

MENDIP DISTRICT COUNCIL

Minutes of the meeting of Cabinet held on Monday, 11 September 2017 in the Council Chamber, Council Offices, Shepton Mallet commencing at 6.30 pm.

COUNCILLORS PRESENT:

Philip Ham	Portfolio Holder for Transformation
Tom Killen	Vice Chair of Cabinet and Deputy Leader of the Council
John Parham	Portfolio Holder for Finance, Governance and Corporate Services
Harvey Siggs	Chair of Cabinet and Leader of the Council
Nigel Taylor	Portfolio Holder for Neighbourhood and Community Health Services
Nigel Woollcombe-Adams	Portfolio Holder for Planning, Growth and Housing Services

ASSISTANT PORTFOLIO HOLDERS PRESENT:

Councillors Jo Beale, Linda Oliver and Tim Rice

OTHER COUNCILLORS PRESENT:

Councillors Bryan Beha, Peter Bradshaw, John Carter, Damon Hooton, Lloyd Hughes, Roy Mackenzie, Jeannette Marsh, Graham Noel, Alan Townsend and Ros Wyke

OFFICERS PRESENT:

Mike Berry	Senior Environmental Health Officer
Stuart Brown	Chief Executive
Claire Dicken	Committee Officer
Paul Deal	Section 151 Officer
Ian Glover	Enforcement Officer
Claire Malcolmson	Group Manager, Community Health Services
Donna Nolan	Deputy Chief Executive
Judi Thompson	Community Safety Project Officer
Liz Dawson	Acting Group Manager, Neighbourhood Services

Agenda Item	Subject	Actioned by
1	Chair's Announcements The Chair explained the procedures in the case of an emergency and asked that all mobile devices be switched to silent.	
2	Apologies for Absence Councillors Simon Davies, Mike Pullin and Danny Unwin	

3	<p>Declarations of Interest</p> <p>None</p>	
4	<p>Public Participation</p> <p>a. Items on the agenda: – none</p> <p>b. Items not on the agenda: – none</p>	
5	<p>Previous Minutes</p> <p>The minutes for the Cabinet meeting held on 7 August 2017 were agreed.</p>	<p>Claire Dicken</p>
6	<p>Medium Term Resource Strategy (MTRS) Budget Monitoring 2017/18 – Quarter 1</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which summarised the forecast outturn position of the Council’s Medium Term Resource Strategy for the 2017/18 financial year, based on Quarter 1 projections. The report provided the following information:</p> <ul style="list-style-type: none"> a) The projected Revenue outturn position for 2017/18 b) In-Year Virement Summary c) The projected Capital outturn position for 2017/18 d) The Aged Debt Analysis e) The Council Tax and National Non-Domestic Rate Collection Summary f) Summary Treasury Management position <p>The report noted that any variance against the agreed budget would impact on the Council’s general balances. The Council’s financial position would be constantly reviewed to ensure its continued financial health and delivery of excellent Value for Money.</p> <p>The report indicated a projected Revenue budget variance of -£198k and that the Capital Investment Programme was on target at this early stage of the year.</p> <p>The revenue from the Land Charges service had been less than that which had been expected, possibly due to the slow housing market.</p> <p>In response to queries the Section 151 Officer said that some of the investments had begun to pay dividends.</p>	<p>Paul Deal</p>

	<p>Options Considered</p> <p>No formal options appraisal were applicable to this report.</p> <p>RESOLVED</p> <p>To note the contents of this report.</p> <p>Reasons for the Resolution</p> <p>To maintain effective financial stewardship and budgetary control and to comply with the agreed strategy of regularly informing members of the forecast outturn position relating to the 2017/18 financial year as part of the annual budget monitoring process.</p>	
7	<p>Discretionary Business Rate Relief</p> <p>The Portfolio Holder for Finance, Governance and Corporate Services presented a report which stated that in the Spring Budget of 2017, the Chancellor announced a range of measures designed to provide some relief to the business ratepayers who were most affected by the national revaluation of rateable valuations, effective from April 2017.</p> <p>A key measure was the opportunity for local billing authorities to design a new discretionary relief scheme. Funding was to be provided by central government up to certain levels.</p> <p>After widespread national consultation and following advice from the Department for Communities and Local Government (DCLG), Mendip Council has worked with neighbouring Somerset districts and consulted with our precepting authorities to develop a scheme that would provide relief to those most affected by increases in business rates (and not assisted by other forms of relief available) whilst trying to ensure DCLG funding was fully utilised.</p> <p>As such a Draft Policy report had been provided, with a preferred recommendation that was considered the most suitable for Mendip Council and our local business ratepayers.</p> <p>Options Considered</p> <p>Three options were considered. These were:</p> <p>Option 1 Tapered levels of relief over 4 years with levels set broadly in line with the DCLG funding formula.</p>	Steve Shrimplin

- Option 2 Individual case by case discretion over the 4 years.
- Option 3 Tapered levels of relief in the first 2 years followed by case by case award in the next 2 years.

