

South Somerset District Council

Minutes of a meeting of the **District Executive** held at the **Council Chamber, Council Offices, Brympton Way, YEOVIL, Somerset BA20 2HT** on **Thursday 5 March 2015**.

(9.30 am - 12.30 pm)

Present:

Councillor Ric Pallister (Chairman)

Tim Carroll	Sylvia Seal
Peter Gubbins	Peter Seib
Henry Hobhouse	Nick Weeks
Shane Pledger	

Also Present:

Ian Martin	Sue Steele
Nigel Mermagen	Martin Wale
David Norris	Colin Winder

Officers

Mark Williams	Chief Executive
Rina Singh	Strategic Director (Place & Performance)
Vega Sturgess	Strategic Director (Operations & Customer Focus)
Ian Clarke	Assistant Director (Legal and Corporate Services)
Donna Parham	Assistant Director (Finance & Corporate Services)
Kim Close	Assistant Director (Communities)
Helen Rutter	Assistant Director (Communities)
Steve Joel	Assistant Director (Health & Well-Being)
Martin Woods	Assistant Director (Economy)
Steve Barnes	Play and Youth Facilities Officer
Pauline Burr	Arts Development Officer
Anuska Gilbert	Performance Officer
Andrew Gillespie	Performance Manager
Emily McGuinness	Scrutiny Manager
Jo Morgan	Equalities Officer
Rob Parr	Senior Play & Youth Facilities Officer
Neil Waddleton	Section 106 Monitoring Officer
Angela Watson	Legal Services Manager
Paul Wheatley	Principal Spatial Planner
Becky Sanders	Democratic Services Officer

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

141. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the District Executive meeting held on 5 February 2015, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

142. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Jo Roundell Greene and Angie Singleton.

143. Declarations of Interest (Agenda Item 3)

Councillor Shane Pledger declared a personal and prejudicial interest for item 18, Huish Academy Artificial Grass Pitch Project, as he is an appointed member on the Huish Episcopi Leisure Centre Board.

144. Public Question Time (Agenda Item 4)

Mr C Wall, addressed members regarding the item for the Huish Academy Artificial Grass Pitch Project. He raised concerns about the content of the award agreement with particular reference to the objective relating to 'within the first two years of opening' as detailed on page 120 of the agenda. Reference was also made to the amount of money being spent and the location of similar facilities.

The Portfolio Holder for Leisure and Culture responded briefly to the comments made, and it was agreed by the Chairman that a written response be sent to Mr Wall.

145. Chairman's Announcements (Agenda Item 5)

The Chairman did not make any announcements.

146. Quarterly Performance and Complaints Monitoring Report - 3rd Quarter 2014/15 (Agenda Item 6)

The Chairman introduced the report and noted the dip and corresponding comment for PI 003, the percentage of planning appeal decisions allowed against the authority's decision to refuse. The Portfolio Holder for Regulatory and Democratic Services commented that it was a small number of applications involved.

The Chairman agreed with the comments of Scrutiny that:

- it would be useful if the numbers as well percentages were reported for PI 003 to provide context.
- it would be beneficial if future monitoring reports included data on the number of planning applications determined within timeframes and those which are not, as it would be a useful indicator of overall performance to members.

In response to comments made during discussion, officers clarified that:

- the workshops referred to under PI 003 had now taken place, and the percentage stated covered 12 appeals.
- the peak in figures for PI 008 related to the major flooding of last winter.
- whilst acknowledging there had been a slight decrease in the number of reported flytips it did not take us below the Somerset Waste Partnership threshold.

At the conclusion of debate, members were content to note the quarterly performance and complaints monitoring report.

RESOLVED: That the District Executive noted the corporate performance monitoring report.

Reason: To receive the corporate performance monitoring report covering the third quarter of the financial year from 1st October 2014 – 31st December 2014.

