

## South Somerset District Council

**Minutes** of a meeting of the **South Somerset District Council** held on **Monday 28 February 2022** in the Westlands Entertainment Venue, Westbourne Close, Yeovil.

(6.30 - 9.35 pm)

### **Present:**

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

|                |                 |                 |
|----------------|-----------------|-----------------|
| Jason Baker    | Brian Hamilton  | Oliver Patrick  |
| Robin Bastable | Mike Hewitson   | Crispin Raikes  |
| Mike Best      | Henry Hobhouse  | David Recardo   |
| Dave Bulmer    | Ben Hodgson     | Gina Seaton     |
| Hayward Burt   | Kaysar Hussain  | Peter Seib      |
| Tony Capozzoli | Val Keitch      | Garry Shortland |
| Martin Carnell | Andy Kendall    | Andy Soughton   |
| John Clark     | Tim Kerley      | Mike Stanton    |
| Nicola Clark   | Mike Lewis      | Rob Stickland   |
| Adam Dance     | Tony Lock       | Lucy Trimnell   |
| Sarah Dyke     | Kevin Messenger | Gerard Tucker   |
| Karl Gill      | Graham Oakes    | Colin Winder    |
| Peter Gubbins  | Sue Osborne     |                 |

### **Also present on line:**

|               |              |             |
|---------------|--------------|-------------|
| Louise Clarke | Charlie Hull | Jeny Snell  |
| Nick Colbert  | Jenny Kenton | Martin Wale |
| David Gubbins | Paul Rowsell |             |

### **Officers:**

|                |   |
|----------------|---|
| Jane Portman   | Chief Executive                                     |
| Jan Gamon      | Director (Place and Recovery)                       |
| Kirsty Larkins | Director (Service Delivery)                         |
| Jill Byron     | Monitoring Officer                                  |
| Karen Watling  | Chief Finance Officer (S151 Officer)                |
| Peter Paddon   | Acting Director (Place and Recovery)                |
| Robert Orrett  | Commercial Property, Land & Development Manager     |
| James Divall   | Assistant Director (Strategy & Support Services)    |
| Natalie Fortt  | Regeneration Programme Manager                      |
| Adam Burgan    | Arts & Entertainment Manager                        |
| Richard Birch  | Lead Specialist (Communications, Marketing & Media) |
| Anna Matthews  | Chard High Street HAZ Project Manager               |
| Dan Bennett    | Property and Development Project Manager            |
| Kate English   | Specialist (Strategic Planning)                     |
| Jessica Power  | Lead Specialist (Strategic Planning)                |

Stephanie Gold  
Angela Cox  
Becky Sanders

Specialist (Scrutiny & Member Development)  
Specialist (Democratic Services)  
Case Officer (Strategy & Support Services)

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#### **112. Apologies for Absence (Agenda Item 1)**

Apologies for absence were received from Councillors Neil Bloomfield, Malcolm Cavill (dispensation given), Mike Lock, Pauline Lock, Robin Pailthorpe, Clare Paul, Tricia O'Brien, Tiffany Osborne, Dean Ruddle, Alan Smith and William Wallace.

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#### **113. Minutes (Agenda Item 2)**

The minutes of the previous meeting held on Thursday 20<sup>th</sup> January were approved as a correct record of the meeting and signed by the Chairman.

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#### **114. Declarations of Interest (Agenda Item 3)**

Councillor Rob Stickland declared a personal interest in Agenda item 10: Options to refurbish Yeovil Crematorium, as the Chairman of Yeovil Without Parish Council, the part-owner of the Crematorium.

Councillor John Clark declared a personal interest in Agenda item 13: Wincanton Regeneration Finance Report, as a Trustee of the Board of Bath Opera who were a beneficiary of grants from the Wincanton Regeneration Board. He said that he would not vote on that item.

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#### **115. Public Question Time (Agenda Item 4)**

Council was addressed by the Chairman of Long Sutton Parish Council. He asked why so much development had been allowed to continue without the required consents at 2 sites in Long Sutton and why have stop notices not been executed in spite of the Ward Members insistence. He also asked why retrospective and certificate of lawfulness applications had been approved against national planning and environmental health policies. He asked what the role of town and parish councils and councillors was in the planning process and did the elected members now feel superfluous to requirements in planning matters? He said a recent site meeting in his village included the local MP and Chairman of Area North Committee without the Ward Members knowledge or the Parish Council informed as a courtesy with no feedback given.

Councillor Tony Lock, as Portfolio Holder for Protecting Core Services thanked the Chairman for his question and replied that he understood that the questions referred to a property with a number of live planning applications and therefore it would be inappropriate to provide any specific comments until the applications were determined.

He said it was not illegal to carry out development without securing planning permission. Such work was undertaken at an owners own risk and if found to be unacceptable would be the subject of an enforcement investigation and, if necessary enforcement action. The decision to take enforcement action involved many factors including an assessment of immediate harm to protected assets, the scope for regularisation and the wider public interest. The authority was currently pursuing a number of enforcement actions where development or land use had been found to be unacceptable.

The approach an applicant takes to promoting development or seeking to regularise development was not in itself an enforcement issue so in dealing with one or multiple applications the issues officers would assess would remain the same.

It was important to note that applications relating to the lawfulness of development and land use were determined based upon evidence and applications for planning permission and listed building consent were determined based upon planning policy and material considerations. Material considerations would include environmental issues and SSDC had officers who would provide advice on such matters to the planners.

Town and parish councils were invited to comment upon all planning applications. This provided the opportunity to raise relevant planning issues and material considerations that may otherwise not be apparent from the application itself. For all but the smaller applications for householder development and listed building works the town and parish views would also inform decisions about whether the applications would be considered at the relevant committee or by officers.

