

MENDIP DISTRICT COUNCIL

Minutes of the meeting of Cabinet held on Monday, 23 May 2016 in the Council Chamber, Council Offices, Shepton Mallet commencing at 6.30 pm.

COUNCILLORS

<p>PRESENT: Harvey Siggs</p> <p>Philip Ham</p> <p>Tom Killen</p> <p>John Parham</p> <p>Nigel Taylor</p> <p>Nigel Woolcombe-Adams</p>	<p>Chair of Cabinet and Leader of the Council</p> <p>Portfolio Holder for Transformation</p> <p>Vice Chair of Cabinet and Deputy Leader of the Council</p> <p>Portfolio Holder for Economic Development</p> <p>Portfolio Holder for Services</p> <p>Portfolio Holder for Health and Wellbeing</p>
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OTHER COUNCILLORS

PRESENT: Bryan Beha, Peter Bradshaw, Simon Davies, Bente Height (arrived 6.50 pm), Damon Hooton, Roy Mackenzie, Graham Noel (arrived 7.30 pm), Mike Pullin, Dick Skidmore,

OFFICERS

<p>PRESENT: Tracy Aarons</p> <p>Chris Atkinson</p> <p>Allan Bennett</p> <p>Stuart Brown</p> <p>Paul Deal</p> <p>Nicola Fensham</p> <p>Caroline McCafferty</p> <p>Donna Nolan</p> <p>Sara Skirton</p>	<p>Corporate Manager Built Environment</p> <p>Corporate Manager Access to Services</p> <p>Section 106 Officer</p> <p>Chief Executive</p> <p>Section 151 Officer</p> <p>Built Environment Technical Team Principal Officer</p> <p>Committee Officer</p> <p>Corporate Manager Governance, Assets and Public Spaces and Monitoring Officer</p> <p>Policy and Performance Manager</p>
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Agenda Item Number	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.</p>	
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillor Alan Townsend.</p>	
3	<p>Declarations of Interest</p> <p>There were no declarations of interest.</p>	

4	<p>Public Participation</p> <p>a. Items on the agenda – there were none b. Items not on the agenda – there were none</p>	
5	<p>Previous Minutes</p> <p>The minutes for the Cabinet meeting held on 11 April 2016 were agreed as a correct record of proceedings.</p> <p>The Leader of the Council advised a change in agenda order - item 9 was to be after item 19.</p>	<p>Caroline McCafferty</p>
6	<p>Bid for Section 106 Contributions</p> <p>Councillors Nigel Taylor, John Parham, Harvey Siggs and Roy Mackenzie left the room as they were all members of the Wells Recreation Ground Trust.</p> <p>The Deputy Leader of the Council, Councillor Tom Killen took the chair.</p> <p>Councillor Tom Killen, presented a report which addressed a bid by the Wells Recreation Ground Trust (WRGT) for use of the £122,550.27 Section 106 contribution arising from the former Nutricia site development in Wells.</p> <p>In the discussion that followed Tracy Aarons stated for clarity that, while there would be an agreement between the Council and the Trust regarding the work being carried out, the contract to carry that work out would be between the District Council and the appointed contractor.</p> <p>Councillor Philip Ham proposed that Cabinet approve the bid from The Wells Recreation Ground Trust, which was seconded by Councillor Nigel Woolcombe-Adams.</p> <p>RESOLVED</p> <p>Cabinet approved the bid from The Wells Recreation Ground Trust for use of the £122,550.27 Nutricia Site Section 106 Contribution.</p> <p>REASONS FOR THE RESOLUTION</p> <p>The Council's criterion for determining bids was whether the spend proposal was legally in accordance with the specified purpose of the planning obligation.</p>	

7

Connecting Devon and Somerset – Superfast Broadband Collaboration Agreement

The Deputy Leader of the Council, Councillor Tom Killen, Portfolio Holder for Economic Development presented a report, the purpose of which was to

- Update Cabinet on the procurement process for the delivery of Superfast Broadband Phase 2. This programme was being delivered through the Connecting Devon and Somerset Partnership (CDS).
- Seek the necessary authorisation to enable the council to finalise its financial commitment to Phase 2 procurement of the Connecting Devon and Somerset (CDS) project.
- Provide an outline of the key issues, risks and considerations associated with this decision as they related to the wider collaboration agreement.

