

## MENDIP DISTRICT COUNCIL

Minutes of the meeting of Full Council held on Monday, 12 December 2016 in the Council Chamber, Council Offices, Shepton Mallet commencing at 6.30pm.

### COUNCILLORS

**PRESENT:** Joanna Beale, Bryan Beha, Eve Berry, Peter Bradshaw, John Brunson MBE, John Carter, Rachel Carter, John Coles, Shane Collins, Nick Cottle, Simon Davies, Edward Drewe, Stina Falle, John Greenhalgh, Philip Ham, Des Harris, Bente Height, Nigel Hewitt-Cooper, Damon Hooton, Alvin Horsfall, Claire Hudson, Lloyd Hughes, Roy Mackenzie, Jeannette Marsh, Clive Mockford, Graham Noel, John North, Linda Oliver, John Osman, John Parham, Mike Pullin, Tim Rice, Adam Sen, Harvey Siggs, Dick Skidmore, Helen Sprawson-White, Alan Townsend, Danny Unwin, David van Dyk, Nigel Woolcombe-Adams, Ros Wyke

### OFFICERS

<b>PRESENT:</b>	Stuart Brown	Chief Executive
	David Clark	Group Manager, Law and Governance
	Paul Deal	Section 151 Officer
	Natasha Durham	Senior Planning Policy Officer
	Caroline McCafferty	Committee Officer
	Donna Nolan	Deputy Chief Executive and Monitoring Officer

Agenda Item Number	Subject	Actioned by
1 and 2	<p><b>Evacuation Procedures, Induction Loop and Turning Off Mobile Phones</b></p> <p>The Chair explained the evacuation procedures and informed everyone on the use of the induction loop and requested that mobile phones be switched to silent.</p> <p>Councillor Coles was invited to offer an opening prayer. People wishing to leave the meeting during the prayer were given the opportunity to do so.</p>	
3	<p><b>Apologies for Absence</b></p> <p>Apologies for absence had been received from Councillors Nigel Taylor, Tom Killen, Terry Napper, Steve Henderson and Adam Boyden.</p>	
4	<p><b>Declarations of Interest</b></p> <p>There were no declarations of interest.</p>	

<p><b>5</b></p>	<p><b>Chairman’s Engagements , Communications and Announcements</b></p> <p>The Chairman had attended the following engagements since the last meeting of full Council:</p> <p>20th October 2016 Somerset County Council Chairman's Awards, Taunton  21st October 2016 Wells Festival of Literature, HRH Duchess of Cornwall, Bishops Palace Wells  28th October 2016 YMCA opening of house, in Chamberlain Street, Wells  30th October 2016 opening of newly refurbished Wells Recreation Ground, Wells  2nd December 2016, switch on Christmas lights, Shepton Mallet</p> <p>The Chair reminded all that there was cheese and wine in the Council Chamber on 22 December.</p> <p>The Chair asked if anyone was recording the meeting to which Mr Higgins confirmed that he was.</p> <p>The Chair then welcomed Councillor Bryan Beha as the new leader of the Liberal Democrat Group. Councillor Beha thanked Helen Sprawson-White for her time as Leader of the Liberal Democrats Group.</p> <p>The Leader of the Council stated that he was looking forward to working with Councillor Beha.</p> <p>In his update to Full Council, the Leader stated that he and the Chief Executive had met with the partner Councils in the 5 Councils Contract, and that initial issues were being resolved. Land Charges was the first service to have gone live, to which there had been a significant improvement in the number of outstanding searches.</p> <p>Following the Management and Cabinet restructure, Cabinet Assistant positions had been created to broaden the opportunities for Councillors to take on projects to inform and support cabinet.</p> <p>He explained that the response from Central Government with regard to Devolution was very quiet and that there was still debate in respect of Mayors.</p> <p>Further development on the Shape Mendip site would include Shepton Mallet Library Service which would increase footfall to the site.</p> <p>The Leader concluded by welcoming Chief Constable Andy Marsh to the meeting.</p>	
<p><b>6</b></p>	<p><b>Public Participation</b></p> <p>There was none.</p>	