The report said that approving Option 3 would mean Mendip would be treating all ratepayers that met the policy criteria with the same formula for receiving relief. Apart from the ratepayers already excluded, no ratepayer would have to pay more than a 12.5% increase in 2017/18 compared to 2016/17.

During the discussion that followed Members welcomed the paper because they felt it was important to take the pressure off of businesses following the re-evaluation. Members also said it was important to publicise the Council's hardship schemes so business were fully aware of how to access them.

In response to questions the Section 151 Officer said he would clarify after the meeting which businesses could be excluded from the scheme. He also said that whichever option Members favoured the policy could be reviewed at a later date should Members wish to do so.

Members agreed that the Council should be careful not to use the phrase "an acceptable 12.5% increase". Such an increase was not acceptable and this phrase should be avoided.

RESOLVED

Award a tapered amount of relief to the ratepayers most affected by the steepest rates increase from 2017/18 compared to 2016/17 as a result of the national revaluation and the subsequent increase in their rateable value.

This relief would be calculated for 2017/18 and at a reduced level for 2018/19, followed by case by case awards for 2019/20 and 2020/21.

This new discretionary relief does not replace the many mandatory and discretionary reliefs already available.

Reasons for the Resolution

To help those most affected by the rates increase due to the national revaluation.

<p>8</p>	<p>Introduction of Cost Recovery Fee for Food Hygiene Rating Scheme Re-visits (FHRS)</p> <p>The Portfolio Holder for Neighbourhood and Community Health Services Portfolio Holder presented a report which stated that the Food Standards Agency (FSA) had reviewed its guidance on charging a fee for requested re-inspections /re-visits to re-assess a business’s Food Hygiene Rating Scheme (FHRS) score, in consideration of the general power under the Localism Act (2011). The Agency considered that providing a re-inspection upon request by a food business operator, in circumstances where there was no statutory requirement to provide that re-inspection, fell within the general power that allowed for the recovery of costs.</p> <p>The Council therefore wishes to introduce a new fee of £160, at the same time as all Somerset Districts, to enable the food hygiene officers to charge for this service from the 1 January 2018.</p> <p>In the Cabinet report of 11 April 2016 Cabinet agreed to reinforce its commitment to, and robustly apply, the policy of setting fees and charges on the basis of full cost recovery.</p> <p>In the last year Mendip carried out 17 re-score revisits at the cost of the Council. A fee as proposed would have generated £2,700 income. This yearly figure may increase in the future if and when mandatory display of the Rating Sticker comes into force.</p> <p>During the discussion that followed Members fully supported the paper. It was agreed that the phrase “less than happy” should not be used by the Council with regard to FHRS so as not to confuse the revisits with the separate appeals process.</p> <p>Members further suggested that the Council could offer professional guidance and advice to businesses striving to improve their food hygiene rating.</p> <p>The Group Manager Community Health Services explained that their inspection visits were generally unannounced. However, Officers had to be mindful that businesses would be continuing to trade and that it may not always be convenient at busy times. She further explained the frequency of visits.</p> <p>Members thanked the team for their hard work which meant that food hygiene issues and outbreaks of food poisoning were a very rare occurrence.</p>	<p>Claire Malcolmson</p>
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	<p>RESOLVED</p> <p>To approve the introduction of a fee of £160 for a Food Hygiene Rating Scheme (FHRS) re-score assessment from 1 January 2018.</p> <p>To note that it is proposed that food business operators be informed over the last quarter of this year so that they are aware of the future charge for this service.</p> <p>Reasons for the Resolution</p> <p>To support the Cabinet agreement to reinforce its commitment to, and robustly apply, the policy of setting fees and charges on the basis of full cost recovery.</p>	
<p>9</p>	<p>Public Space Protection Orders</p> <p>James Ryan was invited to speak. He said he spoke on behalf of Messrs Turner who owned land at Berkley Marsh and that he wished to represent them for the consideration of items 9 and 10 of the agenda. However, he said he was satisfied from discussions that had been held during the day that the Council would act in full accordance with the Public Space Protection Orders legislation.</p> <p>The Chairman advised that Cabinet may only be able to note the report at this stage because it was apparent that the consultation process needed further consideration.</p> <p>The Portfolio Holder for Neighbourhood and Community Health Services Portfolio Holder presented a report the purpose of which was to seek approval that the Council would exercise its powers under the Public Space Protection Orders (PSPOs) within the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, if satisfied on reasonable grounds, that the activities carried out below, or likely to be carried out, in a public space;</p> <ul style="list-style-type: none"> • have had, or likely to have a detrimental effect on quality of life of those in the locality; • was, or was likely, to be persistent or continuing in nature; • was or was likely to be, unreasonable; and justified the restrictions imposed. <p>Therefore, the report sought to support adoption of the Public Space Protection Orders (PSPOs) as based on findings from the consultation process with the view that following introduction would aid the Authority and Police to contribute to ensuring the district was a safe place to live, work and visit.</p>	<p>Claire Malcolmson</p>