It was agreed to provide a copy of the response to the Chairman of Long Sutton Parish Council and the Ward Member, Councillor Gerard Tucker, requested that the response also include the reason why a stop notice had not been applied at the property.

*(Subsequent to the meeting, the following response was provided regarding the stop notice:*

*Finally, and in relation to the specific issue of the justification for serving Stop Notices, this enforcement action is available to the planning authority to use in extreme circumstances, usually where there is the immediate likely loss of historic or other protected fabric or environments unless urgent action is taken to prevent further development.*

*Where an applicant chooses to make multiple applications to the council, this approach, whilst potentially time consuming for all parties involved, essentially relates to matters of process and does not, of itself create a circumstance where a Stop Notice is the appropriate solution.*

*Where development is undertaken without planning permission and proves to be unacceptable, (but the works themselves are not reaching the thresholds that necessitate a stop notice) the Council is able to serve Enforcement Notices requiring partial or total demolition of unauthorised development.)*

Council was addressed by a resident of Mudford Road, Yeovil. He observed that whilst Coombe Street Lane was closed, traffic was using Mudford Road instead and it was noticeable that HGVs with a long wheelbases coming down the hill

created a seismic shock as they reached the level ground. Although he lived 60m away, the tremors could be felt through his house. He asked if it was possible to have some measurement taken of the seismic shocks to see if they posed any threat to local houses.

Councillor Peter Gubbins suggested that Somerset County Highways had such measuring devices and they could be contacted through his local County Councillor Andy Kendall.

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#### **116. Chairman's Announcements (Agenda Item 5)**

The Chairman welcomed all to the meeting and reminded Members that only those present in the room would be able to vote although participation in the debate was welcome by all present on-line.

Councillor Sarah Dyke said she wished to thank the staff of the Environmental Services team who were part of the response to the Storm Eunice which caused many trees fall across the county. The arboricultural team were also supported by streetscene, the parish rangers, the horticultural and locality teams and admin teams at Lufton Depot. They had received many thanks for their work over the weekend to remove fallen trees on highways and property. She particularly thanked Spencer Gregory who had carried out tree risk surveys. A tree replanting scheme would be developed to replace those trees lost in the storm.

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#### **117. Chairman's Engagements (Agenda Item 6)**

The list of Chairman's engagements was NOTED.

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#### **118. Annual Action Plan 2022/23 (Agenda Item 7)**

The Leader of Council introduced the report and said that a great deal of work had gone into the final Action Plan of the Council. She noted the five priorities in the Action Plan and she thanked the officers who had assisted in its preparation to leave a legacy for South Somerset.

Councillor Peter Seib drew Councils attention to the summary of achievements listed in the last 12 months in the report.

In response to a question, Councillor John Clarke said the new Chard, Yeovil and Wincanton employment skills hubs sought to create accessible drop-in centres to provide immediate help to those looking for employment. He also noted that no decision had been made on the joint bid with Mendip District Council.

At the conclusion of the debate, the recommendations were proposed and seconded and unanimously agreed by Members

**RESOLVED:** That Council agreed to adopt the Annual Action Plan for 2022-2023 comprising of the revised Areas of Focus and Priority Projects.

**Reason:** To adopt the Annual Action Plan 2022-2023 as part of the overall Council Corporate Plan 2020-2024 which sets out the strategic ambitions of South Somerset District Council.

*(Voting: unanimous in favour)*

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### **119. Adoption of Future Chard Strategy (Agenda Item 8)**

The Portfolio Holder for Area West said the new Future Chard strategy considered the needs of the people of Chard and the place and considered its future opportunities and threats. It was a long term vision and action plan to make Chard a prosperous place in the future. There had been widespread public consultation and it was now to be adopted by Council.

In response to questions, the Portfolio Holder and the High Street Heritage Action Zone Manager advised that:

- the leisure centre had been completed and they were looking at options for Boden Mill and building 11 and discussions were ongoing.
- The Future Chard strategy was expected to be delivered in partnership and as SSDC was now in its final year.
- Chard looked towards Taunton rather than Yeovil for most of their services but the report was balanced.

At the conclusion of the debate, the recommendations were proposed and seconded and on being put to the vote were carried by 38 votes in favour with 2 abstentions.

**RESOLVED:** That Full Council agreed to:-

- a. note the feedback provided through the public consultation;
- b. adopt Future Chard Strategy.

**Reason:** To adopt the Future Chard Strategy which proposes a long-term vision, priorities and action plan that aim to make Chard a prosperous place for all in the future

*(Voting: 38 in favour, 0 against, 2 abstentions)*

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### **120. Decarbonisation programme phase 2 proposals (Agenda Item 9)**

The Portfolio Holder for Environment reminded Council that they had recognised the climate emergency in May 2019 and extra resources had been committed to

achieve carbon neutrality across the council's estate by 2030. The ambition required substantial capital investment and external consultants had provided assessments of the works required as detailed in Table 1 in the report. She said they represented value for money for the Council and the future Council and there was significant risk in not carrying out the work in case of equipment failure. The detail of the proposed works would be further refined and a suggestion from the Scrutiny Committee to install batteries alongside the solar panels would be considered. She commended the recommendations

In response to questions from Members, the Portfolio Holder for Environment advised:-

- No decision had been made on what buildings would be retained by the new Unitary Council.
- SCC Highways had pollarded trees in Yeovil town centre. SSDC would not remove mature trees unless they were dangerous or were diseased.

