

MENDIP DISTRICT COUNCIL

Minutes of the meeting of Cabinet held on Monday, 13 November 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 Community	Portfolio Holder for Neighbourhood and Health Services
Nigel Woolcombe-Adams	Portfolio Holder for Planning, Growth and Housing Services

ASSISTANT PORTFOLIO HOLDERS PRESENT:

Councillors Simon Davies, Linda Oliver, Mike Pullin and Tim Rice

OTHER COUNCILLORS PRESENT:

Councillors Bryan Beha, Peter Bradshaw, John Carter, Rachel Carter, John Coles, Nick Cottle, Edward Drewe, Nigel Hewitt-Cooper, Damon Hooton, Lloyd Hughes, Roy Mackenzie, Jeannette Marsh, Clive Mockford, Graham Noel, John Osman, Dick Skidmore, Alan Townsend, Danny Unwin

OFFICERS PRESENT:

Stuart Brown	Chief Executive
Liz Dawson	Interim Group Manager, Neighbourhood Services
Paul Deal	Corporate Financial Advisor/Section 151 Officer
Claire Dicken	Committee Officer
Lesley Dolan	Business Services Manager, Shape Legal Partnership
Natasha Durham	Senior Planning Policy Officer
Ian Glover	Enforcement Officer
Donna Nolan	Deputy Chief Executive and Monitoring Officer
Jo Milling	Planning Policy Officer
Andre Sestini	Principal Planning Policy Officer

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	<p>Apologies for Absence</p> <p>Councillor Jo Beale</p>	
3	<p>Declarations of Interest</p> <p>None</p>	
4	<p>Public Participation</p> <p>a. Items on the agenda: – Public speaking would be taken at the outset of the items.</p> <p>b. Items not on the agenda: – none</p>	
5	<p>Previous Minutes</p> <p>The minutes for the Cabinet meeting held on 9 October 2017 were agreed subject to adding that Councillor Adam Boyden was in attendance.</p>	<p>Claire Dicken</p>
	<p>The Chairman altered the order of the items as follows:</p>	
7	<p>Executive Endorsement of the Pre-Submission Draft Local Plan Part II</p> <p>The Portfolio Holder for Planning and Growth explained the stage at which the Local Plan Part II was at. The Cabinet were not required to look at the draft plan in any detail at this stage.</p> <p>He went on to present a report which asked Cabinet to endorse the draft Local Plan Part II written statement (known as a pre-submission version). This presented as a precursor to the draft plan being finalised together with supporting information for Full Council.</p> <p>Following consideration at Cabinet, a resolution would be sought from Full Council on 18 December 2017 for the Plan to be published for consultation and subsequently submitted to the Secretary of State for the purposes of public examination. The Public Examination was expected to take place by summer 2018.</p> <p>The draft plan reflected a comprehensive issues and options consultation completed in January 2016, informal consultation with Parish and Town Councils and review of policy issues through the Member Advisory Group (MAG).</p>	<p>Andre Sestini</p>

	<p>During the discussion that followed Members congratulated the Officers on the quality of the report. They were satisfied that the Report was ready to be made subject to consultation.</p> <p>RESOLVED</p> <p>Cabinet</p> <ul style="list-style-type: none"> • endorsed the principal content of the Pre-Submission Draft Local Plan Part II • authorised the Group Manager for Planning and Growth Services, in consultation with the Portfolio Holder for Planning and Growth, to finalise the written statement and supporting parts of the Local Plan before it is presented to Full Council. • recommend to Full Council <p>(a) approval of the Pre-Submission Draft Local Plan II for a statutory consultation from January 2018, and</p> <p>(b) agreement to delegate authority to the Portfolio Holder for Planning and Growth in consultation with the Group Manager for Planning and Growth Services to undertake:</p> <ul style="list-style-type: none"> (i) the formal Submission of the plan to the Secretary of State for Public Examination, provided there were no valid representations received during the consultation that raised fundamental issues on the soundness of the Strategy, and (ii) the making of any adjustments or necessary changes to the Draft Local Plan Part II in the interests of clarity and accuracy before it is submitted. <p>REASON FOR THE RESOLUTION</p> <p>To ensure that progress continued to be made on the delivery of an up-to-date Development Plan for Mendip and to provide certainty for developers and local communities.</p>	
6	<p>MTRS Budget Monitoring 2017/18 Quarter 2</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 2 projections. The report provided the following information:</p> <ul style="list-style-type: none"> a) The projected <u>Revenue</u> outturn position for 2017/18 b) In-Year Virement Summary 	Paul Deal