7	<p><b>Previous Minutes of the Council</b></p> <p>The minutes of the meeting held on 26 September 2016 were agreed as an accurate record.</p>	<p><b>Caroline McCafferty</b></p>
8	<p><b>Policing</b></p> <p>The Chair introduced the Chief Constable of Avon and Somerset constabulary, Andy Marsh.</p> <p>The Chief Constable thanked the Council for inviting him to speak. He explained that following 6 years as Chief Constable of Hampshire Police, he had been in post for 10 months and lived in the Mendip area. As an experienced Chief Constable he had listened, assessed and diagnosed before deciding on the next steps. He stated that the £60 million which had been taken out of the budget in recent years and the change in demand for policing due to increase in high tech crime had been challenging. He further explained that many calls to the police were for assistance rather than criminal activity.</p> <p>He had the desire to give the force stability of leadership and the opportunity to make a difference and had started a programme of leadership management. He gave examples of multi-agency working with the Fire Service and Mental Health professionals. He was focussed on the use of technology, with the introduction of body recording technology, predictive analytics and mobile technology to allow officers to remain engaged with the community.</p> <p>Following a recent inspection, the force had improved from “requiring improvement” to grades of “good” and “outstanding”. The Chief Constable concluded by saying that he felt that 2 or 3 years were needed for significant transformation.</p> <p>In response to questions from Members, the Chief Constable clarified the following points:</p> <ul style="list-style-type: none"> <li>• With regard to cyber-crime, I.T. industry partnership was vital</li> <li>• Budgetary information was publicly available</li> <li>• Budget would be set 3 years in advance</li> <li>• Investigation of cybercrime and traditional crime would be balanced with all taken seriously</li> <li>• Partners were being identified to assist with restorative justice</li> <li>• An Officer was allocated to equality and diversity and force wide training was being delivered in respect of Learning Disabilities and Mental Health</li> <li>• Significantly more crime had been recorded in the past 12 months due to improved accuracy of recording</li> <li>• There were no immediate plans for privatisation with the exception of printing</li> </ul>	

	<ul style="list-style-type: none"> <li>• Safeguarding would remain locally</li> <li>• Reductions in costs would be achieved by centralising some services and co-locating with partners (eg Shape Mendip)</li> <li>• School liaison would remain a core function</li> </ul>	
9	<p><b>Report of the Joint Independent Members Remuneration Panel</b></p> <p>The Chairman of the Joint Independent Members Remuneration Panel, Mr Ian Partington presented the report which was submitted for consideration by Full Council.</p> <p>The report set out the conclusions and recommendations of an annual review of Mendip’s Members’ Allowances Scheme, which had been carried out by the Panel.</p> <p>It was recommended:</p> <p>(a) That Mendip District Council retain its current Scheme of Members’ Allowances for 2017/18 as amended to reflect the agreed indexing of the Basic and Special Responsibility Allowances.</p> <p>(b) That the payment of a Special Responsibility Allowance (SRA) be agreed for the Portfolio Holder Assistants on an interim basis in band 6 (Other Posts) subject to review in the autumn of 2017 as part of the wider review by the Panel of the operation of the Scheme.</p> <p>(c) That the SRA payment for the Portfolio Holder Assistants should be backdated to the date of their appointment.</p> <p>In the discussion that followed, the Leader of the Council expressed disappointment that Members had not been invited to the discussions. He stated that feedback had been received from the Portfolio Holders that the Assistants had proven valuable in the areas of investigation, intervention, linking with officers, projects and substitution for meetings. He did not feel that the remuneration template was applicable to the Mendip Cabinet, and as the Assistants had an important function, the suggested Band 6 was not appropriate.</p> <p>The Leader proposed that sections a and c of the recommendation remain unchanged, but that section b was amended to omit, “on an interim basis in Band 6 (Other Posts)” and replaced with “on the level currently suggested”</p> <p>Prior to the vote, the Deputy Leader of the Opposition noted that the independent panel was all male and requested that when new members were invited to join, that consideration could be given to women.</p>	David Clark