*[Subsequent to the meeting, it is possible to provide more detail. Whilst the majority of trees in the Yeovil are managed by SCC, those in the area affected by the public realm works are managed by SSDC. In total, nine trees will or have been removed, some in the Triangle area, where they are poor quality or cannot be integrated into schemes. Prior to works starting there were 17 trees across all of the public realm schemes. Once all schemes are complete, there will be a total of 48 trees planted which will be appropriate species, size and maturity].*

- There would be further refinement of each of the proposed projects to ensure best value for money was achieved.
- There was a risk that some equipment could fail if not replaced soon.

During discussion it was noted that:-

- The Brympton Way offices already benefitted from solar panels and an electricity modification to reduce use.
- Some mature trees had to be removed due to Ash-die back
- Buckinghamshire, Wiltshire and Shropshire Councils had all cautioned against overcommitting a new Unitary Authority both financially and with project delivery at the changeover.
- The buildings to be improved were the Westland Entertainment Venue, the Jon O'Donnell Pavilion and Brympton Way offices which would all continue in the new Authority.

Councillor Tony Lock stated that the debate had continued long enough and he proposed that the question be put under Council procedure rule 12. The Chairman agreed and the recommendations were proposed and seconded and confirmed by 35 votes in favour, 1 against and 4 abstentions.

**RESOLVED:** That Full Council agreed to:-

- a. approve the programme of decarbonisation works recommended in the report;
- b. approve an increase to the capital budget of £2,760,000 to be funded from borrowing;
- c. approve an increase to the council's revenue budget of circa £53,960 per annum to fund the financing costs arising from the borrowing required.

**Reason:** To agree a second phase of decarbonisation works to council owned properties as a significant contribution towards the council's commitment to achieving carbon neutrality.

*(Voting: 35 in favour, 1 against, 4 abstentions)*

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## **121. Options to refurbish Yeovil Crematorium (Agenda Item 10)**

The Portfolio Holder for Area South advised that the crematorium was in need of refurbishing, the chapel was too small for some funeral services and sometimes the mourners had to stand in the car park which was unacceptable. Some improvements had been made to car parking and the garden of remembrance but the chapel refurbishment was essential. He thanked the Commercial Property, Land and Development Manager for keeping him up to date on the project and he proposed that the recommendations be accepted.

Councillor Tony Capozzoli said the refurbishment was needed and he seconded the proposal.

There was no further debate and Members unanimously agreed the recommendations to refurbish the Yeovil Crematorium.

**RESOLVED:** That Full Council agreed to:-

- a. an increase the Capital Budget by £800k, as part of the Capital Programme to give the overall project a maximum budget of £5.721m to the refurbishment of Yeovil Crematorium;
- b. note that approval has been given for the originally approved construction project to proceed provided that the contract sum is within the revised budget.

**Note:** our joint venture partner, Yeovil Without Parish Council, met on 16 February and agreed to support recommendation A

**Reason:** To update members on the refurbishment of Yeovil Crematorium and request an increase of £800,000 to the project budget to improve upon the future quality of the service offered to grieving families and mourners.

*(Voting: unanimous in favour)*

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## **122. Octagon Theatre Finance Report (Agenda Item 11)**

The Portfolio Holder for Health and Well-Being advised that at the end of design stage 2 it had been identified that the build costs would be significantly more than anticipated and so the design was revisited to keep the design features whilst reducing costs. He invited the Arts and Entertainment Venues Manager to show a short video of how the building would look when completed.

In response to questions from Members, the Director for Place and Recovery and the Chief Finance Officer advised:-

- The Council did currently subsidise the Octagon Theatre but with the new business plan it was hoped this would diminish over time when the theatre re-opened.
- A long process of value engineering had been undertaken by the Property and Development Project Manager to contain the construction costs. Inflationary increases had also been anticipated for the life of the project which was a contingency.
- The length of the loan period would be provided to Members.
- The ticket levy for Westlands was separate to the ticket levy for the Octagon theatre. The levy would be £1.50 per ticket for the first five years rising by 50p every five years and would apply to both venues.
- Costs to fit out the kitchens and bars was now included in the costs but the majority of the additional costs were the inflationary increases.
- All funding sources were being explored from trusts, foundations, local fundraising and individual giving. Any successful bids would be reported.
- There was no opportunity to increase the Department for Culture, Media and Sport funding of £10m.
- South Somerset had been designated as a Priority Place for funding by the Arts Council and they had been encouraged to apply for national portfolio funding to support ongoing revenue costs and arts engagement.

During discussion it was suggested that a patronage scheme could be set up to provide additional funding to the project.

At the conclusion of the debate, the Portfolio Holder reminded Council that no renovation works had taken place since the 1980s and the seating capacity needed to be increased to increase income to a position to self-fund itself.



The recommendations were proposed and seconded and were confirmed by 34 in votes favour, 1 against and 5 abstentions.

**RESOLVED:** That Full Council agreed to:-

- a. an increase in the capital budget of £6m, to be funded by prudential borrowing, to bring the total budget for the Octagon redevelopment project to £29.01m.
- b. an increase in the revenue budget of circa £0.680m per annum for the financing costs (MRP £0.289m, Interest £0.392m) arising from the increased borrowing needs. An initial assessment is that the financing costs may be covered from Year 6 by ticket levies and operating income, however further analysis is needed to be carried out as interest rates are expected to rise at Final Business Case stage.
- c. the project team to incur expenditure of £1.2m from the capital budget to progress to the next gateway decision stage (the Final Business Case incorporating RIBA stage 3 designs and costings).