Options Considered

Given the existing Designated Public Protection Orders would expire Autumn 2017 and on the basis they should be renewed with Public Space Protection Order the Council had some options;

Option A - do nothing, although not taking the required steps to review existing Designated Public Protection Orders and not exercising the authorities' power to use the Public Space Protection Orders would leave the Council and our Police partners limited powers to tackle anti-social behaviour within our communities.

Option B – do nothing, but all the existing Designated Protection Orders automatically transfer to a Public Space Protection Order. However, the council would be required to replace all existing signage and notify the public and Police of the changes and would not improve the complicated area maps where enforcement was allowable.

Option C - the recommended option, to undertake a review of the existing Designated Protection Orders relating to consumption of alcohol and replace with a Public Space Protection Order, conduct a statutory consultation with the public, Police and stakeholders to inform and then accept the findings and incorporate additional Public Space Protection Orders within Mendip.

Members were asked to note and consider the results of the feedback from the public and stakeholder consultation. Also, to consider the content of the Equality Impact Assessment and consultation report from the Kennel Club and Dog Trust on animal welfare.

The Community Safety Officer was invited to speak. She explained the level of consultation that had been held to date. She said the results of the consultation had met the threshold set out in the legislation for the making of a PSPO. It was therefore recommended that the PSPO be made.

During the discussion that followed Members welcomed the report. They agreed that the sort of issues that had been raised during the consultation were of everyday concern to residents.

They agreed that a draft policy be published for further consultation and that a further report be considered at a subsequent meeting.

	<p>RESOLVED</p> <p>Members endorsed the consultation undertaken to date and the proposal to make Public Space Protection Orders in respect of:</p> <ul style="list-style-type: none"> • Failure to remove dog faeces • Failure to put dog on a lead as directed by an authorised officer • Failure to stop consuming intoxicating substances when directed by an authorised officer (replace existing DPPOs) • Failure to surrender intoxicating substance when directed by an authorised officer (replace existing DPPO) • Not to allow a dog within a play area for mainly under 5s <p>Members noted that following further consultation Cabinet would make a final decision whether to adopt the proposed Public Space Protection Orders.</p> <p>Reasons for the resolution</p> <p>Such a policy would enable the Council to implement Public Space Protection Orders within Mendip to try to improve the quality of life of visitors and residents and to ensure the law-abiding majority can use and enjoy public spaces, safe from particular nuisance and anti-social behaviour.</p>	
<p>10</p>	<p>Public Space Protection Order for Berkley Marsh</p> <p>The purpose of this report was to update Members in regard to the Temporary Road Closure (TRC) at Berkley Marsh and to consider the making of a Public Space Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act 2014 (“ABCPA”) to permanently close the road to vehicular traffic.</p> <p>RESOLVED</p> <p>That the item be deferred to the next meeting.</p>	<p>Ian Glover</p>
<p>11</p>	<p>Portfolio Holder Decisions</p> <p>The following recent Portfolio Holder decisions were noted.</p> <p>2017 280 – The Mead, Holcombe 2017 281 – Boxworks Management</p>	

12	<p>Forward Plan</p> <p>The Council's Forward Plan was noted.</p>	
13	<p>Minutes for Information</p> <p>There were no minutes for information on this occasion.</p>	
14	<p>Urgent Business</p> <p>None</p>	

The meeting closed at approximately 7.45 pm.