

## South Somerset District Council - Executive Bulletin No. 264

Issue Date: 06/04/07 Deadline for Call In: 13/04/07

Weekly bulletin of Executive Decisions taken by District Executive, Area Committees or Portfolio holders.

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### District Executive

#### 178. Annual Audit and Inspection Letter 2006/07 (Agenda Item 6)

**RESOLVED:** 1. That the contents of the Annual Audit and Inspection letter be NOTED.  
2. That the recommendation for areas of improvement, as identified in the report, be set out in the revision to the Council's Corporate Improvement and Development Plan be agreed.

**Reason:** To accept the Annual Audit and Inspection letter and agree its contents.

(Voting: Resolution passed unanimously)

*Philip Dolan, Chief Executive – (01935) 462101  
e-mail: philip.dolan@southsomerset.gov.uk*

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#### 179. Proposed Route Alignment of the A303/A358 South Petherton to M5 Improvement (Agenda Item 7)

**RESOLVED:** That the District Executive:

- (1) accept the principle of the route alignment proposals for the A303/A358 between South Petherton and Junction 25 of the M5:
- (2) delegate the official South Somerset District Council response to the Portfolio Holder, in consultation with the Chairmen of Area North and East Committees, taking into account all the comments made at the recent area Committee meetings and correspondence received from Parish Councils.

**Reason:** For the District Council to make formal comment on the Highways Agency's route alignment proposals for the A303/A358 between South Petherton and junction 25 of the M5.

(Voting: Resolution passed unanimously)

*Mathew Dalton-Aram, Planner – (01935) 462497  
e-mail: mathew.aram@southsomerset.gov.uk*

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#### 180. Consultations on Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1 and Building a Greener Future: Towards Zero Carbon Development (Agenda Item 8)

**RESOLVED:** That the District Executive agree the consultation responses as set out in Appendix A and B.

**Reason:** To provide the Council's response to the Government's consultation on PPS1 supplement: Planning for Climate Change and Building a Greener Future.

(Voting: 7 in favour, 1 against, 1 abstention)

*Keith Wheaton-Green, Climate Change Officer – (01935) 462651  
e-mail: keith.wheaton-green@southsomerset.gov.uk*

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### **181. Response to 'Changes to Planning Obligations: A Planning-Gain Supplement Consultation' (Agenda Item 9)**

**RESOLVED:** That the District Executive agree the consultation responses as set out in Appendix 1 of the report.

**Reason:** To provide the Council's response to the Department for Communities and Local Government (DCLG) in relation to Planning Gain Supplement proposals.

(Voting: Resolution passed unanimously)

*Mathew Dalton-Aram, Planner – (01935) 462497  
e-mail: mathew.aram@southsomerset.gov.uk*

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### **182. Cosmetic Piercing and Semi-Permanent Skin Colouring (Agenda Item 10)**

**RESOLVED:** That the District Executive recommend that Council agree to:-

1. Approve the model byelaws at Appendix 1 and 2 in the Agenda, relating to cosmetic piercing and semi-permanent skin colouring;
2. Approve the notes to accompany the byelaws;
3. Officers be authorised to affix the Council's seal to the byelaws;
4. Officers be authorised to carry out the statutory procedure set down in S236 of the Local Government Act 1972.
5. Amend the existing ear piercing and electrolysis by-laws by removing all references to ear piercing.
6. The Head of Environmental Health and Community Protection investigate the extent of other skin piercing activities carried out in private clinics, (i.e. Botox treatments) with a view to considering the need for similar byelaws, and report his findings to the Portfolio Holder.

**Reason:** To allow the Council to adopt a more extensive policy on skin piercing and semi-permanent skin colouring.

(Voting: Resolution passed unanimously)

*Julia Bradburn, Licensing Officer – (01935) 462137  
e-mail: Julia.bradburn@southsomerset.gov.uk*

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### 183. Smokefree Workplace and Public Place Policy (Agenda Item 11)

**RESOLVED:** That District Executive agree:-

1. The draft policy as laid out in the Agenda
2. An implementation date for the policy to apply to all Council buildings and other relevant structures from 1<sup>st</sup> May 2007 and to council vehicles from 1<sup>st</sup> June 2007
3. That in general terms, smoking will be prohibited from all out door areas except where designated. Property Services maintain the list and plans (where appropriate) of outdoor areas where smoking is permitted and prohibited, for the relevant Director and appropriate Portfolio Holder to designate other smokefree and smoking designated areas.
4. That the Council's Safety Panel review and update the policy periodically.
5. To endorse the statement in paragraph 2.3 of the policy in terms of the Council's longer term ambitions, taking into account the points detailed under 'the wider perspective' heading, and to include the relevant action points under the Local Area Agreement.
6. That the patio area to the left hand side of the canteen (facing the doors of the Council Chamber) at Brympton Way offices should become smoke free.