**Reason:** To provide Council with an overview of the current budget position and the revised costs of delivering the Octagon redevelopment project arising from the recent RIBA stage 2 design and costings and to seek approval for an increase to the current capital budget of £6m to reflect the revised costs of the redevelopment.

*(Voting: 34 in favour, 1 against, 5 abstentions)*

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### 123. Financing the Yeovil Refresh (Agenda Item 12)

The Portfolio Holder for Area South advised that the financing was required to complete the improvement works. He spoke of towns elsewhere which had pedestrianised their shopping streets with great success and he said he was pleased to report that all the shopping units in the private shopping centre were now let. He said this would be for the benefit of the people of Yeovil.

In response to questions from Members the Chief Finance Officer and Regeneration Programme Manager advised:-

- Borrowing was done corporately not for specific projects however, funding reports for projects always gave a worst case scenario to assume that the funding would be borrowed. The £3m from the Wincanton project would be returned centrally and would reduce the overall need to borrow by £3m.
- The Wincanton Regeneration budget had originally been set at £2m and it was increased by £3.3m to purchase The White Horse which came with an income target. Now that the White Horse had been removed from the

programme, so had the additional budget so the amount to spend in Wincanton was broadly the same. The White Horse had been taken on by the private sector.

The recommendations were proposed and seconded and were confirmed by 38 in votes favour, 0 against and 2 abstentions.

**RESOLVED:** That Full Council agreed to:-

- a. an increase in the Yeovil Refresh capital budget of £1.059m to bring the total project total to £21.838m;
- b. an increase in the Yeovil Refresh revenue budget of £0.606m to bring the total budget to £1.994m (in total over the length of the delivery period). This is proposed to be funded from the Regeneration Fund Reserve;
- c. an increase to the Council's overall revenue budget of £0.044m (capital financing costs of borrowing £1.059m is £0.025m for interest costs and £0.019m for MRP) to fund the increased borrowing costs likely to be incurred by the project if the ring-fenced assets do not sell during 2022/23;
- d. the creation of an earmarked reserve of £4.784m to pay for the possible pay back of the Future High Streets Funding grant received to-date.

**Reason:** To update Council on the Yeovil Refresh budget requirements to enable the completion and delivery of a series of Refresh projects in 2022 and 2023. Also to create a reserve to cover the risks related to Future High Streets Fund and the potential for future adverse financial impacts for SSDC relating to that funding.

*(Voting: 38 in favour, 0 against, 2 abstentions)*

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#### **124. Wincanton Regeneration Finance Report (Agenda Item 13)**

The Portfolio Holder for Area East noted that the regeneration project budget had been increased and now decreased with the removal of the White Horse project and there could be a small overspend on the budget. He said the old medical centre and the old police station buildings in the centre of the town were in need of renovation but there was no time to do this before the Unitary Council however, the officers costings would be kept if the new council wished to take the project on.

One of the Ward Members said there was some mis-information as the new owners of the White Horse may not proceed if their planning application failed

and the sale of Churchfields offices was held in abeyance. He asked that the report be delayed until the following month for further information.

The Portfolio Holder advised that if the White Horse was not renovated by the private developer, there would not be time for SSDC to restart the development before it ceased to be in April 2023. It would be for the new Unitary Authority to deal with.

The other Ward Member regretted the loss of the £3m budget for the regeneration works as he felt it could have been used to renovate the old health centre instead.

The recommendations were proposed and seconded and were confirmed by 38 in votes favour, 2 against and 0 abstentions.

**RESOLVED:** That Full Council agreed to:-

- a. a change in the Wincanton Regeneration project scope from that agreed by Council at its meeting in October 2019: as detailed in Table 2 of the report;
- b. the re-profiling and revision of the Wincanton Regeneration budget that will result in an overall programme budget of £2,392,236: which represents a reduction of £3,280,764 compared to the current approved budget.

**Reason:** To change the scope of the Wincanton Regeneration Project from that originally agreed by Council and as a consequence re-profile the budget to align with the priority projects that have been identified as both achievable and affordable within the last year of the programme.

*(Voting: 38 in favour, 2 against, 0 abstentions)*

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## 125. Ensuring sufficient staffing capacity during 2022/23 (Agenda Item 14)

The Leader of Council introduced the report to increase the staffing budget for funding extra capacity if required and some changed to the Senior Leadership Team. She said there must be sufficient officer capacity to ensure an ongoing service to residents and the ongoing Local Government Reorganisation (LGR) programme. The proposals in the report were also included in the overall budget report to be discussed later. She said all staff were working incredibly hard and the LGR work would increase so the proposals needed to be agreed.

During discussion the following points were made:

- Additional staff should be allocated to the Contact Centre to answer phone calls from the public.

- Certain service areas had been particularly affected by Covid and LGR and this had partly driven the report.
- Reforming the structure of the local government in Somerset during a pandemic had been difficult and the report should be welcomed.

The recommendations were proposed and seconded and were confirmed by 38 in votes favour, 0 against and 2 abstentions.

**RESOLVED:** That Full Council agreed to:-

- approve the requests to increase the staffing budget by £2,465,810 as set out in paragraph 11 and Appendix One;
- approve the increase in the LGR Reserve of £1m as set out in paragraphs 12 to 14, and its funding from the MTFP Support Fund reserve;
- delete the post of Director of Commercial Services and Income Generation from the staffing establishment budget as proposed in paragraphs 15 to 19;
- approve further changes to the Senior Leadership Team (SLT) as set out in paragraphs 19 and 20;
- note the line management arrangements for SLT for 2022/23 as set out in Appendix Two;
- note the Portfolio Holder responsibilities and associated SLT leads for 2022/23 as set out in Appendix Three;
- authorise the Monitoring Officer to make such changes to the Constitution as are necessary to reflect their decision.

