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Dear Councillor

SOUTH HAMS COUNCIL - THURSDAY, 28TH SEPTEMBER, 2023

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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6.	<u>Supporting our Care Leavers: Council Tax</u> (Pages 1 - 10)
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7.	<u>Scheme of Members' Allowances - Review</u> (Pages 11 - 46)
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8.	<u>Member Appointments</u> (Pages 47 - 52)
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9.	<u>Reports of Bodies</u>
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to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:

(* Indicates minutes containing recommendations to Council)

h)	<u>Executive * - 21 September 2023</u> (Pages 53 - 66)
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Yours sincerely

Darryl White
Democratic Services Manager

Encs

Report to: **COUNCIL**
Date: **28 September 2023**
Title: **Supporting our Care Leavers: Council Tax**

Portfolio Area: **Leader – Cllr Brazil**

Wards Affected: **All**

Author: **Andy Bates** Role: **Chief Executive**
Geni Hotchkiss **Head of Revenues and**
Benefits

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RECOMMENDATION

That the Council RESOLVES to adopt a Council Tax Discount Scheme for Care Leavers (as set out at Appendix A) with effect from 1 October 2023.

1. Executive summary

- 1.1 Corporate parenting principles for looked after children and care leavers stress the importance of joint working in supporting care leavers. At the Devon Strategic Corporate Parenting Board, work is underway to look at an enhanced approach to corporate parenting. This includes improving access for those in the care system to work experience and employment and for when they leave care, to housing. The Council has a statutory duty to co-operate with the County Council in making arrangements for improving the wellbeing of children in Devon.
- 1.2 Another way in which we can support care leavers is by awarding a discretionary council tax discount and at a recent meeting, the DfE National Adviser for Care Leavers endorsed this approach. By providing financial support in this way, we can help care leavers manage the transition to adulthood offering financial assistance as many parents do as their children move toward independence.
- 1.3 In July 2016, the government published “Keep on Caring” a strategy for supporting young people from care to independence which highlighted that awarding Council Tax discounts to this group was best practice. Research has been undertaken that shows Devon is currently an outlier nationally in not awarding a Council Tax discount to all care leavers as of right. The vast

majority of two-tier areas already apply a 100% discount up to the care leaver's 25th birthday.

- 1.4 In order to ensure uniformity of approach, the Devon billing authorities (district councils) have been working with Devon County Council to agree a common Council Tax discount scheme which is proposed to be effective from 1 October 2023.
- 1.5 Having consistency across Devon avoids a potential postcode lottery of some care leavers getting support and others not, simply based on where they happen to live. This is because the approach to date has been to provide support through Council Tax Reduction and Exceptional Hardship Funds, which are only accessible to those care leavers on a low-income.
- 1.6 It is important to note that Council Tax discretionary discounts must be funded by the billing authority i.e. South Hams District Council. However, in order not to disadvantage care leavers living outside the county area, Devon County Council has agreed to fund the discounts for those living outside of Devon.
- 1.7 It should be noted that the success of the scheme is contingent on the Council (and indeed all districts) receiving data from Devon County Council on a timely basis, which has been problematic to date, and improvements are needed by DCC to ensure the system operates much more effectively in future if care leavers are not to be disadvantaged and have their claims delayed. To this end, Devon County Council has committed to provide updates on any changes on a monthly basis.
- 1.8 A version of this report was considered by the Hub Committee at its meeting held on 19 September 2023 and the Members of that Committee unanimously supported the recommendation.

2. Background

- 2.1 We have a moral imperative to do our very best for looked after children and care leavers. We can do this by acting in a way a good parent would by providing the necessary care and support to help them reach their potential. Section 13A(1)(c) of the Local Government Finance Act 1992 (as amended) gives the Council discretionary powers to reduce the amount of Council Tax payable for individual cases or by class. This includes reducing the amount payable to zero.
- 2.2 The Government made recommendations in its care leavers strategy "Keep on Caring" that local authorities should consider exempting carer leavers from Council Tax, using their existing discretionary powers under Section 13A. As a result, many Councils have introduced a council tax discount for care leavers.

- 2.3 Care leavers are considered a particularly vulnerable group for Council Tax debt. Moving to independent accommodation and managing their finances for the first time is challenging, as care leavers do so without the family support and the wider network that most young people can rely on, and indeed take for granted.
- 2.4 The Devon billing authorities and Devon County Council have been working together to agree a common Council Tax discount scheme for care leavers with the same qualifying criteria and level of discount across Devon. Any discount awarded using this discretionary power must be funded by the billing authority, i.e. South Hams District Council. Devon County Council has agreed to fund the discount for any care leavers living outside of Devon.
- 2.5 There have been informal discussions amongst districts chief executives and with district leaders at Devon Districts Forum, which indicate there is in principle support for this approach, subject to clarifying the financial implications.
- 2.6 The latest information provided by Devon County Council confirms that there are 3 care leavers living in the South Hams and liable for Council Tax. We have been working with DCC to obtain consent from care leavers to assess their individual positions. This shows the estimated financial impact to be £800 for the period from 1 October 2023 (full year effect of £1600).
- 2.7 There will, of course, be an ongoing financial impact as young people enter and leave the care system and go on to become care leavers. The high-level age profiled data provided by DCC shows that over the next 5 years we can expect to see approximately 12 care leavers in the system at any time. The actual costs will reflect the individual circumstances of the care leavers, but assuming the current cohort is representative of what will follow we can anticipate annual costs (loss of income) in the region of £2,000 to £4,000. This is considered acceptable and the cost can be financed within the Council's share of the Collection Fund surplus for council tax.
- 2.8 It is critical that DCC provides age profiled data to enable all districts to plan well in advance, providing an understanding of future costs to be factored into annual budget planning processes.
- 2.9 Devon Heads of Revenues and Benefits will work together with Devon County Council children's services department to implement an effective and consistent process.
- 2.10 **Options available and consideration of risk:**
- a. While the Children Act 2004 places the onus upon county councils to make arrangements for improving the well-being of children in its area, district councils have a duty to co-operate in those arrangements. Supporting with the cost of

living through a council tax discretionary discount will help care leavers manage the transition to adulthood and help make their own home a safe and affordable space.

- b. We could continue with the current non-uniform approach by providing support through Council Tax Reduction and Exceptional Hardship Funds. This is primarily driven by considerations in relation to low income and financial hardship meaning that there is a potential postcode lottery of some care leavers getting support and some not.

3. Proposal and Next Steps

- 3.1 It is proposed that the Council will award a council tax discretionary discount of 100% up to the care leaver’s 25th birthday. The discount will be awarded after the entitlement to all other discounts and exemptions has been assessed. The discount will only apply to care leavers living in Devon, with Devon County Council supporting the approximately 150 care leavers who live outside of the county.
- 3.2 By taking a uniform approach, we will be supporting all Devon care leavers by implementing a scheme which does not stigmatise them and provides a simple process which means all care leavers can access.
- 3.3 The proposal will impact positively on care leavers as the removal of having to budget to pay their council tax will improve their ability to manage their finances and reduce some of the barriers to day to day living which may currently exist such as the price and scarcity of suitable accommodation in the South Hams.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>Under the Children Act 2004 the County Council has a statutory duty to make arrangements for improving the well-being of children in its area relating to–</p> <ul style="list-style-type: none"> (a) physical and mental health and emotional well-being; (b) protection from harm and neglect; (c) education, training and recreation; (d) the contribution made by them to society; (e) social and economic well-being.

		<p>The Council as “a relevant partner” must co-operate in the making of such arrangements.</p> <p>Section 13A(1)(c) of the Local Government Finance Act 1992 (as amended) gives the Council discretion to reduce the amount of Council Tax payable by individual cases or by class.</p>
Financial implications to include reference to value for money		<p>The full cost of any discount awarded under Section 13(A) (1) (c) will be borne by South Hams District Council.</p> <p>The actual costs will reflect the individual circumstances of the care leavers, but assuming the current cohort is representative of what will follow we can anticipate annual costs (loss of income) in the region of £2,000 to £4,000. This is considered acceptable and the cost can be financed within the Council’s share of the Collection Fund surplus for council tax.</p>
Risk		<p>If the Council Tax Discount scheme for care leavers is not implemented, it may leave care leavers financially disadvantaged.</p> <p>The Council’s reputation is likely to be damaged and the majority of billing authorities in two-tier areas have implemented schemes to support care leavers with paying their council tax.</p>
Supporting Corporate Strategy		
Consultation & Engagement Strategy		The Scheme has been developed by Devon Chief Executives.
Climate Change - Carbon / Biodiversity Impact		No direct carbon/biodiversity impact arising from the recommendations.
Comprehensive Impact Assessment Implications		
Equality and Diversity		<p>Looked after children and care leavers are some of the most vulnerable residents in our society and can experience some of the worst outcomes as children and moving into adulthood. They are not one of the protected groups outlined in the Equality Act 2010.</p> <p>A full Equalities Impact Assessment was not deemed necessary as this proposal is designed to have a</p>

		<p>positive impact on a cohort of young adults (care leavers). We have considered the impact in terms of age and whilst the proposal is based on the 18 to 24 age range, age has been used as a criteria to accessibility and in a positive way.</p> <p>Care leavers with protected characteristics will be entitled to this discount alongside all other care leavers.</p>
Safeguarding		
Community Safety, Crime and Disorder		None directly arising from this report.
Health, Safety and Wellbeing		The additional support will have a positive impact on the health, safety and wellbeing of care leavers.
Other implications		None directly arising from this report.

Appendices:

Appendix A - Council Tax Care Leavers Discount Scheme

Background documents:

None



South Hams District Council

Council Tax Care Leavers Discount Scheme

1. Introduction

- 1.1 This document sets out the Council's approach to awarding discretionary reductions in liability for Council Tax under Section 13A (1) (C) of the Local Government Finance Act 1992 in respect of specified care leavers within the Council's area. The Council has the discretion to reduce or remit liability for Council Tax in relation to individual cases or class (es) of cases that it may determine where national discounts and exemptions cannot be applied.
- 1.2 This policy covers the decision by South Hams District Council to support certain care leavers through awarding a discretionary discount and will come into effect on 1 October 2023.

