

South Somerset District Council

Minutes of a meeting of the **District Executive** held at the **Council Chamber, Brympton Way, YEOVIL, Somerset BA20 2HT on Thursday 7 August 2014.**

(9.30 am - 1.25 pm)

Present:

Councillor Ric Pallister (Chairman)

Tim Carroll	Sylvia Seal
Henry Hobhouse	Angie Singleton
Shane Pledger	Nick Weeks
Jo Roundell Greene	

Also Present:

Nick Colbert	Sue Osborne
Tim Inglefield	Sue Steele
Nigel Mermagen	Colin Winder
David Norris	

Officers

Steve Brewer	Community Safety & Projects Co-ordinator
Ian Clarke	Corporate Director (Legal and Democratic Services)
Angela Cox	Democratic Services Manager
Charlotte Jones	Performance Manager
Saveria Moss	Program Manager - Family Support Program
Donna Parham	Assistant Director (Finance & Corporate Services)
Helen Rutter	Assistant Director (Communities)
Rina Singh	Strategic Director (Place & Performance)
Vega Sturgess	Strategic Director (Operations & Customer Focus)
Paul Wheatley	Principal Spatial Planner

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

21. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the District Executive meeting held on 5th June 2014, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman subject to the following amendment:-

Minute No 9: additional resolution j: that a virement of £10,000 be made from the Flooding Reserve to the Area North Capital Programme to cover funding confirmed by them in May 2014 towards the Thorney ring bank flood defence scheme, to be confirmed in the first quarterly revenue budget monitoring report for 2014/15.

The Minutes of the Extraordinary District Executive meeting held on 19th June 2014, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

22. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Peter Gubbins, Peter Seib and Mark Williams, Chief Executive.

23. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

24. Public Question Time (Agenda Item 4)

It was agreed that members of the public present would speak at the relevant Agenda items.

25. Chairman's Announcements (Agenda Item 5)

The Chairman asked that the order of the reports be varied to allow discussion on the Main Modifications to the Local Plan to be taken as the third report. Members were in agreement with this.

26. Wincanton Car Parks - Income Compensation Scheme (Agenda Item 6)

Ms S Atherton, the Clerk to Wincanton Town Council, read out a statement prepared by the Chairman of Wincanton Town Council and the Car Parks Working Group. She outlined the history leading to the 3 year rolling agreement with the District Council to keep the car parks free of charge in Wincanton and the subsequent suggestions by the District Council to lessen the impact of charges on the Town Council. She referred to a 1,500 signature petition organised by Wincanton Businesses Together which requested that the car parks remain free of charge but did not state the cost of the agreement to the Town Council. The Town Council also felt that intervention by some SSDC officers had led to some unease and the agreement had not freed up car parks for shoppers. She concluded that there was no such thing as free car parking and requested that the word 'rolling' be removed from the agreement so that a new agreement be made in 2015.

Mr John Smith, Chairman of Wincanton Businesses Together said that there was no lack of trust between Wincanton Business Together and Wincanton Town Council and indeed they supported the Town Council's request to negotiate a new car parking agreement with the District Council as the current agreement was expensive. He said if car parking charges were introduced in the town then there would be a dip in trade for businesses and he asked that a better long-term solution be negotiated.

Councillor Colin Winder, as Ward Member, said he supported free car parking in the town and at a public meeting in 2012 it was unanimously agreed that the Town Council bear the cost. He felt the three year rolling agreement gave the town time to decide how to progress in the future and he said the Town Council should speak to local people first to properly gauge local opinion.

The Portfolio Holder for Finance and Spatial Planning said that Wincanton Town Council had signed up to a 3 year rolling agreement and they knew it would terminate in 3 years. He said the agreement should be adhered to and it should be allowed to expire in May 2017 which would allow plenty of time for the Town Council to negotiate a fixed term contract if they wished to do so.

The Chairman regretted the references made by the Town Council that the negotiations of individual officers of the District Council had led to unease and he expressed his support for their time and effort to negotiate a solution to the issue.

During discussion, several Members expressed their support for officers of the District Council and felt that the existing agreement should continue until 2017.

The Assistant Director (Legal and Corporate Services) confirmed that the Town Council had not yet given formal notice to end the current agreement and he suggested that they reconsider the issue at a Town Council meeting and confirm in writing their request to terminate if that was their decision.