	<p><b>RESOLVED</b></p> <p>(a) That Mendip District Council retain its current Scheme of Members' Allowances for 2017/18 as amended to reflect the agreed indexing of the Basic and Special Responsibility Allowances.</p> <p>(b) That the payment of a Special Responsibility Allowance (SRA) be agreed for the Portfolio Holder Assistants on the level currently suggested subject to review in the autumn of 2017 as part of the wider review by the Panel of the operation of the Scheme.</p> <p>(c) That the SRA payment for the Portfolio Holder Assistants should be backdated to the date of their appointment.</p>	
<p><b>10</b></p>	<p><b>Changes to the Constitution</b></p> <p>The recommendations outlined in this report were subject to consideration by Cabinet at their meeting on 5 December 2016.</p> <p>To give effect to the recommendations to Cabinet on 5 December 2016, relating to the amendment to the debt write off thresholds this report, this report sought approval of proposed amendments to the Council's Constitution.</p> <p>The Deputy Chief Executive requested that Full Council consider two further changes to the Constitution in respect of membership to the Somerset rivers Authority Scrutiny Committee and the Wells Recreation Ground Trust Committee.</p> <p><b>RESOLVED</b></p> <p>Subject to the endorsement by Cabinet on 5 December, Council resolved the Constitution be amended in the manner as set out in the Schedule to this report.</p> <p>That the Constitution Section 24, Terms of Reference for the Wells Recreation Ground Trust Committee, be amended to reflect the decision of the Wells Recreation Ground Trust to appoint up to two Members of Wells City Council to their Trust.</p> <p>That the following Members are appointed to the Somerset Rivers Authority Scrutiny Committee:</p> <p>Councillor Eve Berry Councillor Roy Mackenzie</p>	<p><b>Donna Nolan</b></p>
<p><b>11</b></p>	<p><b>Statutory Protection for Statutory Officers</b></p>	<p><b>Donna Nolan</b></p>

	<p>The Chief Executive, Deputy Chief Executive and Section 151 Officer left the room.</p> <p>This report recommended changes to the statutory protection arrangements to be applied where the Council was proposing to dismiss the Chief Executive, the Chief Finance Officer (also known as the Section 151 Officer) or the Monitoring Officer. It sought to bring the constitutional provisions into line with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations).</p> <p>It included associated updates considered appropriate to the wider constitutional provisions dealing with matters of redundancy, dismissal or disciplinary action in regard to Strategic Leadership Team Officers (Chief Officers).</p> <p>During the discussion that followed it was clarified that in any hearing, the Officer would have an independent advisor and the Council would have their own.</p> <p><b>RESOLVED</b></p> <p>Council approved:</p> <ol style="list-style-type: none"> <li>1. Amendments to the disciplinary provisions to be applied where the Council proposes the dismissal of a post-holder holding the position of Chief Executive, Chief Finance Officer, Monitoring Officer or Chief Officer.</li> <li>2. Delegated authority was granted to the Deputy Chief Executive and Monitoring Officer, in consultation with the Leader and Portfolio Holder for Finance, Governance and Corporate Services to make the necessary amendments to the Constitution and HR procedures to give effect to recommendation 1.</li> </ol>	
12	<p><b>Frome Neighbourhood Plan</b></p> <p>The Council had a statutory duty to support Neighbourhood Plans pursuant to Section 61G(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004) and the Neighbourhood Planning (General) Regulations 2012.</p> <p>Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan, meaning it will be a material consideration when considering development proposals.</p> <p>The Frome Neighbourhood Plan had been successful at Referendum, with some 86% of voters voting in favour of the Plan. The Council was now required by law to 'make' the plan as soon as reasonably practicable in order for it to come into full legal force.</p>	Natasha Durham