2. Policy objectives

- 2.1 The Council has decided to provide assistance with Council Tax to people who are leaving care, with the DfE National Adviser for Care Leavers endorsing this approach. We have a moral imperative to do our very best for looked after children and care leavers. We can do this by acting in a way a good parent would and by providing the necessary care and support to help them reach their potential.
- 2.2 Care leavers are a particularly vulnerable group for Council Tax debt, and as they move into their own accommodation and begin to manage their own budget it can be a challenging time, exacerbated if they fall behind with Council Tax.
- 2.3 The Council wants to provide support to care leavers **up to their 25th birthday** by awarding a discretionary reduction of up to 100% of the Council Tax liability. This means the Council will be providing financial support to care leavers whilst they develop independent lives and the associated life skills.

3. Legislation

- 3.1 Section 13A (1) (C) of the Local Government Finance Act 1992 (as amended by the Local Government Act 2012) states:

Reductions by billing authority

(1) The amount of council tax which a person is liable to pay in respect of a chargeable dwelling and any day (as determined in accordance with sections 10 to 13)-

(a) in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme (see subsection (2));

(b) in the case of a dwelling situated in the area of a billing authority in Wales, is to be reduced to the extent, if any, required by any council tax reduction scheme made under regulations under subsection (4) that applies to that dwelling;

(c) in any case, may be reduced to such an extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area the dwelling is situated thinks fit.

3.2 This provision stated in (c) above, allow the Council to reduce the Council Tax for any taxpayer in addition to any application for Council Tax Reduction under the Council's scheme.

4. Council Tax Care Leavers Discount Scheme

4.1 Definition of care leaver for the purposes of the scheme

The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant and former relevant children:

- The person is someone for whom Devon County Council has acted previously as a corporate parent;
- Relevant children are those young people age 16 and 17 who have already left care and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17; and
- Former relevant children are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

4.2 Care Leavers can also be classified as a 'qualifying' care leaver. This category applies to young people who:

- Left care after 1 October 2001, after they turned 16, but who are not 'eligible' or 'relevant' because they did not fulfil the 13 week criteria;
- Were accommodated, but in residential education, mental/health provision private fostering or Special Guardianship.

4.3 Former care leavers born before 2001 will also be designated as a care leaver for the purposes of this scheme.

5. The Council's Policy for Care Leavers

5.1 The Council shall operate the scheme as follows:

Part 1

This applies to the following:

(a) Care leavers who are the sole occupant of a dwelling and are liable for Council Tax.

Part 2

(b) Care leavers who are jointly and severally liable with one or more other persons who is/are not a care leaver.

5.2 A reduction in liability will only be applied after the entitlement to national discounts and exemptions have been applied. The liable party must be resident in the South Hams District Council area.

6. Reductions for care leavers under Part 1 of this scheme

6.1 The Council, under this policy, will reduce the amount of council tax payable to nil after the application of all other discounts and reductions, where a care leaver as defined in this policy is solely liable for Council Tax.

7. Reductions for care leavers under Part 2 of this scheme

7.1 The Council will reduce the amount of Council Tax payable, by applying a reduction of 50%, after the application of all other discounts and reductions, where one or more care leavers, as defined in this policy, are jointly liable for Council Tax, together with any adults resident in the property who are not care leavers.

8. Exclusions

8.1 This reduction will only apply where the property is occupied. No reduction will apply where the dwelling is no one's sole or main residence or where the dwelling is defined as a second home.

8.2 Where the care leaver is liable for more than one property, the reduction will only be awarded in respect of the dwelling deemed to be their main residence.

8.3 No reduction will be granted where the care leaver resides in a House in Multiple Occupation or where the care leaver resides in a dwelling for which they are not liable for Council Tax.

9. Duration of award

9.1 Both the amount and duration of the reduction are at the discretion of the Council and the reduction will be awarded based on the individual circumstances of the care leaver.

10. Change in circumstances

- 10.1 The Council may revise any reduction in liability where the care leaver's circumstances or situation changes.

11. Delegated powers

- 11.1 The Council Tax Care Leavers Discount Scheme has been approved by the Council, however the Head of Revenues and Benefits is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council.

12. Notification

- 12.1 The Council will issue a written decision, if the application is unsuccessful, or a revised bill and a covering letter within 10 working days of receiving all information needed to assess the application, or as soon as reasonably practicable thereafter.

13. Review of decisions

- 13.1 Where any application is refused, the applicant will be notified that they can ask for the decision to be reviewed. Any request for review must be made by letter or email, within one month of the decision letter.
- 13.2 An independent officer of the Council will undertake the review having regard to any further evidence supplied.
- 13.3 If the applicant is dissatisfied with the outcome of the review, they can, within two months of the Council's reply, appeal to the Valuation Tribunal Service.

14. Financial implications

- 14.1 Discounts made using this power have to be funded in full by South Hams District Council.

Report to: **Council**
Date: **28 September 2023**
Title: **Scheme of Members' Allowances – Review**
Portfolio Area: **Leader – Cllr Julian Brazil**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately following this meeting and backdated to 10 May 2023**

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: darryl.white@swdevon.gov.uk or **01803 861247**

RECOMMENDATION

That the Council RESOLVES that the recommendations of the Independent Panel on Members' Allowances (as presented at paragraph 3 below) be agreed and that the revised draft Scheme of Members Allowances (as shown at presented Appendix D) be adopted with immediate effect, with any consequent increases in Allowances being backdated to 10 May 2023.

1. Executive summary

1.1 The Council's Scheme of Members' Allowances was last considered by the Council at its meeting held on 16 February 2023 (Minute 63/22 refers).

1.2 At this meeting, the Council resolved that:

'the Remuneration Panel be respectfully asked to agree to defer a decision and to agree to extend the arrangements valid until April 2022 for the present Municipal year 2022-23, and to commit to reconvene in the summer to carry out an in-depth review of all aspects of Member remuneration.'

1.3 As a result, the Council's Independent Panel on Members' Allowances was convened on Thursday, 21 September 2023 and proceeded to make a series of recommendations on a revised Scheme of Members' Allowances.

2. Background

- 2.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is a requirement that any changes to a Council's Scheme of Members' Allowances are considered initially by an Independent Panel appointed for that purpose which in turn then makes recommendations to the Council;
- 2.2 Prior to the Panel meeting being held on 21 September 2023, all Members were given the opportunity to complete a survey that sought to gain their views on the current Scheme. Survey submissions were subsequently received from 5 Members.
- 2.3 The Council's Independent Remuneration Panel meeting on 2 February 2023 was attended by all four Panel Members:
- Bryony Houlden (South West Councils' Chief Executive) (Chairman);
 - Cllr Piers Spence (Town/Parish Council Representative);
 - Janie Moor (Community and Voluntary Sector Representative); and
 - David Grose (Business/Commercial Sector Representative).

The meeting was also joined by the Leader of Council and the Leader of the Main Opposition Group, who were given the opportunity to address the Panel and respond to their questions.

As a basis for its deliberations, the Panel considered a report (attached at Appendix A) that asked it to focus on the following specific questions:

- Should the Basic Allowance be increased?
 - Moving forward, should the Basic Allowance be re-aligned to a prescribed index?
 - Should the current list of roles entitled to claim a Special Responsibility Allowance (SRA) be extended to include the role of Development Management Committee Member and Independent Audit & Governance Committee Member?
 - Should any of the multipliers applied to the SRAs be amended and should there be provision for 'acting up' within the Scheme?
- 2.4 A further issue was presented to the meeting whereby the Panel was asked to form a view on whether the Scheme should be revised to enable for Members to be able to claim for more than one Special Responsibility Allowance;
- 2.5 In addition, the Panel also considered the current Scheme of Members' Allowances (as set out at Appendix B); comparative benchmarking information (as detailed at Appendix C) and the submissions received from the completed surveys and a Briefing Note from the Chief Executive. The Panel meeting was attended (and supported) by the Head of Democratic Services and the Democratic Services Senior Case Manager.

3. Panel Recommendations

3.1 Basic Allowance

- 3.1.1 The Panel noted that the current Basic Allowance was set at £5,492 per annum and, when compared to the other Devon District Councils, this Allowance sat slightly below the mean average;
- 3.1.2 The Panel also recognised that the Council had not accepted its previous recommendation for the Basic Allowance to be increased (for 2022/23) by 6% (from £5,492 to £5,822 per annum);
- 3.1.3 Since the Basic Allowance had not been increased since 2021/22, all Panel representatives were supportive of an increase being recommended. In so doing, representatives were concerned that the Basic Allowance could act as a major disincentive in being able to attract a diverse range of candidates from standing to be Councillors at future local elections (and by-elections). In an ideal world, the Panel made the point that is aspired to champion diversity.
- 3.1.4 The Panel was also mindful that it appeared that workloads (and therefore demands) on Members had significantly increased during and since the Covid Pandemic. This point was reiterated by those Members who had both attended the Panel meeting and had completed the Survey. However, the Panel also commented that, since only five Members had completed the survey, this could also suggest that the vast majority of Members were broadly content with the current Scheme;
- 3.1.5 The Panel was also very mindful about the impact of the cost of living crisis on both (current and prospective) Members as well as local residents. Whilst not the responsibility of the Panel to consider budgetary issues when making its recommendations, it was aware of the impact on the Council's running costs and services of the cost of living crisis and austerity, which meant that the timing of the review and recommendations on increases would be a difficult matter for the Council to determine;
- 3.1.6 The Panel considered what level should be applied to the Basic Allowance increase and debated three alternatives:
1. To recommend again a 6% increase (from £5,492 to £5,822);
 2. To recommend an increase to £6,000; and
 3. To recommend an increase to £6,125.