147. Adoption of the South Somerset Local Plan (Agenda Item 7)

The Portfolio Holder for Finance and Spatial Planning introduced the report and highlighted recent events including the Inspector's report of 8 January 2015 and his conclusion that the plan is considered to be sound. He highlighted the modifications and minor changes, and noted that it was proposed to switch around recommendations 2 and 3 in the agenda report. A revised risk matrix was presented for if the plan was adopted, and an alternative one for if it was not adopted.

The Principal Spatial Planner, reminded members the reason for the revised Local Plan was due to modifications required by the Inspector to make the plan sound. The delegated responsibility referred to in recommendation 5 was not for material changes but only to clarify some wording. He explained the recommendations in detail, the implications of not adopting the plan, and noted that the revised policy maps should now be easier to understand.

The comments of Scrutiny were noted:

- Members had considered the process undertaken to get to this point and noted the significant implications of not adopting the Plan.
- Gratitude to Principal Spatial Planner for clarifying that planning policies HG3 and HG4 were more likely than SS2 to be impacted by recent government announcement on the levels at which affordable housing contributions are triggered. Scrutiny sought clarification on how the plan will react to any national policy changes and the results of legal challenges being mounted by other local authorities?
- Clarification was also sought on the potential for developers to notice that during the life of the plan, the 5 year housing supply could become outdated and were informed that fluctuations will happen and that an effective monitoring process should help manage this situation.

During discussion, several concerns were raised about the content and different interpretation of the risk matrices. In particular several members felt the impact would be greater than indicated if the plan was not adopted. The Chairman acknowledged the

matter may be slightly subjective, and it was agreed that the risk matrices would be reconsidered before presentation to Council.

In response to other comments raised, officers clarified that the plan identified some needs and aspirations, and that these would be provided where possible, but it did not state who the provider would be. The plan was there as a tool to influence industry and developers.

At the conclusion of debate, members were content to recommend the report, with the amended order of recommendations and risk matrix, to Full Council.

RESOLVED: That District Executive recommend to Council:

1. To accept the conclusions of the Inspector's Report and approve the necessary Main Modifications to make the South Somerset Local Plan (2006 – 2028) sound (Appendix A);
2. To approve the Additional Modifications (Appendix C);
3. To endorse the adoption version of the South Somerset Local Plan (2006 – 2028) (Appendix B) and recommend that Full Council adopt the South Somerset Local Plan (2006 – 2028);
4. To approve the Adoption Statement (Appendix D), Sustainability Appraisal Adoption Statement (Appendix E), and revised Policies Maps (Appendix F); and
5. Delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Finance and Spatial Planning to make any final minor text amendments which may be necessary to enable the Adopted South Somerset Local Plan (2006 – 2028) and Policies Map to be published.

Reason: To consider the conclusions of the Inspector's Report, and note how the 12 Main Modifications and Additional Modifications amend the South Somerset Local Plan (2006 – 2028) to create the adoption version of the plan, and to recommend to Council that it be formally adopted.

148. District-wide Voluntary Sector Grants 2015/16 - overview report (Agenda Item 8)

The Portfolio Holder for Leisure and Culture introduced the report and highlighted that for every £1 invested by SSDC in the Voluntary Sector, approximately £8 of external funding was secured. She noted it was a changing financial culture and extremely challenging for organisations who had previously been dependent on public sector funding. She further commented that the voluntary and community sector were valued and something that had to be supported as little would be delivered without them.

In response to comments raised by Scrutiny, the Portfolio Holder clarified that:

- unallocated monies in the Health and Wellbeing fund would be held in reserve and ring-fenced.

- Acknowledged more detailed information regarding the SSVCA had been provided in the past but that had been when they were in financial difficulties.
- There was no duplication of services between two similar voluntary organisation and SSDC Welfare advice and a note summarising the differences in the services provided by the CAB and SSVCA was circulated.

The Assistant Director (Communities) noted that in error the recommendations shown in the agenda referred to incorrect years and should have read 2014/15 and 2015/16 respectively.

Members were happy to note the overview report for district-wide voluntary sector grants for 2015/16.

