

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 27th September, 2018** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Holway
Vice Chairman Cllr Rowe

Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Blackler
Cllr Bramble	Cllr Brazil
Cllr Brown	Cllr Cane
Cllr Foss	Cllr Gilbert
Cllr Green	Cllr Hawkins
Cllr Hicks	Cllr Hodgson
Cllr Hopwood	Cllr May
Cllr Pearce	Cllr Pennington
Cllr Pringle	Cllr Smerdon
Cllr Steer	Cllr Tucker
Cllr Vint	Cllr Wingate
Cllr Wright	

In attendance:

Officers:
Head of Paid Service
Section 151 Officer
Group Manager – Commercial Services
Deputy Monitoring Officer
Group Manager – Business Development
CoP Lead – Place & Strategy

27. **Minutes**

27/18

The minutes of the annual meeting of Council held on 17 May 2018 and the special meeting of Council held on 26 July 2018 were both confirmed as a correct record and signed by the Chairman.

28. **Business Brought Forward by the Chairman**

28/18

The Chairman highlighted that his Civic Service would take the form of a Christmas Carol Service. As a result, Members were asked to make a note in their diaries of the intention for this Service to be held at Ugborough Church on the afternoon of Sunday, 16 December 2018.

29. **Declarations of Interest**

29/18

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

Cllr P C Smerdon declared a personal interest in Item 13(h): 'Reports of Bodies: Executive – 13 September 2018' Minute E.36/18 (iv)(b) Community Funding (Minute 36/18(h) below refers) and specifically part 1 of the recommendation by virtue of being a Council appointed representative and trustee of the South Hams Community and Voluntary Service (CVS). Having sought the advice of the Council's Monitoring Officer, Cllr Smerdon advised that he would make an introductory statement before leaving the meeting room during the debate and vote on this item; and

Cllr K Pringle also declared a personal interest in Item 13(h): 'Reports of Bodies: Executive – 13 September 2018' Minute E.36/18 (iv)(b) Community Funding (Minute 36/18(h) below refers) and specifically part 1 of the recommendation by virtue of being a Council appointed representative of the South Hams CVS and remained in the meeting and took part in the debate and vote thereon.

Cllrs D Brown, J P Green and J D Hawkins each declared a personal interest in Item 13(h): 'Reports of Bodies: Executive – 13 September 2018' Minute E.36/18 (iv)(b) Community Funding (Minute 36/18(h) below refers) and specifically part 2 of the recommendation. Cllrs Brown and Green both declared their interests by virtue of being the two Council appointed representatives on the South Devon Area of Outstanding Natural Beauty Partnership Committee. Cllr Hawkins declared his interest by virtue of being the Devon County Council appointed representative on the Committee. All three Members remained in the meeting and took part in the debate and vote thereon.

30. **Commercial Property Strategy**

30/18

Consideration was given to a report that sought to adopt the draft Commercial Property Strategy.

During his introduction, the Leader of the Council reminded those in attendance that the draft Strategy had been considered by the Overview and Scrutiny Panel and Audit Committee at their respective meetings on 6 September 2018. The Leader advised that both meetings had made a series of suggested revisions to the draft

Strategy and these had been reflected in the version that was being recommended for approval at this meeting.

In the ensuing discussion, reference was made to:-

- (a) an additional recommendation was **PROPOSED** and **SECONDED** that read as follows:

'That, before a final decision to proceed with a development or acquisition is made, local Ward Members will be briefed and be able to share their views with Executive Members.'

In introducing his addition, the proposer felt that increased emphasis should be given in the process to local Ward Members and that there was a current lack of recognition of the need for these Members to report back to their local town and parish councils and communities.

During the debate, the proposer and seconder of the original motion confirmed that they were happy to accept this addition and it was therefore included as part of the substantive motion;

- (b) a further addition to the recommendation was then **PROPOSED** and **SECONDED** as follows:

'That there will be a mechanism for Commercial Property decisions made by the Executive to be called-in by the Overview and Scrutiny Panel using the existing Overview and Scrutiny Procedure Rules.'

The proposer of the addition introduced his amendment and felt that, when considering the potential sums of money involved, any decisions that fell within the Strategy (regardless of whether they were defined as being 'Development on Council Owned Land' or 'Commercial Property Acquisitions in the South Hams') should be able to be called-in. Furthermore, other Members expressed their support for the addition and highlighted that this amendment was reflective of the significant public concern over the proposals.