On balance, the Panel was initially minded to recommend an increase to £6,000. However, such were the compelling arguments made by the two attending Members with regard to the workload for Development Management Committee Members and those Members who were currently unable to claim more than one Special Responsibility Allowance (see conclusions at paras 3.2.2 and 3.2.4 below) that the Panel wished to **RECOMMEND** that:

'The Basic Allowance be increased to:

- £6,125 for 2023/24 (with this being backdated to 10 May 2023);
- £6,500 for 2024/25; and

For 2025/26 onwards, the Basic Allowance be automatically adjusted in line with the annual Staff Pay Award (NB. in the event of the Award being a one-off lump sum, then the Panel recommends that the Basic Allowance be automatically adjusted in line with the mean average received by staff).

3.2 Special Responsibility Allowances

3.2.1 The representations to the Panel from Members and officers presented four issues in relation to the current list of Special Responsibility Allowances that were felt to warrant further consideration at this time. These were:

- Should the current list of roles entitled to claim a Special Responsibility Allowance (SRA) be extended to include the roles of:
 - o Development Management Committee Member; and
 - o Independent Audit & Governance Committee Member(s)?
- Should Members be able to claim more than one Special Responsibility Allowance?
- Should there be provision for 'acting up' within the Scheme?

3.2.2 Development Management Committee Member

The Panel recognised that there were a number of challenges for Members in being able to put the necessary time towards serving on the Development Management Committee. This has been reflected in the difficulties that Group Leaders have experienced in being able to nominate Members to serve on the Committee.

This had resulted in the request being made for the Panel to consider recommending that the Scheme include provision for all Members of the Development Management Committee to be in receipt of an SRA.

In debate, it became apparent that the Panel was divided on this matter. Whilst some Members were supportive of the proposal, other Members highlighted that SRAs were, by definition, deemed to be 'Special' responsibilities. As a result, the payment of 10 additional SRA's would result in the Scheme having provision for payment of 27 SRAs. When considering that this, in theory, could see 27 out of the 31 Members being able to claim an SRA this, as a principle, did not sit comfortably with some of the Panel representatives.

As a compromise, the Panel therefore **RECOMMENDED** that: *since the Basic Allowance is recommended to be increased to the higher level of £6,125 for 2023/24, a Special Responsibility Allowance should not be payable to Development Management Committee Members and that, at the time of the next Panel review, the Committee Chairman, Vice Chairman and some Committee Members be invited to attend to make representations on the workload of the Committee.'*

3.2.3 **Independent Audit & Governance Committee Member(s)**

Members will be aware that there is a legislative direction to include co-opted independent members, CIPFA (the Chartered Institute of Public Finance) recommends that each Local Authority Audit Committee should include two co-opted independent members to provide '*appropriate technical expertise*'.

Being a new role, the current Scheme of Members Allowances does not include any provision for this role to be supplemented by a SRA.

Having received the advice of the Section 151 Officer that the role should be entitled to claim an SRA of 0.5 x the Basic Allowance, the Panel was happy to support this view.

3.2.4 **Ability to Claim More than One SRA**

The Panel received a strong representation that Members should be able to claim more than one SRA if they were fulfilling the duties associated with both roles.

In discussion, the Panel did have sympathy with the viewpoint but also recognised that it was very unusual for a Scheme to include provision for the payment of more than one SRA.

Whilst the Panel was not minded to support this recommendation, it also hoped that the impact of this would be in part offset by the recommendations in relation to the increase in the Basic Allowance.

3.2.5 **'Acting Up' Provision within the Scheme**

In completion of the Survey, a Member asked that consideration be given to the Scheme having provision to the payment of an 'Acting Up' SRA if a Member is standing in for another Member who is unable to attend meetings or temporarily unable to fulfil their duties associated with their SRA.

Whilst not supportive of the request, the Panel did wish to remind all Members that, in such instances, a Member was able to ask that their SRA was re-allocated to another Member who was 'Acting Up' in their absence.

4. Options available and consideration of risk

- 4.1 In ultimately making a decision, the Council must pay due regard to the recommendations of its Independent Remuneration Panel. However, the Council does have the discretion to reach an

alternative view on some (or all) of the Panel's recommendations if it so wishes.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Authorities (Members' Allowances) (England) Regulations 2003. The Council has a statutory requirement to adopt a Scheme of Members Allowances and to consider the recommendations of its Independent Panel in doing so.
Financial implications to include reference to value for money	Y	If all of the Panel recommendations are approved by the Council, then there will be an overall increase in cost of Members' Allowances to the Council of £34,613. It is proposed that the additional cost is met from the annual inflation provision within the Medium Term Financial Strategy. It is noted that the Basic Allowance has not been increased since 2021/22 and all Panel representatives were supportive of an increase being recommended to £6,125 per annum.
Risk	Y	The risk implications are set out at Section 4 above.
Supporting Corporate Strategy	Y	Council Theme – <i>Efficient and Effective Council</i>
Consultation & Engagement Strategy	Y	All Members have been consulted (and invited to submit their comments) as part of this Review.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/A
Climate Change & Biodiversity	N	N/A
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A

Other implications	N	None
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Appendices:

A: The report presented to the Panel meeting;

B: The Current Scheme of Members' Allowances;

C: Members' Allowances – Benchmarking Information

D: The Updated Scheme of Members' Allowances (assuming all of the Panel recommendations were to be approved).

Background Documents:

The Council Constitution

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SOUTH HAMS DISTRICT COUNCIL

INDEPENDENT PANEL ON MEMBERS' ALLOWANCES AND PARISH REMUNERATION PANEL – REVIEW OF THE CURRENT SCHEME

Background to South Hams District Council's Scheme of Members' Allowances and Key Issues for Consideration

1. Introduction

- 1.1 The purpose of this report is to provide members of the Independent Panel with information to enable them to make recommendations to the District Council on a revised Scheme of Members' Allowances.
- 1.2 This review has been prompted by the request of the previous Council administration to review the Scheme once the dust has settled following the May 2023 local elections.
- 1.3 It is intended that the Panel's recommendations will be presented (via a report) to a meeting of the District Council to be held on 28 September 2023.
- 1.4 Any adjustments to the Scheme of Members' Allowances will be backdated to come into effect from the start of this Council administration (i.e. 10 May 2023).
- 1.5 The Panel is asked to focus this review on the following specific questions:
 - **Should the Basic Allowance be increased?**
 - **Moving forward, should the Basic Allowance be re-aligned to a prescribed index?**
 - **Should the current list of roles entitled to claim a Special Responsibility Allowance (SRA) be extended to include the role of Development Management Committee Member and Independent Audit & Governance Committee Member?**
 - **Should any of the multipliers applied to the SRAs be amended and should there be provision for 'acting up' within the Scheme?**
- 1.6 To support the Panel in its deliberations, the current Scheme of Members Allowances and some comparative benchmarking information are attached (at Appendices 1 and 2 respectively) to be read in conjunction with this report.
- 1.7 In addition, all 31 District Council Members were invited to provide their comments on all aspects of the Scheme of Members Allowances by virtue of the completion of a Member Survey. 5 Members proceeded to complete the Survey and their collated responses are set out at Appendix 3.

2. Basic Allowance

- 2.1 Payment of a Basic Allowance to all 31 Members at the same rate is mandatory. Currently, the Basic Allowance is set at **£5,492** per annum.
- 2.2 Of the 5 Member responses received to the Survey, 3 considered that the current Basic Allowance was 'too low' and 1 Member felt it to be 'significantly too low' (the other Member did not respond to this Question).
- 2.3 Whilst this would suggest that 27 Members either did not have a view or felt that the Basic Allowance was set at an appropriate level, this has to be balanced against the added workload and time commitments that are being absorbed by Members and the need to take all possible steps to futureproof the Scheme in order to attract potential candidates to stand to be elected to serve on the District Council in the future.
- 2.4 When comparing with other local authorities, the Panel will note that the Basic Allowance currently sits just below the median average within Devon.
- 2.5 At this point, returning Panel members will recall that the Panel last considered the Scheme at its meeting held earlier this year on 2 February. In so doing, the Panel had recommended a 6% annual increase for both 2022/23 (to be backdated) and 2023/24.
- 2.6 Notwithstanding the Panel's views, the majority of Members felt at the Full Council meeting held on 16 February 2023 that, due to the proximity of the May 2023 local elections, the Basic Allowance should not be increased at that time and that it should be a matter for the new Council administration to determine early in the new Council term.
- 2.7 The Panel is advised that, at the Full Council meeting, the then Leader of the main Opposition Group (Cllr Brazil) spoke strongly in support of accepting the Panel's recommendations.
- 2.8 Following the May 2023 local elections, Cllr Brazil was appointed to the role of Leader of the Council and he has asked that the Panel (in reconsidering the Scheme) consider again recommending an increase of 6% for 2023/24 (to be backdated to the start of this Council administration).
- 2.9 A 6% increase in the Basic Allowance is broadly in line with the mean average of the most recent annual Staff Pay Award (£1,925 for all employees) and would see the Allowance increase by £330 from £5,492 to **£5,822** per annum.
- 2.10 If the Panel is minded to recommend an alternative measure to apply an increase to the Basic Allowance, it may wish to consider:
- a £508 increase (from £5,492 to £6,000); or
 - an increase aligned to Consumer Price Index (6.8% at July 2023) – amounting to a £373 increase (from £5,492 to £5,865).

2.6 Up until last year, the Basic Allowance has been automatically adjusted each year in line with the staff pay award. There is now the opportunity for the Panel to again recommend that the Basic Allowance be aligned to a Prescribed Index. If it wishes to do so, Indexes that could be applied include:

- The Staff Pay Award (NB. if the Award was a one-off lump sum (it was in 2022/23), then the Panel could recommend that the Basic Allowance is automatically adjusted in line with the mean average received by staff); or
- The Consumer Price Index; or
- The Retail Price Index.

2.7 If the Panel is not minded to align the Basic Allowance to a Prescribed Index, then the Scheme will need to be reviewed again by the Panel in time for the 2024/25 Municipal Year.