RESOLVED: That District Executive agreed to note the overview of funding to voluntary sector and community organisations made both district wide and in the areas during 2014/15 and the proposed funding for 2015/16 to the organisations detailed in agenda items 9 to 13.

Reason: To receive an overview of the district-wide organisations seeking funding support from SSDC for 2015/16, and to receive a report on the overall grant support programmes awarded to the voluntary and community sectors in 2014/15.

149. Funding for South Somerset Voluntary and Community Action (SSVCA) (Agenda Item 9)

The Portfolio Holder for Leisure and Culture noted there were approximately 350 voluntary organisations in South Somerset, many of which turned to the SSVCA for support or advice. If the SSVCA did not exist much would fall back on SSDC.

The Chairman commented he was enormously proud of the SSVCA and their Mendip partners for their reaction to the major flooding incident last year. The challenge had been huge and they had only recently exited the affected area.

Sam Best of the SSVCA, addressed members, noting achievements and highlighted that the organisation had undergone major restructuring over the past two years. They predicted to making their first surplus in a number of years by the end of the current financial year.

In response to comments raised during discussion and at the Scrutiny meeting, SSDC and SSVCA officers noted that:

- Furnicare had been restructured with the only main base being in Yeovil. 49% of their customers were from Yeovil and the remainder from across the district.
- SSVCA was happy to make any financial reports available to Scrutiny Committee.
- SSVCA were happy to look at issue of transporting young people to sporting events and activities if funding was available.

At the conclusion of debate, members were content to approve the recommendations of the report.

RESOLVED: That the District Executive agreed to:

1. approve funding for South Somerset Voluntary & Community Action (SSVCA) of £74,260 for 2015/16.
2. the current Service Level Agreement (SLA) being rolled forward for another year enabling a full review of our funding for SSVCA with a new agreement in place from 2016/17.

Reason: To consider grant funding of SSVCA for 2015/16.

150. Funding for Access For All (Formerly known as South Somerset Disability Forum) (Agenda Item 10)

The Equalities Officer introduced the report and highlighted the achievements of the organisation over the last year. She reminded members that SSDC commissioned Access for All to do work on SSDC's behalf. The organisation had changed its name in the past year following a restructure, and they were now also looking to expand their services across the district, and in some cases, further afield.

Stan Shayler and Cherry Cobb from Access For All addressed members explaining that they had cut their overheads by approximately 30%, some changes had still to be implemented following the name change, progressing the use of social media to promote their work, and highlighting the work of volunteers.

At the end of a brief discussion members and the Chairman thanked the volunteers for their work. Members were content to approve the recommendation.

RESOLVED: That District Executive approved funding for Access For All of £8,000 for 2015/16.

Reason: To consider funding of the Service Level Agreement (SLA) with Access For All for 2015-16.

151. Funding for District-wide Health and Well-being Grants 2015/16 (Agenda Item 11)

The Portfolio Holder for Leisure and Culture introduced the report and noted and remaining budget would be ringfenced. The Arts Development Officer briefly summarised the achievements of Actiontrack, Take Art, Somerset Works and Somerset Film over the past year.

There was no discussion and members were content to approve the funding to each organisation as indicated in table 1 on page 55 of the agenda.

RESOLVED: That District Executive approves levels of funding for Actiontrack, Take Art, Somerset Art Works and Somerset Film in 2015/16, as set out in Appendix 2 of the agenda report. (Actiontrack £2,000, Take Art

£10,500. Somerset Art Works £3,500 and Somerset Film £2,000).

Reason: To consider levels of funding for specified arts organisations.

152. Service Level Agreement with Somerset Rural Youth Project (Agenda Item 12)

The Portfolio Holder for Leisure and Culture introduced the report and noted the work undertaken by the organisation, highlighting the expansion of the youth club support programme.

The Senior Play and Youth Facilities Officer praised the knowledge, skills and resources the Somerset Rural Youth Project brought to the district. He commented that for the amount of funding requested SSDC would not be able to provide the same service.