**Reason:** To propose increases to the staffing budget for 2022/23, the creation of a contingency in the LGR reserve for funding extra capacity if required, and changes to the Senior Leadership Team (SLT).

*(Voting: 38 in favour, 0 against, 2 abstentions)*

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## 126. 2022/23 Budget Report (Agenda Item 15)

The Portfolio Holder for Finance and Legal Services noted that this would be the last time SSDC would set its own budget and it incorporated all of the previously agreed reports of the meeting and included a small surplus which would top up the MTFP Support Reserve. The budget assumed a council tax rise of 2.82% which was less than inflation. The report consolidated several financial reports and this would help to bring together the 4 District Councils and the County to a

single financial position the next year. The Council would be handing on a legacy of proper reserves, sound finances and £6m income from the income generation scheme although there would be no further investment in commercial property. He commended the advice of the financial team and he proposed the recommendations to Members, noting the advice of the Section 151 Officer. He concluded that Council were asked to approve and adopt the Asset and Finance Protocol as each Council would as part of the LGR.

In response to questions from Members, the Portfolio Holder confirmed:-

- That the SSDC budget would comply with the Asset and Finance Protocol.
- Individual projects contained sufficient contingency funding to cover all but the most extreme events and the remainder of the risk would be covered by the new corporate pool resource. This pooling of risk was more efficient and the Corporate Risk Reserve was large. Only extreme events would require help from the corporate reserve.

At the conclusion of the debate, the recommendations were proposed and seconded and a named vote was taken. The recommendations were confirmed by 33 in votes favour, 1 against and 6 abstentions.

**RESOLVED:** That Full Council agreed to:-

#### **Increases to the revenue and capital budgets**

- a. revenue budget increases of £2.108m as set out in the Budget Report in Table Five;
- b. new capital projects and increases on existing approved capital budgets of £21.521m as set out in the Budget Report in Table Twelve;
- c. the creation of a corporate capital contingency within the capital programme, included within the increase reported above in (b), of £4m to be allocated by District Executive on approved projects within the capital programme via a written report from the relevant senior officer;

#### **Use of reserves**

- d. the use of £6.144m earmarked reserves to fund the revenue and capital budgets as described in the Budget Report in Section Five;
- e. an increase of £1m to the LGR Reserve, funded from the MTFP Support Fund reserve, to finance potential capacity issues as described in a separate report on this agenda entitled "Ensuring sufficient staffing capacity during 2022/23"

- f. transfer £0.350m from the MTFP Support Fund to the Treasury Management Reserve to support the funding of any increase in interest rates in 2022/23 should they rise above the rates assumed in this Budget Report;
- g. create a reserve in 2023/24 of £4.8m for the Yeovil Refresh capital project, funded from the MTFP Support Fund reserve, should there be a requirement in that year to pay back the money received to-date from the Future High Streets Fund (FHSF);
- h. transfer £2m from the Commercial Investments Risk Reserve to the MTFP Support Fund reserve to assist the 2023/24 position of the new Somerset Council in order to help fund potentially adverse local government finance reforms and the Yeovil Refresh reserve (see recommendation g above);

### **2022/23 Revenue Budget**

- i. SSDC's revenue budget requirement (Net Budget) of £19,714,320 for 2022/23 as set out in Table One of the Budget Report;

### **2021/22 to 2023/24 Capital Programme**

- j. SSDC's capital programme for 2021/22 to 2023/24 of £116.469m as set out in Table Eleven in the Budget Report and the consequential increase in SSDC's financing charges revenue budget of circa £1.272m per annum;

### **Council Tax**

- k. an assumption that there will be an increase in the 2022/23 Band D Council Tax of 2.82% representing a Band D Council Tax (excluding preceptors) of £182.11;

### **Chief Finance Officer's Statement**

- l. note the advice given by the statutory S151 Officer on the robustness of the estimates, the adequacy of reserves, and the key financial risks arising from these budget proposals;

### **Treasury Management Strategy**

- m the 2022/23 Investment and Treasury Management Strategy;
- n the proposed borrowing and investment limits included in the Treasury Management Strategy;

- o. the prudential and investment indicators;
- p. the Minimum Revenue Provision (MRP) Policy statement.

Full Council also approved and adopted the Assets and Finance Protocol, as agreed by LGR Joint Committee on 4<sup>th</sup> February 2022.

**Reason:** To confirm the 2022/23 revenue and capital budgets and the 2022/23 Treasury Management Strategy and agree to adopt the principals included in the Finance and Assets Protocol agreed by Local Government Review (LGR) Joint Committee on 4<sup>th</sup> February 2022.

(The following Councillors voted in favour: Jason Baker, Mike Best, Dave Bulmer, Tony Capozzoli, Martin Carnell, John Clark, Nicola Clark, Adam Dance, Sarah Dyke, Karl Gill, Peter Gubbins, Brian Hamilton, Mike Hewitson, Henry Hobhouse, Ben Hodgson, Kaysar Hussein, Val Keitch, Andy Kendall, Tim Kerley, Tony Lock, Paul Maxwell, Kevin Messenger, Graham Oakes, Oliver Patrick, Crispin Raikes, Wes Read, David Recardo, Peter Seib, Garry Shortland, Andy Soughton, Mike Stanton, Rob Stickland, Gerard Tucker)

(The following Councillor voted against: Colin Winder)

(The following Councillors abstained from voting: Robin Bastable, Hayward Burt, Michael Lewis, Sue Osborne, Gina Seaton, Lucy Trimnell)

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## 127. Council Tax Setting 2022 - 2023 (Agenda Item 16)

The Portfolio Holder for Finance and Legal Services said the report was to agree the formal tax resolution and note that the total Band D council tax increase was 3.31% including the town and parish council precepts and overall represented a 3.08% increase. He proposed the recommendations.