**Reason:** To approve the introduction of a smokefree workplace and public place policy for the Council and to comply with the requirements of the Health Act 2006.

(Voting: Resolution passed unanimously)

*Laurence Willis, Head of Environmental Health and Community Protection – (01935) 462428  
e-mail: Laurence.willis@southsomerset.gov.uk*

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### 184. Land at Milford Road / Goldcroft, Yeovil (Agenda Item 12)

**RESOLVED:** That the District Executive agree:

1. In the event of the option referred to in recommendation 2 not being exercised by the District Council, that the District Council transfer its interest in the development site (including the site of the proposed road access) to the Town Council's purchaser, subject to covenants that require the construction of the access road to a specification agreed by the District Council and to adoptable standards (with a requirement to seek adoption within an agreed timescale) and subject to appropriate rights being reserved over the access road pending adoption to enable the District Council to have an unrestricted (at all times and for all purposes) pedestrian and vehicular right of way to the adjoining SSDC open space land;

2. That as a condition to agreeing to the recommendation referred to in 1 above, the District Council be granted an option by the Town Council to acquire the site prior to any sale on the open market. The terms of the option to be agreed by the Council's Solicitor but will be exercisable within 3 months of the market value of the development site being determined by an independent valuer jointly instructed by both parties, with the cost of the valuation being shared equally by both parties. The Town Council will receive 73.85% of the market value less the overage payment calculated pursuant to recommendation 6 below. Once the valuation is known a further report will be presented to the Executive to authorise exercise of the option and the acquisition of the site;
3. That in the event that the District Council do not exercise the option then it will receive a sum equivalent to 26.15% of the net sale proceeds from Yeovil Town Council within 10 working days of completion of the site disposal referred to in recommendation 1 above together with any overage payment referred to in recommendation 6;
4. that on receiving the capital receipt referred to in recommendation 3 above, that receipt, or if the option is exercised pursuant to recommendation 2 above, a sum equivalent to 26.15% of the market value determined pursuant to recommendation 2 above, be allocated to Option 5 of the Yeovil Vision (Eastern Approach) when the project gets underway.
5. That the Town Council enter into an agreement with the District Council whereby they allocate £100,000 from their share of the capital receipt to their future provision of public conveniences in Yeovil Town Centre (for the avoidance of doubt, this will apply irrespective of whether the District Council exercise the option);
6. That the District Council receive an overage payment i.e. the difference between actual receipt and original value, based on the proportion 26.15% plus £100,000 bears to the original disposal value or if the option is exercised, the amount so calculated is deducted from the sum paid to the Town Council on completion of the transfer of the site to the District Council; and
7. That each party bear their own legal costs

**Reason:** To agree the sale of interest in land at Milford Road, Yeovil to Yeovil Town Council for residential development.

(Voting: Resolution passed unanimously)

*Brian Tufton, Head of Engineering and Property Services - (01935) 462220  
e-mail: [brian.tufton@southsomerset.gov.uk](mailto:brian.tufton@southsomerset.gov.uk)*

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## 185. LABGI – The Local Authority Business Growth Incentive (Agenda Item 13)

**RESOLVED:** That the District Executive agree:

1. That the LABGI expenditure for 2006/07 be NOTED
2. That a further report be brought back to District Executive to consider allocating the residual balance when a further announcement is made on the allocation for 2007/08.

**Reason:** To note the LABGI expenditure for 2006/07 and consider a further report when the allocation for 2007/08 is known.