3. Special Responsibility Allowances

3.1 Special Responsibility Allowances (SRAs) are payable at the Council's discretion to those Members who have significant additional responsibilities over and above the generally accepted duties of being a Member;

3.2 Whilst there is no limit on the number of SRAs that can be paid, the Panel will note that the Scheme currently includes provision to pay SRAs to the following roles:

- Leader of Council;
- Deputy Leader of Council;
- Other Executive Members (of which there are currently 6);
- Leaders of Other Political Groups (of which there are currently 2);
- Chairman of Audit & Governance Committee;
- Chairman of Development Management Committee;
- Vice-Chairman of Development Management Committee;
- Chairman of Overview & Scrutiny Committee;
- Vice-Chairman of Overview & Scrutiny Committee;
- Chairman of Licensing Committee;
- Chairman of Salcombe Harbour Board;
- Chairman of Council; and
- Vice-Chairman of Council.

3.3 As part of the Survey responses received and informal discussions with senior Members, three particular issues have been raised by Members at this time:

1. The wish for the Panel to consider whether or not the role of Development Management Committee Member should be entitled to be in receipt of a SRA;

2. Whether or not a Member deputising for another Member who is temporarily unable to fulfil their duties should be in receipt of an 'acting up' SRA; and
3. Whether or not the Independent Member role on the Audit & Governance Committee should be entitled to be in receipt of a SRA.

3.4 Development Management Committee Member SRA

At the point of inviting nominations to serve on Council Committees for 2023/24, it became apparent that there were a number of challenges for newly elected Members in being able to put the necessary time towards serving on Council Committees.

In particular, Group Leaders have found it difficult to be in a position to nominate Members to serve on the Development Management Committee. In terms of time commitment, Committee Members are required to attend a full day of Committee Site Inspections and a second full day for the Committee meeting itself each month. This is in addition to the need to attend ongoing Member Training sessions and the requirement to read agenda papers in excess of 100 pages for each meeting.

This time commitment, coupled with the number of contentious major planning applications that are being dealt with by the Committee, has led to the request being made by senior Members for the Panel to consider recommending the payment of a SRA to all Committee Members.

The Panel is informed that the Committee currently comprises a Chairman, Vice-Chairman and 10 other Members. Should the Panel be minded to recommend a SRA for the Committee role, then there may be a knock-on effect to the SRA that is currently applied to the Committee Chairman (1.5 x the Basic Allowance) and Vice-Chairman (0.5 x the Basic Allowance) roles.

3.5 Payment of an 'Acting Up' SRA

In completing the Member Survey, the Panel will note that a Member has asked that consideration be given to the Scheme having provision to the payment of an 'Acting Up' SRA if a Member is standing in for another Member who is unable to attend meetings or temporarily unable to fulfil their duties associated with their SRA.

3.6 Independent Member role on the Audit & Governance Committee

In 2022 CIPFA (the Chartered Institute of Public Finance) issued a position statement that stated that: '*The Audit Committees of Local Authorities should include co-opted independent members in accordance with the appropriate legislation.*'

Whilst there is yet to be a legislative direction to include co-opted independent members, CIPFA recommends that each Local Authority Audit Committee should include two co-opted independent members to provide '*appropriate technical expertise*'.

A number of Devon local authorities have expressed an interest in undertaking a joint exercise to seek to recruit up to two independent members during 2023/24.

Being a new role, the Panel will acknowledge that the Scheme does not include any provision for this role to be supplemented by a SRA.

Whilst the role will be able to take a full and active part at Committee meetings, it is important to note that independent members will not have any voting rights.

As a guide, at recent Panel meetings across Devon, a recommendation has been made for this role to be in receipt of an SRA set at the multiplier of 0.5 x the Basic Allowance and it is felt by our Section 151 Officer (the Council's Chief Finance Officer) that this is an appropriate level to be able to attract suitably 'qualified' candidates to apply for this role.

Darryl White
Head of Democratic Services

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Part 6 Members' Allowances Scheme

April 2023

SOUTH HAMS DISTRICT COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

This scheme may be cited as the South Hams District Council Scheme of Members' Allowances, and shall have effect from 1 April 2021

1 Basic Allowance

Subject to paragraph 9, for the period 1 April 2021 to 31 March 2022, a Basic Allowance of £5,492 per annum shall be paid to each Councillor. This is intended to recognise the time commitment of Members to Council and constituency duties and costs relating to the use of the Members' home, postage, stationery and minor office equipment.

2. Special Responsibility Allowances

(a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified below:-

	Amount per annum (£)
(i) Leader of the Council	16,476
(ii) Deputy Leader of the Council)	8,238 each
Chairman of Development Management Committee)	
(iii) Other Members of the Executive	5,492 each
(iv) Vice-Chairman of the Development Management Committee	2,746
(v) Chairman of the Overview & Scrutiny Panel	5,492
(vi) Vice-Chairman of the Overview & Scrutiny Panel	2,746
(vii) Chairman of the Audit Committee	4,119
(viii) Chairman of the Licensing Committee	2,746
(ix) Chairman of Salcombe Harbour Board (to be paid from Board finances)	2,746
(x) Minority Groups allowance	(£10,984) x 31 number in each group
(xi) Independent Persons	500 each

(b) Allowances for Chairman and Vice-Chairman of Council:-

- | | |
|-------------------------------|-------|
| (i) Chairman of Council | 5,492 |
| (ii) Vice Chairman of Council | 1,486 |

(c) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in sub-paragraph (a) above. Where a Councillor is entitled to more than one Special Responsibility Allowance, only one such Allowance, equivalent to the higher entitlement, shall be paid.

3. Travelling Allowances

Those duties as set out at Schedule 1 will attract the payment of a travelling allowance at the following rates:-

- (a) The rate of travel by public transport shall not normally exceed the cheapest fare available, subject to the Senior Specialist – Democratic Services exercising discretion in the case of special visits or where business needs to be transacted on the journey.
- (b) The rates of travel by a Member's motor cycle shall be 24 pence per mile.
- (c) The rates of travel by a Member's motor vehicle (other than a motor cycle) shall be 45 pence per mile.
- (d) A supplement of 5 pence per mile for each passenger carried will also be paid.
- (e) The actual amount incurred on any tolls, ferries or parking fees, including overnight garaging shall be reimbursed.
- (f) The rates of travel by a Member's bicycle shall be 20 pence per mile.
- (g) The rate of travel by taxi-cab shall not exceed:-
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport.
- (h) The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member, provided that the rate may be increased at the Senior Specialist – Democratic Services discretion (as in (a) above) to an amount not exceeding the actual cost of hiring.
- (i) Where travel by air is the only effective means of travel or produces sufficient savings in time and / or other allowances, the rate shall not exceed the cheapest fare available.

In addition, Co-opted Members on the Salcombe Harbour Board and the Independent Persons are entitled to claim their travel expenses.

4. Subsistence Allowances

(a) Subsistence allowances may be claimed to meet the costs of meals, refreshments, accommodation etc, in connection with the performance of an approved duty as specified at Schedule 1. The rates shall not exceed:-

(i) in the case of an absence, not involving an absence overnight, from the usual place of residence:-

- A. of more than 4 hours, £5.00 for breakfast;
- B. of more than 4 hours, £5.00 for lunch;
- C. of more than 4 hours, including the period 3.00 pm to 6.00 pm, £2.94 for tea;
- D. of more than 4 hours, ending after 7.00 pm, £5.00 for an evening meal;

provided that, for meetings such as Council, Committee or other Council body meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.

Where such meals are provided or paid for separately by the Council, the appropriate subsistence allowance shall not be paid to a Member, unless the Member has specifically indicated that he or she is unable or does not wish to take the meal provided by the Council, or otherwise where other unforeseen commitments prohibit the taking of the meal.

(ii) in the case of an absence overnight from the usual place of residence, £79.82, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £91.04.

(b) The actual reasonable costs of meals taken on trains may be reimbursed. (This would replace the subsistence allowance for the appropriate meal period).

5 Dependants' Carers' Allowance

A Councillor may claim a Carers' allowance in accordance with the provisions specified at Appendix A.

6. Renunciation

A Councillor may by notice in writing given to the Senior Specialist – Democratic Services elect to forego any part of his entitlement to an allowance under this scheme.

7 Part-Year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year (ie a pro-rata calculation will be made).
- (c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a period Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (e) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- (f) Where a Councillor has been appointed on a temporary basis to a position which attracts a special responsibility allowance, that Councillor's entitlement shall, following a 3 month period in that position, be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year. Payment to the Councillor previously entitled to the special responsibility allowance shall, at the same point, cease.
- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

8. Claims and Payments

- (a) No payment will be made of any travel and subsistence claim received by Democratic Services more than three months after the meeting for which the claim is made, unless authorised by the Senior Specialist – Democratic Services in exceptional circumstances. Members are encouraged to submit a claim every month with any such claims being accompanied by receipts.
- (b) Payments shall be made on a monthly basis along with payments for the basic and any special responsibility allowances. Such payments will be made direct to the bank or building society account of the Member's choice.
- (c) Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. Suspension

If a Member is suspended or partially suspended from his responsibilities or duties as member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the proportion of the basic allowance, any special responsibility allowance and travelling and subsistence allowance payable to him/her in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

SCHEDULE 1

APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances, attendance at:-

- (a) meetings of the Council, its Committees, the Executive and Overview & Scrutiny Panel, subject, in each case of attendance at any bodies of which a Councillor is not a Member, to the prior invitation of the relevant Chairman;
- (b) meetings of other bodies to which the authority makes appointments, or of any committee or sub-committee of such a body;
- (c) any other meeting the holding of which is authorised by the authority, or a committee, group of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which the authority is a member;
- (d) the following types of meetings, provided that where the authority is divided into two or more political groups, Members of at least two such groups have been invited:-
 - (i) briefing and other meetings relating to activities of the Council or matters affecting the District;
 - (ii) meetings relating to future change in local government;
- (e) the opening of tenders in accordance with Standing Orders by the relevant nominated Members;
- (f) a meeting of any association of authorities of which the authority is a member.
- (g) a meeting of any town or parish council within their electoral ward, and of which they are not already a member.