In the discussion that followed, Members expressed frustration at the pace of the broadband rollout and fully supported the recommendations. It was also noted that where people were willing to pay for superfast broadband, there was no waiting time. It appeared that BT were exploiting an opportunity to profit where superfast broadband was required sooner, though the rollout was to be delivered within 12 to 18 months.

In response to questions, the Leader of the Council stated that though the Government had wrongly stated that rural areas did not need superfast broadband, funding would be available to villages and rural areas.

The Deputy Leader of the Council stated that Members' frustration was shared by all and that any Member could intervene to try to speed up the process.

RESOLVED

That Cabinet:

1. Noted the update on the procurement process to deliver phase 2 superfast broadband.
2. Authorised the Portfolio Holder for Economic Development and Corporate Manager, Access to Services to finalise the terms of the collaboration agreement to deliver the Superfast Broadband extension programme

	<p>REASONS FOR THE RESOLUTION</p> <p>Gaining greater coverage of superfast broadband across Mendip continued to be a critical issue for residents and businesses. The finalisation of this agreement by Mendip District Council and all contributing local authorities would enable the overall financial package to be finalised across the Connecting Devon and Somerset area. This would enable the Invitation to Tender to proceed, while securing maximum value for money on outcomes (coverage) to be achieved within the district.</p>	
<p>8</p>	<p>Revised Fees for Local Land Charges</p> <p>Councillor John Parham, Portfolio Holder for Economic Development introduced a report which stated that the corporate fees and charges report that came before Cabinet in April 2016 recommended that as a result of a number of proposed national changes, Local Land Charges Fees were held until 1st July 2016. Those changes were confirmed so this report set out the proposed Local Land Charges fees and charges for 2016/17 from 4th July onwards.</p> <p>In the discussion that followed, Councillor John Parham stated that it was recognised that there had been pressure on the service due to staff moving on and maternity leave. Steps had been taken to improve waiting times including assistance from another Council.</p> <p>In response to questions regarding discounts for waiting times, Councillor Nigel Taylor stated that though the delays were not ideal, an average of 30 days was comparable with other service providers, and that the fees charged by the Council were up to 3 times lower than private companies</p> <p>Councillor Damon Hooton stated that the Scrutiny Board supported the recommendations.</p> <p>Councillor Philip Ham added that the Joint Procurement System would end delays moving forward.</p> <p>RESOLVED</p> <p>Cabinet approved the revised fees and charges to the Local Land Charges Service from 4 July 2016 onwards.</p> <p>REASONS FOR THE RESOLUTION</p> <p>The revised fees allowed the Local Land Charges Service to continue to operate as a cost recovery service while complying with a number of recent legislative and procedural changes.</p>	

<p>10</p>	<p>Safeguarding Policy</p> <p>Councillor Nigel Woollcombe-Adams, Portfolio Holder for Health and Wellbeing presented a policy which had been updated in order to comply with the additional responsibilities to the role of safeguarding relating to child sexual exploitation and radicalisation of individuals.</p> <p>The opportunity had also been taken to review the contact details and update these where necessary and also to generally tidy and update the numbering of the appendices so that users could more easily apply the policy.</p> <p>There was no material change to the policy document other than the addition of two paragraphs containing information on Child Sexual Exploitation and Prevent.</p> <p>In the discussion that followed, Nicola Fensham informed the Council that the Government regularly updated requirements for the policy and that this update was the inclusion of a couple of extra paragraphs.</p> <p>The Leader of the Council reiterated that it was the responsibility of each Member and officer to report suspicions with regard to safeguarding, to protect the vulnerable residents of Somerset.</p> <p>RESOLVED</p> <p>That Cabinet adopt the updated policy.</p> <p>REASON FOR THE RESOLUTION</p> <p>The existing policy provided a thorough and transparent approach to Safeguarding at Mendip and as such did not need to be rewritten. By updating with the additional information its adoption would help in ensuring that the Council met its legal obligations.</p>	
<p>11</p>	<p>2015/16 Quarter 4 Budget Monitoring and Outturn Report</p> <p>Councillor John Parham, Portfolio Holder for Economic Development introduced a report which stated that Cabinet needed to consider the Budget Outturn figures and requests for Earmarked Reserves as part of the year end process. The figures, once approved, would form an important element of the Statement of Accounts.</p> <p>In the discussion that followed, Paul Deal, Adam Savery and Duncan Moss were thanked for their efforts.</p> <p>Councillor Philip Ham noted that the domestic rate collection was doing well and that Enforcement Officers were used far less than 2 years previously.</p>	