	<p>Councillor Damon Hooton wished for thanks to be recorded to Members, Officers, Members of Frome Town Council and the community of Frome, Jane Llewellyn, Natasha Durham, the people who voted and the Planning Board.</p> <p>One Member observed that effective community engagement should be employed to inform voters fully in the future.</p> <p><b>RESOLVED</b></p> <p>Council ‘made’ the Neighbourhood Plan for Frome pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.</p>	
<b>13</b>	<p><b>2017 / 18 Council Tax, Tax Base Setting</b></p> <p>The passing of a formal resolution was required to set the Council Tax Base for the forthcoming financial year.</p> <p><b>RESOLVED</b></p> <p><b>Council approved:</b></p> <ul style="list-style-type: none"> <li>• That the provision for losses on collection was set at 2.0%.</li> </ul> <p><b>The resolution which was passed to deal with the Tax Base was as follows:</b></p> <ul style="list-style-type: none"> <li>• That the report for the calculation of the Council’s Tax Base for the year 2017/2018 be approved.</li> <li>• That pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, the amount calculated by the Council as its Council Tax Base for the year 2017/2018 shall be 39,322.79. This figure includes the adjustments made as a result of the Council tax support scheme. Details are also shown on <b>Appendix 1</b> to this report.</li> </ul>	<b>Paul Deal</b>
<b>14</b>	<p><b>Motions to Councils</b></p> <p>Affordable Housing – Councillor Roy Mackenzie</p> <p>“Regarding starter homes, this Council agrees with the statement put out by the leaders of the Conservative, Labour, Independent and Liberal Democrat groups of the Local Government Association, that “Councils should decide how many starter homes, alongside affordable rented homes, are on each development to ensure they meet the needs identified by councils within their communities”.</p>	

	<p>This Council further requests that the 1% per annum reduction in social housing rent be discontinued.”</p> <p>Some Members felt that supporting the motion would be senseless as there was no enabling secondary legislation, while others felt that it would provide a declaration of intent.</p> <p>The Leader of the Council felt that further information was required in respect of the 1% reduction per annum, and suggested that this aspect of the motion be brought back before Full Council when an understanding had been gained to reach an informed decision.</p> <p>The Leader proposed that Council agree with the motion, in principal:</p> <p>“This Council agrees in principle with the statement that Councils should decide how many starter homes, alongside affordable rented homes, are on each development to ensure they meet the needs identified by Councils within their communities”</p> <p><b>RESOLVED</b></p> <p>Council agreed with the statement in principle that;</p> <p>“This Council agrees in principle with the statement that Councils should decide how many starter homes, alongside affordable rented homes, are on each development to ensure they meet the needs identified by Councils within their communities”</p>	
<p><b>15</b></p>	<p><b>Questions from the Public</b></p> <p>No questions had been submitted from the public</p>	
<p><b>16</b></p>	<p><b>Questions from Members</b></p> <p>From Councillor Adam Boyden</p> <p>a) <u>Council Tax Collection</u></p> <p>I note the Council Tax Arrears Update report provided by the Principal Revenues Benefits and Fraud Officer on the progress made by the Council in implementing the recommendations of the Bailiffs Task &amp; Finish Group Report, which were endorsed by Scrutiny Board in March 2016 after a motion approved by the Council in October 2015. Please can the update report be circulated to members?</p> <p>Can the Council also report back from Councillor Parham's recent appearance at the All Party Parliamentary Group on Debt and Personal Finance, which was the subject of a recent brief press release, which discussed the council's success in reducing the use of enforcement agents in Council Tax collection, including as a result of the measures undertaken as a result of the Task &amp; Finish Group's recommendations,</p>	



noting any reputational benefits, any lessons learned, and any further actions to be taken.

