

South Somerset District Council

Minutes of a meeting of the **District Executive** held as a **Virtual Meeting using Zoom meeting software on Thursday 7 April 2022.**

(9.30 am - 10.21 am)

Present:

Councillor Val Keitch (Chairman)

Jason Baker
Mike Best
John Clark
Adam Dance
Sarah Dyke

Peter Gubbins
Henry Hobhouse
Tony Lock
Peter Seib



Also Present:

Gerard Tucker

Colin Winder

Officers:

Jane Portman
Kirsty Larkins
Jill Byron
Karen Watling
John Hammond
Stephanie Gold
Angela Cox
Becky Sanders

Chief Executive
Director (Service Delivery)
Monitoring Officer
Chief Finance Officer (S151 Officer)
Lead Specialist (Built Environment)
Specialist (Scrutiny & Member Development)
Specialist (Democratic Services)
Case Officer (Strategy & Support Services)

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

166. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Thursday 3rd March 2022 were approved as a correct record and would be signed by the Chairman.

167. Apologies for Absence (Agenda Item 2)

There were no apologies for absence.

168. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

169. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

170. Chairman's Announcements (Agenda Item 5)

The Chairman advised of the death of Councillor Alan Smith of the Brympton Ward, the previous day. She said that he had been ill for some time and she would be writing to his widow and family to express the Council's condolences. The funeral plans would be shared with Councillors when they were known.

171. Planning Re-imagined - Changes to the Scheme of Delegation to increase the efficiency of the Planning Service (Agenda Item 6)

The Portfolio Holder for Protecting Core Services introduced the report and advised that all 3 of the planning reports came from the successful cross-party planning re-imagined workshops. The report outlined the proposed changes to the Planning Scheme of Delegation.

Councillor Henry Hobhouse advised the changes were required to prevent minor planning applications being unnecessarily presented to the Regulation Committee.

The Chairman of the Scrutiny Committee said the planning reimagined workshops had been a good example of cross party working. He noted they had raised a question asking that all 'major major' applications would almost always go to Regulation Committee in the future?

The Lead Specialist for Built Environment advised that 'major major' applications were by nature larger than most in terms of importance and therefore first applications would be presented to the Regulation Committee, however, any subsequent changes could be either delegated or referred to the Area Committee at the Ward Councillor and Area Chairmans discretion.

At the conclusion of the debate, Members were content to propose the recommendations for confirmation by Council.

RESOLVED: That District Executive recommend that Full Council make the following changes to the Council's Constitution:-

- a. replace the current first paragraph of Article 8.03 with the following words:

"The Regulation Committee shall determine applications for planning permission referred from the area committees in

accordance with the approved guidelines set out in part 3 of this document. The initial submission of any “Major Major” category application will be dealt with by the Regulation committee. Thereafter, proposals for subsequent variations to the original permission, will be referred to the ward member(s) and Area Chairman to review whether or not the issues raised by the variation application, and the consultation responses to them, merit determination at committee. Where the proposed changes are concluded to be of a minor nature the determination of those applications will be delegated to the Lead Specialist – Built Environment.” (new text underlined)

- b. amend paragraph 160 of the Schedule of Functions Delegated to Officers to read as follows:

“The determination of all notifications, including applications for Permission in Principle and for Technical Details consent.”
(new text underlined)

Reason: To propose changes to the Council’s Constitution: Scheme of Delegation in relation to planning applications

172. Planning - Planning Application Validation Requirements; Revised Validation Checklist (Agenda Item 7)

The Portfolio Holder for Protecting Core Services introduced the report and advised that again, it stemmed from the successful planning re-imagined workshops. He noted that officers had answered Councillors questions at the Scrutiny Committee meeting.

The Chairman of the Scrutiny Committee advised that the report and been well received and supported and a question had been raised regarding removing neighbour consultation and the Lead Specialist for Built Environment had attended their meeting and answered the question.

The Lead Specialist for Built Environment confirmed that site notices would be displayed and neighbours would be notified of applications received, however, the validation checklist had included a form asking if neighbour consultations had taken place which had proved problematic when applications were submitted by Agents who had treated the question as a ‘tick-box’ exercise. It had not added value to the application where now more meaningful questions to be addressed on phosphates and electric vehicle charging points which would add value to a validation checklist.