At the conclusion of the debate, Members were unanimously in favour of the recommendations as proposed, with the removal of the words 'This would mean that the agreement would end on 28 February 2017' from recommendation 1.

- RESOLVED:** That the District Executive agreed:-
1. to refuse the request from Wincanton Town Council to end the agreement in May 2015 without giving the agreed three years notice.
 2. to request that work continues with the Town Council and local groups to try to reduce the cost burden of the compensation agreement on them.
 3. to note that when the agreement is terminated that charges will be levied in the Wincanton car parks.

Reason: To agree to continue the rolling 3-year agreement between Wincanton Town Council and South Somerset District Council that compensates SSDC for the loss of budgeted income in the car parks in Wincanton.

27. **Commercial Property Disposal - Winsham Allotments and Band Hut (Agenda Item 7)**

Mr J Chance of Winsham Parish Council, with the assistance of powerpoint slides, advised that the band hut at the site had deteriorated to the extent that it must be demolished (at an estimated cost of £8,000) and although 4 allotments were in good order, it would cost £3,000 to clear and make good the remaining 3. He said that following the District Council's decision to sell the site to the Parish Council in July 2012, the District Council's Solicitor had placed restrictive clauses relating to business on the site and access across it in the agreement which the Parish Council could not agree to.

Mr C Earl also addressed the Committee, saying the transfer of the land was in line with Localism, it was being transferred to a Parish Council who intended it for community use and that the Parish Council were not opposed to overage clauses in the agreement but the adjacent playing field already had severe restrictions placed on it.

Mr N Mode addressed the Committee, saying that given the state of the site, it would not be good for it to be taken on unfettered.

The Portfolio Holder for Finance and Spatial Planning regretted that the issue had not been referred back to the Executive earlier and he invited the Assistant Director (Legal and Corporate Services) to explain the District Council's position.

The Assistant Director (Legal and Corporate Services) advised that the prohibited use was that of commercial business use, however, if at any time in the future, the Parish Council successfully applied for planning permission to convert to a business use, then the overage clause would be triggered and 50% of the uplifted value of the land would be due to the District Council. The restriction on the number of days per year which income generating events could be held on the site was limited to 28 per year but this could be increased by agreement. There was no restriction of access across the site to the adjacent playing field but there was a restriction of access to an adjacent development.

During a lengthy discussion Members expressed concern that the Parish Council could refuse to purchase the site with the overage clauses attached to it whilst others felt the overage clauses for any future uplift in value were necessary to protect the District Council and to satisfy any future audit of the agreement.

It was proposed that SSDC should assist the Parish Council with their legal fees up to a limit of £2,000 and this was agreed by Members.

Following a short adjournment of the meeting, the Chairman advised that further negotiation with the Parish Council on the overage clauses within the transfer agreement were required and he proposed that the final details of the contract be delegated to the Solicitor to the Council in consultation with the Portfolio Holder and Ward Member and reported back to the District Executive.

This proposal was seconded and on being put to the vote, was carried (voting: 7 in favour, 0 against, 1 abstention)

RESOLVED: That the District Executive approved:-

1. the freehold transfer of the former Winsham Band Hut and neighbouring allotment site at Bakersfield, Winsham to the Parish Council for £1 such transfer to include an overage clause that should planning permission be granted for (i) commercial or business use (ii) residential housing or residential occupation (iii) use as an access to adjoining land (iv) any other use other than public recreation/allotments/community hall then the Parish Council could serve notice on SSDC requiring SSDC to allow such use to take place upon payment to SSDC of a sum equivalent to 50% of the increase in value of the land resulting from the grant of planning permission;
2. that the freehold transfer includes the following restrictions of use namely that the land is not to be used for:- Any commercial or business use; use for residential housing or occupation of any description; use as an access with or without vehicles to any adjoining land other than for access solely and exclusively in connection with the use and maintenance of that adjoining land for public recreation purposes and in any event any use other than for public

recreation and/or public allotments and/or as community hall and/or for some other Community Use **Provided Always** that the use of the land or any part thereof for community and public events and activities of whatever description that generates any income or profit for Winsham Parish Council shall be deemed not to be a breach of this covenant provided that the number of days the land or any part thereof is used for such events and activities does not exceed 28 in any 12 month period (without the prior written consent of SSDC);

3. that SSDC cover all reasonable legal costs incurred by Winsham Parish Council up to £2,000;
4. that the final details of the contract be delegated to the Solicitor to the Council in consultation with the Portfolio Holder and Ward Member and reported back to the District Executive.

