

South Somerset District Council

Minutes of a meeting of the **South Somerset District Council** held on **Thursday 8 July 2021** in the Westlands Entertainment Venue - Westlands.

(6.30 - 8.08 pm)

Present:

Members: Councillor Paul Maxwell (Chairman)
Councillor Wes Read (Vice-Chairman)

Jason Baker	Brian Hamilton	Crispin Raikes
Mike Best	Mike Hewitson	Paul Rowsell
Dave Bulmer	Kaysar Hussain	Gina Seaton
Hayward Burt	Val Keitch	Peter Seib
Tony Capozzoli	Andy Kendall	Alan Smith
Martin Carnell	Tim Kerley	Jeny Snell
Nicola Clark	Mike Lewis	Andy Soughton
Louise Clarke	Tony Lock	Rob Stickland
Adam Dance	Kevin Messenger	Lucy Trimnell
Karl Gill	Sue Osborne	Gerard Tucker
David Gubbins	Robin Pailthorpe	Linda Vijeh
Peter Gubbins	Oliver Patrick	William Wallace

Officers:

Alex Parmley	Chief Executive
Jan Gamon	Director (Place and Recovery)
Kirsty Larkins	Director (Service Delivery)
Jill Byron	Monitoring Officer
Karen Watling	Interim Section 151 Officer
Ian Timms	Yeovil Refresh Project Manager
Natalie Fortt	Regeneration Programme Manager
Angela Cox	Specialist (Democratic Services)
Jo Boucher	Case Officer (Strategy & Support Services)
Michelle Mainwaring	Case Officer (Strategy & Support Services)
Jo Morris	Case Officer (Strategy & Commissioning)
Becky Sanders	Case Officer (Strategy & Support Services)

Members present remotely via Zoom:

Neil Bloomfield	Charlie Hull	Tiffany Osborne
Mike Stanton	Martin Wale	

17. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Robin Bastable, Neil Bloomfield, Malcolm Cavill, John Clark, Nick Colbert, Sarah Dyke, Henry Hobhouse, Ben Hodgson, Charlie Hull, Jenny Kenton, Mike Lock, Pauline Lock,

Graham Oakes, Tricia O'Brien, Tiffany Osborne, Clare Paul, David Recardo, Dean Ruddle, Garry Shortland, Mike Stanton, Martin Wale and Colin Winder.

It was noted that some of these Councillors were attending the meeting remotely via Zoom.

18. Minutes (Agenda Item 2)

The minutes of the previous meetings held on Friday 30th April and Wednesday 5th May 2021 were approved as correct records of those meetings and signed by the Chairman.

19. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

20. Public Question Time (Agenda Item 4)

A resident of Yeovil Marsh spoke of her and her neighbours concerns regarding a development currently under construction close to them in Orchard Close. She said that the developer had breached the strict planning conditions imposed, relating to the construction traffic management plan and emergency access use, and, that the conditions had been amended by a planning officer, following a request by the developer. She said the developer had provided incorrect information to the officer and local residents were potentially facing a bill to correct damage done by the developer to their private road. She said safety was being compromised as there were no footpaths and lorries were reversing into the close. The new agreement was for a maximum of 9 deliveries per week but in the last 7 days there had been over 70 HGV movements in and out of the close with no monitoring or enforcement taking place. She asked that the original construction conditions were enforced and for an apology to local residents and she questioned if it was correct to have conditions changed without formal consultation. She also asked were to direct a bill for damage to the road as the developer did not accept liability.

The Portfolio Holder for Protecting Core Services advised that a full written response would be provided once legal officers had investigated the points raised.

21. Chairman's Announcements (Agenda Item 5)

The Chairman welcomed Councillor Wes Read as his new Vice Chairman and Councillor Oliver Patrick to his first in-person Council meeting.

The Chairman reminded Members joining the meeting via Zoom technology that they were welcome to participate in the meeting but they were not able to vote on any item of business.

The Chairman paid tribute to all the staff of the authority for their professionalism in carrying out their work during the pandemic and continuing to deliver services to residents and businesses in the area. He also thanked all councillors for their work in their wards during the pandemic.

He reminded Members of the devastating floods in Chard the previous week when many people evacuated their homes and abandoned their vehicles and he thanked the Chard Councillors, Chard Town Council, SSDC staff and other agencies who had assisted. He said it had been an excellent response to the situation.

