

**Committee: Full Council**

**Date: 17 August 2021**

**Title: South Somerset Carnival Application**

**Purpose of Report**

To allow members to support the South Somerset Carnival application to build a Carnival Park

**Recommendation:**

Members to resolve;

a) to support the South Somerset Carnival Park's application by providing a 50% grant in respect of the planning fees for the proposed site and to issue a letter supporting the ethos and reasons behind the need for a park to be built.

or

b) to allow Ilminster Town Council to be named as the Applicant for the South Somerset Carnival Park in a resubmitted planning application.

**Background:**

1. Members were informed at a Planning, Highways and Transport (PHT) meeting on the 6 July that queries had been raised over the legitimacy of the application. Following this meeting it was then brought to members of the PHT Committee on the 3 August in order to allow further discussions over how to assist South Somerset Carnival Park (SSCP) committee's application to build a carnival Park.
2. Four representatives of SSCP laid out the reasons why both the application was required and why the support of the Town Council was needed. This followed on from a presentation that was made to the Town Council in 2018.
3. On the 12 May an enquiry was made to the locum town clerk by a County Councillor questioning the current position of the application and raising questions over the application. This was in fact the first point in time that the clerk was made aware of the application.

4. On an initial inspection it was clear that this was an application where information was missing from council minutes and notes. This was confirmed when looking at old emails sent by the previous clerk.
5. I conveyed an opinion in response to the enquiry that I felt that whilst there would clearly be a back story to this application, from my opinion this was not an application that I would have advised that the council put their name to.
6. The reasons in my mind were, that whilst any organisation can put its name on pretty much any application within England, there was a significant risk to the council of reputational damage should an accusation of helping an organisation to avoid paying planning fees. Whilst it may be lawful, the question does remain over whether morally the council should be helping an organisation to avoid fees.
7. There is a question mark over where the council draws the line over the way in which it assists local organisations. For example should another local charitable organisation ask the council to assist it with a change of use application would it be obliged to assist having helped the Carnival to obtain a discount on fees. A more appropriate way to assist would have been to look at providing a grant to assist.
8. On the 20 May 2021, the town clerk received an email from the Principal planner for SSDC indicating that he had received correspondence from the same person. In his response he stated that it was not possible for the applicant to change midway through the process and that if the council were not the applicant, then there were several options open to the council.

*“Having discussed the matter with our solicitors we feel the application must be invalid if the applicant needed a formal decision to be able to make the application but did not have that authority.*

*The alternative would be for the town council to withdraw the application as it did not have the power to submit it.*

*Of these options I suspect that invalidation might be a better option for you. Where applications are treated as invalid, the planning authority will refund the application fee”*

9. Following this email the clerk was then informed in a further email from SSDC that there was a district councillor who had also reached the conclusion that the application was invalid. Having spoken with the planning officer over the phone it was clear that the lack of information in the minutes, uncertainty over the signatures on the application and the risk to the council’s reputation if this was challenged further needed to be raised at a Planning, Highways and

Transport meeting over the validity of the application and the risks associated with the council being the applicant.

10. It was for this reason that these options were taken to the meeting of the Planning, Highways and Transport committee on the 6 July 2021. Members clearly indicated that the application should be rendered invalid so that the application fee could be refunded and a fresh application with all the required elements clearly identified and that the minuting of the decision by Full Council to assist the Carnival application is clear.
11. At the PHT meeting on the 3 August 2021 Four representatives of SSCP laid out the reasons why both the application was required and the why the support of the Town Council was needed. This followed on from a presentation that was made to the Town Council in 2018.
12. Questions were also raised as to why the item had suddenly become an issue. The clerk made it clear that it was as a result of enquiries from a County Councillor as outlined earlier in the report.
13. There is no doubt that the economic benefits to not just Ilminster but to all local towns accruing from the carnivals are significant. In addition to this the ability to have events that will help to boost the mood of a town are huge in the current covid times.
14. Members should be aware that whilst there is no doubt that the facility will benefit the whole of the region significantly, there are alternative ways in which the council could be assisting the application other than putting its name on the application. Whilst putting the Town Council's name on the original application was the option chosen for back in 2018 it is a way that does lead both Ilminster Town Council and the SSCP group open to criticism and a charge of evading planning fees.
15. This is something that has already been raised by objectors to the project and potentially could be used at the point the application came before a committee at South Somerset District Council.
16. It should also be borne in mind that one of the problems with the original application was that signatures and information was not apparently present. This does raise the question as to how much information was being provided to the Town Council as a result of its name being put forward as applicant. Whilst SSCP was acting as the "Agent" on this project, had commitments been made that should have been brought before the council as the "applicant"?
17. There is also the issue that it sets and maintains a precedent which could and has been picked up by groups within the town. If MIND were to ask the

council to apply for “Change of use” restrictions on a shop that it had bought so it could benefit from reduced fees, would the council agree to do so? After all, following the Covid crisis there will almost certainly be a need within the community for greater mental health awareness.

18. Members may wish to consider assisting SSCP committee in other ways that would benefit them equally. This could involve providing them with a grant towards the building costs or equipment that will equally benefit both the community of Ilminster and beyond.
19. Having spoken with the Principal Planner, he is of the mindset that if all the planning application material is resubmitted in a fresh application, with all the requisite authorities in place then it could be sent for decision at committee in either October or November. There would have to be a further three-week public consultation, but he suspects that most arguments for and against the application have been submitted. The fact that any question marks over the validity of the council’s part in the application would in fact be removed.
20. Members to consider the following resolutions
  - a. to support the South Somerset Carnival Park’s application by providing a 50% grant in respect of the planning fees for the proposed site and to issue a letter supporting the ethos and reasons behind the need for a park to be built.
  - or
  - b. to allow Ilminster Town Council to be named as the Applicant for the South Somerset Carnival Park in a resubmitted planning application to South Somerset District Council.
21. Members are free to arrive at a resolution of their own should they so decide.

**Mark Tredwin  
Town Clerk  
August 2021**