh, Strategic Director (Place and Performance) – 01935 462010)
(rina.singh@southsomerset.gov.uk)*

*(Vega Sturgess, Strategic Director (Operations and Customer Focus) – 01935 462200)
(vega.sturgess@southsomerset.gov.uk)*

126. Review of Area Working (Agenda Item 13)

The Strategic Director (Place and Performance) confirmed that the report asked for an in principle decision, prior to wider public consultation on the preferred option for the future of area working. If the consultation raised no significant issues then the Lean efficiency review would commence and it was hoped to complete by March 2013.

During discussion, it was noted that the location of front and back office staff in the areas was dependent on suitable accessible accommodation and would be opportunity led. It was possible that the public front desk could be in a separate location to the back office staff.

At the conclusion of the debate, Members were content to endorse Option Three as the preferred model for the future of Area Development subject to external consultation and Equality Impact Assessments.

RESOLVED: That the District Executive:

1. agreed the principles for Area Development that have been established as a result of the work done with member participation to date;
2. agreed the preferred option for Area Development, Model Three as set out in the report, subject to public consultation;
3. authorised officers to consult externally on the preferred model;
4. noted that if as a result of consultation and Equality Impact Assessments, issues arose which could not be mitigated, then a further report would be brought to District Executive for modification and final confirmation of the model;
5. agreed that if no issues arose in relation to (4) above that require a report back to District Executive, officers are authorised to progress the next phase of the process, which is the LEAN efficiency review of the preferred model;
6. noted that any savings arising would be added to the Medium Term Financial Plan once the delivery plan is completed.

Reason: To agree the preferred model for the future of Area Development subject to external consultation and Equality Impact Assessments.

(Rina Singh, Strategic Director (Place and Performance) – 01935 462010)
(rina.singh@southsomerset.gov.uk)

127. Proposed Introduction of Community Infrastructure Levy (CIL) (Agenda Item 14)

The Chairman regretted the late circulation of the Infrastructure Delivery Plan document to Members, however, he said its purpose was to provide the background evidence to underpin the funding gap of infrastructure requirements for future new developments.

The Portfolio Holder for Democratic and Regulatory Services noted that the Scrutiny Committee had proposed some positive amendments to the recommendations which he was pleased to support. He reminded Members that CIL would not replace Section 106 Agreements on developments and that two further public consultation periods would take place.

The Spatial Policy Team Leader advised that the CIL consultation would now be held in tandem with the Core Strategy consultation. This was because both would have to be reviewed by a Planning Inspector, therefore it made sense to hold them together. Regulation 123 of The CIL Regulations 2010 required the Council to list the infrastructure it would be spending CIL and Section 106 funding on, however, this did not have to be specific schemes, but identified themes or areas. A method of prioritising schemes would also be needed prior to the adoption of CIL.

During discussion, it was noted that CIL funds would be collected from all appropriate development including all new residential developments although it was currently proposed that lower rates were applied in urban extension developments due to the higher levels of planning obligations applied in such areas. Individual household extensions over 150sqm would attract CIL contributions. Members also noted that two further Member Workshops on CIL would be held on 20th February.

At the conclusion of the debate, Members were content to agree that the amended recommendations be put to full Council for approval.

RESOLVED: That the District Executive agreed to propose that full Council:

1. formally agree to the proposed adoption of a Community Infrastructure Levy (CIL) in accordance with the proposed timescale attached at Appendix A, to run concurrently with the Core Strategy;
2. agree to consultation on the charging levy scales recommended by the Local Development Framework Project Management Board (PMB) for incorporation into a Preliminary Draft Charging Schedule as set out within the report and delegate the rest of the contents of the Preliminary Draft Charging Schedule to the PMB;
3. that the interim policy for planning obligations remain currently in operation;
4. send the PMB with initial preparatory work prior to adoption of a CIL Charging Schedule to suggest governance arrangements for future infrastructure planning in South Somerset. This would include:-
 - The means of collection of CIL monies and funding from other sources
 - A process for recommending future funding priorities in relation to spatial and thematic distribution of CIL funding
 - Refreshing and updating the infrastructure to be covered by CIL
 - Release of funding to projects

Reason: To agree to the Council making an early decision to move towards adoption of a Community Infrastructure Levy (under the Community Infrastructure Regulations April 2010) as a source of financing the infrastructure required to support the growth proposals in the Core Strategy.

*(Jean Marshall, Spatial Policy Team Leader – 01935 462589)
(jean.marshall@southsomerset.gov.uk)*

128. Quarterly Performance and Complaints Monitoring Report – 3rd Quarter 2011/12 (Agenda Item 15)

The Performance Manager introduced the report to Members and confirmed that 80% of the performance indicators were on target, as opposed to 50% in the previous quarter. The incidences of fly-tipping had reduced although they still remained the largest occurrence. Both the processing of planning applications within time and number of working days lost to sickness had improved. Complaints were also slightly down on the previous quarter. Compensation had been paid to a customer following a mistake on their council tax account.