(Voting: Resolution passed unanimously)

*David Julian, Principal Economic Development Officer – (01935) 462  
e-mail: david.julian@southsomerset.gov.uk*

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## 186. Castle Cary Market House (Agenda Item 14)

**RESOLVED:** That the District Executive agree:

1. To support Castle Cary Town Council to submit a Stage 1 application to the Lottery Community Buildings fund, including the principle of transferring the building to them on a lease and progress the recommendations of the feasibility study.
2. To note the emerging national policy on asset transfer to the communities, and ask that relevant officers prepare a draft policy reflecting best practice and the circumstances in which District Executive may consider such transfers, and for this to be brought back to District Executive in July 2007 for consideration, prior to determining the transfer of the Castle Cary Market House.
3. That officers undertake further detailed work on the implications of undertaking a transfer to Castle Cary Town Council and report back to District Executive by August 2007.

**Reason:** To support the principle of transferring the Castle Cary Market House to Castle Cary Town Council, subject to the outcome of further work by officers.

(Voting: Resolution passed unanimously)

*Pam Williams, Regeneration Officer – (01963) 435020  
e-mail: pam.Williams@southsomerset.gov.uk*

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## 187. Forward Plan (Agenda Item 15)

**RESOLVED:** That the updated Executive Forward Plan be approved for publication as attached at Appendix A, and the decisions taken by Portfolio Holders since the last meeting of the Executive be noted as attached at Appendix B.

**Reason:** To approve for publication the Statutory plan

(Voting: Resolution passed unanimously)

*Bob Gillis, Democratic Services Manager – (01935) 462563  
e-mail: bob.gillis@southsomerset.gov.uk*

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**188. Grant to Supporting People for Community Alarms for South Somerset Homes Tenants (Urgent Item)**

**RESOLVED:** That the District Executive approve a grant of £40,000 to Supporting People for community alarms. This support to be financed from the District Executive Contingency on the condition that the contributions from Supporting People and South Somerset Homes are approved and received.

**Reason:** To contribute towards the shortfall of the Supporting People budget and agree a top-up grant to finance community alarms support for 2006/07.

(Voting: Resolution passed unanimously)

*David Stapleton, Deputy Chief Executive – (01935) 462388  
e-mail: david.stapleton@southsomerset.gov.uk*

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**CONFIDENTIAL ITEMS**

**189. Exclusion of Press and Public**

**RESOLVED:** That, by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3, "Information relating to the financial or business affairs of any particular person (including the authority holding that information)" members of the press and public be excluded during consideration of the following two items - relating to Disposal of Plot 10, Chard Business Park, Chard, and, Yeovil Sports Zone – Agent Appointment - as the public interest in maintaining the exemption from the Access to Information rules outweighs the public interest in disclosing the information. The exemption to only apply until the purchase is complete.

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**190. Disposal of Plot 10, Chard Business Park, Chard - Closed Session (Agenda Item 16)**

This item was taken in closed session.

**RESOLVED:** That the District Executive approve:

1. The disposal of Plot 10 at Chard Business Park for the offer price.
2. That the purchaser be asked to develop the land for employment purposes within a 36 month period, or the Council may exercise its right to purchase back the land at the prevailing market price.

**Reason:** To approve the disposal of Plot 10, Chard Business Park, Chard

(Voting: Resolution passed unanimously)

*David Julian, Principal Economic Development Officer – (01935) 462520*

*e-mail: david.julian@southsomerset.gov.uk*

*Brian Tufton, Head of Engineering and Property – (01935) 462220*

*e-mail: brian.tufton@southsomerset.gov.uk*

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## **191. Yeovil Sports Zone – Agent Appointment – Closed Session (Agenda Item 17)**

This item was taken in closed session.

**RESOLVED:** That District Executive approve:

1. The appointment of an Agent to progress early negotiations with potential site landowners
2. The allocation of a budget as in the report from the Yeovil Vision Capital Budget towards the cost of progressing negotiations

**Reason:** To approve the appointment of an Agent and the allocation of a budget for the Yeovil Sports Zone.

(Voting: Resolution passed unanimously)

*Steve Joel, Head of Sport, Arts & Leisure – (01935) 462278*

*e-mail: [steve.joel@southsomerset.gov.uk](mailto:steve.joel@southsomerset.gov.uk)*

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## **Area Committees**

### **Area South**

#### **Regeneration of Yew Tree Park Play Area (Executive Decision) (Agenda Item 11)**

- RESOLVED:**
1. that a steering group for the Regeneration of Yew Tree Park Play Area project be set up by the Play & Youth Facilities Officer.
  2. that Councillor Dave Greene be appointed to the steering group.
  3. that the outline project plan be agreed and that the Steering Group can amend it as the project develops.
  4. that £3,000 be allocated from Area South Capital Reserve, Community Leisure Schemes, 50% of project cost, to uplift the Yew Tree Park play area in the short term.