22. Appointment of Chief Executive Officer (Agenda Item 6)

The Leader of Council said the Appointments Committee had met the previous week and interviewed 3 very good candidates. The unanimous decision of the committee was to offer the position of Chief Executive to Jane Portman, who had experience as a senior director and CEO at District, County and Unitary Authorities. She noted that as Jane was not able to join SSDC until 16 August, it was proposed to appoint Nicola Hix, Director, as Head of Paid Service for the interim period. She also noted the proposed increase in salary and the proposed appointment of Jill Byron as Returning Officer and Electoral Registration Officer and proposed the recommendations be agreed by Council.

Councillor Linda Vjeh, as Leader of the Conservative Group, said she was happy to endorse the appointment and concur with the comments of the Leader.

Councillor Dave Bulmer, as Leader of the Independent Group, said he was impressed with Jane Portman's interview and confirmed that she was the best candidate. He seconded the proposed recommendations.

The recommendations were voted upon and Members unanimously confirmed the appointment of Jane Portman as the new Chief Executive for South Somerset District Council.

RESOLVED: That Full Council agreed to:-

- a. accept the recommendation of the Appointments Committee, to appoint Jane Portman as the Chief Executive Officer and Head of Paid Service, for South Somerset District Council on an interim basis for an 18 month period commencing from 16 August 2021;
- b. accept the proposed amendment to salary as per section 11 (to a total package of £130,000 per annum);

- c. appoint Nicola Hix (Director) to fulfil the statutory role of Head of Paid Service for the period 12 July to 16 August 2021;
- d. appoint Jill Byron (Monitoring Officer) as Returning Officer and Electoral Registration Officer for South Somerset District Council on an interim basis for an 18 month period.

Reason: To confirm the recommendation of the Appointments Committee and appoint a new Chief Executive Officer for South Somerset District Council.

(Voting: unanimous in favour)

The Leader of Council thanked the current Chief Executive, Alex Parmley, for his five years service to South Somerset. She said he had been an outstanding Chief Executive who had led the authority through a difficult time and she wished him well in his new role in New Zealand.

The Chairman also thanked the retiring Chief Executive and wished him and his family well in New Zealand.

23. Financing the Yeovil Refresh (Agenda Item 7)

The Portfolio Holder for the Yeovil Refresh introduced the report and reminded Members that the Yeovil Vision included the whole town of Yeovil whereas the Yeovil Refresh covered just the town centre. He said it was vital the extra funding was agreed otherwise parts of the planned refresh would have to be removed and the scheme re-evaluated which could jeopardise the Future High Streets Fund grant. He said that town centres were changing and SSDC should take advantage of the funding and support all the regeneration schemes in Chard, Yeovil and Wincanton. He noted other development and investment taking place in Yeovil and he thanked the officers who had worked on the project and concluded by proposing the recommendations for approval.

The Portfolio Holder for Finance and Legal Services said the additional funding was essential to be able to draw down the Future High Streets Fund grant. He said there was a significant cost to setting aside the capital funding but it was hoped to cover that cost through income generation although this was not guaranteed. He noted that a business case was required for collaborative working space.

In response to questions from Members, the Portfolio Holder for Finance and Legal Services and the Director for Place and Recovery advised that-

- CIL funding was intended for major infrastructure projects listed on the 1,2,3 list and it would be inappropriate to retrospectively change the 1,2,3 list

- The governance arrangements around the allocation of CIL funding were being looked at as SSDC were expecting a further £1.1m in that year and it was important that a fair and objective way of assessing need was agreed. This would be discussed at the Strategic Development Board in September.

Councillor Jason Baker spoke in support of the funding as an opportunity to invest in Yeovil as it was in other town centres and he seconded the recommendations.

In response to questions, the Section 151 Officer and Portfolio Holders for the Yeovil Vision and Finance and Legal Services advised:

- The Council were taking advice from Arlingclose, their Treasury Management advisers on the different types of borrowing available rather than the Public Works Loans Board and there were many options available but no conclusions had been reached. This would be reported as part of the Medium Term Financial Plan Refresh in September.
- The Council had a good record of repaying loans and it was using short term finance at the moment at a favourable interest rate.
- The refresh scheme covered the whole of the town centre and some funding would be coming from developers for improvements to the streetscene.
- Love Yeovil were decorating the windows of empty shops where owners allowed them.
- The cost of Business rates was always an issue for small shops in the town centre.
- Town centres were changing and were attracting smaller boutique shops, cafes and restaurants.
- The Future High Streets Funding would enable the creation of a smart and modern town centre with facilities to attract shops and shoppers.
- Developers were working with the Council on several sites in the town and it was hoped that planning applications would come forward to redevelop sites shortly.
- Constructive criticism and new ideas were always welcome.
- A six monthly update report on the progress of the Yeovil Refresh would be presented to Area South Committee and all Members were welcome to attend.