There was no discussion and members were content to approve both recommendations.

RESOLVED: That the District Executive agreed to:

1. note the report and the work being carried out in our rural communities through the service level agreement.
2. continue to support the work carried out by the Somerset Rural Youth Project (SRYP) with a £8,000 grant to cover 1 year's work agreed through a service level agreement (SLA).

Reason: To consider funding for Somerset Rural Youth Project for one year.

153. Funding for South Somerset Citizen's Advice Bureau (SSCAB) (Agenda Item 13)

The Portfolio Holder for Leisure and Culture introduced the report and highlighted that the South Somerset Citizens Advice Bureau had been subject to reductions in funding, and had adapted accordingly. The volunteers worked with our own in-house team to help people with complex issues.

Georgina Burton and Lin Cousin of SSCAB, addressed members highlighting the benefits to residents in the area either by direct receipt of financial benefit or by the minimising of debt. It was noted that the SSDC funding allowed for open door access to the service.

The Scrutiny Chairman acknowledged that concerns raised by Scrutiny Committee regarding duplication had been addressed by the hand-out circulated at the time of the overview report.

During a short discussion members noted the excellent work of SSCAB, expressed their support for the funding, and noted the move back to Petters House made everything easier and more efficient for everyone concerned.

Members were content to approve the funding for 2015-16.

RESOLVED: That District Executive agreed to approve funding for South Somerset Citizens Advice Bureau of £121,730 for 2015-16.

Reason: To consider grant funding of South Somerset Citizen's Advice Bureau for 2015-16.

154. Access from Memorial Hall car park to land at the rear of the Dolphin Hotel, Wincanton (Agenda Item 14)

The Chairman reminded members the item had been withdrawn from the previous month's agenda following a meeting with several parties in Wincanton. The matter had been considered carefully and the recommendation was to not grant access.

The Assistant Director (Finance and Corporate Services) updated members that since the agenda had been published, the applicant had requested that members consider a licence agreement if the easement request is refused. She explained that a licence agreement would be temporary and could be terminated by SSDC at short notice. As there had not been the opportunity to liaise with Wincanton Town Council regarding the licence request, and given the strength of feeling locally about this issue it was recommended to refuse a licence at this time and continue to close the unauthorised gap in the wall. The applicant would be able to reapply once any future plans were agreed.

In response to a query regarding the map, as raised by Scrutiny Committee, the Assistant Director (Finance and Corporate Services) clarified that the map in the agenda was a little out of date and noted that the access concerned was now part of the Dolphin Hotel and not the Quaker Meeting House.

During discussion, there was some debate as to what exactly was meant by 'closure of the gap', and whether it would be short or long term, and by what means. It was noted locally there was a wish to see the stone wall reinstated as it is a listed building.

The Assistant Director (Legal and Corporate Services) commented it was clear what members wanted to see the access stopped up which would be done by legal and physical means.

The Chairman noted that members clearly wished the gap to be stopped up as soon as possible, and commented the short term means for doing so may differ from the long term.

At the end of the debate, it was proposed and subsequently agreed, to amend the recommendation to include refusing entry by a licence and that the gap been stopped up as soon as practicable after appropriate notice has been served.

RESOLVED: That District Executive refuse entry to land at the rear of the Dolphin Hotel, Wincanton by way of an access easement or licence agreement, and the gap to be stopped up as soon as practicable after appropriate notice has been served.

Reason: To consider the access to land at the rear of the Dolphin Hotel, Wincanton.

155. Establishment of the Somerset Growth Board (Agenda Item 15)

The Assistant Director (Economy) introduced the item and referred to the adopted growth plan. He explained that the concept of a Growth Board was a key to people across Somerset being involved. He clarified that the Board would not have any delegated authority over the Council.

The Chairman of Scrutiny Committee noted that members were supportive of the principle but there needed to be clarity of how the Board would fit in with the LEP structure and what steps would be taken to ensure the Board remained outcome focussed. Scrutiny members also requested that a progress report be made in 12 months.