	<p>c) The projected <u>Capital</u> 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> <p>The report indicated a projected Revenue budget variance of £406k over spend and that the Capital Investment Programme was on target at this early stage of the year.</p> <p>During the discussion that followed it was clarified that the debt owed to the Council by Mendip YMCA would not accrue interest.</p> <p>It was also clarified that new businesses would be required to pay Business Rates and the records for such rates was kept up to date. It was expected that the Business Rate pilot would be announced in the next national budget.</p> <p>Members were pleased that the budget was flexible enough to remain sustainable despite changes in income such as a drop in Land Charges.</p> <p>RESOLVED</p> <p>That the report be noted.</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>	
9	<p>Member Role Descriptions and Person Specifications</p> <p>The Portfolio Holder for Transformation presented a Report which stated the Member Development Group were pleased the Council had a clear commitment to Councillor development and support. As part of this the Group felt it was important for the Council to clearly define the role of a Councillor and how they contribute to the achievement of community, political and council objectives.</p> <p>In addition to this role descriptions could be used to help in the recruitment and selection of candidates and to identify and prioritise development needs. The Member Development Group felt it was important for the Council to actively encourage citizenship and to highlight the role of Councillors as community leaders as part of promoting local</p>	<p>Claire Dicken</p>

democracy so as to encourage under-represented groups to become Councillors.

The use of role descriptions and personal specifications was a key component for Charter Plus Status for member development accredited by SW Councils.

The adoption of role descriptions and personal specifications would also underpin the Shape Our Future programme of Member and Officer development.

Options Considered

Rather than introduce the new suite of Member Role Descriptions and Person Specifications the Council could decide to take no further action and continue to rely on the information set out in Section 3 of the Constitution with regard to Members of the Council.

The Chairman said the role descriptions looked complicated when put down on paper. However, he agreed they would be useful in certain circumstances. For instance, the Roles would be useful for the Somerset Joint Independent Remuneration Panel when making recommendations on Members' allowances.

As the discussion followed Members supported the Report. They felt it was important that their role be explained to the public as well as internally. They thanked the Chairman of the Member Development Group for his contribution to the Report.

There was a discussion about particular roles including making decisions and overseeing council performance, the Scrutiny function and the role of the opposition.

RESOLVED

To recommend that full council agree the Role Descriptions and Person Specifications as set out in the Report.

Reasons for the resolution

Because it was important for the Council to clearly define the role of a Councillor and how they contribute to the achievement of community, political and council objectives.

<p>8</p>	<p>Proposed Public Spaces Protection Order (PSPO) for Berkley Marsh</p> <p>The Chairman allowed 15 minutes for Members to read the report which had become the subject of discussions and finalised earlier that day.</p> <p>Mr Jim Ryan, Solicitor of JMR Planning Law was invited to speak on behalf of the key objector whose land was adjacent to the roads intended to be subject to the PSPO. He said that his client was opposed to a PSPO at Berkley Marsh because access to the land was required without a barrier. He had advised that firstly, the use of a PSPO would be unlawful if it failed to protect his clients' right to free and unfettered access to their land. Secondly, he stated that if Cabinet resolved to proceed to use a PSPO in the circumstances, he thought that his clients would have no alternative but to proceed with a legal challenge. Thirdly he stated that his clients' remained ready and willing to seek a pragmatic and lawful solution to the problem of fly tipping, subject to their right being respected.</p> <p>The Chairman thanked Mr Ryan for his input and said it was important for the Council to find a pragmatic solution.</p> <p>The Deputy Leader of the Council presented a report which sought approval to implement a Public Spaces Protection Order (PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014 for Berkley Marsh in an attempt to curb fly tipping in the area. Consultation on the proposal to make a PSPO had been carried out in accordance with the Statutory Guidance issued by the Home Office in 2014 and guidance issued by the Local Government Association in May 2017.</p> <p>Notice of the Council's proposal to make a PSPO in respect of Berkley Marsh together with a copy of the proposed PSPO had been published and had appeared on the Council's website. This version of the PSPO was an updated version of the draft PSPO that had been sent to all had also been sent to all relevant consultees.</p> <p>OPTIONS CONSIDERED</p> <p>The Report set out a variety of Options. The Deputy Leader of the Council said there was merit in considering Option 4. Namely, the implementation of a PSPO to restrict vehicular access along Berkley Lane removing the current restrictions in respect of Dark Lane with the concrete blocks currently in situ in Gypsy land and Berkley Lane following the County Council's temporary road closure being replaced with electric bollards fitted into the road at 3 key locations, allowing only a vehicle with an access pass to drive through. He explained that a</p>	<p>Ian Glover</p>
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effort had been made to address the concerns of the Highway Authority.