	<p>RESOLVED</p> <p>Members noted the contents of the report, including the final Revenue and Capital outturn positions for the year, the proposed level of General Balances and Revenue Earmarked Reserves, the delivery performance of the 2015/16 Budget Proposals approved within the Medium Term Resource Strategy [MTRS], the level of aged debt as at year end and the collections levels for both Council Tax and Business Rates;</p> <p>Members approved:</p> <ul style="list-style-type: none"> • Revenue Earmarked Reserves, and note that, where required, these amounts would be allocated for spend in the 2016/17 budget; • Carrying forward Capital Approvals where the capital spend was planned in later years; <p>REASONS FOR THE RESOLUTION</p> <p>A surplus or deficit on the revenue budget would impact on the Council's general balances. The Council's financial position would be constantly reviewed to ensure its continued financial health.</p> <p>The latest provisional figures indicated a surplus against the budget before any earmarked reserve requests were approved.</p>	
12	<p>Council Tax Support Grant Funding to Town, City and Parish Councils</p> <p>Councillor John Parham, Portfolio Holder for Economic Development presented a report which stated that the introduction of the Council Tax Support Scheme in 2013/14 had a significant impact on the tax base as it had to be applied as a discount and therefore reduced the tax base for each parish.</p> <p>Town and Parish Councils had been compensated through a grant which was distributed through Mendip District Council. Although allocation of the grant was not mandatory Mendip had distributed the full 2013/14 level of grant totalling £242k despite the significant reductions in Government funding to date and outlined for the future. Continuing this grant therefore was not sustainable.</p> <p>In the discussion that followed, Members agreed that the Council could not afford to continue to subsidise Parishes, and that the grant had always been regarded as a bonus which would cease.</p> <p>OPTIONS CONSIDERED</p> <p>In line with many other local authorities, Mendip District Council had reviewed whether it was affordable to continue to pay this grant given the original funding was no longer identifiable. Within Somerset, several district authorities had already reduced or ceased to pay this</p>	

	<p>grant.</p> <p>It was considered whether to reduce the funding in line with the reduction in RSG over coming years, thereby ceasing in 2019/20. However, this did not take into consideration the significant reductions that had already occurred since 2013/14 or the ability to offset any reduction through variations in the Precept.</p> <p>It was therefore proposed to cease the grant from 2017/18. Taking the decision at that point, and advising Town and Parishes accordingly provided them with the maximum opportunity to plan and devise their strategy to offset the loss.</p> <p>RESOLVED</p> <p>Cabinet agreed to cease paying this grant to Town and Parish Councils from 2017/18.</p> <p>REASONS FOR THE RESOLUTION</p> <p>Continuing to pay this grant was not sustainable within the significantly reduced levels of funding available.</p>	
13	<p>Shape Mendip Neighbourhoods – Phase 2</p> <p>Councillor Philip Ham, Portfolio Holder for Transformation presented a report which stated that in November 2014 Cabinet approved in principle a new change programme aimed at integrating Council services that addressed public concerns around nuisance, community safety and anti-social behaviour with neighbourhood policing in the district.</p> <p>The first phase of the project was well established. Significant business improvements had been achieved through working more closely with the Police to develop and establish relationships and improve communications and co-ordinated operational delivery at an officer level.</p> <p>This progress in joint operational working had been incorporated into ‘business as usual’ and provided a solid basis for moving the project to the next phase. The proposed Phase 2 of the programme comprised two complementary work streams:</p> <ul style="list-style-type: none"> • Shape Mendip Neighbourhoods (SMN) Teams • Shape Mendip One Team <p><i>SMN Teams</i></p> <p>A key objective of the programme was to create neighbourhood teams that provided a visible presence in communities to tackle and prevent nuisance and antisocial behaviour. Drawing in and empowering the Core Services Contract’s existing neighbourhood teams, and entering into discussions with Somerset County Council regarding jointly</p>	