Councillor Adam Dance thanked the Portfolio Holder and the finance team for the low increase in council tax without any cuts to Council services.

The recommendations were proposed and seconded and a named vote was taken. The recommendations were confirmed by 39 in votes favour, 0 against and 1 abstention.

**RESOLVED:** That Full Council agreed to:-

- a. approve the formal Council Tax Resolution in Appendix A as follows:
  - 1. At a meeting on the 7 December 2021, the Chief Financial Officer agreed the Council Tax base for 2022/23:

- a. for the whole South Somerset District Council area as 60,643.62 [Item T in formula in Section 31B of the Local Government Finance Act 1992 (as amended) (the Act) (**the tax base for the whole district**)];
  - b. for dwellings in those parts of its area to which one or more special items relate as in the attached Appendix B (**the tax base for each parish or town council area**).
2. Calculate that the Council Tax requirement for the Council's own purposes for 2022/23 (excluding parish and town precepts and special expenses) is **£11,043,810**
  3. That the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:

|     |                    |   |
|-----|--------------------|---|
| (a) | <b>£81,137,230</b> | being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act; ( <b>expenditure, including all precepts issued to it by parish and town councils</b> ).   |
| (b) | <b>£63,557,660</b> | being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act ( <b>income, including government grants, benefits subsidy and adjustments for deficits on the Collection Fund</b> ).   |
| (c) | <b>£17,579,570</b> | being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act; as its <b>Council Tax requirement</b> for the year. (Item R in the formula in Section 31B of the Act); ( <b>expenditure less income</b> ).   |
| (d) | <b>£289.88</b>     | being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as <b>the basic amount of its Council Tax</b> for the year; ( <b>this is an overall average amount of Council Tax, per Band D property, for District, Somerset Rivers Authority and parish and town council requirements including special expenses</b> ). |



|     |                   |   |
|-----|-------------------|---|
| (e) | <b>£6,535,760</b> | being the aggregate amount of all special items referred to in Section 34(1) of the Act (as per the attached Appendix B): <b>(parish and town council precepts including special expenses)</b> .  |
| (f) | <b>£182.11</b>    | being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no parish and town precept relates <b>(the District Council element of the tax for Band D dwellings)</b> .  |
| (g) | <b>Appendix B</b> | The amount shown in Appendix B being, each parish or town in the Council's area, the amount given by adding to the amount in 3(f) above, the result of dividing the special item relating to that part of its area by the amount of its Council Tax in those parts of its area to which the special items relate; <b>(the COMBINED District and parish, or District and town amounts of Council Tax for Band D dwellings)</b> (note: for completeness the table shows all areas and parish or town council precepts, if any, and how they affect the total tax) |
| (h) | <b>Appendix B</b> | the amounts shown in Appendix B being, for each parish or town in the Council's area, the amounts given by applying to the amounts referred to at 3(f) and 3(g) above the formula and categories set out in Section 36 of the Act as <b>the district, parish and town Council Taxes for each valuation band in each parish and town</b>   |
| (i) | <b>Appendix B</b> | for the parishes of Castle Cary, Ilchester and Wayford the amounts shown include an amount raised relating to special items in accordance with Section 35(2) (d) of the Act   |

4. To note that the Somerset County Council, the Avon and Somerset Police and Crime Commissioner and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the tables below.

5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2022/23 for each part of its area and for each of the categories of dwellings. The table excludes parish and town precepts and special expenses.

b. note that if the formal Council Tax Resolution at Appendix A is approved, the total Band D Council Tax is as follows:

|  | <b>2021/22</b><br><b>£</b> | <b>2022/23</b><br><b>£</b> | <b>Increase</b><br><b>%</b> |
|--|----------------------------|----------------------------|-----------------------------|
| South Somerset District Council                    | 177.11                     | 182.11                     | 2.82                        |
| Somerset County Council                            | 1,201.97                   | 1,228.90                   | 2.99                        |
| Somerset County Council<br>(Adult Social Care)     | 151.56                     | 165.10                     |                             |
| Avon and Somerset Police and<br>Crime Commissioner | 241.20                     | 251.20                     | 4.15                        |
| Devon and Somerset Fire and<br>Rescue Authority    | 90.00                      | 91.79                      | 1.99                        |
|  | <b>1,861.84</b>            | <b>1,919.10</b>            | <b>3.08</b>                 |
| Town and Parish Council<br>(average)               | 100.16                     | 101.77                     | 7.60                        |
|  | <b>1,962.00</b>            | <b>2,026.87</b>            | <b>3.31</b>                 |

**Reason:** To approve the Council's calculation and setting of the Council Tax for 2022/23.

(The following Councillors voted in favour: Jason Baker, Robin Bastable, Mike Best, Dave Bulmer, Hayward Burt, Tony Capozzoli, Martin Carnell, John Clark, Nicola Clark, Adam Dance, Sarah Dyke, Karl Gill, Peter Gubbins, Brian Hamilton, Mike Hewitson, Henry Hobhouse, Ben Hodgson, Kaysar Hussein, Val Keitch, Tim Kerley, Michael Lewis, Tony Lock, Paul Maxwell, Kevin Messenger, Graham Oakes, Sue Osborne, Oliver Patrick, Crispin Raikes, Wes Read, David Recardo, Gina Seaton, Peter Seib, Garry Shortland, Andy Soughton, Mike Stanton, Rob Stickland, Lucy Trimnell, Gerard Tucker and Colin Winder).