In response to a question the Performance Manager confirmed that the performance management system, TEN, had been demonstrated to Councillors as part of the induction training in May 2011.

Members were content to agree the recommendations of the report.

RESOLVED: That the District Executive:

1. Considered the performance monitoring report;
2. noted the summary of complaints for Q3 2011/12;
3. noted Appendix C on anti-social behaviour, as requested by District Executive on 01/09/2011.

Reason: To note and comment on the performance monitoring report covering the period to the end of the third quarter of 2011/12 (1st October– 31st December 2011).

*(Sue Eaton, Performance Manager – 01935 462565)
(sue.eaton@southsomerset.gov.uk)*

129. Appointment of Substitute Members to Council Committees (Agenda Item 16)

The Chairman noted that the report had been brought forward at his request in response to twin-hatted Councillors difficulty in attending meetings which coincided with County Council meetings.

The Chairman of the Licensing Committee advised that they had 15 fully trained members and had no difficulty in arranging Licensing Sub Committee meetings, therefore, it was unnecessary to have substitute Members on that committee.

During discussion, it was proposed to remove Licensing from the list of Committees to which substitutes could be nominated and allow them for Audit, Scrutiny and Regulation Committees.

The Assistant Director (Legal and Corporate Services) advised that it was the Party Group Leader who decided appointments at Council and therefore it was normal to keep them informed of substitutions on committees. He confirmed that the report to Council would include a list of the minimum training requirements for each committee.

At the conclusion of the debate, Members were content to agree to the use of substitute members for Audit, Regulation and Scrutiny Committees only. The report to Council to be amended to reflect this.

RESOLVED: That the District Executive recommend to Council to agree to the use of substitute members for Audit, Regulation and Scrutiny Committees and to amend the constitution of the Council to provide for the appointment of substitute members by including the amended provisions set out in the Appendix to the report as part of the Council Procedure Rules contained in Part 4 – Rules of Procedure.

Reason: To agree to propose that Council amend the Council's Constitution to enable substitute members to be appointed to Audit, Regulation and Scrutiny Committees where the appointed members are unable to attend.

(8 in favour, 1 against)

*(Ian Clarke, Assistant Director (Legal & Corporate Services) – 01935 462184)
(ian.clarke@southsomerset.gov.uk)*

130. District Executive Forward Plan (Agenda Item 17)

The following addition to the Consultation Database was noted:

- 2012 consultation on changes to the Building Regulations in England

RESOLVED: That the District Executive:

1. approved the updated Executive Forward Plan for publication as attached at Appendix A of the agenda report
2. noted the contents of the Consultation Database as shown a Appendix B, with the following addition:-
 - 2012 consultation on changes to the Building Regulations in England

Reason: The Forward Plan is a statutory document.

*(Ian Clarke, Assistant Director (Legal & Corporate Services) – 01935 462184)
(ian.clarke@southsomerset.gov.uk)*

131. Date of Next Meeting (Agenda Item 18)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 1st March 2012 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

(Ian Clarke, Assistant Director (Legal & Corporate Services) – 01935 462184)
(ian.clarke@southsomerset.gov.uk)

132. Exclusion of Press and Public

RESOLVED: That the following items be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

133. Transfer of responsibility for Public Conveniences off South Street, Crewkerne to Crewkerne Town Council (Agenda Item 19) (Confidential)

Members were content to confirm the recommendations of the report.

RESOLVED: That the District Executive agreed:

1. To note that Crewkerne Town Council had 'strongly indicated a willingness' to take over the operation and management of the existing public conveniences in Crewkerne, with financial assistance towards the new arrangements for a three year period.
2. That a capital sum be approved as a save to earn scheme.
3. To approve the on-going savings to SSDC as detailed within the financial implications paragraph.
4. To authorise the Assistant Director (Legal and Corporate Services) to transfer the existing lease to Crewkerne Town Council for the operation and management of the public conveniences in Crewkerne.

Reason: To agree to transfer the operation and management of the existing public conveniences in Crewkerne to the Town Council with effect from 1st April 2012.

(Laurence Willis, Assistant Director (Environment) – 01935 462428)
(laurence.willis@southsomerset.gov.uk)

134. Disposal of SSDC owned land in Chard comprising the Boden Mill, former ACI Factory site, Market Fields and Boden Street Car Parks (Agenda Item 20) (Confidential)

Members were content to confirm the amended recommendations of the report.

RESOLVED: That the District Executive agreed the amended recommendations of the report.

Reason: To agree the disposal of South Somerset District Council owned land in Chard.

(David Julian, Economic Development Manager – 01935 462279)
(david.julian@southsomerset.gov.uk)

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Chairman

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Date