commissioned contractors and other relevant partners, had potential to bring much needed capacity and extended reach to the SMN Teams.

Shape Mendip One Team

The proposal was to create a One Team, based on the partnership models in operation elsewhere in Somerset. These multi agency partnerships, led by Avon and Somerset Constabulary (the Police) aimed to develop an integrated model of neighbourhood service delivery to reduce demand and prevent crime and disorder within an area.

Due to the geography, demographics and relatively low crime rates in Mendip, the proposed Shape Mendip One Team would operate slightly differently to the other One Teams in that it would not be focused on one particular location and was likely to make greater use of virtual communications rather than physical co-location. The objectives and terms of reference would however be very closely modelled on those of the existing One Teams.

In the discussion that followed, Sara Skirton explained that the One Teams were a multi agency approach to tackling and preventing nuisance and antisocial behaviour, which would result in sharing information quickly so that appropriate action could be taken.

Members agreed that this was a big step forward in getting agencies to share information.

OPTIONS CONSIDERED

The Council could decide that the significantly improved communication and operational collaboration between MDC and Police staff represented sufficient progress and outcomes for the Shape Mendip Neighbourhoods project currently.

The risk of limiting the scope of the project in this way was that opportunities would be missed to exploit the current potential and willingness of public and private sector partners to collaborate in making the district an even safer and more pleasant place to be. The Police in particular were committed to the establishment of a One Team in the district. These kinds of opportunities were exactly what the Shape Mendip ethos represented and they had the potential to significantly contribute to the Council's priority of Health and Wellbeing whilst supporting the promotion of the district's reputation as a great place to do business.

Furthermore, the cost to the Council and its partners of antisocial behaviour and nuisance, which included fly tipping, graffiti and litter, was considerable. Empowering multi agency teams to take timely intervention and prevention measures within communities had the potential to save money and avoid more problems further down the line, as well as creating a deterrent through clearly demonstrating that the partnership would take action against perpetrators.

	<p>RESOLVED</p> <p>Cabinet agreed to the preparation of a full business case to demonstrate the feasibility of the extended Neighbourhood Teams arrangement, including how savings as a result of early intervention and prevention could be used to offset any additional contract costs.</p> <p>Cabinet endorsed the establishment of a Shape Mendip One Team in the district.</p> <p>REASON FOR THE RESOLUTION</p> <p>To enable the delivery of the agreed objectives for the Shape Mendip Neighbourhoods programme including:</p> <ul style="list-style-type: none"> • Improving the quality and customer perception of services through improved responsiveness and local visibility • Reducing levels and impact of nuisance and anti-social behaviour in the district • Improving operational and inter agency efficiencies enabling any resultant cost savings to be reinvested into frontline services, integrated processes, systems and access channels. 	
14	<p>Asset Management Plan 2016 – 2020</p> <p>Councillor John Parham, Portfolio Holder for Economic Development presented a report which stated that as a matter of good practice the Council was expected to have in place an Asset Management Plan (AMP) which sets out policies on how its property assets would be acquired, owned, managed, and disposed of. The AMP should be reviewed regularly, and in view of identified and emerging corporate and transformation priorities a refreshed version had been prepared to cover the period 2016 to 2020.</p> <p>The AMP set the direction for the use, management, and development of the Council's property portfolio by putting in place an overarching set of principles on how the Council will act in its capacity of property owner.</p> <p>In the discussion that followed, the Deputy Leader of the Council stated that though this was a verbose document, it set out procedures well and was referred to often. He noted that following the restructure, there may need to be changes in the terminology.</p> <p>Councillor Roy Mackenzie asked if it was possible for the Council to purchase land for car parking in Wells. The Leader of the Council explained that the building costs for car parks were around £8K per space plus the acquisition of the land. There would also be competition</p>	

for residential land and CAMG looked at maximising use and income.

