

MENDIP DISTRICT COUNCIL

Minutes of the meeting of the Scrutiny Board held on Monday, 25 April 2016 in the Council Chamber at Mendip District Council, Shepton Mallet commencing at 6.30 pm.

COUNCILLORS PRESENT:

Councillors Damon Hooton (Chair) and Councillors Eve Berry, Shane Collins, Steve Henderson, Terry Napper (arrived 6.40 pm), John North, and Ros Wyke

SUBSTITUTES:

Councillor Edward Drewe substituted for Councillor Dick Skidmore

OTHER COUNCILLORS PRESENT:

Councillors Peter Bradshaw, John Carter, Philip Ham, Des Harris, Tom Killen, Roy Mackenzie, Graham Noel, Alan Townsend, Danny Unwin,

OFFICERS:

Chris Atkinson	Corporate Manager, Access to Services
Stuart Cave	Corporate Manager, Regulatory Services and Lead Officer of the Scrutiny Board
Jenny Pitcher	Senior Economic Development Officer
Andre Sestini	Senior Planning Policy Officer
Ben Sugg	Committee Officer

ALSO PRESENT:

Agenda Item	Subject	Actioned By
1	<p>Chair's Announcements</p> <p>The Chair explained the procedures in the case of an emergency and asked that all mobile devices be switched to silent. Hearing aid users were asked to switch their devices to position 'T'.</p> <p>He further announced that the meeting was being recorded. The Council was a Data Controller under the Data Protection Act and data collected during the recording would be retained in accordance with the Council's policy. By entering the Council Chamber and speaking during Public Participation, members of the public were consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes.</p> <p>The Chair also announced that Malcolm Higgins would be recording the meeting.</p>	
2	<p>Apologies for Absence</p> <p>Councillors Linda Oliver and Dick Skidmore</p>	

3	<p>Declarations of Interest</p> <p>None.</p>	
4	<p>Public Participation</p> <p>Items on the agenda: None</p> <p>Items not on the agenda:</p> <p>Councillor Peter Bradshaw gave an announcement regarding the forthcoming paper on the Mendip Mental Health Strategy. He wished to give the Board advanced notification of an important facet of the report; that while mental health was included under Equality Services it must independently be embedded within the culture of the Scrutiny Board.</p>	
5	<p>Previous Minutes</p> <p>The minutes of the Scrutiny Board meeting held on 21 March 2016 were accepted as an accurate record.</p>	Ben Sugg
6	<p>Cabinet Minutes</p> <p>The draft Cabinet minutes of 11 April 2016 were noted.</p> <p>Councillor Shane Collins asked in relation to the item about the Council's fees and charges at Appendix A, whether the Authority would be charging buskers. The Officer replied that a consultation was ongoing, and offered to furnish the Councillor with the requested details outside of the meeting. Councillor Steve Henderson added that the consultation regarding Street Trading was available on the Council website and included information on busking.</p>	Ben Sugg
7	<p>Forward Plans</p> <p>The Council Forward Plan was noted.</p> <p>Councillor Roy Mackenzie asked for clarification regarding the Communication Strategy; namely whether it concerned broadband provision, press communication or was a wider ranging Strategy.</p> <p>The Scrutiny Board Forward Plan was agreed subject to the</p>	Ben Sugg

	<p>following additions and changes:</p> <ul style="list-style-type: none"> • A Council Structure for the Future was moved to 16 May 2016 and the Contact Officer was Stuart Brown. • Revised Fees for Local Land Charges Searches was moved to 16 May 2016 and the Contact Officer was David Clark. • Homefinder Somerset Policy Changes was moved from May to July 2016. • The Recycle More Project was removed from the Forward Plan. • The 2015/16 Quarter 4 Performance Report was moved to July 2016 • The duplicated reference to the Regulations for Investigatory Powers Act 2000 Update was removed from the Forward Plan. • CCTV was amended and moved to Autumn 2016. • Discretionary Rate Relief item was changed and removed from the Forward Plan as it was included on the agenda for this meeting. 	
8	<p>Connecting Devon and Somerset – Update</p> <p>The purpose of this report was to update the Scrutiny Board on the procurement process for the delivery of Superfast Broadband Phase 2 which was being delivered through the Connecting Devon and Somerset Partnership (CDS).</p> <p>The Deputy Leader of the Council, Councillor Tom Killen presented the report. The targets to connect 90% of the District to Superfast Broadband by 2016 and 95% by 2017 were on track, and the intention was to get 100% over the 2 Mb threshold.</p> <p>Phase 2 negotiations were ongoing with providers, and while the timetable had slipped finalisation was anticipated during the summer.</p> <p>Councillor Ros Wyke questioned the timescale of the rollout as, having been reassured by the Somerset County Council that the website was up to date she had found the information slow and difficult to access. She commented that residents had not been notified directly and suggested that it would be in the Council's interest to share information about successful rollouts. While the Councillor stressed the importance of not taking any action that would slow down the procurement process, she asked for reassurance that lessons had been learned from the previous</p>	Jenny Pitcher

