

South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 21 April 2016** in the Council Chamber.

(7.30 pm - 8.20 pm)

Present:

Members: Councillor Mike Best (Chairman)
Councillor Tony Capozzoli (Vice-Chairman)

Clare Aparicio Paul	Tim Inglefield	Jo Roundell Greene
Cathy Bakewell	Val Keitch	Dean Ruddle
Marcus Barrett	Andy Kendall	Sylvia Seal
Mike Beech	Mike Lewis	Gina Seaton
Dave Bulmer	Sarah Lindsay	Peter Seib
John Clark	Mike Lock	Angie Singleton
Adam Dance	Tony Lock	Alan Smith
Gye Dibben	Paul Maxwell	Sue Steele
Sarah Dyke-Bracher	Graham Middleton	Rob Stickland
John Field	David Norris	Andrew Turpin
Nigel Gage	Graham Oakes	Martin Wale
Carol Goodall	Stephen Page	Nick Weeks
Anna Groskop	Ric Pallister	Colin Winder
Peter Gubbins	Shane Pledger	Derek Yeomans
Henry Hobhouse	Crispin Raikes	
Kaysar Hussain	David Recardo	

Officers

Rina Singh	Interim Chief Executive
Ian Clarke	Assistant Director (Legal & Corporate Services)
Donna Parham	Assistant Director (Finance & Corporate Services)
Andrew Gillespie	Performance Manager
Angela Cox	Democratic Services Manager

135. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Jason Baker, Neil Bloomfield, Amanda Broom, Nick Colbert, Jenny Kenton, Sam McAllister, Sue Osborne, Tiffany Osborne, Wes Read, Garry Shortland, Linda Vijeh, William Wallace and Vega Sturgess (Strategic Director).

136. Minutes (Agenda Item 2)

The minutes of the Council meeting held on 17th March 2016, copies of which had been previously circulated, were approved as a correct record of the meeting and signed by the Chairman, subject to the following amendment:

- Councillor Stephen Page be added to the list of apologies.

137. Declarations of Interest (Agenda Item 3)

Councillors Angie Singleton and Sylvia Seal declared a personal interest in Agenda item 9: Loan to Kingsbury Episcopi Amenities Improvements Committee, as a trustee was a personal friend.

Councillor Clare Aparicio Paul declared a personal interest in Agenda item 9: Loan to Kingsbury Episcopi Amenities Improvements Committee, as a member of Kingsbury Episcopi Parish Council.

138. Public Question Time (Agenda Item 4)

Miss M Smith of Pitney caravan site spoke of her concern at the Council's recent decision to transfer the management of gypsy sites to a housing association. She spoke of the lack of facilities at the site, that she did not have a 25 year lease and that she was threatened with eviction by SSDC. She also queried how the impact assessment which had accompanied the report could have been written without visiting the site.

Councillor Ric Pallister, as Portfolio Holder said he would check the situation with officers and provide a written response to Miss Smith.

Mrs R Williams and Mrs P Warren spoke in support of Agenda item 9: Loan to Kingsbury Episcopi Amenities Improvements Committee. They outlined the facilities which they hoped to provide which included a community hall, changing rooms and shop and the need to have all the funding secured to access the Lottery funding.

Mr B Budzynski asked if the threat of a £5,000 per day fine for unattended roadworks would impact on how the authority operated?

Councillor Henry Hobhouse responded that roadworks were the responsibility of Somerset County Council, not the District Council, however, he hoped the threat of a fine would help.

139. Chairman's Announcements (Agenda Item 5)

The Chairman and Councillor Mike Lewis both wished the Her Majesty, the Queen a very happy 90th birthday and congratulated her on her reign.

The Chairman then presented Councillor Tony Capozzoli with a new Vice Chairman's badge of office. The Vice Chairman expressed his pleasure at receiving it.

Councillor Ric Pallister, Leader of Council, drew Members attention to a paper circulated to them on the new Flood Re scheme which had come into force on 1st April. He asked that they advertise the scheme widely as it could assist many Somerset residents.

140. Chairman's Engagements (Agenda Item 6)

The list of Chairman's Engagements was noted.