In addition, Members may claim travelling and subsistence allowances for meetings or events not otherwise provided for in this scheme when asked in writing to attend by a member of the Senior Management Team, when such attendance is in the interests of the Council or in pursuance of its policies.

Duties excluded by these provisions are those in respect of which the Member receives remuneration otherwise than under this scheme.

For further information, please contact:-

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APPENDIX A**South Hams District Council
Dependants' Carers' Allowance**

An allowance in line with the current National Living Wage hourly rate may be claimed when a carer for a dependent has been engaged to enable a councillor to carry out an approved duty (as specified in Schedule 1).

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependent being cared for:-
is a child under the age of 14
is an elderly person; or
has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

For meetings or duties within the Council's boundaries, the allowance will be paid (at the current National Living Wage hourly rate) for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The level of allowance will be adjusted automatically in line with any adjustments made to the National Living Wage.

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Devon, TQ9 5NE

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Authority	Tier	Basic Allowance Payment	Leader		Deputy Leader		Cabinet Members		DM Chair		Scrutiny Chair		Other Chairs Multiplier Used and/or £ SRA Payment	Civic Lead		Comments
			Multiplier Used	£ SRA Payment	Multiplier Used	£ SRA Payment	Multiplier Used	£ SRA Payment	Multiplier Used	£ SRA Payment	Multiplier Used	£ SRA Payment		Multiplier Used	£ SRA Payment	
Devon County	1	14025	2.5	35063	2	28050	1.5	21038	0.5	7013	0.73	10238	paid between 0.5 (7013) and 0.25 (3506)	0.8	11220	
East Devon	2	4360	3.3	14421	0.9	4021	1.4	6184	1.4	6184	0.7	3098	paid between 2010 & 3098	1.8	7813	
Mid Devon	2	6000	2	12000	1	6000	1	6000	1	6000	1	6000	paid between 1500 -3000	0.5	3000	
North Devon	2	5171	2.5	12928	1	5171	0.5	2586	1	5171			paid between 0.5 (2585) and 1 (5171)	No SRA mentioned		
Teignbridge	2	5990	3.5	20967	1.75	10484	1.5	8986	1.4	8387	1.1	6590	paid between 0.5(2995) and 1.x (6590)	1	5990	
Torridge	2	5332	2.35	12530	1	5332			1	5332	1	5332	paid between 1,(5332) 0.5 (2666), and (659)	1	5332	
Torbay	1	9062	2.3	20914	1.3	11606	1.2	11221	0.8	7481	0.8	7481	most 3740	0.4	3470	
Exeter	2	6537	3.25	21245			1.75	11439	1	6537	1	6537	between 0.75 (4902) and 0.5 (3268)	1	6537	
Plymouth	1	11969	3	35906	2.1	25264	2	23932	1	11969	1	11969	between 5984-11969	1.4	16627	
South Hams	2	5492	3	16476	1.5	8238	1	5492	1.5	8238	1	5492	Between 1 (5492) & 0.5 (2746)	1	5492	
West Devon	2	4893	2.5	12233	1.5	7340	1	4893	1.2	5872	1	4893	1 (4893)	0.61	3000	
Cornwall	1	17682		32711		24533		22898		6542		9813	between 9813 -3271		22898	
Gloucestershire County	1	11395		36000				20250		6740		6740	6740		10140	
Gloucester City	2	6465	3.5	22628	2.25	14547	1.175	11314		5172		5172	3233		6000	
Cheltenham Borough	2	5147		19271				15168		4047		3194	799-354		500	Constitution not publically available
Stroud District	2	6108		12216		6108				6719		6719	6719		3665	
Tewkesbury Borough	2	7650		9150		6860		4575		2290		2290	2290		2200	
Forest of Dean District	2	5100	2.4	12240	1.6	8160	1.4	7140	1	5100	1	5100	0.5 (2550)	1	5100	
Cotwolds	2	5542		16625		11083		8312		8312		5542	2770		5542	
Lincolnshire County	1	11249		35639		23388		20047		13498		10683	13498 - 8910		13498	
Boston Borough	2	4692		14076		7038		5865		4692		1280	1280		5865	
City of Lincoln	2	5127		10905		7053		5772		4491		4491	1281-4491	No SRA mentioned		
East Lindsey District	2	4935		14006		7003		4904		4204		4204	4204		4204	Scheme from 2016-2021
North Kesteven DC	2	6158		16999		10377		7777		5612		3854	2089 - 3854		2089	
South Holland DC	2	6255		20140		11884		9063		5035			4952 - 3962		4431	
South Kesteven DC	2	6126	3.5	21441	2.75	16848	2	11766	0.9	5298	1	5886	3924-3257	No SRA mentioned		
West Lindsey DC	2	6249		12989		4710		3247		3247		3247	3247		4161	
Suffolk County	1	11778	3	35335	2	23557	1.75	20612	0.5	5889	0.5	5889	0.5 (5889)	1.25	14723	
Babergh DC	2	6510		16275		8137		8137		6510		6510	3255		6510	Shared Service arrangement with Mid Suffolk DC
Mid Suffolk DC	2	6510		16275		8137		8137		6510		6510	3255		6510	Shared Service arrangement with Baberg DC
East Suffolk DC	2	8233		20583		13749		7986		7801		5516	5516		10291	
Ipswich Borough	2	4326	2.8	12114	0.7Ba x 2.8	8480	1.86	8047	0.93	4024	0.93	4024	0.93 (4024)	0.93	4024	
West Suffolk	2	6292	2.5	15729	2.5	9438	1.25	7865	0.9	5563	0.9	5563	0.66 (4153)	1.25	7865	
East Sussex County	1	13780		38585		19695		16881		7033		7033	7033		14065	
Eastbourne Borough	2	2808		4212		2808		2808		2106		1404	1404		2808	Shared Service arrangement with Lewes DC
Hastings Borough	2	6150		12300		7999		6642		3693		3077	3077-1002		6542	
Lewes District	2	3451		16003				6402		4800		3840	3840		2401	Shared Service arrangement with Eastbourne BC
Rother District	2	4938		14814		4938		3259		3259		3259	1630	No SRA mentioned		
Wealden District	2	4846		14170				5858		4465		3964	3964-1439		5025	
Derbyshire County	1	11414		37717		28258		18852		9414		9414	9414		9414	Calculation as % of Leaders SRA
Amber Valley District	2	4210		12632		6316		4391		2526		1882	1674	No SRA mentioned		
Bolsover District	2	9902		14672		9781		4891		4890		3260	3260-1222	No SRA mentioned		set in 2017 and rising in line with staff pay award
Chesterfield Borough	2	6286		29122		16021		7993		5912		4885	4885-3663	No SRA mentioned		
Derbyshire Dales District	2	4628		12024		6012			1	4628			1 (4268) - 0.35 (1620)	1	4628	Leaders SRA = £231 per Member Plus 1.5 of Basic. D/L 50% of Leader
Erewash Borough	2	4321		14320		8592		6444		3792		3792	3792		3992	
NE Derbyshire District	2	5488		18867		13557		8647		8256		4128	4128		5216	
South Derbyshire District	2	7245		19653		10809				9815		9815	4865	No SRA mentioned		
Derby City	1	12145		36436		27327		18218		9109		9109	9109-6377		9109	Calculation as % of Leader's SRA

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Part 6 Members' Allowances Scheme

May 2023

SOUTH HAMS DISTRICT COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

This scheme may be cited as the South Hams District Council Scheme of Members' Allowances, and shall have effect from **10 May 2023**.

1 Basic Allowance

Subject to paragraph 9, for the period **10 May 2023** to 31 March **2024**, a Basic Allowance of **£6,125** per annum shall be paid to each Councillor. This is intended to recognise the time commitment of Members to Council and constituency duties and costs relating to the use of the Members' home, postage, stationery and minor office equipment.

2. Special Responsibility Allowances

(a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified below:-

	Amount per annum (£)
(i) Leader of the Council	18,375
(ii) Deputy Leader of the Council)	9,188 each
Chairman of Development Management Committee)	
(iii) Other Members of the Executive	6,125 each
(iv) Vice-Chairman of the Development Management Committee	3,063
(v) Chairman of the Overview & Scrutiny Panel	6,125
(vi) Vice-Chairman of the Overview & Scrutiny Panel	3,063
(vii) Chairman of the Audit & Governance Committee	4,594
(viii) Chairman of the Licensing Committee	3,063
(ix) Chairman of Salcombe Harbour Board (to be paid from Board finances)	3,063
(x) Minority Groups allowance	(£12,250) x 31 number in each group
(xi) Independent Persons – Audit & Governance	3,063 each
(xii) Independent Persons – Standards	500 each

(b) Allowances for Chairman and Vice-Chairman of Council:-

- | | |
|-------------------------------|-------|
| (i) Chairman of Council | 6,125 |
| (ii) Vice Chairman of Council | 1,531 |

(c) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in sub-paragraph (a) above. Where a Councillor is entitled to more than one Special Responsibility Allowance, only one such Allowance, equivalent to the higher entitlement, shall be paid.

3. Travelling Allowances

Those duties as set out at Schedule 1 will attract the payment of a travelling allowance at the following rates:-

- (a) The rate of travel by public transport shall not normally exceed the cheapest fare available, subject to the Senior Specialist – Democratic Services exercising discretion in the case of special visits or where business needs to be transacted on the journey.
- (b) The rates of travel by a Member's motor cycle shall be 24 pence per mile.
- (c) The rates of travel by a Member's motor vehicle (other than a motor cycle) shall be 45 pence per mile.
- (d) A supplement of 5 pence per mile for each passenger carried will also be paid.
- (e) The actual amount incurred on any tolls, ferries or parking fees, including overnight garaging shall be reimbursed.
- (f) The rates of travel by a Member's bicycle shall be 20 pence per mile.
- (g) The rate of travel by taxi-cab shall not exceed:-
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport.
- (h) The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member, provided that the rate may be increased at the Senior Specialist – Democratic Services discretion (as in (a) above) to an amount not exceeding the actual cost of hiring.