In response to questions regarding the transparency of assets disposal, Councillor John Parham clarified that CAMG was a public meeting at which members of the public could make representation. Details of transactions would however remain confidential.

OPTIONS CONSIDERED

The adoption of an up-to-date AMP was a requirement of a number of Best Practice and regulatory principles. The recommended version of the AMP had been prepared in consultation with a range of stakeholders, and following ongoing analysis of opportunities and risks flowing from a number of projects and transactions.

RESOLVED

1. That the AMP 2016 - 2020 was adopted.
2. That delegated authority was granted to the Leader, Deputy Leader, and the Deputy Chief Executive(s) to review the membership and terms of reference of CAMG to ensure the property and asset management functions of the Council were dealt with as efficiently and effectively as feasible; and that the AMP was updated to reflect the outcome of this review.
3. That delegated authority was granted to the Monitoring Officer, in consultation with the Deputy Chief Executive(s), to make the necessary amendments to the constitution, with such constitutional updates being presented to the next meeting of full Council.
4. That delegated authority was granted to the Portfolio Holders for Services and Finance, and Transformation, and the Deputy Chief Executive(s) to develop business cases in relation to appropriate assets to deliver the aims and objectives of the AMP; and that Cabinet noted that fully assessed business cases would be presented to Cabinet (or in appropriate circumstances CAMG) for approval in due course.
5. That delegated authority was granted to the Chief Executive and the Deputy Chief Executive(s) to update the officer and member references contained within the AMP to reflect the management and portfolio restructure.

REASON FOR RESOLUTION

So that the Council met its obligations to ensure there was a robust framework in place to complement and assist decisions concerning the deployment of its property assets; and to support the delivery of the Council's overarching Corporate Plan and Capital Strategy.

15	<p>Portfolio Holder Decisions</p> <p>There were no Portfolio Holder Decisions.</p>	
16	<p>Forward Plan</p> <p>Cabinet noted the Forward Plan.</p>	
17	<p>Minutes for Information</p> <p>The following minutes were noted:</p> <p>Draft Audit Committee Minutes 23 March 2016 Draft Scrutiny Board Minutes 25 April 2016 Commends minutes – Damon Hooton Draft Wells Recreation Ground Trust Committee Minutes 24 November 2015</p>	
18	<p>Urgent Business</p>	
9	<p>A Council Structure for the Future</p> <p>The Leader and Chief Executive introduced a report which recognised that there had been, and would continue to be, a number of ‘drivers’ that necessitated a change to the way that the Council operated and therefore, by implication, the Council’s management structure. These ranged from the Government’s housing and economic growth agenda, to the more local impact of recent Council decisions made in respect of the shared procurement of services, and evolving shared services arrangements in a number of areas. It was equally recognised that these ‘drivers’ must also be balanced with the need for the Council to continually drive performance and maintain services that achieve high levels of customer satisfaction.</p> <p>The report recommended a new management structure for the Council that would enable the Council to best address the above ‘drivers’, whilst at the same time achieved financial savings. This would enable the Council to be both fit for the future and be supported by a financially sustainable management structure.</p> <p>In the discussion that followed, Members welcomed the report.</p> <p>Councillor Damon Hooton stated that there had been a robust discussion at the Scrutiny Board Meeting and commended the report to Cabinet.</p>	