The Yeovil Refresh Project Manager said the mix of development in town centres was moving towards more leisure and commercial developments and they were talking to a range of developers as investment was starting in the town.

The recommendations, having been proposed and seconded, were put to the vote and carried by 36 in favour, 0 against and 2 abstentions.

RESOLVED: That Full Council agreed to:-

- a. an increase of the Yeovil Refresh **net** budget of £2,604,168.
- b. an increase in long term borrowing of £2,604,168 to fund the project.
- c. an increase to the gross budget by £367k from the current approved budget (see Appendix A for more detail).

That Council noted:

- d. that a future Council meeting would consider the Business Case for establishing a cooperative working space at Yeovil.
- e. that in the worst case scenario the Council may need to increase its long term borrowing to £4,529,168m in total (ref. Para 26).

Reason: To agree to increase the net budget to enable delivery of the Yeovil Refresh projects that are included in the Future High Street Bid over the 36 month construction period associated with this Fund.

(Voting: 36 in favour, 0 against, 2 abstentions)

24. Review of Priority Project 1 of the Council's Annual Action Plan 2021- 2022 (Agenda Item 8)

The Director of Place and Recovery reminded Council that they had adopted the Annual Action Plan in February 2021 and Priority Project 1 aimed to lead the recovery of the community and economy following the Covid pandemic. However, the outcomes and actions were drafted prior to the completion of the Council's Recovery Strategy and so proposal was to revise those outcomes and key milestones within Priority Project 1 to reflect the current Covid 19 Recovery and Renewal Strategy as adopted by District Executive on 1st April 2021.

In response to questions from Members, the Portfolio for Protecting Core Services and the Director of Place and Recovery advised:

- The Digital change team were currently working on a Digital Strategy and a Cyber Security Strategy for the Council and training would be provided to Councillors on this.
- A Broadband Directory had recently been published and it was aimed at supporting people in areas with poor broadband connectivity to boost their signal or access vouchers to boost their signal.

The Leader of Council noted that there were briefings for Members on 13th and 14th July with Connecting Devon and Somerset and other broadband providers.

The Lead Specialist for Economy clarified that they had not specifically mentioned digital infrastructure within the proposal to revise Priority Project 1 because work had already commenced on this and it was now on-going business-as-usual for the Economy team and included elsewhere in the Annual Action Plan.

The recommendation was proposed by Councillor Peter Seib and seconded by Councillor Peter Gubbins and on being put to the vote, was unanimously confirmed by all Members.

RESOLVED: That Council agreed that the outcomes and key milestones contained in Priority Project 1 within the Council's Annual Action Plan 2021-2022 are revised as per Appendix A of this report.

Reason: To agree the revised Priority Project 1 outcomes and key milestones for adoption within the Council's Annual Action Plan 2021-2022 to reflect the current Covid 19 Recovery and Renewal Strategy as adopted by District Executive on 1st April.

(Voting: unanimous in favour)

25. 2020/21 Treasury Management Performance Outturn Report (Agenda Item 9)

The Portfolio Holder for Finance and Legal Services noted that this was the report of the previous years Treasury Management which was set against prudential indicators set at the beginning of the year. He thanked the finance officers and particularly the Section 151 Officer and Lead Specialist for Finance for a comprehensive report which covered the Council's investments and its internal and external debt. He noted that the Council's managed investment funds were doing very well and the significant amount of borrowing, some of which was internal borrowing. He also noted that the Section 151 officer had commissioned Arlingclose Treasury Advisers to look at alternative borrowing options for SSDC and also to investigate the possibility of future borrowing from the Public Works Loans Board. He concluded that the report was for noting.

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

RESOLVED: That Full Council agreed to:-

- a. Note the Treasury Management Activity for the 2020/21 financial year;
- b. Note the position of the individual prudential indicators for the 2020/21 financial year;
- c. Note the outlook for the investment performance in 2020/21;

- d. Note the Council operated within all of the Prudential Indicators during 2020/21.