141. Council Plan on a Page 2016 to 2021 (Agenda Item 7)

Councillor Ric Pallister, as Leader of Council, thanked the Strategic Director (Operations and Customer Focus), her Personal Assistant, the Assistant Director (Finance and Corporate Services) and Councillor Carol Goodall for their help in compiling the Council Plan. He advised that the plan looked 5 years ahead whilst the Annual Action Plan set clear actions for each year and would be presented with the annual budget so each action was fully funded. Comments made by Scrutiny and Executive members had been incorporated into this final document.

Councillor Jo Roundell Greene advised that the annual action listed to deliver a South Somerset food and drink promotional event would be moved to the service plan where it was more appropriate.

Councillor Sue Steele said the offer to present a mid-year progress report on the Annual Action Plan to the Scrutiny Committee would be appreciated by them.

Councillor Nick Weeks expressed his concern that agriculture was not listed as one of the top industries in the district. It was subsequently confirmed that the data was listed as a percentage of people employed in that industry, and, agriculture was listed as the tenth highest employer.

At the conclusion of the debate, Members unanimously agreed to adopt the Council Plan 2016 – 2021 and the Annual Action Plan (2016-2017).

RESOLVED: That Council:

1. adopted the new Council Plan 2016 – 2021
2. adopted the Council Plan Annual Action Plan (2016-17)

Reason: To confirm the Council Plan 2016 – 2021 which details the Council's future ambitions and key priorities.

(Voting: unanimous in favour)

142. Recruitment to the post of Chief Executive Officer (Agenda Item 8)

Councillor Ric Pallister, as Leader of Council, advised that it had been 10 months since Council had agreed to explore the future management of the authority. A number of options had been considered and it was felt the Council should now focus on savings, transformation and income generation for which a strong leader of the workforce was needed. An open recruitment process would be conducted and it was recommended that the Strategic Director (Place and Performance) be appointed as Interim Chief Executive until the appointment of a new CEO was made.

Councillor Tim Inglefield, representing the Conservative Group and Councillor Dave Bulmer, representing the Independent Group both agreed it was vital to appoint the right person as CEO.

Councillor Mike Lewis asked that monthly report be provided to the District Executive on the progress of appointment of a new Chief Executive Officer and this was agreed.

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

RESOLVED: That Council:

- i. authorised the recruitment of a new Chief Executive Officer (CEO) through an open recruitment process and at an annual salary set out in the Financial Implications section of this report.
- ii. appointed Rina Singh initially as interim acting CEO from today's date (21st April 2016) until such time as a new CEO is appointed. This interim appointment can be reviewed by Council at any time but in any event will be formally reviewed by Council should no appointment of a new CEO be made within 6 months.
- iii. authorised the Appointments Committee, with such external specialist support as it considers necessary (in consultation with the HR Manager), to proceed with preparing the job and person specification for the new post and making all necessary arrangements for shortlisting, testing and interviewing candidates. On completion of these stages the Appointments Committee will recommend to Council which (if any) of the candidates should be appointed.
- iv. approved the use of £69,664 of unallocated balances and noted that the senior management costs would remain within the cost envelope outlined (with adjustments for changes to NI, pensions, and pay awards) by 2017/18.
- v. agreed that a monthly report would be provided to the District Executive on the progress of appointment of a new Chief Executive Officer.

Reason: To authorise the recruitment of a new Chief Executive Officer to drive forward the organisational changes and new ways of working that the District Council will require in the future.

(Voting: unanimous in favour)

143. Loan to Kingsbury Episcopi Amenities Improvements Committee (Agenda Item 9)

The Assistant Director (Finance and Corporate Services) advised that the confirmation of the loan was before Council as it fell outside the SSDC Loans Policy.

Councillor Derek Yeomans, Ward Member, said a huge amount of time and effort had been spent by the committee in obtaining their Lottery grant and the loan would allow the final funding to be secured. He asked that all Members support the request.

Councillor Dean Ruddle said the scheme should be wholeheartedly supported and Members unanimously approved the loan to Kingsbury Episcopi Amenities Improvements Committee.

RESOLVED: That Council:

1. approved a loan of £65,000 to Kingsbury Episcopi Amenities Improvements Committee (KEAIC), to be repaid over 10 years if required, from the available capital balances;
2. agreed that the final decision regarding whether a guarantee is required be delegated to the Portfolio Holder for Finance and Legal Services in consultation with the Assistant Director – Finance and Corporate Services and the Assistant Director – Legal and Corporate Services once all options have been explored.