Response:

Update Report:

All the recommendations of the Task and Finish Group are in place with the exception of 9.10 which has been agreed, but will feature at no extra cost to Mendip as part of the new revenues contract with Capita, due to commence from July 2017. In addition we are to carry out further work as part of 9.4 as we start to work more closely in the 5 Councils partnership.

Two big plus points are that we have developed more direct and more effective links with our Citizens Advice partners, supported by the “good practice protocol” and we have implemented a new Service Level Agreement with our Enforcement Agents to take on board the recommendations of the Group.

However we do have to be mindful that we have given our contractor a higher target for collecting council tax, linking in with that of the other 5 Councils. This does mean that they will have to make effective use of the full range of recovery actions, including referral to Enforcement Agents where necessary. The amounts that the Enforcement Agents collect are significant. At present we have referred 1,842 this year (although it is worthy of note that actual visits and the amount recovered are much lower so far), however traditionally referrals drop off towards the end of the year along with liability orders. We may also have less ability to make use of the ‘attachment to earnings’ or ‘attachment to benefits’ options in future as we will only be able to make one ‘attachment’ per council tax payer. Hence that option is not available where one attachment is already in place.

Whilst we therefore cannot say that referrals this year will be lower than last year, we can say with good confidence that we have the safeguards in place to ensure that, partly due to the actions of the Task & Finish Group, recovery action is timely, effective, but also fair and reasonable, particularly taking into account where vulnerability has been identified.

Councillor John Parham explained that since 2013, the Council had seen Council Tax collections increase and the use of collection agents fall. A task and finish group review of processes found that the Council was performing well with just a few minor modifications to paperwork and the website. This had come to the attention of the Money Advice Trust and Councillor Parham had been invited to go to Westminster to explain how Mendip had achieved increased collection rates and reduced prosecutions. The Government Group had decided to request data from councils around the country, and used Mendip District Council’s best practice to improve collections. He stated that Mendip District Council preferred to find solutions and offer flexible payment terms for those in a vulnerable financial position to prevent bankruptcy and imprisonment.

He concluded by saying that a £35000 hardship fund had been set up which had not been spent in any one year to date. Residents in financial difficulty were signposted to the Citizens Advice service as partnership working within the Shape Mendip site.

Members agreed that the Council had robust processes which coupled with low employment had resulted in a good collection record for Mendip.

In response to questions regarding the hardship fund, it was clarified that since its inception in 2013, the yearly use of the fund had been £26,800, £25,300, £18,600 and £12,700 to date in 2016, showing that reliance had reduced.

The Deputy Leader of the Opposition stated that there had been significant issues using bailiffs in the past and congratulated the council that this had been addressed.

#### b) Climate Change

The United Nations Paris Agreement on Climate Change of December 2015 was a historic global deal which recognised that climate change represents an urgent and potentially irreversible threat to human societies and the planet. It commits the UK and 195 other governments to reduce emissions of greenhouse gases to ensure that global average temperature increases remain 'well below 2°C' above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C. The Agreement aims to mobilise stronger and more ambitious climate action by civil society, the private sector, financial institutions, local authorities and local communities. The Climate Change Act 2008 also commits the UK Government to reducing greenhouse gas emissions by 80% from 1990 to 2050.

Public authorities, civic groups and businesses have signed up to the Paris Pledge to show their support. In the South West, Bristol has pledged to become 'carbon neutral' by 2050, Frome Town Council has pledged to work towards becoming fossil free within 30 years (a move supported by Somerton & Frome MP David Warburton) including by improving home energy conservation and other measures. Over 110 local authorities (including Wiltshire and Baines Councils) have signed up to the Local Government Association's *Climate Local* initiative, which supports and encourages local authorities to make a formal commitment to take action on climate change and to report on their progress.

The council is currently required to prepare a report on its work to improve energy efficiency every 2 years under the Home Energy Conservation Act 1995, with the next progress report due in March 2017.