(The following Councillor abstained: Andy Kendall – not in the room at the time the report was presented)

## **128. Statutory Pay Policy Statement for Chief Officers 2022/23 (Agenda Item 17)**

The Leader of Council advised that the Statutory Pay Policy Statement was required to be agreed and published annually although it could be amended in-year with Councils approval. She proposed the recommendations.

The recommendations were proposed and seconded and were unanimously confirmed by Council.

**RESOLVED:** That Council agreed to approve the proposed Statutory Pay Policy Statement 2022/23 for publication.

**Reason:** To adopt the South Somerset District Council's Pay Policy Statement (PPS) for 2022/23 which is revised and published at least annually following approval at Full Council.

*(Voting: unanimous in favour)*

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**129. Final recommendation of the Community Governance Review of Yeovilton Parish Council and Limington Parish Meeting (Agenda Item 18)**

The Portfolio Holder for Finance and Legal Services said the community governance process had been completed and asked Council to agree to accept the vote from the people of Yeovilton and Limington and to form a single parish council to be named "Yeovilton and District Parish Council" and to draw up a Reorganisation Order to give effect to the recommendation.

The recommendations were proposed and seconded and were unanimously confirmed by Council.

**RESOLVED:** That Council agreed:-

- a. to note the results of the consultation in the parishes of Yeovilton and Limington;
- b. that the final recommendation be: "To accept the vote from the people of Yeovilton and Limington and to form a single parish council to be named "Yeovilton and District Parish Council"
- c. to draw up a Reorganisation Order to give effect to this recommendation;
- d. to contact the statutory agencies to notify them of the new joined parishes.

**Reason:** To confirm the conclusion of the Community Governance Review which has taken place in the parishes of Yeovilton and Limington on the proposal to join the two parishes together (under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007).

*(Voting: unanimous in favour)*

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**130. Report of Executive Decisions (Agenda Item 19)**

The Leader of Council introduced the report and invited questions.

The Council NOTED the report.

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**131. Audit Committee (Agenda Item 20)**

The Chairman of the Audit Committee thanked the officers for their work in preparing the Treasury Management Strategy and their patience in explaining it to councillors.

The Portfolio Holder thanked the members of the Audit Committee for their work in reviewing the Treasury Management Strategy.

The report was NOTED.

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### **132. Scrutiny Committee (Agenda Item 21)**

The Chairman of the Scrutiny Committee advised that there were still two vacancies on the Scrutiny Committee and they had met 3 times in 4 weeks to consider the Executive and Council reports and he thanked the members who had read the reports and given their consideration. He also thanked Becky Sanders who had covered the workload of the Scrutiny Specialist during her absence.

The Leader of Council also thanked the members of the Scrutiny Committee for their detail in the consideration of the executive reports.

The report was NOTED.

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### **133. Motions (Agenda Item 22)**

Councillor Martin Wale proposed his Motion to Council. He said that he had been called to Chair the Appeal Hearing for the ex-Director and when he received the papers it was apparent the allegations had been known before the recommendations to the Appointments Committee and Council in May 2021. He said the Council had been misinformed and misled on the appointment and the allegations were serious and criminal and they had not been reported to the police in the proper manner for over 6 months. He said he felt the matter had been poorly handled and all Councillors had been misled on the suitability of the one candidate for Chief Executive.

Councillor Tony Capozzoli agree to second the Motion.

Councillor Val Keitch, as Leader of Council, responded that the timeline had been the key factor. She said it had been suggested that the police should have been informed earlier however the anonymous letter could have been vindictive and vexatious and therefore it had been correct to conduct a full internal enquiry. The anonymous letter, received in April 2021 had been addressed to the previous Chief Executive and herself and they had immediately instigated a full inquiry by the South West Audit Partnership. At that point, Ms Pestell did not appear to be greatly involved and another staff member was heavily implicated and there was no reason to suggest she should not be considered for the post of Chief Executive. The interim Chief Executive post was advertised internally and one

applicant came forward, Ms Pestell. At that stage the investigation was proceeding and people were being interviewed.

The Appointments Committee met on 4 May and agreed Ms Pestell was suitable to be appointed. That decision was ratified by Council on 5 May 2021, allowing time for a handover period before the previous Chief Executive left the authority. On 1 June, an interim report was received from the South West Audit Partnership which cast doubt on that appointment and the offer was immediately withdrawn and Ms Pestell was immediately signed off work as sick. This delayed the investigation as it was deemed incorrect to insist she attended interviews. Therefore questions were put to her and she responded in writing which took time. More interviews continued and an independent person was appointed to review the South West Audit Partnership report and give advice. The conclusion was reached that there was evidence of wrongdoing and a disciplinary hearing of the Appointments Committee was convened for 8 October. Ms Pestell did not attend the hearing and requested an adjournment of one month. The disciplinary panel agreed that a delay of one week was appropriate and the panel was reconvened on 15 October. Ms Pestell had previously tendered her resignation and that notice period would have ended on 9 November therefore any delay longer than a week could have meant that she would no longer have been in SSDC employment. At the disciplinary hearing on 15 October the panel members agreed that there had been gross misconduct and summary dismissal was the only option. A letter was prepared and Ms Pestell was informed of the decision. She was allowed 10 days to appeal and an appeal was lodged. The Appeals Panel upheld the decision of the Appointments Committee. A file was prepared and passed to the police as had been the intention when the SSDC procedures had been followed.