Other Members spoke in opposition to the amendment and cited reasons that included:

- the call-in provision would already be in place for those decisions defined as being 'Development on Council Owned Land';
- in most instances, decisions relating to 'Commercial Property Acquisitions in the South Hams' required a very quick response. As a result, in the event of a call-in being invoked, it was highly likely that the Council would miss out on the opportunity to acquire a property; and
- the inclusion of the additional recommendation whereby, before any final decision was made to proceed, local Ward Members would be briefed and able to make their views known to the Executive Members.

When put to the vote, the amendment was declared **LOST**.

- (c) the views of the Overview and Scrutiny Panel and Audit Committee. A number of Members acknowledged that the revised draft Strategy had taken into account the views expressed by both Member Bodies. As a consequence, these Members felt that they were now able to support the proposals.

It was then:

RESOLVED

1. That the Commercial Property Strategy (as outlined at Appendix A of the presented agenda report) be adopted;
2. That a total borrowing limit be set at £60 million for the Commercial Property Strategy (capped at no more than £30 million borrowing before 30 April 2019);
3. That the authority and decision making function relating to 'Development on Council Owned Land' be delegated to the Executive (assuming that the proposed expenditure complies with the Council approved total borrowing limits). (NB. this delegation includes the granting of associated leases in excess of 15 years as and when required);
4. That the authority and decision making function relating to 'Commercial Property Acquisitions in the South Hams' be delegated to the Head of Paid Service and Section 151 Officer, in consultation with Members of the Executive (as detailed in Appendix A of the presented agenda report);
5. That, when the Council acquires a Commercial Property in line with this Strategy, a report will be presented (for noting purposes) to the subsequent meeting of the Executive;
6. That, with immediate effect, the Investments Member Working Group be disbanded; and
7. That, before a final decision to proceed with a development or acquisition is made, local Ward Members will be briefed and be able to share their views with Executive Members.

31.

Medium Term Financial Strategy for 2019/20 to 2023/24

31/18

The Council was presented with a report that outlined its Medium Term Financial Position to 2023/24.

In discussion, reference was made to:-

- (a) the Business Rates Pilot Scheme. By way of an update regarding the unfairness that those local authorities that were located in London did not have to re-apply for Pilot status for 2019/20, the Deputy Leader informed that he had already spoken to one of the local MPs and he would also be contacting the other local MP to express his frustrations;
- (b) Negative Revenue Support Grant. Whilst early indications were suggesting that the Government was intending to eliminate Negative Revenue Support Grant for 2019/20, it was noted that there were no guarantees beyond that year;
- (c) the use of New Homes Bonus funding to support the revenue base budget. Although noting that it was purely for modelling purposes at this time, some Members still felt this proposal to be regrettable and were of the view that all of these monies should be re-invested to help those local communities that had received recent development. In reply, other Members highlighted the financial pressures faced by the Council due to the loss of Revenue Support Grant to the Council and the fact that a proportion of these monies had been transferred to the New Homes Bonus funding source;
- (d) the Pension Fund. In response to a question, it was noted that Devon County Council was the Administering Authority for the Fund and the District Council therefore had no control over investment decisions;
- (e) reviewing the Green Book. The view was expressed that any proposed review would require careful management to ensure that staff morale was maintained.

It was then:

RESOLVED

1. That the forecast budget gap for 2019/20 of £0.638 million and the position for future years be noted;
2. That the current options identified and timescales for closing the budget gap in 2019/20 and future years to achieve long-term financial sustainability be noted;
3. That the Council set the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to enable continued delivery of services. (NB. the actual Council Tax for any given year will be decided by the Council in the preceding February);