(Resolution passed without dissent)

**Reason:** to agree the setting up of a steering group and a project plan for the Regeneration of Yew Tree Park Play Area and to allocate funding of £3,000 from the Area South Capital Reserve, Community Leisure Schemes.

*Stephen Barnes, Play & Youth Facilities Officer (01935) 462413  
stephen.barnes@southsomerset.gov.uk*

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### **Grant Requests for Financial Assistance (Executive Decision) (Agenda Item 15)**

**RESOLVED:** that a grant of £3,240 be awarded to the Somerset Polish Community Association from the Area South Community Grants budget, subject to the standard conditions and the submission of an ongoing business plan.

(Resolution passed unanimously)

**Reason:** To agree the award of a grant to the Somerset Polish Community Association.

*Martin Woods, Head of Area Development (01935) 462708  
martin.woods@southsomerset.gov.uk*

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## **Decisions to be taken by Portfolio Holders**

### **Environment and Property Portfolio Holder**

#### **Drainage easement under SSDC land at Chard Business Park**

*Executive Portfolio Holder: Jo Roundell-Greene – Environment and Property  
Director: Vega Sturgess - Environment  
Lead Officer: Diane Layzell, Senior Land and Property Officer  
Contact Details: diane.layzell@southsomerset.gov.uk or 01935 462058*

#### **Purpose of the Report**

To seek members agreement to grant South Somerset Homes (SSH) retrospective approval for a drainage easement at nil consideration under SSDC land at Chard Business Park, to serve their adjoining housing development at the Devonia site. The Leader has agreed that this decision can be taken by the Portfolio Holder.

#### **Recommendation(s)**

The Portfolio Holder is asked to agree that:

- (1) a drainage easement be granted to South Somerset Homes for surface water drainage at Devonia, Chard;
- (2) The deed of grant will state that South Somerset Homes will have maintenance responsibility of the easement area and neighbouring bund to an agreed SSDC maintenance plan
- (3) South Somerset Homes would cover all the legal and professional costs incurred by the Council.
- (4) South Somerset Homes are responsible for paying the required 20% to Blackburn Estates (£3000).

## Background

In 2004/2005 South Somerset Homes acquired land to the rear of a property known as Devonia in Furnham Road to develop an affordable housing scheme comprising 16 units. These are made up of 5 shared ownership dwellings and 11 rented social housing. To enable the development and maximise use of the site District Executive agreed the transfer of a section of SSDC land (part of a hedgerow/earth bund and part of an easement strip adjoining plot 5) at less than best consideration i.e. at no cost.

Whilst the easement land is owned by SSDC, Blackburn Estates have retained a 20% interest in all land transactions.

## Report

SSH original plans for the development showed the surface water drainage system running out through the adjacent Jarman Way estate. However, as the site is sloping this would have resulted in the installation of a pump house and pumping system. The natural and preferred route was to run the drainage under SSDC land to the east of the development and connect up with the foul drainage system in Furnham Road. This work has been completed and SSH now realise this was not part of the original land transfer agreement and have requested we consider retrospectively granting approval through an easement for their drainage system to run under our land at nil consideration.

Their request is made as the project budgeted costs did not allow for the complications encountered with the line and ownership of this sewer that serves to drain the highway serving the whole development.

Blackburn Estates have retained interest in the land transactions on Chard Business Park and, as a result they are entitled to 20% of the easement value. Whilst SSDC can decide to grant this easement at less than best consideration, Blackburn Estates are insisting on their payment of £3,000. This amount will be paid to Blackburn Estates by South Somerset Homes upon completion of the Deed of Grant.

## Financial Implications

The District Valuer has assessed the value of this permanent easement at £15,000, 20% of which is payable to Blackburn Estates (£3,000).

By granting the easement at nil consideration we will forego the potential for a capital receipt estimated at £12,000. This receipt could have either been invested to earn interest of £600 per annum, or, allocated to other capital schemes.

South Somerset Homes will be responsible for paying all the Council's legal and professional costs incurred as a result of this transaction.