	<p>procurement process.</p> <p>Councillor Tom Killen replied that any further delays would be embarrassing for CDS. While not represented on the board and as such unable to provide details, the Councillor had been looking for assurances that the service would be delivered on time. He remarked that the 95% target should be seen as a minimum and further improvement should be sought.</p> <p>Councillor Ros Wyke noted that there was an effective procurement team within Mendip District Council, and asked whether they could render further assistance. The Councillor commented that it would not be unreasonable to tie in specific conditions.</p> <p>Councillor Tom Killen replied that he had met with key Officers, and resolved that more attachments would slow the process down. As such there was a need for an element of trust, but the Councillor stated that he would argue as forcefully as possible.</p> <p>The Chair noted the offer of an additional place on the board on page 24 of the report, and asked whether the Council was in a position to lobby for it based on the size of the Council's £400,000 contribution.</p> <p>Councillor Killen replied that as the project was a partnership involving other authorities, there was a potential for too many additional conditions to slow down the process. Whilst unable to provide more detail, he assured the Chair that the Council's position was one of influence.</p> <p>Councillor Terry Napper commented that only one provider was involved, and as such the monitoring process should be stringent.</p> <p>In response, Councillor Tom Killen stated that there was no guarantee that BT would be chosen to deliver Phase 2, and while they were a strong contender CDS was in talks with a range of organisations.</p> <p>RESOLVED</p> <p>That the Scrutiny Board note and endorse the report.</p>	
9	<p>Business Rates in the Mendip Enterprise Area and Discretionary Relief for Major Business Investment</p> <p>This Policy set the eligibility criteria for awarding discretionary rate relief for certain businesses in Mendip's designated Enterprise Area at the Bath & West Showground and for other major business investments.</p> <p>The Deputy Leader of the Council, Councillor Tom Killen presented</p>	Jenny Pitcher

the report. Noting that the Board was familiar with the Local Development Order (LDO), the Councillor explained that businesses could now move onto the site fairly quickly with prior approval. The paper introduced a second strand for the Showground, and the Councillor remarked that the eligibility criteria on page 31 were a key part of the paper. Councillor Killen stated that there would be no immediate financial cost to the Council from the rate relief and that after the 3 year period the Council would benefit from a new business rate pipeline. He commented on the need to make Mendip more attractive to new businesses and expand those currently operating within the District.

Councillor John North agreed fully with Councillor Tom Killen and wholeheartedly endorsed the report.

Councillor Ros Wyke commented that Mendip had been placed in a difficult position by nearby Enterprise Zones which gave advantages to the District's competitors. She fully supported the report as a step towards levelling the playing field with Enterprise Zones.

The Senior Economic Development Officer informed the Board that the District had recently been offered additional support with UK and international marketing, and was considered by central government to be spearheading the agri-food proposition for the South West. As the building blocks of the strategy were now in place, Mendip had the tools to market itself as an Enterprise Zone. The enhanced capital allowance offered by other Enterprise Zones had not been taken up by many businesses, and Mendip's status allowed more freedom from DCLG regulation.

Councillor Steve Henderson remarked that the Council could not be seen to disadvantage businesses operating nearby, but not within the Enterprise Zone. In response, Councillor Tom Killen explained that the rest of the District would benefit indirectly should businesses find the Bath & West Showground unsuitable as they may look for a local alternative.

The Chair asked whether the Bath & West Showground LDO would affect other sites such as Frome Commerce Park. The Officer replied that fast track planning was monitored closely by Officers at the Council.

Councillor Terry Napper asked whether the Council was prepared to offer rate relief to businesses moving to the area that would be in competition with the High Street. The Officer explained that retail warehouses would not be eligible.

RESOLVED

That the Scrutiny Board note and endorse the report.