4. That an application be submitted for Pilot status for 2019/20, with agreement being given to a 40% District / 34% Devon County Council / 1% Fire split for the 75% scheme. In the event of the Bid not being successful, it was agreed that the Council should remain part of the Devon Business Rates Pool for 2019/20;
5. That Central Government and Devon MPs be actively lobbied to support a 2019/20 Devon Pilot bid;
6. That the Government, Devon MPs and other sector bodies (such as the District Councils Network and the Rural Services Network) be actively lobbied and engaged with for a realistic business rates baseline to be set for the Council for 2020 onwards;
7. That the Council respond to the technical consultation in support of the Government eliminating Negative Revenue Support Grant and continue to lobby for Rural Services Delivery Grant allocations that adequately reflect the cost of rural service provision;
8. That, for modelling purposes, £500,000 of New Homes Bonus funding be used to fund the revenue base budget, with this being reduced to £400,000 by 2020/21 and £250,000 by 2021/22;
9. That the annual level of contributions to Earmarked Reserves (£722,300 as per Appendix E of the presented agenda report) and the adequacy of the existing level of Unearmarked Reserves (£1.8 million) and Earmarked Reserves (£8.3 million) be reviewed by Members as part of the Budget setting process. (This will assess the adequacy of Reserves levels, in light of future plans and pressures);
10. That the Council takes specialist pension advice on the options for the Council's Pension position (informing the actuarial valuation), with the aim of reducing the current deficit contributions, increasing affordability, whilst best managing the pension deficit. It is also recommended that the Council has early dialogue with Devon County Council and the actuaries with regards to the Council having an input into the actuarial assumptions used for the 2019 Actuarial Valuation. (Options will be taken back to the Council's Audit Committee in January 2019 to consider);
11. That an Upper Limit on External Borrowing (for all Council services) be set as part of the Medium Term Financial Strategy of £75 million (as set out at Exempt Appendix G of the presented agenda report); and

12. That the Council continue with the Local Government Terms and Conditions of Employment Green Book for at least 2019/20. That officers review all options for reducing staff costs by varying terms from the Green Book from 2020/21, with an initial report back by the end of 2018/19.

32. **Public Toilet Pay on Entry Contract Award**

32/18

Members considered a report that presented the outcome of the Pay on Entry Procurement Exercise.

In discussion, reference was made to:-

- (a) the consultation exercise with town and parish councils. The lead Executive Member advised that discussions had been held with those potentially affected town and parish councils and the consultation exercise was due to conclude on 28 September 2018. Following the conclusion of this exercise, assurances were given that local Ward Members would be consulted before any final decisions were taken;
- (b) there being total flexibility (without any penalties) within the proposed contract. In addition to these assurances being given, officers also confirmed that the underpinning business cases would include income and expenditure information, including potential costs relating to maintenance, control units and vandalism.

It was then:

RESOLVED

1. That the recommendation to award the contract for the provision and installation of Public Toilet Pay on Entry Equipment to the highest scoring bidder ('Bidder B') be approved; and
2. That any changes considered necessary to the terms, or type of equipment used at each facility, be delegated to the Environment Services Community Of Practice Lead, in consultation with the lead Executive Member for Commercial Services.

33. **South Devon AONB Management Plan Review 2019-24 Consultation Draft**

33/18

Members were presented with a report that outlined the process of the review of the Management Plan for the South Devon AONB and the issues identified for consideration within this review.

During discussion, it was confirmed that the imminent 'Call for Evidence' with respect to the Designated Landscapes Review would include the ability to review the existing AONB boundaries.

It was then:

RESOLVED

1. That the content of the Consultation Draft of the Management Plan be noted;
2. That Members send any comments to the Community Of Practice Lead for Place Making for incorporation into a formal Council consultation response before the end of October 2018;
3. That authority be delegated to the Community Of Practice Lead for Place Making to finalise the content of the formal Council consultation response; and
4. That it be noted that the final Management Plan for 2019/24 will be brought to Council for adoption in early 2019.

34.

Questions

34/18

It was noted that eight questions had been received in accordance with Council Procedure Rule 8.

From Cllr Baldry to Cllr Bastone, lead Executive Member for Customer First

(a) 'According to a report in the local press, new Housing Benefit claimants in the South Hams had to wait more than 3 weeks (23 days) for their claims to be processed. The figures are for April 2017 to March 2018. This is worse than the British average and exceeds the legal requirement for claims to be processed within 2 weeks.

Would the Executive Member comment on the figures please? Housing Benefit / Universal Credit is not a luxury that people can wait for.'

In response, Cllr Bastone stated that the report in the local press had been produced by a national charity and distributed to all local press agencies across the country and the article did contain a number of inaccurate facts. Unfortunately, Cllr Bastone advised that our local press had not contacted the Council for comment or had shared the article with the Council ahead of publication.

Cllr Bastone proceeded to inform that the national target for the processing of New Claims for Housing Benefit was 24 days. Therefore, he was pleased to reassure the Council that processing

times were within target during the period stated. Furthermore, the service in the last two months had been less than 21 days, which equated to top quartile performance for New Claim processing. Whilst there was not a legal requirement to process claims within two weeks, it was acknowledged that there was a historic Performance Indicator.