RESOLVED

That Cabinet

1. Approved the revised Management Structure provided at **Appendix A** with a view to the structure being in place by September 2016.
2. Delegated authority to the Chief Executive and Leader of the Council to agree the process for appointing the two Deputy Chief Executives to ensure compliance with policy
3. Delegated authority to the Chief Executive, Leader of the Council and Leader of the Opposition to agree the process to appoint the six Group Managers to ensure compliance with policy
4. Delegated authority to the Leader of the Council and the Leader of the Opposition to agree the 'spot salaries' for the Management Structure recommended at **Appendix A**, their removal from the Job Evaluation Scheme, along with revisions to the approved grading structure to accommodate these changes. These 'spot salaries' would be reviewed every three years against the South West District Council median salary, and consideration given as to whether any adjustment should take place, in consultation with Unison and with consideration to the Council's financial position.
5. Delegated authority to the Leader of Council and Leader of the Opposition to agree any additional payment that should be made to reflect the enhanced role of any statutory officer below Chief Executive or Deputy Chief Executive such as the Monitoring Officer.
6. Delegated authority to the Chief Executive to determine a budgetary provision for each appointed Group Manager to enable an 'Assistant' to be appointed on an annual basis so as to provide both resilience and a developmental opportunity. Such appointments to be remunerated via an annual honorarium.
7. Approved the recommended changes to the Portfolio Holder arrangements as set out in **Appendix C**, and delegate authority to the Chief Executive and Monitoring Officer to make the necessary amendments to the Council's Constitution, and for this to be ratified by Council in due course.

REASON FOR RESOLUTION

The proposed Management Restructure addressed a number of key drivers that the Council needed to be able to respond to, as identified within the Report, whilst at the same time continued to provide value for money and protected front line services.

<p>19</p>	<p>Exclusion of the Press and Public</p> <p>Cabinet passed a resolution to exclude the press and public from the meeting during items 18 and 19 on the grounds that except information (as defined in Schedule 12A Local Government Act 1972) of the following description is likely to be disclosed:</p> <ul style="list-style-type: none"> • Category 1 – Information relating to any individual • Category 2 – Information which is likely to reveal the identity of an individual • Category 3 – Information relating to the finances or business affairs of any particular person (including those of the Council) 	
<p>9</p>	<p>A Council Structure for the Future – Addendum</p> <p>Since publication of this agenda – there had been a development within the staffing of the 5 Councils Client Unit. This had a significant impact on the authority, in terms of the future management structure, and needed to be addressed as a matter of priority.</p> <p>OPTIONS CONSIDERED</p> <p>Given the timing of this development, the Council had not had time to fully think through the implications and options it had open to it.</p> <p>RESOLVED</p> <p>That Cabinet:</p> <p>Note the development with respect to the 5 Councils Client Team and delegate authority to the Chief Executive, Leader of the Council and Finance Portfolio Holder to:</p> <ol style="list-style-type: none"> a. identify and implement the most appropriate option to remedy the situation including the associated costs / savings. b. agree the process for appointing to any post(s) deemed appropriate <p>REASON FOR THE RESOLUTION</p> <p>The development within the new 5 Councils Client Team would have a significant impact on the authority and remedial action needed to be taken as a matter of priority.</p>	
<p>20</p>	<p>Irrecoverable Arrears</p> <p>Cabinet were asked to consider the arrears which were irrecoverable, and to write off the sums as detailed in the report.</p> <p>In response to questions regarding the circumstances of these arrears,</p>	

	<p>the Section 151 Officer clarified that the debtors had either moved on and were untraceable, or were not in a position to repay.</p> <p>RESOLVED</p> <p>Cabinet agreed to write off the irrecoverable arrears as listed in the report.</p>	
21	<p>Irrecoverable Arrears - National Non Domestic Rates</p> <p>Cabinet were asked to consider the arrears which were irrecoverable, and to write off the sums as detailed in the report.</p> <p>Members noted that there were several Public Houses in the report and that many more were struggling to survive as overheads were too high. The Leader of the Council stated that rate relief was available for smaller pubs providing they had a suitable business plan, but that larger pubs with a higher rateable value could claim no relief and were vulnerable.</p> <p>RESOLVED</p> <p>Cabinet agreed to write off the irrecoverable arrears as listed in the report.</p>	Paul Deal

Meeting ended at 8.10 pm