- (i) Where travel by air is the only effective means of travel or produces sufficient savings in time and / or other allowances, the rate shall not exceed the cheapest fare available.

In addition, Co-opted Members on the Salcombe Harbour Board and the Independent Persons are entitled to claim their travel expenses.

4. Subsistence Allowances

- (a) Subsistence allowances may be claimed to meet the costs of meals, refreshments, accommodation etc, in connection with the performance of an approved duty as specified at Schedule 1. The rates shall not exceed:-

- (i) in the case of an absence, not involving an absence overnight, from the usual place of residence:-

- A. of more than 4 hours, £5.00 for breakfast;
- B. of more than 4 hours, £5.00 for lunch;
- C. of more than 4 hours, including the period 3.00 pm to 6.00 pm, £2.94 for tea;
- D. of more than 4 hours, ending after 7.00 pm, £5.00 for an evening meal;

provided that, for meetings such as Council, Committee or other Council body meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.

Where such meals are provided or paid for separately by the Council, the appropriate subsistence allowance shall not be paid to a Member, unless the Member has specifically indicated that he or she is unable or does not wish to take the meal provided by the Council, or otherwise where other unforeseen commitments prohibit the taking of the meal.

- (ii) in the case of an absence overnight from the usual place of residence, £79.82, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £91.04.
- (b) The actual reasonable costs of meals taken on trains may be reimbursed. (This would replace the subsistence allowance for the appropriate meal period).

5 Dependants' Carers' Allowance

A Councillor may claim a Carers' allowance in accordance with the provisions specified at Appendix A.

6. Renunciation

A Councillor may by notice in writing given to the Senior Specialist – Democratic Services elect to forego any part of his entitlement to an allowance under this scheme.

7 Part-Year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year (ie a pro-rata calculation will be made).
- (c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a period Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (e) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as

bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- (f) Where a Councillor has been appointed on a temporary basis to a position which attracts a special responsibility allowance, that Councillor's entitlement shall, following a 3 month period in that position, be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year. Payment to the Councillor previously entitled to the special responsibility allowance shall, at the same point, cease.
- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

8. Claims and Payments

- (a) No payment will be made of any travel and subsistence claim received by Democratic Services more than three months after the meeting for which the claim is made, unless authorised by the Senior Specialist – Democratic Services in exceptional circumstances. Members are encouraged to submit a claim every month with any such claims being accompanied by receipts.
- (b) Payments shall be made on a monthly basis along with payments for the basic and any special responsibility allowances. Such payments will be made direct to the bank or building society account of the Member's choice.
- (c) Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. Suspension

If a Member is suspended or partially suspended from his responsibilities or duties as member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the proportion of the basic allowance, any special responsibility allowance and travelling and subsistence allowance payable to him/her in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

SCHEDULE 1

APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances, attendance at:-

- (a) meetings of the Council, its Committees, the Executive and Overview & Scrutiny Panel, subject, in each case of attendance at any bodies of which a Councillor is not a Member, to the prior invitation of the relevant Chairman;
- (b) meetings of other bodies to which the authority makes appointments, or of any committee or sub-committee of such a body;
- (c) any other meeting the holding of which is authorised by the authority, or a committee, group of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which the authority is a member;
- (d) the following types of meetings, provided that where the authority is divided into two or more political groups, Members of at least two such groups have been invited:-
 - (i) briefing and other meetings relating to activities of the Council or matters affecting the District;
 - (ii) meetings relating to future change in local government;
- (e) the opening of tenders in accordance with Standing Orders by the relevant nominated Members;
- (f) a meeting of any association of authorities of which the authority is a member.
- (g) a meeting of any town or parish council within their electoral ward, and of which they are not already a member.

In addition, Members may claim travelling and subsistence allowances for meetings or events not otherwise provided for in this scheme when asked in writing to attend by a member of the Senior Management Team, when such attendance is in the interests of the Council or in pursuance of its policies.

Duties excluded by these provisions are those in respect of which the Member receives remuneration otherwise than under this scheme.

For further information, please contact:-

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APPENDIX A**South Hams District Council
Dependants' Carers' Allowance**

An allowance in line with the current National Living Wage hourly rate may be claimed when a carer for a dependent has been engaged to enable a councillor to carry out an approved duty (as specified in Schedule 1).

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependent being cared for:-
is a child under the age of 14
is an elderly person; or
has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

For meetings or duties within the Council's boundaries, the allowance will be paid (at the current National Living Wage hourly rate) for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The level of allowance will be adjusted automatically in line with any adjustments made to the National Living Wage.

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Follaton House Plymouth Road TOTNES
Devon, TQ9 5NE

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Report to: **COUNCIL**
Date: **28 September 2023**
Title: **Member Appointments**
Portfolio Area: **Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION:

That the Council RESOLVES to:

- 1. increase the size of the Licensing Committee from 8 to 10 Members, with the Quorum being set at 6 Members;**
- 2. appoint Cllr Dommett (Lib Dem Group) and a Green Party Group Member (*name to be provided to the meeting*) to serve on the Licensing Committee and to appoint Cllr Lawford (Lib Dem Group) as a Substitute Member for the Licensing Committee for the remainder of the 2023/24 Municipal Year;**
- 3. appoint Cllr D Thomas to serve as the Council's Armed Forces Covenant Champion for this Council administration (i.e. until the date of the Annual Council meeting in May 2027).**

1. Executive summary

Licensing Committee Membership

- 1.1 At the Annual meeting of Council held on 25 May 2023, eight Members were appointed to serve on the Licensing Committee (Minute 10/23 refers);
- 1.2 Since this decision was taken, it has become apparent that Section 6(1) of the Licensing Act 2003 states that: *'each licensing authority must establish a Licensing Committee consisting of at least 10, but not more than 15, Members of the authority. For the purposes of calculating the size of the Committee, Substitute Members do not count.'*
- 1.3 Since these are politically balanced appointments, the political balance table (as set out at Appendix A) has been reviewed and Members will note that the two additional Committee appointments belong to: the Liberal Democrat Group (one seat) and the Green Party Group (one seat);
- 1.4 Both respective Group Leaders have been consulted and Cllr Domett has been nominated to fill the Liberal Democrat Group vacancy on the Committee. At the time of writing this report, a nomination has yet to be received for the Green Party Group vacancy and this will be provided verbally to the Council meeting. In addition, Cllr Lawford has been nominated to be appointed as an extra Substitute Member on the Committee.
- 1.5 As a consequence of the Committee being increased to a size of ten, it is also recommended that the Quorum be adjusted and set at six.

Armed Forces Covenant Champion

- 1.6 In response to Cllr Hawkins giving notice to officers that he wished to resign from the role of Armed Forces Covenant Champion, nominations have been sought to fill this role.
- 1.7 As a result, Cllr Thomas has been nominated to fill this role and it is recommended that this appointment be for the duration of this Council administration (i.e. to May 2027).

2. Options available and consideration of risk

Licensing Committee Membership

- 2.1 The Council is required to comply with the requirements of the Licensing Act 2023 and increase the size of its Licensing Committee to a minimum of 10 Members.

Armed Forces Covenant Champion

- 2.2 Similarly, the Council is required to appoint an Armed Forces Covenant Champion and the nomination of Cllr Thomas will fulfil this requirement.

3. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Licensing Act 2003 Section 6(1)
Financial implications to include reference to value for money	N	There are no direct financial implications
Risk	N	These are addressed in the report
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		Not applicable
Comprehensive Impact Assessment Implications		
Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

Supporting Information

Appendices:

A – Political Balance Table as at September 2023

Background Papers:

None

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SEPT 2023 POSITION

Total No. of seats subject to political balance provisions:	46 seats
Lib Dem Group entitlement = 19/31 (61.3%)	28.19 (28 seats)
Cons Group entitlement = 7/31 (22.6%)	10.39 (10 seats)
Green Party Group entitlement = 3/31 (9.7%)	4.45 (5 seats)
Independent and Labour Member entitlements = 1/31 (each) (3.2%)	**2.96 (3 seats)**

(** Since neither Member is in a 'Group', the 3 seats to be allocated by Full Council**)

Council Cttee	No. of seats	Lib Dems	Cons	Green Party	Indy & Labour **
O+S Committee	12	7	3	1	1 **
Development Management Committee	12	7	3	1	1 **
Audit & Governance Committee	8	5	2	1	
Licensing Committee	10	6	2	2	
Council Tax Setting Committee	4	3			1 **
Totals:	46	28	10	5	3 ** (combined)

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MINUTES OF A MEETING OF THE EXECUTIVE HELD IN THE COUNCIL CHAMBER ON THURSDAY 21 SEPTEMBER 2023

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr V Abbott	*	Cllr N A Hopwood
∅	Cllr J P Birch (via Teams (<i>am only</i>))	*	Cllr J McKay (<i>am only</i>)
*	Cllr J Brazil (Chairman)	*	Cllr D M O'Callaghan
*	Cllr J M Hodgson (<i>am only</i>)	*	Cllr D Thomas (Vice Chairman)

Non-Executive Members also present either in person or remotely for all or part of the meeting:
Cllrs Allen, Bonham, Carson, Dommett, Hancock, Hawkins, Long, Nix, Oram, Penfold, Rake, Steele

Officers in attendance and participating:		
All items		Senior Leadership Team; Monitoring Officer; Head of Democratic Services; Assistant Director – Strategy; Principal Climate Change Officer; Head of Housing; Head of Revenues and Benefits; Assistant Director – Planning; Neighbourhood Plan Specialist; and Deputy Section 151 Officer

E.13/23 MINUTES

The minutes of the Executive meeting held on 28 June 2023 were confirmed as a true and correct record.

E.14/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:

Cllr J Hodgson declared a personal interest in agenda item 14: 'Totnes Neighbourhood Plan' (Minute E.24/23 below refers) by virtue of being a member (in an observational capacity) of the Neighbourhood Plan Steering Group' and remained in the meeting and took part in the debate and vote on this item.