Reason: To review the treasury management activity and the performance against the Prudential Indicators for the 2020/21 financial year as prescribed by the CIPFA Code of Practice and in accordance with the Council's Treasury Strategy, Annual Investment Policy and Treasury Management Practices.

26. Review of Remote Meetings and Delegation of Decisions (Agenda Item 10)

The Leader of Council reminded Members that they had agreed to continue to hold council meetings remotely up to 31 July 2021 with appropriate delegated powers at their Full Council meeting on 15 April 2021 and it was now time to review that decision. She noted part 3 of the Constitution outlined the various delegations to officers and she asked that Council make a proposal on holding meetings in the future.

The Monitoring Officer reminded Members that those attending meetings remotely would not be able to vote on any item of business until the Government changed the law on this point. She also noted that technology would be installed in the Council Chamber to enable future meetings to be streamed on the internet to reach a wide public audience, and she advised that this may affect the future venues of Area East and West Committees which had previously been held in remote locations. Members of the public would be encouraged to attend meetings remotely however, they would have the right to attend in person if they wished to do so. She said it would be prudent to agree recommendation 5.b on public health and safety grounds and in line with national or local safe practice under the Covid-19 guidance and requirements issued by the Government.

Councillor Peter Seib said that remote meetings had been a great success and had saved carbon emissions by cutting travel across the county. He proposed that recommendation (a) be agreed to continue to enable members to hold remote, virtual meetings for a further 6 months. This was subsequently seconded by Councillors Peter Gubbins and Gerard Tucker.

During discussion the following points were made:-

- Chard Town Council were hoping to install equipment to allow hybrid meetings in the Guildhall and it was hoped this would be compatible to continue to hold SSDC meetings there.
- Poor broadband in some rural areas posed a problem for the public wishing to join on-line meetings.

- Parish Councils could also delegate decision making and continue to meet on-line as SSDC had done as they were bound by the same government legislation and guidelines on social distancing.
- Remote on-line meetings had been a great success and had boosted public participation and recommendation (a) was the way forward.
- People on the Covid shielding list had been advised not to mix with large groups of people when restrictions were lifted and so would not be able to attend in-person meetings.
- Hybrid and virtual meetings allowed Councillors to attend meetings who would not otherwise be able to do so.

The Monitoring Officer advised that if Members wished to continue with on-line meetings then it would be sensible to agree a dispensation for all Councillors so they would not be caught by the 6 months non-attendance at meetings legislation under Section 85 of the Local Government Act 1972.

Following some discussion, it was noted that Council had previously agreed that the Chief Executive, in consultation with Group Leaders, could take an urgent decision to agree a dispensation for a Councillor from attending Council meetings if required, and, report that dispensation to the next meeting of Council.

A vote was taken on the proposal to continue to enable members to hold remote, virtual meetings using available technology and so extend the delegation of decisions to the Chief Executive made on 15 April 2021 for a further 6 months, to 08 January 2022 and this was carried by 32 votes in favour and 5 against.

RESOLVED: That Full Council agreed to:-

- continue to enable members to hold remote, virtual meetings using available technology and so extend the delegation of decisions to the Chief Executive given on 15 April 2021 for a further 6 months, to 08 January 2022;
- delegate authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect these changes.

Reason: To review Council instructions on the continuation of remote consultative meetings and associated delegation to ensure that (i) the Council's decision-making processes continue to operate in accordance with the law and in line with safe practice under the Covid-19 guidance and requirements issued by the Government from time to time while remaining transparent and (ii) the Constitution is kept up-to-date

(Voting: 32 in favour, 5 against, 0 abstentions)

27. Report of Executive Decisions (Agenda Item 11)

The Leader of Council noted the report and invited any questions.

There were no questions raised and the report was NOTED.

28. Audit Committee (Agenda Item 12)

The Vice Chairman of the Audit Committee noted that the Internal Audit Annual Opinion Report had given reasonable assurance overall with no significant risks to the Authority and the control measures in place due to the Covid 19 pandemic were also a reasonable assurance. He said this was a good result for the authority.