However, the preferred choice was Option 6. Namely, the implementation of a PSPO to restrict vehicular access along Gypsy Land and Berkley Lane re-opening Dark Lane. Pedestrians, cyclists and horse riders would not be affected. This option included the continuation of the concrete barrier solution to minimise further fly-tipping. However, he suggested that the PSPO should be made for a period of 3 months. Dialogue should continue between the Council and the main objectors

The Interim Group Manager for Neighbourhood Services displayed a map showing the preferred option.

The Legal Advisor explained the relevant legislation including the new tool which enabled the Council to put in place a PSPO in order to curb antisocial behaviour, including fly-tipping. She said the Council had taken Barrister advice on the report and the proposal. She explained the landowner would continue to have access to the land via Dark Lane.

During the discussion that followed Members said that having heard the legal advice they were satisfied that the Council would be acting reasonably to make a PSPO in these particular circumstances.

Councillor John Parham proposed that the PSPO be approved for a 3 month period as recommended.

Members were concerned about the fly-tipping that had occurred in the area and they considered this to be anti-social behaviour. Members welcomed the short term solution that had been put to them.

Councillor Nigel Woollcombe-Adams seconded the proposal.

The Chairman said that the public feeling had been clear that the Council should not allow the problem of fly-tipping to return to this area. He said in the circumstances there needed to be a measure of good will and reasonableness on both sides. He noted the PSPO would have implications on the budget, but that these could be met.

The proposal to approve a PSPO for a period of 3 months, as recommended was carried unanimously.

RESOLVED

1. The making of a PSPO for Gypsy Lane and Berkley Lane, Berkley Marsh - the PSPO will apply to the public highway known as Berkley Lane leading from Gypsy Lane to its junction with Dark Lane, and comprising the entire length of the aforementioned highway depicted by a thick black line on the plan attached at Annex A to this Report. The PSPO will be in place for a period of 3 months as set out in the Report using a concrete barrier solution, subject to a safety audit by the Highways Authority.
2. That a licence to do works is entered into with Somerset County Council (the Highway Authority) to permit minor works on or adjacent to the highway.
3. To delegate to the Interim Group Manager, Neighbourhood Services in consultation with the Deputy Leader and the Portfolio Holder for Neighbourhood and Community Health Services, authority to take any action necessary to implement the PSPO.
4. To delegate to the Interim Group Manager, Neighbourhood Services in consultation with the Deputy Leader and the Portfolio Holder for Neighbourhood and Community Health Services, authority to take steps necessary to implement the safety audit recommendations.
5. To delegate to the Interim Group Manager, Neighbourhood Services in consultation with Deputy Leader and the Portfolio Holder for Neighbourhood and Community Health Services and the Section 151 Officer, authority to identify an appropriate budget to implement the PSPO, which will include costs associated with compliance with the safety audit recommendations.
6. To agree that a further report is brought back to Cabinet no later than February 2018 relating to the making of a PSPO for Gypsy Land and Berkley Lane, Berkley Marsh, using electronic bollards (option 4 in the report).
7. That continued dialogue in regard to Resolution 6 above is maintained with the main objector to the PSPO.

REASON FOR THE RESOLUTION

To enable the council to implement the PSPO in Berkley Marsh to try to maintain the quality of life of visitors and residents.

<p>10</p>	<p>Portfolio Holder Decisions</p> <p>The following recent Portfolio Holder decisions were noted.</p> <p>2017 284 – Keyring 2017 285 – Free Christmas Parking 2017</p>	
<p>11</p>	<p>Forward Plan</p> <p>The Council’s Forward Plan was noted.</p>	
<p>12</p>	<p>Minutes for Information</p> <p>There were no minutes for information on this occasion.</p>	
<p>13</p>	<p>Urgent Business</p> <p>None</p>	

The meeting closed at approximately 8.00 pm.