E.15/23 QUESTION TIME

The Leader informed that the following question had been received in accordance with the Executive Procedure Rules:

(a) Question from Cllr Pannell

‘South Hams is one of ten Councils across the Southwest which issued no fines for fly-tipping in 2021-22. Can the Lead Member assure me that a more robust approach to enforcement and prosecution will be taken to deter those who continue to blight our countryside and communities?’

In reply, the lead Member for Community Services and Operations advised that agenda item 11 (Minute E.21/23 below refers) set out the emerging corporate priority in relation to fly tipping. The Member stated that this illustrated the emphasis that would be given to this very important matter during this four-year Council term.

E.16/23 EXECUTIVE FORWARD PLAN

Members were presented with the most recently published version of the Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months.

In discussion, reference was made to:

- the Leader being the lead Member for the Council Tax Reduction Scheme agenda item (Minute E.25/23 below refers);
- likely additional items to be included on the Plan for consideration at the next Executive meeting to be held on 30 November 2023 including:
 - o Waste Services Update;
 - o Umbrella Community Land Trust;
 - o Planning Enforcement Plan: Task and Finish Group Review; and
 - o Freeport: Task and Finish Group Review.

E.17/23 DRAFT CORPORATE STRATEGY

The Executive considered a report that set out the progress made in the preparation of the draft Corporate Strategy for the period 2024-28.

During the ensuing debate, reference was made to:

- (a) an amendment to the report recommendation. At the request of the Leader of the Main Opposition Group, an amendment to part 2 of the report recommendation was **PROPOSED** and **SECONDED** to delete reference to her being involved as a consultee in the delegation process prior to the Corporate Strategy being subject to public consultation. When put to the vote, the amendment was declared **CARRIED**;

- (b) the lack of reference to the agricultural industry in the Climate and Biodiversity section of the draft Strategy. The lead Member felt that the Climate and Biodiversity section should include at least some reference to the agricultural industry. In accepting the point, it was agreed that the Leader and Deputy Leader would discuss in detail with the lead Member following this meeting and would then ensure that minor amendments were made in accordance with part 2 of the report recommendation;
- (c) the contents of the Strategy. Members recognised that the actual test of whether the adopted Strategy was a success would be in its actual delivery and how realistic (and achievable) it proved to be;
- (d) the importance of engagement with parish councils. Members recognised the importance of the consultation not being too town council focused. Having been informed that Kingsbridge Town Council had invited representatives from the hinterland parish councils to attend a joint meeting, it was hoped that a similar approach could be replicated throughout the district;
- (e) comments received during the public consultation exercise. The Leader gave an assurance that every comment and representation received would be taken into account as the draft Strategy evolved.

It was then:

RESOLVED

1. That the draft Corporate Strategy (as set out at Appendix A of the presented agenda report) be endorsed;
2. That authority be delegated to the Assistant Director Strategy, in consultation with the Leader and Deputy Leader of the Council to apply any final amendments to the draft Corporate Strategy prior to commencement of the public consultation exercise;
3. That the formal consultation on the draft Strategy be commenced;
4. That the Senior Leadership Team and Assistant Director Strategy be instructed to support Executive Lead Members in the development of detailed delivery and resourcing plans for the Strategy; and
5. That an Advisory Group for Economy and Jobs be established.

E.18/23

CLIMATE CHANGE & BIODIVERSITY EMERGENCY VERBAL UPDATE – STANDING AGENDA ITEM

The lead Member for Climate Change and Biodiversity provided the following update:

- he had held a number of conversations with local farmers and food producers and providers, which had proven to be incredibly helpful; and
- a key stakeholder meeting had been arranged to be held on 10 November 2023. Whilst the lead Member did not wish for this meeting to be open to all interested parties to attend, he did commit to investigating the merits of livestreaming the meeting and/or providing a recording that could be made publicly available.

E.19/23 **PROGRESS UPDATE ON HOUSING PROJECTS**

The Executive considered a report that provided an update on the various Housing projects taking place across the South Hams.

In discussion, the following points were raised:-

- (a) As part of investigating all possible housing solutions, a Member asked that the merits of constructing smaller timber frame units and the use of houseboats be included as part of these investigations;
- (b) With regard to the properties at St Anns Chapel, some Members asked that every step be taken to ensure that these were allocated to local residents. Officers made reference to the Housing Act and specifically the 'reasonable preference criteria' and committed to providing a Briefing Note to Members outside of this meeting. In addition, the Leader asked that the Overview & Scrutiny Committee give consideration to undertaking a review into the Local Lettings Policy;

The Chairman of the Audit & Governance Committee also informed that it was intention to ask that his Committee undertake a review into the St Anns Chapel project to ascertain what (if any) lessons could be learned.

It was then:

RESOLVED

1. That the progress in the purchase of 7 properties through the Local Authority Housing Fund 1 (LAHF 1) be noted;
2. That the additional purchase of an 8th property as a result of achieving an underspend from the agreed budget for LAHF 1 be approved;
3. That participation in Local Authority Housing Fund 2 (LAHF 2) and purchase an additional 3 properties (the maximum permitted) be approved;

4. That £475,000 from the capital receipts reserve to match fund expenditure for LAHF 2 to purchase 3 properties be approved;
5. That the progress on construction of the 8 new homes for rent at St Anns' Chapel be noted and the management arrangements, including the local lettings policy and rent, and to commence the advertising and letting of the properties through Devon Home Choice as soon as available be agreed; and
6. That the marketing and subsequent sale of the 3 open market properties at St Anns Chapel be agreed in accordance with the approved business case.

E.20/23

DELIVERING OUR STRATEGIC OUTCOMES FOR HOUSING

A report was considered that set out a series of options to address the Council's ambitions regarding Housing.

During debate, particular reference was made to:

- (a) the relationship between the Thriving Towns & Villages and Plymouth Policy Areas. Whilst acknowledging that it was a fine balancing act, the need to provide a reasonable blend of development between the two Policy Areas was noted;
- (b) agricultural need. It was requested that all aspects of agricultural need be given detailed consideration as part of the upcoming Joint Local Plan review;
- (c) the proposal to present a report on an umbrella Community Land Trust (CLT). Without wishing to pre-empt the contents of the report, some Members provided their initial thoughts on the concept of an umbrella CLT and advised that they were looking forward to reviewing the report at the next Executive meeting;
- (d) being given first refusal on properties being disposed of by Housing Associations. In citing the levels of frustration experienced by local communities when Housing Associations disposed of homes within the district, widespread support was expressed for the proposal whereby the Council sought first refusal on these.

It was then:

RESOLVED

1. That, where possible, all plan led housing meets or exceeds policy levels of affordable and social housing, including open market mix and tenure;

2. That the existing policies of the Joint Local Plan (JLP) be refined to ratchet up affordable housing outcomes in the new plan period;
3. That a subsequent report detailing the mechanisms, resources, costs and outcomes of an umbrella Community Land Trust (CLT) for the district be considered by the Executive at its meeting to be held on 30 November 2023;
4. That work be commenced on securing an RP (Registered Provider) delivery partner that can work within a CLT framework or direct with the Council as is required;
5. That a framework be prepared for a targeted acquisitions programme to mitigate ultra rural RP property disposals and support targeted groups in high need. The framework to set out financial envelope, governance arrangements, value for money test, demonstrable need evidence base and be presented to the Executive at its meeting on 30 November 2023;
6. That first refusal be requested on all homes being disposed of in the District by Housing Associations.
7. That every opportunity to secure good quality temporary accommodation be supported;
8. That the formation of a housing company not be progressed at this time.

E.21/23

DELIVERING STRATEGIC PRIORITIES THROUGH COMMUNITY SERVICES AND OPERATIONS

Members considered a report which sought agreement to align the Council's Street Cleansing service with the Community Services and Operations team to deliver services more effectively.

In the ensuing debate, reference was made to:

- (a) the street cleaning and cleansing operation. A number of Members repeated their longstanding requests to be in receipt of the programme and/or schedule of works. If this was not possible in the short-term, a Member asked that a broad idea of frequency of street cleaning visits per town and parish area could be made available to all Members. In reply to a question, the lead officer cited the response to the recent floods in the South Hams and confirmed that the schedule of works for street cleaning was sufficiently flexible to be able to respond to unforeseen (ad-hoc) events;

- (b) the condition of the mechanical street sweepers. Some Members were of the view that the mechanical street sweepers were no longer reliable or fit for purpose. Officers agreed with this viewpoint and informed that they were exploring putting forward a capital bid to upgrade the sweepers as part of the 2024/25 budget setting process;
- (c) the proposals to align service resources. A Member expressed the hope that, as part of the service review into aligning resources, all Members would be consulted, with the consequent outcome being to build upon the existing capacity and resilience of the team. Officers replied that they would look to convene a meeting of the Community Services Advisory Group prior to the report being presented back to the next Executive meeting;
- (d) the lack of a lengthsman service. Members highlighted that, in many instances, town and parish councils were struggling to recruit lengthsman. As part of the initiative to explore commercial opportunities, Members therefore felt that there was scope for the Council to explore delivering an opt-in commercial service to interested town and parish councils.

It was then:

RESOLVED

1. That the overall approach to improving Community Services and Operations (as set out in section 3 of the presented agenda report) be endorsed;
2. That a progress update from the Lead Executive Member be considered by the Executive in March 2024;
3. That the opportunity to provide greater support to community groups and volunteers working across the district to deliver better outcomes for their local environment be noted; and
4. That the Lead Executive Member for Community Services works with the Lead Executive Member for Community Development to align resources to provide a defined Community Development team and bring a report setting out the Community Development plans to the next Executive meeting in November 2023.

E.22/23

SUPPORTING OUR CARE LEAVERS: COUNCIL TAX

A report was considered that sought approval for the adoption of a Council Tax Discount Scheme relating to Care Leavers.

In discussion, Members welcomed the leading role that had been taken on by the Council in the development of this Scheme and wished to record their thanks to the Chief Executive for being instrumental in this regard.