Reason: To clarify the conditions to be put in place as part of the agreement to the transfer of the former Winsham Band Hut and neighbouring allotment site to Winsham Parish Council at less than best consideration.

(voting: 7 in favour, 0 against, 1 abstention)

28. Further Main Modifications to the South Somerset Local Plan (2006 - 2028) (Agenda Item 8)

The Portfolio Holder for Finance and Spatial Planning introduced the item, outlining the four further main modifications which the Planning Inspector had highlighted in his letter of 16th July following the public hearings in June 2014.

The Principal Spatial Planner outlined the four further main modifications required for the Local Plan as:-

- Policy YV2: North East Yeovil Sustainable Urban Extension – is amended to include detail on landscape mitigation measures at the North East Yeovil Sustainable Urban Extension.
- Policy YV3: East Coker and North Coker Buffer Zone – Policy YV3 is deleted, and in so doing removes the east Coker and North Coker buffer zone.
- Policy SS3: Delivering New Employment Land – the specific employment land figure for Rural Settlements is deleted. An explanation of the Council's approach to employment proposals in Rural Settlements and Rural Centres is added, and reference to an early review of housing and employment provision Wincanton is added.
- Policy SS5: Delivering New Housing Growth – is amended to improve clarity on housing delivery in Crewkerne and Wincanton. Reference to an early review of housing and employment provision at Wincanton is added.

He advised that following approval by District Executive and Council, the proposed modifications would be released for public consultation between 28th August and 10th October. The results of the consultation responses would be reported to District Executive and Council before submission to the Planning Inspector who would then

decide whether a further hearing was required, or, he could then write his Inspectors Report. If no more hearings were required then the Inspector's Report would be presented to Council for a final check before being finalised by the Inspector. The Council would then publish the Inspector's Report and undertake the necessary changes to create the final form of the Local Plan. It was hoped the Local Plan would be adopted in early 2015.

In response to questions from Members, the Principal Spatial Planner advised that:-

- the Planning Inspector had not raised any issue with Policy SS2 (development in rural settlements).
- he would provide a financial update in the report to Council on 21st August.
- No allocated land for housing or business use in Castle Cary had been deleted.
- The amendment to Policy SS5 provided clarity on how development proposals would be dealt with in Crewkerne and Wincanton.

At the conclusion of the debate, Members were content to endorse the recommendations for approval by Full Council.

- RESOLVED:** That the District Executive:-
- a. endorsed the further Main Modifications (see Appendix A) and recommended they be considered by Full Council for approval for public consultation;
 - b. noted that the further Main Modifications had been subject to Sustainability Appraisal, Habitat Regulations Assessment and Equality Analysis as required.

Reason: To inform Members of the further Main Modifications required for the Local Plan (2006 – 2028) which stem from the Planning Inspector's Preliminary Findings letter of 16th July 2014.

29. Enhancement of Yeovil CCTV (Agenda Item 9)

The Community Safety & Projects Coordinator, with the aid of power point slides, outlined the proposal from the Area South Committee to install 5 CCTV cameras at two underpasses near to Yeovil Hospital. This was in response to crimes committed in the area over a number of years and was part of a package of measures including additional police patrols and checks by security staff from the Hospital.

The Portfolio Holder for Finance and Spatial Planning advised that the underpasses were in the ownership of Somerset County Council and it was possible that some funding for the project could come from part of their planned Eastern corridor road improvement works, which would reduce the cost to SSDC. However, the Area South Committee felt the works were urgently needed and so had requested up to £29,000 funding to complete the project.

In response to questions from Members, the Community Safety & Projects Coordinator confirmed that Somerset County Council would be doing other improvement works to the

underpasses including upgrading the lighting and rounding off the corners of the walls at the entrances. It was also confirmed that the revenue costs of operating the cameras would be funded from the Area South Committee budget.

At the conclusion of the debate, Members unanimously approved the funding to enable the works to progress.