<p>10</p>	<p>Community Infrastructure Levy</p> <p>This report provided an update to Members of Scrutiny on the use of planning obligations through Section 106 Legal Agreements and the issues associated with the introduction of a Community Infrastructure Levy (CIL).</p> <p>The report was presented by the Senior Planning Policy Officer.</p> <p>CIL was intended to replace Section 106 Legal Agreements and was seen as a more transparent mechanism. The Levy would involve a standard charge based on floor space for new developments, and was most likely to be taken advantage of in urban areas. The report suggested uncertainty around CIL, noting that the Government was assessing its viability, and its possible effect on affordable housing needs. It was noted that many authorities used Section 106 Legal Agreements for housing or retail development as it was more cost effective, and that there were practical implications as a standard charge would require administration. Another point not raised in the report was regarding timing, with the Officer noting that CIL was a medium or long term solution. He commented that this was not an immediate solution to the inefficiencies of Section 106 Agreements and would come into effect from 2020 onwards.</p> <p>Councillor John North asked whether costs of Community Infrastructure Levying could be met by the Local Planning Reserve, and what the current total of the reserve was.</p> <p>In response, the Officer stated that the expected cost of the studies would be £25,000 plus implementation. A schedule would be produced and then passed for public examination. It was explained that there was approximately £300,000 in the Local Planning Reserve, and the introduction of CIL was part of the budget.</p> <p>Councillor Roy Mackenzie welcomed the report, remarking that it was an improvement on the previous scheme. The Councillor noted that Community Infrastructure Levy was a far more transparent term than Section 106 Agreements, and that it would make the purpose of the charges clearer to developers.</p> <p>Councillor Ros Wyke asked to see detail regarding infrastructure, commenting that this information was critical for Parish Councils.</p> <p>Councillor Edward Drewe noted that Bath and North East Somerset and Wiltshire both used CIL but that these varied considerably in their implementation, and that this may be the reason for some development currently coming into Mendip.</p> <p>The Chair commented that the Council should not be seen as a 'soft touch' and must not allow developers to get out of their obligations, both ethical and statutory. He stated that funding for CIL viability studies should be seen as an investment.</p>	<p>Anna Blackburn</p>
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	<p>Councillor Peter Bradshaw noted that there was nothing in the report to prevent developers dealing directly with Parish Councils. The Officer replied that the Planning Authority was the charging body but part of the rate would go to Parish Councils. He explained that CIL was designed to contribute to local infrastructure, not fully fund it.</p> <p>In response to questions from Councillor Steve Henderson, the Officer explained that the levels of charges would be reviewed every three to five years. He stated that additional zones would require justification for the differing charges and that as affordable housing was not part of the CIL regime, a statutory infrastructure charge would be reflected in affordable housing discussions.</p> <p>In response to a question from Councillor Des Harris, the Officer explained that the exemption for Brownfield sites only applied to starter homes.</p> <p>Councillor Philip Ham remarked that the Council was completely reliant on Business Rates and Council Tax as there was no longer a grant provided by central government. He commented that there was a need to compete with other districts and CIL could place Mendip in a difficult position, whereas Section 106 Agreements allowed the District to regulate as it saw fit.</p> <p>Reading a response from Frome Town Council, the Chair noted that they had commented that CIL would avoid the issues with Frome Police Station and problems with Section 106 Agreements. He remarked that more transparency and debate about viability could only be a good thing.</p> <p>Councillor Ros Wyke suggested that it be recommended to Cabinet that they instruct an infrastructure study as part of the proposal. However, this was not accepted by the Board.</p> <p>RESOLVED</p> <p>That the report be noted and recommended to Cabinet for approval.</p>	
11	<p>Members Emails</p> <p>The Chair explained that there had recently been some issues with Members' access to emails. He had spoken with the relevant Corporate Managers and it had been suggested that the Scrutiny Board set up a Task and Finish Group to report back in July. It was suggested that 5 Members look at the issues and future provision of Member emails, along with the possibility of replacing Member laptops, providing tablets and potential new software.</p>	

	<p>Councillor John Carter commented that there had already been a Working Group set up to look at the issue and that while there were teething troubles he could see very few problems. The Councillor questioned the need for new equipment and asked whether another Working Party was necessary.</p> <p>Councillor John North volunteered to join the Task and Finish Group as he was part of the original Working Party. Members had been asked to sign up to a new agreement and could no longer have Mendip emails forwarded to personal email accounts. He noted that there were compatibility issues with Windows 10 and that provided patches had not always worked. The Councillor explained that this was due to the lack of a generic platform to meet Member requirements which differed to Mendip staff requirements. Councillor North suggested doing away with the use of personal devices and provision of one generic device for all Members.</p> <p>Councillor Danny Unwin remarked that he did not understand the need for the change to the system and asked why the update was rolled out to all Members simultaneously and not tested on a smaller sample. The Councillor applauded Member Support Officer Claire Dicken for her recent assistance, and noted that IT were working very hard to fix a system that was not fit for purpose. Councillor Unwin volunteered to join the Task and Finish Group.</p> <p>Councillor John Carter explained that the recent changes were due to the need for security accreditation.</p> <p>Councillor Ros Wyke commented that she worked with three secure systems; NHS, Court Services and Mendip District Council. The Councillor asked if IT could introduce a significant firewall so that Member emails could be held in a separate part of the system with different security standards. She recommended that the Task and Finish Group be made up of Members with IT experience.</p> <p>RESOLVED</p> <p>That a Task and Finish Group be set up consisting of Councillors Damon Hooton, John North and Danny Unwin plus two more Members to be sought from the rest of the Council. The purpose of the Task and Finish Group was to consider Member access to emails and report back to the Scrutiny Board in July 2016.</p>	
12	<p>Cancellation of the June meeting of the Scrutiny Board</p> <p>The Scrutiny Board agreed that the meeting of the Board scheduled for June 2016 be cancelled.</p>	
13	<p>Urgent Business</p> <p>None.</p>	

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