Finally, Cllr Bastone had received assurances from the Community Of Practice Lead for Housing, Revenues and Benefits that there were sufficient safeguards in place to ensure that cases were prioritised in the event of there being a genuine threat of homelessness.

From Cllr Birch to Cllr Tucker, Leader of Council

(b) 'What research has been carried out in respect of the building of affordable social rented housing by the Council and, if such research has been carried out, when will its findings be shared with Members? Who has carried out the research on behalf of the Council?'

Cllr Tucker replied that the Place Making Team had not looked at the council building Social Rented housing. The Assets team were looking into the feasibility of a small Social Rented housing scheme, factoring in the economics of cost savings on rehousing resident's currently occupying temporary Bed & Breakfast accommodation.

In addition, Cllr Tucker informed that the whole of the south west had been included in the recent announcement by the government to be eligible for funding from Homes England to deliver Social Rent in High Value areas. Enabling officers were asking RP's to deliver Social Rent on Section 106 schemes where possible. This was a recent announcement and therefore we were yet to see where this could be delivered. This would also be factored in to the SPD which was currently being written.

A supplementary question was raised by Cllr Birch that sought assurances that the background research would be shared with the wider membership. In response, Cllr Tucker confirmed that, as and when sites came forward, local Ward Members would be kept fully informed. Cllr Tucker also made the point that, at the time when formal approval was required, all Members would have access to the published Executive agenda papers.

From Cllr Birch to Cllr Bastone, lead Executive Member for Customer First

(c) "What fresh initiatives are planned by the Council to reduce the current Housing Waiting List which stands at 1,635?"

Cllr Bastone replied that the questioner would be aware that the Council currently operated an open waiting list and, therefore, anyone could apply to join.

Of those 1,635 households on the register, Cllr Bastone asked the Council to note that 860 were categorised as having no housing need. The Council was reminded that a recommendation to continue registering applicants with no housing need was approved by Members twelve months ago, as this category was particularly pertinent in rural areas where local connection overrode housing need because of the Section 106 criteria.

As a result, the Housing Register was made up of 775 applicants who were deemed to be in Housing Need.

Cllr Bastone then advised that the Council's 2018 Homeless Strategy Action Plan outlined the initiatives that the Council had launched or continued during this Financial Year. No housing issue was a standalone issue and, as a consequence, Cllr Bastone stated that all of the actions in the Plan were designed to impact on reducing homelessness, increasing homelessness prevention and therefore reducing the high demand from people in Housing Need on the Housing Register. Some of these key initiatives included:

- The re-launch of Direct Lets as Seamoor Lettings, with a target to increase the number of properties being let by 10. This scheme was designed to offer an affordable alternative to social housing in a district where private rents were disproportionately high;
- The continued delivery of money advice to enable as many people as possible to sustain their current tenancies and therefore reduce the need for people to move;
- The continued delivery of tenancy support for the same purpose;
- The development of a Landlord Forum to improve partnership working with the private rented sector and increase the number of affordable private rented properties available;
- To improve partnership working with partnership agencies (such as Children's Services) to improve early interventions and reduce crisis situations from arising that could lead to a housing need;
- To work with young people in schools to promote housing education;
- To improve internal partnership working to ensure that all potential housing options were being considered for vulnerable households in forums such as the Disabled Adapted Needs Panel; and
- The Waiting List was reviewed on a quarterly basis to review applicants that were not bidding, not logging on or were regularly refusing properties to ensure that these applicants wished to remain on the Register and to check whether any

additional support was required.

In addition to the above, Cllr Bastone advised that, the Joint Local Plan, once adopted, would include the Village Housing Initiative as a Policy for Exception Sites, which was previously an initiative. Cllr Bastone also noted that other issues that were being considered included the provision of self / custom build (linked to the Community Housing Programme), a self-build scheme for ex-service personnel similar to the Nelson Project in Plymouth, the provision of Mortgages aimed at enabling tenants to purchase on the open market and modular build methods. In his concluding comments, Cllr Bastone stated that these initiatives would, in turn, release affordable rented accommodation which would be re-let to those on the waiting list, working with Devon County Council to seek accommodation for those applicants with specific needs.

Whilst not directly related to the question, Cllr Bastone also wished to extend his congratulations to the Benefits Team who had recently been judged as the Council's 'Team of the Year' at the recent staff recognition awards.