During discussion it was commented that it was important to make sure Somerset had the right level of influence at the LEP. Some members shared the concerns of Scrutiny, but were willing to see how the Board performed for a year. It was proposed to amend recommendation two to including the word notional and the funding contribution being subject to annual review.

At the end of discussion, members were content to approve the recommendations, as amended.

RESOLVED: The District Executive agreed that:

1. South Somerset District Council endorses the Somerset Chief Executive and Leaders Group proposal to establish a Somerset Growth Board;
2. An annual financial contribution of £4,570 to be found from Unallocated Balances is made towards the Growth Board's core costs for a notional period of three years, subject to annual review;
3. South Somerset District Council's representative on the Board will be the Portfolio Holder for Environment and Economic Development.

Reason: To agree the establishment of a Somerset Growth Board.

156. Retail Relief from Business Rates (Agenda Item 16)

The Portfolio Holder for Finance and Spatial Planning introduced the report and referred to the number of businesses currently receiving relief.

In response to comments raised by Scrutiny Committee, the Portfolio Holder agreed that policy relating to business rate relief for childcare providers would be included in the budget setting process for next year.

Following a very brief discussion, members were content to recommend the report to Council.

RESOLVED: That District Executive recommend to Council:

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

Reason: To recommend to Council the implementation of the Business Rates Transitional Rate relief for the 2015/16 and 2016/17 financial years.

157. Loan to Somerset Waste Partnership for Waste Vehicles (Agenda Item 17)

The Portfolio Holder for Finance and Spatial Planning presented the report and referred to when the loan had been previously considered by District Executive and Council in late 2014. He explained that less money was required now and the interest rate of one percent above the Public Works Loan Board rate would be a bonus for SSDC.

The Chairman of the Scrutiny Committee confirmed members supported the recommendations.

There was little discussion and members were content to note the report and approve the interest rate.

RESOLVED: That District Executive agreed to:

- a) Note the reduced requirement to £1.9025 million for the loan to the Somerset Waste Partnership;
- b) Approve the interest rate of PWLB plus 1% is applied at the date the loan is exercised;
- c) Note that at current rates this reduces the interest due by £18,100 per annum. The actual interest due however will be dependent on rates at the time of the loan.

Reason: To approve the amount and interest rate of a loan to the Somerset Waste Partnership.

158. Huish Academy Artificial Grass Pitch Project (Agenda Item 18)

The Portfolio Holder for Leisure and Culture introduced the report and referred to the public representation mad at the start of the meeting. She clarified that the wording in the award agreement (page 120 of the agenda) referred to assessing the potential and applying if feasible to extend the hours of operation. She noted that there would have to

be a new planning application submitted if there was a wish, or need, to extend the hours of operation. Such an application would go out for public consultation in the usual way.

The Assistant Director (Health and Wellbeing) noted there had much consideration of the operating hours when the planning application had been discussed at Area North Committee. Restrictions were placed regarding the hours of operation, and hence in the first two years of use the Academy would access the usage.

It was explained there were two considerations. Firstly the awarding of banked Section 106 monies, the second was for those Section 106 monies not yet received but expected as a result of the granting of planning permission. The Assistant Director noted the offer paperwork clearly stated the risks of starting the project without an indication of when the unbanked Section 106 monies would be available.

The Chairman of Scrutiny Committee noted the project had been extensively discussed at Area North Committee. Members sought reassurance that the school were aware of the risks associated with funding if trigger points were not met.

During a brief discussion, the Assistant Director responded to comments and explained the pitch would be marked out for hockey as well as football. The pitch met requirements of the Football Foundation for youth provision, but not adult football, due to constraints on the site.

At the conclusion of debate members were content to approve the recommendations.