At the conclusion of the debate, Members were content to propose the revised Planning Application Validation Requirements document for consultation, following which it would be referred to Full Council for the adoption.

RESOLVED: That the District Executive recommend that the Chief Executive agree the revised Planning Application Validation Requirements document for consultation, following which it will be referred to Full Council for the adoption of a revised Planning Checklist.

Reason: To propose changes to the established Planning Application Validation Guide and Checklist introduced by the Council in July 2020 and to seek approval for a public consultation upon the changes proposed.

173. Planning - Discretionary fees for Pre-application advice and associated services (Agenda Item 8)

The Portfolio Holder for Protecting Core Services introduced the report and advised this was the third report to be produced from the planning re-imagined workshops. He noted that a number of questions had been raised by Scrutiny Committee members at their meeting which the Lead Specialist for Built Environment had answered.

In response to a question, the Lead Specialist for Built Environment advised that pre-application planning advice was non-binding and advice on schemes not requiring permission, in the absence of a subsequent application did not provide the applicant with sufficient protection. The proposed £103 fee for a Certificate of Proposed Lawful Development gave a decision which was reliable for a householder. SSDC currently charged £55 for a non-binding opinion in such cases but it would be better to pay slightly more for a binding decision.

During discussion, Members felt that this should be made clearer in the Schedule of Pre-application and discretionary planning fees prior to presentation to Council.

In response to questions from the Scrutiny Chairman, the Lead Specialist for Built Environment advised:-

- Currently LBC applications were free of charge although they did take up officer time and it meant they had free advice where household applications were charged for that advice.
- Community and affordable developments were exempt from charge to demonstrate that SSDC supported affordable housing as a corporate priority but this would not include housing schemes with a small element of affordable housing. This was open to amendment if Members wished.
- The PPA acronym was planning performance agreements where SSDC would buy-in extra staff capacity to support a particular project.

- The fees would take effect from 1st June 2022.

At the conclusion of the debate, Members were content to propose the recommendations for confirmation by Council, with the clarification on applications for a Certificate of Proposed Lawful Development, and an option for the level of charges for affordable housing developments. The Portfolio Holder thanked the officers for their work on the planning reports.

RESOLVED: That the District Executive recommend that Full Council agree to the recommended changes to the Schedule of Pre-application and discretionary planning fees at Appendix A (as amended).

Reason: To propose changes to the established Planning Pre-application charging regime operated by South Somerset District Council.

174. Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA) (Agenda Item 9)

The Portfolio Holder for Finance and Legal Services introduced the report and advised that the Council was required to review its use of RIPA powers annually, however, they had not been needed for several years. The policy had been inspected and found to be well-written although the responsible officer would need to be updated to the current Monitoring Officer.

The Chairman of the Scrutiny Committee advised that they were pleased to see that SSDC rarely use the RIPA act powers.

There was no debate and Members were content to note the Council's use of RIPA powers and recommend that the Chief Executive agree the minor amendments to the RIPA Policy and Procedures.

RESOLVED: That the District Executive noted the Council's use of RIPA powers and recommend that the Chief Executive agree the minor amendments to the RIPA Policy and Procedures.

Reason: The Council's policy and the use of RIPA powers must be reviewed at least once per year to ensure they are being used consistently with the policy and that the policy remains fit for purpose

175. District Executive Forward Plan (Agenda Item 10)

The following additional consultation from DEFRA was noted:-

- Storm Overflow Discharge Reduction Plan

RESOLVED: That the District Executive recommend that the Chief Executive:-

1. approve the updated Executive Forward Plan for publication as attached at Appendix A, with the following amendment:
 - Correction of Director on the Update on the delivery of the Economic Development Strategy and funding delivery
2. Note the receipt of a new consultation from DEFRA on a Storm Overflow Discharge Reduction Plan to be added to the Consultation Database.

Reason: The Forward Plan is a statutory document.

176. Date of Next Meeting (Agenda Item 11)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 12th May 2022 as a virtual informal meeting using Zoom meeting software commencing at 9.30 a.m.

177. Exclusion of Press and Public (Agenda Item 12)

The Chairman asked Members to agree that the press and public be excluded from the following item and this was agreed without dissent.

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).

178. Briefing on Local Government Reorganisation (Confidential) (Agenda Item 13)

The Chief Executive provided members with a brief verbal update on the progress of Local Government Reorganisation in Somerset.

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Chairman

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Date