In responding to a supplementary question regarding the percentage of New Homes Bonus monies that were invested in initiatives to reduce the Waiting List numbers, Cllr Bastone informed that he would provide an answer in writing to Cllr Birch outside of this meeting.

From Cllr Birch to Cllr Bastone, lead Executive Member for Customer First

(d) 'What is the Council's target for the provision of affordable social rented housing in the South Hams for the years 2018/19 and 2019/20?'

In his response, Cllr Bastone informed that the number of social rented properties was difficult to predict as this had recently been announced as a tenure which could receive grant. It was intended that officers would be meeting with Homes England to see how the Council could increase the delivery of Social Rent with Registered Providers who operated in this area.

Cllr Bastone proceeded to advise that, since this funding was a recent announcement, for the years stated there would be zero social rented properties as planning permission would have been granted for the properties that were in the pipeline. However, Cllr Bastone asked for it to be noted that previously the Government aimed all affordable housing at Affordable Rent tenure and did not allow for rents to increase but to reduce.

It was intended that the emerging Joint Local Plan Supplementary Planning Document would allow for a percentage of Social Rented accommodation. Without grant, Cllr Bastone stated that the economic viability of a development would support a lower

proportion of Social Rented than Affordable Rented (as the rental levels were lower) and, as such, Members could have the difficult decision of a higher number of Affordable Rented accommodation or a lower number of Social Rented accommodation depending on the viability. In addition, officers would be requesting that developers and their partners present both options to Members (where possible) for a decision to be made.

Affordable Rented and Intermediate Home Ownership figures that were brought forward with Registered Providers through Section 106 obligations were as follows:

- Affordable Homes delivered in 2017/18 = 160;
- Projected Affordable Home completions for 2018/19 = 96; and
- Projected Affordable Home completions for 2019/20 = 301.

In responding to a supplementary, Cllr Bastone reaffirmed some of the points raised in his initial answer and confirmed that each of his responses would be forwarded to all Members outside of this meeting.

From Cllr Birch to Cllr Bastone, lead Executive Member for Customer First

(e) *'In respect of the numbers provided in response to the previous question, how many is it anticipated will be provided by:*

- *The Community Housing Strategy;*
- *Registered Providers; and*
- *Developers pursuant to Section 106 Agreements?'*

Cllr Bastone replied by referring to his previous response (as outlined above) for the details pertaining to Registered Providers and Section 106 properties.

Specifically with regard to Community Housing, the five year projections (for units) was as per the table below:

	2018	2019	2020	2021	2022	Total
Planning application (total units)	22	30	30	30	30	144
Commence construction		22	30	30	30	112
Completion			22	30	30	82

In presenting these figures, Cllr Bastone advised that provision had been included for re-design / unit number reduction.

From Cllr Hodgson to Cllr Bastone, lead Executive Member for Customer First

(f) *'Over the past five years, how much money has been channelled*

through SHDC to Housing Associations to assist them in the delivery of affordable housing and how many affordable homes has this delivered?'

By way of a breakdown, Cllr Bastone advised that:

For 2013/14:

- Devon and Cornwall Housing: £240,000 Culverdale, Totnes;
- South Devon Rural Housing Association: £60,000 Avondale;
- South Devon Rural Housing Association: £20,108.18 Parkfield, Thurlestone; and
- Devon and Cornwall Housing: £49,469 Greenbanks, Slapton.

For 2014/15:

- Devon and Cornwall Housing: £60,000 Culverdale, Totnes.

For 2015/16:

- Westward Housing: £80,000 Follaton Oak;
- Guinness Partnership: £500,000 Totnes Riverside;
- Hastoe Housing Association: £101,769 Frogmore; and
- South Devon Rural Housing Association: £40,000 Moreleigh.

For 2016/17:

- Devon and Cornwall Housing: £60,000 Newton Ferrers.

For 2017/18:

- Devon and Cornwall Housing: £20,000 Newton Ferrers; and
- South Devon Rural Housing Association: £55,000 (to facilitate the purchase of a specifically adapted property).

In response to a supplementary question regarding a recent comment made by the Chief Executive of South Devon Rural Housing Association, Cllr Bastone suspected that the funding that he had referred to had been obtained from Homes England.

From Cllr Hodgson to Cllr Tucker, Leader of Council

(g) 'What legal right does the Council have to prevent local Members from attending meetings in their ward that the Council has organised?'