It was then:

RESOLVED

That, with effect from 1 October 2023, Council be **RECOMMENDED** to adopt a Council Tax Discount Scheme for Care Leavers.

E.23/23 PLANNING IMPROVEMENT PLAN UPDATE

The Executive considered a report that provided an update on the progress made against key elements of the Planning Improvement Plan.

In discussion, the following points were raised:

- (a) To provide more meaningful information, it was hoped that the performance figures relating to Extensions on Time, could be separated between those that had been requested by the Council and those requested by applicants. Once separated, it was the wish for the lead Member that those requested by the Council were reduced;
- (b) It was hoped that the Overview & Scrutiny Committee would accept the recommendation to establish a Task and Finish Group to develop a new Planning Enforcement Plan. Such is the timely nature of this matter, it was also hoped that the Group would be able to report its conclusions to the next Executive meeting to be held on 30 November 2023;
- (c) As a plea, the lead Member referenced the role that all Members played in the service and asked that, when consulted for a delegated decision, all Members reply to officers as soon as was practically possible;
- (d) A number of Members highlighted the limitations and restrictions of the current IT portal for planning and were assured that a vast majority of these would be overcome as part of the new IT software that was to be rolled out;
- (e) Several Members expressed their concerns over the use of Planning Performance Agreements (PPAs). Following a debate on the merits of PPAs, it was agreed that a discussion would be held on them at a future informal Executive briefing and, until that discussion had taken place, officers confirmed that no new PPAs would be entered into by the Council;

- (f) It was agreed that consideration should be given to how best to obtain both qualitative and quantitative feedback information from applicants and agents once their respective planning applications had been determined by the Council;
- (g) Members noted that there would be a procedural change for dealing with requests to vary Section 106 agreements which would result in consequent minor changes being required to the Council Constitution and this proposal was supported by the meeting.

It was then:

RESOLVED

1. That progress made on delivery of the Planning Improvement Plan and update on performance be noted;
2. That the return to the advertising of applications in accordance with the adopted Statement of Community Involvement with effect from 1 October 2023 be noted ; and
3. That the Overview and Scrutiny Committee be **RECOMMENDED** to set up a Task and Finish Group to further develop the new approach to enforcement and report back to a future meeting of the Executive.

E.24/23 **TOTNES NEIGHBOURHOOD PLAN**

Members considered a report that sought approval for a referendum on the Totnes Neighbourhood Plan

In discussion, reference was made to:

- (a) an addition to part 4 of the report recommendation. In his introduction, the lead Member advised that, at the appropriate time, he would be **PROPOSING** an addition to part 4 of the report recommendation that read as follows:

*'4. That the Totnes Neighbourhood Plan, as modified as recommended by the Examiner (attached at Appendix B of the presented agenda report) proceed to referendum, **subject to deletion of reference to Appendix E: 'Former Dairy Crest Site Development Brief in the introductory contents section;'***

When put to the vote, this addition was declared **CARRIED**;

- (b) a request to proceed to Referendum as quickly as possible. Whilst accepting the associated statutory timescales, Members asked that officers work swiftly to ensure that the Plan proceeded to Referendum.

It was then:

RESOLVED

1. That the Examiner's report for the Totnes Neighbourhood Plan (as set out at Appendix A to the presented agenda report) be noted;
2. That each of the recommendations made by the report and the reasons for them be noted;
3. That it be agreed that the Totnes Neighbourhood Plan meets the Basic Conditions and is compatible with the Convention Rights, subject to being modified as recommended by the Examiner;
4. That the Totnes Neighbourhood Plan, as modified as recommended by the Examiner (attached at Appendix B of the presented agenda report) proceed to referendum, subject to deletion of reference to Appendix E: '*Former Dairy Crest Site Development Brief*' in the introductory contents section;
5. That the referendum area not be extended beyond the Totnes Neighbourhood Plan Area (as shown on the map at Appendix D of the presented report);
6. That the Assistant Director Planning be authorised to publish the Decision Statement (as set out at Appendix E of the published agenda report); and
7. That the Returning Officer be instructed to conduct a referendum on the Totnes Parish Neighbourhood Plan.

(At this point (12.50pm), the meeting was adjourned and reconvened at 1.30pm).

E.25/23

PROPOSED CHANGES TO THE COUNCIL TAX REDUCTION SCHEME 2024/25

The Executive was presented with a report that set out the annual requirement for Councils to revisit their existing council tax support scheme and decide whether to replace or revisit their scheme, the requirements for changing the scheme and the associated time constraints.

With no debate ensuing, it was then:

RESOLVED

1. That the proposed public consultation on a Council Tax Reduction Scheme for 2024/25 (as detailed in section 3 of the presented agenda report) be approved; and
2. That the results of the public consultation exercise are presented back to the Executive prior to a Council Tax Reduction Scheme for 2024/25 being considered for approval by the Council.

E.26/23 INTEGRATED PERFORMANCE MANAGEMENT REPORT JANUARY 2023 – JUNE 2023

Members considered a report that provided an update on the progress made against the Council's adopted strategy and key projects. The report covered the periods Quarter 4 of 2022/23 and Quarter 1 of 2023/24.

In discussion, the following points were raised:

- (a) Lead officers were thanked for their efforts in the successful transition of the waste service returning in-house;
- (b) In respect of the performance figures relating to Freedom of Information requests, it was noted that more detailed analysis of these figures would be undertaken by officers.

It was then:

RESOLVED

That the contents of the Integrated Performance Management Report (as contained in Appendix A of the presented agenda report) be noted.

E.27/23 2022 / 23 FINAL REVENUE AND CAPITAL OUTTURN

Members considered a report that provided the draft Revenue and Capital Outturn position for 2022/23 and also provided a schedule of the Reserve balances at 31 March 2023.

In discussion, particular reference was made to:

- (a) the previous Council administration. Members thanked their colleagues who had led the Council during 2019/23 for their sound financial management;

- (b) the figures being draft. The Section 151 Officer confirmed that the figures were considered to be in draft form because they were still subject to being external audited.

It was then:

RESOLVED

That the draft Revenue and Capital outturn figures for the 2022/23 financial year including the overall Revenue outturn position of a surplus of £57,000 for 2022/23 (0.5% of the total Budget £10.464 million) be noted.

E.28/23

REVIEW OF CAPITAL PROGRAMME (CAPITAL PROGRAMME MONITORING) AND REVIEW OF EARMARKED RESERVES

Members considered a report that provided an update on the progress of individual schemes within the approved capital programme, including an assessment of their budgets and financial position.

In discussion, the following points were raised:

- (a) A local Ward Member highlighted the desperate need to revisit the car parking strategy for Salcombe and hoped that alternative proposals for the Shadycombe car park would come forward in the near future. In reply, the Leader highlighted the positive initial meetings that been held with both Devon County Council and the town council in an attempt to improve the parking arrangements in Salcombe;
- (b) Whilst the proposal was to withdraw the Whitestrand capital project from the scheme, Members had requested that a review be carried out into the entire infrastructure around Salcombe Harbour.

It was then:

RESOLVED

That Council be **RECOMMENDED** to:-

- 1) withdraw three capital projects from the current Capital Programme, being Whitestrand replacement of toilets and showers (£659,993), the currently unallocated residual housing capital budget (£85,157) and the Contingency Capital Budget (£268,184). This would free up capital resources of £1.013m which is potentially available for future corporate priorities and can be re-purposed;
- 2) withdraw Shadycombe car park and Sherford Commercial Land Acquisition from the Capital Programme and to note that this would not free up any capital resources;

- 3) continue to progress all other capital projects, in line with the existing capital projects within the overall Capital Programme;
- 4) note the content of the Capital Programme Monitoring Report in Appendix B of the published agenda papers which shows the current expenditure on capital projects between April 2023 and July 2023 of £1.400m, being 13% of the profiled budget for 2023/24 (the first four months of the financial year); and
- 5) approve the outcome of the review of revenue reserves, releasing revenue reserves of up to £1.541m which is potentially available to support the delivery of the emerging Corporate Strategy.

E.29/23 **REVENUE BUDGET MONITORING REPORT 2023 / 24**

Members considered a report that provided a forecast for the year end budget position and that also enabled them to monitor income and expenditure variations against the approved budget for 2023/24

In discussion, the following points were raised:

- (a) The spiralling costs associated with Homelessness – Temporary Accommodation were recognised as a cause for concern and it was felt that these costs were likely to continue to increase;
- (b) Following a discussion on the annual staff pay award, the recruitment and retention measures that were implemented as part of the 2023/24 budget setting process had been deemed to be relatively successful and the Chief Executive committed to providing a more detailed update to a future informal Executive session.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2023/24 financial year and the overall projected surplus of £79,000 (0.7% of the total Budget £11.738 million), be noted.

E.30/23 **MEDIUM TERM FINANCIAL STRATEGY (2024 / 25 – 2026 / 27)**

Consideration was given to a report that presented the Council's Medium Term Financial Strategy from 2024/25 to 2028/29.

In discussion, particular reference was made to:

- (a) the intention to arrange the annual all-Member budget workshop during the Autumn;
- (b) an anticipation that the financial gains to the Council from being part of the Business Rates Pool could be close to £400,000. This news was welcomed by Members;
- (c) the second homeowners Council Tax premium. The Section 151 Officer advised that the Levelling Up Bill was still awaiting Royal Assent. As a result, the earliest opportunity that the Council could apply the premium would not now be before 1 April 2025.

It was then:

RESOLVED

1. That the forecast budget gap for 2024/25 of £382,194 (2.9% of the projected Net Budget of £13.05million) and the position for future years be noted; and
2. That the Senior Leadership Team and Executive Members be tasked with bringing back further options of how to close the predicted budget gap for 2024/25, as part of future budget reports (once more detail of the Local Government Finance settlement is known), for Members' consideration.

(Meeting commenced at 10.00 am and concluded at 2.15 pm)

Chairman

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.22/23 AND E.28/23 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 28 SEPTEMBER 2023, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 2 OCTOBER 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)