There were no questions raised and the report was NOTED

29. Scrutiny Committee (Agenda Item 13)

The Chairman of the Scrutiny Committee said it was an exciting time to be involved in the Scrutiny Committee and he noted their involvement in the Somerset Waste Joint Scrutiny Panel and the new recycling contract and the joint Scrutiny Panel of the Somerset Rivers Authority and their assistance during the recent flooding in Chard. He thanked the Area Committees for their welcome to the Scrutiny Committee work presentations during May from which some good ideas had come forward and he was pleased to note that all of the Council's electricity was now supplied from renewable energy. He also noted that they had introduced a traffic light system of sharing comments from the Scrutiny Committee members, officers and District Executive which appeared to be well received and encouraged dialogue.

The Chairman noted that the presentations at the Area Committees had been very well received and the work of the Scrutiny Committee was important.

There were no questions raised and the report was NOTED.

30. Motions (Agenda Item 14)

There were no Motions submitted by Members.

31. Questions Under Procedure Rule 10 (Agenda Item 15)

The following questions were submitted by Councillor Martin Wale:

As the non-binding Poll re Unitary is now completed I request a complete financial breakdown of the cost of the Stronger Somerset campaign in relation to costs incurred by South Somerset District Council.

This to include:

- The final cost of the Poll.
- Cost of all circulations e.g. letter included in Council tax bills, circular with detachable voting slip and any other information circulated to all.
- Legal fees whether to solicitors or QC.
- Cost of all media activity including radio adverts, social media, production of videos.
- An estimate of Officers time and any expenses incurred by officers or Councillors.
- Any other expenses.

I request this information to be able to answer the most asked question during this process which was how much has it cost the taxpayer?

Also this information should be available at or as soon as possible after the time of announcement of the Poll result so as the taxpayers of South Somerset can judge the worth of this expense.

The Chairman noted that the following detailed response had been provided to Councillor Wales:

Please find the breakdown in the table below. There were no direct costs associated with media activity. The costs do not include internal officer time as we do not keep records of the time we spend on all the various activities we undertake as part of Council business.

COST ELEMENT	£	COMMENTS
CIVICA CONTRACT		
Civica's Fees	£14,820	Civica's costs total £314,825 across the four district councils. Each council has a separate contract with Civica for delivery of the poll within its area.
Printing costs	£12,320	
Postage and mail processing	£65,210	
	£92,350	
LEGAL ADVICE		The cost of legal fees totals £8,150. Each council picks up part of the cost in line with its percentage share of the total electorate in all four districts. SSDC's share is 30.27%.
Sharpe Prichard	£954	
James Goudie QC	£999	
Bevan Brittan	£515	
	£2,467	
TOTAL COST FOR SSDC	£94,817	NB: we are expecting one more invoice from James Goudie QC for further advice received regarding the leaflet

Councillor Martin Wale acknowledged he had received a response to his question but he felt that information on the full cost of the Stronger Somerset campaign and the final cost of the poll regarding further legal advice had not been supplied.

The Director for Place and Recovery said there was one additional invoice to be added as advice had been sought from Queens Counsel (QC) on whether the Secretary of State should consider the outcome of the advisory poll. Their advice had been that the poll should be considered. The cost of previous legal advice by the QC had been £3,500 divided between the four District Councils so it was likely to be a similar amount. She also stated that there had been no paid-for media costs and no expenses submitted. SSDC had not paid for any additional staff as a result of the activity so there were no additional costs.

Councillor Wale asked for the cost of the Stronger Somerset campaign before the poll as he recalled funding had been set aside.

The Director for Place and Recovery said she would share the cost of the Stronger Somerset Business Case as it had been made available in a Freedom of Information request.

32. Date of Next Meeting (Agenda Item 16)

Members noted that the next scheduled meeting of the Full Council was a reserve date of **19th August** and would only be called if there was business to progress.

Therefore, the next meeting of the Full Council would take place as a virtual meeting using Zoom meeting technology on **Thursday, 16th September commencing at 6.30 p.m.**

33. Exclusion of Press and Public (Agenda Item 17)

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).
It was considered that the public interest in maintaining the exemption from the Access to Information Rules outweighed the public interest in disclosing the information.

34. Urgent Decision Records to report (Confidential) (Agenda Item 18)

The Monitoring Officer read out a statement to Council.

There were no questions and the statement was noted.

RESOLVED: That Council noted the verbal update provided by the Monitoring Officer on the urgent decisions taken by the Chief Executive, in consultation with the Chairman of Council and relevant officers since 7th May 2021.

Reason: To note the decisions taken by the Chief Executive.

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Chairman

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Date