RESOLVED: That the District Executive:-

1. authorised the further development of the Yeovil CCTV project by allowing officers to access up to £29,000 of capital funding required to complete and run the project;
2. agreed that the installation and monitoring of the five cameras are installed as a matter of urgency;
3. added £6,600 to the Medium Term Financial Plan for 2015/16 as an inescapable commitment with £6,600 allocated from balances in 2014/15.

Reason: To gain support, authorisation and funding to be able to proceed with the Yeovil CCTV enhancement, giving coverage of the two pedestrian subways at the Hospital Roundabout in Yeovil.

30. Somerset Intelligence Partnership - Data Sharing (Agenda Item 10)

The Performance Manager advised that SSDC had joined the Somerset Intelligence Partnership in 2013 and the report sought confirmation that data could be shared across the Partnership at postcode level. She said there was no risk of individual household information being identified at this level.

In response to the questions from Members, the Performance Manager advised that the Councils in the Partnership were equally contributing towards the cost of the license fee for the Experian 'Mosaic' software and it represented good value for money for access to the county-wide data. It was also clarified that if SSDC supplied incorrect data to the Partnership, then it was liable, however, if the data was incorrectly configured at Somerset County Council, then they would be liable. All data supplied would be in accord with the SSDC Data Protection policies.

It was proposed that the wording of recommendation 1 be amended from 'published' to 'shared' and this was agreed. At the conclusion of the debate, Members were unanimously in favour of the amended recommendations.

RESOLVED: That the District Executive:-

1. confirmed that data supplied by SSDC be shared via the Somerset Intelligence Partnership up to and including at postcode level;
2. noted that the cost and benefit to the council of continued membership of the Somerset Intelligence Partnership would be reviewed by the Strategic Director (Place and Performance) by April 2015.

Reason: To update members on SSDC's membership of the Somerset Intelligence Partnership (SIP) and to seek agreement to the

principles of data sharing in support of its work.

31. SSDC Partnerships - Annual Update (Agenda Item 11)

There being no debate, Members were content to confirm the recommendations of the report.

RESOLVED: That the District Executive:-

1. noted the annual review process and observations for each of the partnerships on the Partnerships on the Register;
2. agreed that the Yeovil Innovation Centre is added to the Partnerships Register;
3. agreed that the Strategic Partnership Against Hate Crime be removed from the Partnerships Register.

Reason: To review the partnership organisations on the Partnership Register.

32. 2014/15 Capital Budget Monitoring for Quarter 1 to 30th June 2014 (Agenda Item 12)

The Portfolio Holder for Finance and Spatial Planning introduced the report to Members and drew their attention to some of the historic schemes within the programme and the Appendix C which listed the Section 106 deposits received from developers, as requested by the Scrutiny Committee.

In response to questions, the Portfolio Holder for Finance and Spatial Planning and the Assistant Director (Finance and Corporate Services) confirmed that:-

- SSDC could only exert influence for SCC highway schemes to be brought forward.
- Section 106 funding had to be spent within 5 years of receipt and their expiry dates were closely monitored.
- The interest on Section 106 deposits was reported through Treasury Management.

At the conclusion of the debate, Members were content to confirm 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. noted the slippage over £50,000 in the capital programme as detailed in paragraph 8;
- d. approved the allocation of any additional funding to be used within the capital programme as detailed in paragraph 10;

- 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 schemes that were approved prior to 2010, as detailed in Appendix D, and confirmed approval for the projects that they wish to remain in the programme;
- h. noted the current position with regard to funds held by the Wessex Home Improvement Loans as detailed in paragraph 13;
- i. noted the post completion report submitted as detailed in Appendix E.

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 2014 to 30th June 2014.

33. 2014/15 Revenue Budget Monitoring for Quarter 1 to 30th June 2014 (Agenda Item 13)

The Portfolio Holder for Finance and Spatial Planning introduced the report to Members and drew their attention to the expected net underspend of £112,000 at the end of the financial year.

In response to questions, the Assistant Director (Finance and Corporate Services) advised that:-

- The Building Control service were anticipating their income to be reduced by the end of the financial year.
- Service Managers were being encouraged to use money allocated to specific projects.
- The Area South Committee had no revenue reserves.

The Chairman advised that following the success of the SSDC Internship scheme, he would be encouraging local businesses to take up similar schemes.