With regard to the recent meeting between Totnes Town Councillors and SHDC Executive Members and SHDC officers, what was the basis of refusing the attendance of the local Ward Members?'

In his response, Cllr Tucker expressed his confusion over the question and stated that local Ward Members had not been

prevented from attending these meetings. In terms of the process that had been followed, Cllr Tucker advised that each local Town Council had been asked who they wished to attend their meeting. In the instance of the meeting that had been held with Totnes Town Council representatives, it was in fact the wish of that Council to not involve any local Ward Members.

In her supplementary question, Cllr Hodgson asked whether, given the concerns that had been subsequently raised, Cllr Tucker still felt it to be the correct decision. In his response, Cllr Tucker confirmed that he stood by the process that had been followed for each of these meetings.

From Cllr Birch to Cllr Bastone, lead Executive Member for Customer First

(h) 'How many affordable social rented houses have been facilitated by the Council in the last five years?'

In reply, Cllr Bastone advised that Members had agreed to adopt the Affordable Rent Model on 14 July 2011. In Appendix 1 of this report, Members were provided with the assurance that the rent on affordable properties would not exceed the Local Housing Allowance for the area. If Members wished to look at these agenda papers, the minute reference was E.06/11.

Cllr Bastone responded to a supplementary question by confirming that he would ensure that the related agenda papers that underpinned this matter in July 2011 would be circulated to the wider membership for their information and reference.

35. Notice of Motion

35/18

It was noted that no motions had been received in accordance with Council Procedure Rule 10.

At the discretion of the Chairman, a Member was permitted to make the point that, whilst a motion she had submitted in relation to Brexit had been ruled to be 'out of scope' she felt this to be very unfortunate and she highlighted that a similar motion had been permitted for consideration at a recent meeting of the North Devon District Council.

36. Reports of Bodies

36/18

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

- | | |
|----------------------------|--------------|
| (a) Salcombe Harbour Board | 16 July 2018 |
| (b) Audit Committee | 26 July 2018 |

(c) Development Management Committee 1 August 2018

DM.22/18: Amendment to Public Participation Scheme

It was then:

RESOLVED

1. That the proposed amendments to the Development Management Committee Public Participation Scheme (as set out in Appendix 1 of the presented agenda report to the Committee) be approved; and
2. That authority be delegated to the Monitoring Officer to make minor amendments to the Scheme as and when deemed necessary.

(d) Overview and Scrutiny Panel 2 August 2018

O&S.23/18: Code of Conduct Hearing Panel Recommendations on the Complaints Process

During the debate, a Member expressed his total support for the recommendation and felt that the current rules were an expensive process with totally meaningless sanctions.

It was then:

RESOLVED

That representations be sent to the Secretary of State and local MPs outlining the Council's concerns over the current regulations (e.g. the lack of any meaningful penalties and the unfairness of District Councils having to absorb the costs of administering the scheme for its local Town and Parish Councils).

(e) Licensing Committee 23 August 2018

L.7/18: Adoption of Procedures and Fees in Relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

RESOLVED

1. That the Discretionary Powers contained within the Animal Welfare Act 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be adopted;

2. That the Scheme of Delegation be amended whereby decisions relating to the determination of licences and enforcement action be delegated to the Community Practice Lead for Environmental Health;
3. That the Constitution be amended to reflect a new Sub-Committee structure to consider objections to conditions on an Animal Licence; and
4. That the proposed Fees and Charges (as outlined in the agenda report presented to the Committee) be adopted.

(f) Overview and Scrutiny Panel	6 September 2018
(g) Audit Committee	6 September 2018
(h) Executive	13 September 2018

E.34/18: Civil Penalties for Breaches of Housing Standards Enforcement Notices

RESOLVED

That the existing Enforcement Policy be updated with the Civil Penalty Policy.

E.36/18: Reports of Bodies

(a) Community Funding

Such had been the levels of correspondence on the two recommendations to reduce funding contributions to the South Hams Community and Voluntary Service (CVS) and the South Devon Area of Outstanding Natural Beauty (AONB) that the Chairman informed of his intention for these matters to be dealt with separately.

In the ensuing discussion on the CVS proposal, an alternative recommendation was **PROPOSED** and **SECONDED** as follows:

'That any decision to reduce funding to the South Hams Community and Voluntary Service be deferred to enable for further consideration as part of the wider 2019/20 Budget Setting process.'