The Leader stressed that at no time had she misled Council and she had followed correct procedures at all times. In retrospect, she said if the South West Audit Partnership report had been received earlier then she may have acted differently, but she had acted properly in the circumstances. She was sad to read SSDC being described as corrupt by the press as it reflected on all staff and she reassured them of her faith and commitment to them all. But she said when corruption was discovered they had acted properly and taken appropriate action. She said anonymous letters were insidious and she suspected the police may not have been interested at the initial stage when it was received. She asked that Council make its decision on the proposed Motion in a fair and non-political way.

During discussion, the following points were made:

- As a member of the Appointments Committee I was not pleased at how the timeline had evolved but on reflection I don't believe there was any intention to mislead Councillors as the investigation had to remain confidential. Bringing the police in earlier may have interfered with the disciplinary procedure.
- The Motion was unnecessary as it was assertions and not facts. The Leader had followed the proper procedure and she had integrity. If she had made the matter public later than some liked, she had done it at the

right time. This should not be a party political issue and all Councillors should vote they had confidence in the Leader.

- The timing of the Motion coincided with the by-election in Neroche created by the resignation of the former leader of the Conservative group.
- Do the proposers of the Motion know of any elected member past or present who had misused council services?
- Councillor Keitch had the full confidence of the Council group and they had every faith in her ability to lead the council as it moved towards the future. I value her counsel and experience and she is always happy to help any of us, no matter which party we represent.
- The matter was scrupulously and properly investigated and resulted in the dismissal of the person who misused their public office, but the actions of the council were thorough and correct.
- The Leveller magazine had given the council credit for getting the investigation right to the letter but then overlaid the articles with unjustified headlines and smears about corruption.
- The Motion of no confidence was a nonsense and should be thrown out by anyone who had grasped the basics of the matter.
- The Leader has my confidence and she works hours for this council seven days a week. The Motion could have been brought forward before but it was in a timely manner because of the elections.
- The Leaders actions were well advised both in the Appointments Committee and before. She judged it well and the outcome was correct and the HMRC and police investigation were ongoing so potentially the risk of an employment tribunal meant it was in the best interests to remain confidential. I am disappointed that Councillor Wale made the announcement in Full Council and also that someone leaked confidential papers. There was a public interest clause in the Constitution but I am not sure that procedure was followed. But the leader has kept calm in difficult circumstances.
- I attended the LGA leadership academy with the former Conservative Group Leader and during the course of those studies, I was offered the services of SSDC Streetscene to take down some trees. I declined because I am aware of the rules around this and also the insurance in case of any accidents. When I mentioned this offer to the former Conservative Group Leader she said that they had carried out work for her and they were very good. I am not saying she did anything wrong but the circumstances I find very awkward.
- I was on the Appeals Panel and the Appointment Committee when we appointed Ms Pestell. My heart sank when I heard everything and if we had been told from the start what was happening then we could have put it to bed straight away.
- When we leave here tonight we must leave all grudges behind us.
- As Chairman of the Appeals Panel I saw all the papers and there were a number of Councillors both past and one present who were named as using Streetscene services.
- As we move to a unitary authority our residents and businesses expect us to work to ensure the transition to a single authority is led by those with the

skills to ensure the best outcomes. At this stage we need stability therefore I have confidence in our current Leader to see this authority through to the end. I will vote against the Motion.

Councillor Martin Wale concluded that he had made his allegations in a confidential item and he had kept to his confidentiality. The facts all came from the papers he was given as Chairman of Appeals Panel. The matters in the anonymous letter were all upheld. The investigation report of 26 June listed serious criminal allegations and they should have been reported to the police then. The Leader and the former Chief Executive had the powers to stop the appointment.

At the conclusion of the debate, the Chairman requested a named vote be taken. The vote was taken and the motion was lost by 8 votes in favour, 30 votes against and 1 abstention.

**RESOLVED:** That Council agreed NOT to approve the Motion proposed that Council has no confidence in the leadership of Cllr Val Keitch due to the facts that this Council was misled, misinformed and criminal allegations were delayed from being reported to the Police with proper diligence before, during and after the Appointment of Clare Pestell as Chief Executive of South Somerset District Council.

**Reason:** To dismiss the Motion proposed.

(The following Councillors voted in favour of the original Motion: Dave Bulmer, Hayward Burt, Tony Capozzoli, Michael Lewis, Sue Osborne, Gina Seaton, Lucy Trimnell and Colin Winder)

(The following Councillors voted NOT to approve the Motion: Jason Baker, Mike Best, Martin Carnell, John Clark, Nicola Clark, Adam Dance, Sarah Dyke, Karl Gill, Peter Gubbins, Brian Hamilton, Mike Hewitson, Henry Hobhouse, Ben Hodgson, Kaysar Hussein, Andy Kendall, Tim Kerley, Tony Lock, Paul Maxwell, Kevin Messenger, Graham Oakes, Oliver Patrick, Crispin Raikes, Wes Read, David Recardo, Peter Seib, Garry Shortland, Andy Soughton, Mike Stanton, Rob Stickland, Gerard Tucker)

(The following Councillor abstained from voting: Robin Bastable)

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#### 134. Questions Under Procedure Rule 10 (Agenda Item 23)

There were no questions submitted under Procedure Rule 10.

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#### 135. Date of Next Meeting (Agenda Item 24)

Members noted that the next scheduled meeting of Full Council would take place on Thursday 17<sup>th</sup> March 2022 in the Council Chamber, SSDC Council Offices, Brympton Way, Yeovil commencing at 6.30 p.m

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Chairman

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Date