Reason: To approve the underwriting of a loan to Kingsbury Episcopi Amenities Improvements Committee.

(Voting: unanimous in favour)

144. Report of Executive Decisions (Agenda Item 10)

The report of Executive Decisions was noted.

145. Audit Committee (Agenda Item 11)

Councillor Derek Yeomans, Chairman of the Audit Committee, advised that the full minutes and agendas of the meeting were available in the Members Room.

The report of the Audit Committee was noted.

146. Scrutiny Committee (Agenda Item 12)

Councillor Sue Steele, Chairman of the Scrutiny Committee, said that they continued to be very busy with a number of Task and Finish group work.

The report of the Scrutiny Committee was noted.

147. Motions (Agenda Item 13)

There were no Motions submitted by Members.

148. Questions Under Procedure Rule 10 (Agenda Item 14)

The following question was submitted by Councillor Mike Beech:-

In response to the question "is the Octagon Theatre up to its pooling limit?" the following response was received from Steve Joel, Assistant Director (Health and Well-Being):

More than 5 obligations have been secured since April 2010 to enhance the 'general' capacity of the Octagon Theatre.

In order to work around the limits on pooling S106 contributions whilst we await the introduction of the CIL scheme for South Somerset, we have taken the opportunity to update our strategy with regard to addressing the overall deficiency in professional arts and entertainment provision.

Our strategy is now to pool contributions up to the limit for the range of 'specific' long-term enhancements planned for the Octagon Theatre in Yeovil, and/or to pool contributions up to the limit for the range of 'specific' enhancements planned for the Westlands Entertainment Complex in Yeovil (Policy TAC2). These projects are also listed in the Council's published IDP.

The first being of these specific enhancements is a new Studio Theatre at Octagon Theatre in Yeovil (Policy TAC1.1), and/or the stage refit at the Westlands Entertainment complex (Policy TAC2.1). No contributions have been pooled for these specific mitigations for Theatres and Arts Centres, which means that the Council can seek off site contributions for them.

Once the limits have been reached for Policy TAC1.1 and Policy TAC2.1, then the Council will seek contributions for specific enhancements TAC1.2 and Policy TAC2.2 and so on, until such time as our CIL Scheme comes online. In this way we continue to optimise the amount of contributions being sought from new development, and of course, reduce pressures upon our capital resources over the medium to longer term.

Can the Portfolio Holder assure the Council that the position being taken regarding S106 pooling is entirely legal and tested in law?

Response

Councillor Angie Singleton, as Portfolio Holder for Strategic Planning (Place Making) responded with the following statement:-

SSDC's approach to the pooling of contributions is in common with other local planning authorities.

The DCLG has not provided any written guidance on interpreting Regulation 123 but has told the Planning Advisory Service that a local planning authority can enter into obligations for 5 generic obligations for a type of infrastructure and then 5 more obligations for a specific project such as an extension to an existing facility.

The DCLG has said that in their view this is within the rules, and that the Regulations were designed to stop double charging rather than restrict a council's ability to deliver the infrastructure that is needed. The consensus view appears to be that, for example, dividing a new school project up into 6 separate classrooms plus a playground plus a car park and then seeking up to five obligations for each of those as separate projects would clearly not fall within the Regulations if the entire school project was let under one contract. If however a new building is to be built on the school grounds or an additional car parking area provided 5 more obligations could be sought if these amounted to separate infrastructure projects let under separate contracts.

Clearly, the obligations would also have to meet the usual NPPF/CIL Reg 122/ legal tests.

Our approach is based on what the Planning Advisory Service is saying and what DCLG has stated to them; it has not yet been tested in the courts so it is not a certain legal position, but neither has it been found to be unlawful.

Supplementary Question

Councillor Mike Beech asked if this stance was a change in SSDC policy which had been confirmed at District Executive and Council?

Councillor Peter Seib confirmed it was a change in law which occurred some time ago which SSDC were bound by and so there was no need to change policy.

149. Date of Next Meeting (Agenda Item 15)

Members noted that the Annual meeting of the Full Council would take place on **Thursday, 19th May 2016** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 7.30 p.m.

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Chairman

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Date