In light of the Paris Agreement and the seriousness of the issue, what more can the council do to show leadership and a commitment to tackling climate change? Can council consider **signing up to** the LGA Climate Local initiative, and working further with the county, parish and other district councils and other stakeholders on local initiatives to support energy conservation and the growth of the low carbon economy?

	<p>The Leader of the Council stated that sufficient information was available to produce a report by March 17, and for the Council to then sign up to the LGA Climate Local Initiative with a greater knowledge. He suggested that a group be formed to undertake the research including the appropriate Portfolio Holder, a representative from the Green Group and one from the Liberal Democrat Group.</p> <p>From Councillor Adam Sen:</p> <p>Is there any assistance Mendip can give in finding accommodation in Glastonbury for Syrian refugees?</p> <p>The Leader of the Council clarified that Mendip District Council supported initiatives working with the YMCA and other partners and would continue to ensure that Mendip was supportive of genuine refugees.</p> <p>The Portfolio Holder for Transformation, stated that many officers were involved with this issue, and that 70 children had been supported in the area in recent months. He added that a property was required in Glastonbury and requested that any help with this would be greatly appreciated.</p> <p>Councillor Adam Sen stated that he had met with homeless refugees in Glastonbury to explain the Council's position.</p>	
17	<p><b>Urgent Business</b></p> <p><b>Treasury Management Annual Report 2015 / 16</b></p> <p>The Treasury Management Annual Report reflected on the performance against the Treasury Management Strategy for the 2015/16 financial year.</p> <p>One Member asked for assurances that the Council did not invest in companies dealing with tobacco or with countries oppressive regimes. It was clarified that the Council work within investment guidelines.</p> <p><b>RESOLVED</b></p> <p>Council noted the report.</p> <p><b>Update to the Annual Treasury Management Strategy</b></p> <p>To cover the budget shortfall the Council faced, and the continued low return on cash investments, the Council was considering other sources of income. It had been identified that investing on a commercial basis would generate financial returns that would contribute to enabling the Council to become self –financing, or that would contribute community benefits.</p> <p>In order to maximise the potential return, this report sought to increase the £10m external borrowing limit outlined within the annual Treasury Management Strategy considered and approved by Council in February.</p>	

Members generally supported borrowing to invest with the following comments;

- Could borrowing also service the community in addition to investment?
- Could the Council steer away from fossil fuels in favour of renewables and housing investment?
- Assurances would be necessary in respect of the soundness of investments.

It was clarified that advice would be sought in order to make sound investments based on sound business cases. There would be a mixed portfolio to cover the gap between income and expenditure. Investment would be for the future of the Council and local communities.

### **RESOLVED**

Subject to approval of the draft minutes of the Cabinet meeting held 5 December 2016 approval was given to increase the borrowing limit to £40m.

### **Treasury Management Strategy Statement – Mid-Year Review 2016/2017.**

This report reviewed the treasury performance for the first 6 months of 2016/17.

In response to questions regarding the capital expenditure on car park lighting, it was clarified that this was being incrementally changed to downward facing LED lighting.

Councillor Bente Height requested that thanks be recorded for The Group Manager of Neighbourhood Services, Stuart Finney for car park lighting in Shepton Mallet.

### **RESOLVED**

Members noted:

- the half-yearly performance against 2016/17 investment strategy,
- the current treasury activity and the midyear report.

### **Mike Rideout**

Councillor Mike Rideout had sent best wishes to all. Members were informed that Mike was recovering but had significant issues.

Council were asked to approve the exemption of Councillor Mike Rideout from Council meetings for a further 6 months from 11 January 2017 due to serious illness.

	<p><b>RESOLVED</b></p> <p>Council approved the exemption of Councillor Mike Rideout for a further 6 months and sent best wishes to Mike.</p>	
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The meeting closed at approximately 09.30 pm.