Land value (Less Blackburn Estates portion)	£130,000
Easement value (less Blackburn Estates contribution)	£12,000
Housing Grant monies	£110,169
Total contribution	£252,169
No. of bed spaces provided	64
Value per bed space	£3,944.00
Average public subsidy per bed space	£10,000.00
Notional saving compared to average contribution per bed space (£10,000 - £3994.00)	£6056.00

Below are the costs and funding of the development as supplied by SSH

<b>Costs</b>		<b>Funding</b>	
Construction works	£1,300,000	LCHO Sales	£328,500
On-costs	£175,000	HC grant	£546,962
Acquisitions (exc initial SSDC land trf)	£300,000	SSDC grant (exc initial land of £130,000)	£110,169
Total scheme costs	£1,775,000	Loan required	£789,369

**Background Papers:** District Valuer's Report  
District Executive March 2005

## Housing, Environmental Health and Inclusion Portfolio Holder

### Purchase of mobile home and lease of land at Bow Lane, Keinton Mandeville for the use of Gillian McCarthy

*Executive Portfolio Holder:* Ric Pallister (Housing, Environmental Health and Inclusion)  
*Head of Service:* Laurence Willis (Environmental Health & Community Protection)  
*Lead Officer:* Alasdair Bell (Deputy Head of Services, Environmental Health & Community Protection)  
*Contact Details:* [Alasdair.bell@southsomerset.gov.uk](mailto:Alasdair.bell@southsomerset.gov.uk) or (01458) 257440

### Purpose of the Report

The Leader of the Council has agreed that the Housing, Environmental Health and Inclusion Portfolio Holder be given delegated authority to agree a virement within the existing capital programme to enable the purchase and installation of a mobile home and for the lease of land to accommodate the same mobile home in a field adjacent to Bow Lane, Keinton Mandeville (see planning application 06/04732/FUL on SSDC website for further details of site, mobile home, etc).

### Recommendations

The Housing, Environmental Health and Inclusion Portfolio is asked to approve:

- (1) a virement of £18,000 from the Home Repairs capital budget for the purchase and installation of a mobile home and the capital lease of land for a mobile home:
- (2) a further £2,600 per year for ten years for the lease of land to accommodate the mobile home to be offset by an annual rental income for the land charged to the tenant of £3,120 per annum.
- (3) the spend as an exception to capital spending policy (as Chairman of the Exceptions and Appeals Panel).

### Background

Gillian McCarthy who has specialist medical needs has been living in an old shack in a field near Shepton Montague, Wincanton. As the planning permission on her existing accommodation had lapsed, the Area East Committee resolved that she should vacate the site. In order to facilitate this, a new site with suitable accommodation has had to be found.

The mobile home and the site in Keinton Mandeville is where it is proposed to house her in future. This has been agreed with the Primary Care Trust's medical expert as being a suitable form of accommodation in a suitable location. It is known however that Gillian will

resist any attempt to move her and should the matter go to appeal she may not be forced to move. Legal advice suggests however that an enforcement notice requiring her to vacate her existing accommodation is likely to be successfully served on Gillian only if alternative accommodation is in place. There is a chance that having gone to all this trouble and installed the mobile home at Keinton Mandeville that Gillian never moves in. The abortive costs would be £8,600 but there is no obvious alternative. The mobile home could be reused but most of the installation costs would be lost.

## **Report Detail**

In order to pay for the purchase and installation of the mobile home and for the lease of the land upon which it is to be located, it is necessary that a virement is actioned and special arrangements are agreed to provide the funding, as this proposed funding arrangement falls outside existing capital spending policy. Existing policy however does allow for exceptions to policy to be made by the Exceptions and Appeals Panel chaired by the Housing Portfolio Holder where it is in the Council's best interest to do so.

The lease will include an option for the caravan to return to SSDC ownership and could be sold in the event that the tenant does not move in or decides to leave during the ten years. The land lease can also be terminated at three months notice minimising the ongoing costs to this council should the tenancy prove unsuccessful.

## **Financial Implications**

The £12,000 purchase cost for the mobile home and the one off cost of £6,000 for installation would be vired from the home repairs assistance capital budget for 2007/8 that currently stands at £100,000 for 2007/08. The abortive costs if this is unsuccessful will be £8,600.

The annual £2,600 lease costs will be offset from the £3,120 land rent charged to the tenant.

## **Implications for Corporate Priorities**

This meets the corporate aim to help improve the health and well-being of one of our citizens.

## **Other Implications**

None

**Background Papers:** *No relevant background papers*

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## **Decisions taken by Portfolio Holders**

No decisions.

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