In support of this proposal, the following points were raised:-

- o A Member highlighted the support provided by the CVS towards creating positive, healthy and safe lifestyles

and the important contribution that was provided by the organisation as a health co-ordinator;

- o Some Members questioned the need to make such a funding decision now and felt that it should be looked at in the wider Budget setting context. In addition, other Members made the point that Development Management Committee Members had been alienated from what was a budgetary decision up until this point;
- o A Member emphasised the invaluable support provided by the CVS to local community groups and was of the view that the organisation provided excellent value for money. Furthermore, another Member referenced the pressures currently facing the Voluntary Sector and felt that such a funding decision required very careful consideration.

Other Members did not support the proposal and made reference to:-

- o The fact that only 6 town and parish councils and 40 local groups provided any funding contributions. If the work of the CVS was so valued, some Members questioned as to why there were so very few other organisations that were willing to offer any financial support. As a result, the view was expressed that the CVS had been given a number of warnings and should therefore have been more proactive in obtaining additional funding sources;
- o The recommendation being the unanimous view of the Task and Finish Group. Since this recommendation had subsequently received the support of both the Overview and Scrutiny Panel and the Executive, some Members felt it to be wholly inappropriate for the proposal to then be overturned at full Council. Specifically regarding the point that the wider membership had been alienated up to this stage, a Member reminded the Council that any Member could have attended (and took part at) any meeting of the Task and Finish Group and the onward meetings of the Overview and Scrutiny Panel and the Executive;
- o The answers that had been provided by the CVS representatives to the Task and Finish Group had been unsatisfactory. In addition, to counter the concerns over the timing of this decision, a Member highlighted that the intention was to provide as much advanced notice as possible of any potential funding reductions to enable for the organisation to be able to prepare accordingly.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on the motion. The voting on this motion was subsequently recorded as follows:-

For the motion (17): Cllrs Birch, Bramble, Brazil, Brown, Foss, Gilbert, Green, Hawkins, Hodgson, Holway, May, Pearce, Pennington, Pringle, Rowe, Steer and Vint.

Against the motion (9): Cllrs Baldry, Bastone, Blackler, Cane, Hicks, Hopwood, Tucker, Wingate and Wright.

Abstentions (0):

Absent (5): Cllr Cuthbert, Hitchins, Huntley, Saltern and Smerdon.

And the motion was declared **CARRIED**.

The meeting proceeded to consider the proposed reductions in project funding to the South Devon Area of Outstanding Natural Beauty (AONB). In so doing, an alternative recommendation was **PROPOSED** and **SECONDED** to read as follows:

'That any decision to reduce the project funding to the South Devon Area of Outstanding Natural Beauty be deferred to enable for further consideration as part of the wider 2019/20 Budget Setting process.'

In the ensuing debate, a number of similar points over the timing and the process that had been followed by the Task and Finish Group, Overview and Scrutiny Panel and Executive were again reiterated.

Some Members emphasised that the proposed reductions only related to project (and not core) funding and, during the Review, the AONB Manager had seemed content with the proposals. To counter these views, other Members highlighted the importance of the AONB that had been recently reinforced during the latest phase of the Joint Local Plan project and the close linkages with the tourism industry.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on the motion. The voting on this motion was subsequently recorded as follows:-

For the motion (19): Cllrs Birch, Blackler, Bramble, Brazil, Brown, Foss, Green, Hawkins, Hodgson, Holway, Pearce, Pennington, Pringle, Rowe, Smerdon, Steer, Vint, Wingate and Wright.

Against the motion (7): Cllrs Baldry, Bastone, Cane, Gilbert, Hicks, Hopwood and Tucker

Abstentions (0):

Absent (5): Cllr Cuthbert, Hitchins, Huntley, May and Saltern.

And the vote on the motion was therefore declared **CARRIED**.

It was then:

RESOLVED

1. That any decision to reduce funding to the South Hams Community and Voluntary Service be deferred to enable for further consideration as part of the wider 2019/20 Budget Setting process; and
2. That any decision to reduce the project funding to the South Devon Area of Outstanding Natural Beauty be deferred to enable for further consideration as part of the wider 2019/20 Budget Setting process.

E.38/18: ICT Systems Procurement

RESOLVED

That the ICT Systems Procurement and recommendations (as set out in the exempt agenda report that was presented to the Executive meeting) be approved.

The Meeting concluded at 4.40 pm

Signed by:

Chairman