RESOLVED: That District Executive agreed to:

Approve subject to the terms and conditions set out in the proposed Letter, Award Agreement and the Standard Terms and Conditions of Award, that South Somerset District Council has agreed to Award Huish Episcopi Academy a section 106 grant of £290,172 towards the construction of a Third Generation (3G) Artificial Grass Pitch and supporting ancillary facilities on the basis that these facilities and the school playing fields will be available for community use, consisting of:

- i. £193,686 of section 106 contributions that have been paid to the Council.
- ii. £96,486 of section 106 contributions where payment is subject to trigger clauses being reached within the relevant S106 agreements presenting a degree of risk to Huish Episcopi Academy that those monies may not be received by the Council.

Reason: To seek approval to award Huish Episcopi Academy a capital grant comprised of Section 106 Contributions towards the construction of Third Generation Artificial Grass Pitch.

159. Community Right to Bid - Assets of Community Value (Agenda Item 19)

There was no debate and members were content to note the report of the Register of Assets of Community Value.

RESOLVED: That the District Executive noted the report.

Reason: To inform members of the current status of the register of Assets of Community Value.

160. Somerset Armed Forces Community Covenant Partnership Update (Agenda Item 20)

The SSDC Councillor appointed to the Somerset Armed Forces Community Covenant Partnership (SAFCCP) presented the report which provided an update on outcomes of the partnership. He noted much had been achieved in conjunction with officers and South Somerset had benefitted extremely well.

The Chairman of Scrutiny Committee noted members were pleased to note the success for South Somerset as already mentioned.

In response to comments made during discussion, the Assistant Director (Communities) noted that:-

- mental health had been discussed at a recent meeting and a plan was being drawn up.
- bids from community groups in the east of the district were in the pipeline but were not fitting in with the current timeframes.

Members were pleased to note the report and successes for South Somerset.

RESOLVED: That the District Executive noted the report.

Reason: To provide an update on progress with the Somerset Armed Forces Community Covenant Partnership.

161. Monthly Performance Snapshot (Agenda Item 21)

Members were pleased to note the monthly performance snapshot data.

RESOLVED: That the District Executive noted the monthly performance snapshot data.

Reason: The report is provided for members information.

162. District Executive Forward Plan (Agenda Item 22)

Members noted the following addition to the Executive Forward Plan:

- South Petherton Neighbourhood Area – April

RESOLVED: That the District Executive:

1. Approved the updated Executive Forward Plan for publication as attached as Appendix A with the following addition:
 - South Petherton Neighbourhood Area – April
2. Noted the contents of the Consultation Database as shown at Appendix B

Reason: The Forward Plan is a statutory document.

163. Date of Next Meeting (Agenda Item 23)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 2 April 2015 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30am.

164. Exclusion of Press and Public (Agenda Item 24)

RESOLVED: that the following item 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)."

165. Disposal of the workshop in Helliars Road, Chard (Confidential) (Agenda Item 25)

The Portfolio Holder for Finance and Spatial Planning introduced the report as detailed in the agenda. He highlighted that the report itself mentioned an overage clause but this was not specifically mentioned in a recommendation, and suggested that it be added to end of recommendation 1. He noted the shortfall in net income in effect was balanced by any maintenance required.

The Chairman of Scrutiny Committee noted that members supported the recommendations.

During discussion the Assistant Director (Legal and Corporate Services) advised what the average overage would be. At the conclusion of a short debate, members were content to approve all the recommendations as amended.

RESOLVED: That District Executive agreed to:

1. Delegated authority for the Assistant Director (Environment) and Assistant Director (Finance and Corporate Services), in consultation with the Portfolio Holder, Finance and Spatial Planning, to dispose of the freehold of The Workshop, Helliars Road, Chard for a minimum sum as stated in the agenda report

with an appropriate uplift clause;

2. As the Council had not deemed this property surplus to its requirements, the purchaser would also be responsible for the Councils legal and professional costs in this matter;
3. That the figure stated in the agenda report is added to the Medium Term Financial Plan in 2016/17 as an additional budget pressure to reflect the shortfall in net income.

Reason: To agree disposal of the workshop at Helliers Road, Chard.

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Chairman

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Date