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

RESOLVED: That the District Executive:-

- a. noted the current 2014/15 financial position of the Council;
- b. noted the reasons for variations to the previously approved budgets as detailed in paragraphs 3.3;
- c. noted the transfers made to and from reserves outlined in paragraph 11.1 and the position of the Area Reserves as detailed in Appendix C and the Corporate Reserves as detailed in

- Appendix D;
- d. noted the virements made under delegated authority as detailed in Appendix B;
 - e. approved the virements reported in paragraph 4.
- 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 30th June 2014.
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34. Constitution Update - HR Management Rules (Agenda Item 14)

The Chairman advised that the proposed changes to the HR Management rules would ensure that SSDC complied with the latest legislation and guidance changes.

In response to a question, it was confirmed that 'strain' charges related to employee requests for early retirement where the District Council agreed to make additional payments to meet the cost of the strain on the Pension Fund. If this occurred, a report would be presented to the District Executive to agree the additional funding.

Members were content to agree that the recommendations be proposed to Council for confirmation.

RESOLVED: That the District Executive agreed to the attached revisions to the HR Management Rules and Disciplinary Policy prior to submission of a report to Full Council recommending approval.

Reason: To agree updates to the HR Management Rules that are included the SSDC Constitution. The changes relate to legislative and guidance changes, recommended minor changes to the Disciplinary Policy and some practical changes to authorisation levels.

35. Report from Yeovil District Hospital NHS Foundation Trust (Agenda Item 15)

Members were pleased to note the quarterly report from the Yeovil District Hospital NHS Foundation Trust.

RESOLVED: That the District Executive noted the quarterly report from the Yeovil District Hospital NHS Foundation Trust.

Reason: To receive and note the quarterly report from the Yeovil District Hospital NHS Foundation Trust.

36. Update on the Family Focus Programme (Agenda Item 16)

The Programme Manager provided Members with a verbal update on the current progress of the programme. She advised that the programme in Somerset was the 5th best performing in the country and 95% of the DCLG target number of families to be attached had already been achieved. Within South Somerset, 104 families were being

supported by Yeovil4Families and Somerset County Council were designing their Getset service on the success of the Family Focus Programme.

In response to questions from Members, the Programme Manager confirmed that:-

- Although she had recently moved to a new post within the Getset service at Somerset County Council, she would be happy to provide six monthly updates on the scheme to SSDC.
- A strategic board would be established to oversee the Getset service and the Family Focus Programme (including Yeovil4Families) and a Councillor from SSDC would be invited to be a member of that board.
- It was planned to mainstream the approach to families into SCC services as it was probable that funding for the Family Focus Programme would cease.
- The scheme was funded up to March 2016 and it was expected that the qualifying criteria for families would be widened so that more families would be included and helped in the future.

At the conclusion of the debate, it was agreed that the Programme Manager would present an update report to the District Executive in six months time. The Portfolio Holder for Leisure and Culture thanked the Programme Manager for her dedication in setting up the Family Focus Programme and wished her success in her new post with Somerset County Council.

RESOLVED: That the District Executive noted the progress made in delivering a multi-agency family support programme in the District and considered Somerset County Council's proposals for mainstreaming the programme into its Getset service from April 2015 based on the options provided.

Reason: To update members of progress of the South Somerset Family Focus Programme for supporting families with multiple and complex issues in the District.

37. District Executive Forward Plan (Agenda Item 17)

The following additions and amendments to the Forward Plan were noted:

- Asset Management Plan – moved to October 2014
- NDR (Non-Domestic Rates) update of policy – moved to October 2014
- New: Loan to Somerset Waste Partnership for waste vehicles – October 2014
- New: Commercial Property Disposals – Winsham Allotments and Band – conclusion of negotiations – September 2014
- New: Update on the Family Focus/Getset Programme – February 2015.

RESOLVED: That the District Executive approved the updated Executive Forward Plan for publication as attached at Appendix A with the following amendments and additional reports;

- Asset Management Plan – moved to October 2014
- NDR (Non-Domestic Rates) update of policy – moved to October 2014
- New: Loan to Somerset Waste Partnership for waste vehicles – October 2014
- New: Commercial Property Disposals – Winsham Allotments and Band – conclusion of negotiations – September 2014
- New: Update on the Family Focus/Getset Programme – February 2015.

Reason: The Forward Plan is a statutory document

38. Date of Next Meeting (Agenda Item 18)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday, 4th September 2014 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

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Chairman

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Date