

# SOUTH HAMS EXECUTIVE



## **Minutes** of a meeting of the **South Hams Executive** held on **Thursday, 19th September, 2019** at **10.00 am** at the **Repton Room - Follaton House**

Present: **Councillors:**

**Chairman** Cllr Pearce  
**Vice Chairman** Cllr Bastone

Cllr Hopwood  
Cllr Hawkins

Cllr Baldry  
Cllr May

### **In attendance:**

Councillors:

Cllr Abbott  
Cllr Brazil  
Cllr Reeve  
Cllr Taylor

Cllr Austen  
Cllr Long  
Cllr Smerdon

Officers:  
Chief Executive  
Deputy Chief Executive  
Section 151 Officer  
Commissioning Manager  
Head of Place Making Practice  
Head of Environment Services Practice

### 27. **Minutes**

The minutes of the Executive meeting held on 18 July 2019 were confirmed as a true and correct record and signed off by the Chairman.

### 28. **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 but none were made.

29. **Public Question Time**

It was noted that no public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting.

30. **Executive Forward Plan**

Members were presented with the Executive Forward Plan setting out items on the agenda for Executive meetings for the next four months and noted its content without any comment.

31. **Approval of the Plymouth and South West Devon Local Development Scheme - Cllr Pearce**

Members were presented with a report that sought approval of the Plymouth and South West Devon Local Development Scheme (LDS) which was a three year project plan for preparing documents, rather than a policy document itself. The LDS was intended to provide a starting point for the local community and stakeholders to find out what planning documents were being prepared by the Council and the timetable for their production.

The Leader introduced the report.

There followed a discussion about the LDS, and particularly the Supplementary Planning Documents that were the subject of a Member Workshop on Monday 23 September, 2019.

It was then:

**RESOLVED** that:

The Plymouth and South West Devon Local Development Scheme be approved for adoption and publication.

32. **Medium Term Financial Strategy 2020/21 to 2024/25 - Cllr Pearce**

The Executive was presented with a report that set out the Budget Strategy for the Council for the next five years and was the starting point for developing a meaningful strategy setting out the intention for all of the different strands of funding available to the Council. The report stated that the Council would then be able to rely on the Strategy to inform future decisions.

The Leader introduced the report. There were no questions of clarity and therefore it was then:

**RESOLVED** that Council be **RECOMMENDED:**

**Recommendation 1:** To set the strategic intention to raise council tax by the maximum allowed in any given year, without triggering a council tax referendum, to enable the continued delivery of services. The actual council tax for any given year will be decided by Council in the preceding February.

**Recommendation 2:** To respond to any Government announcement/consultation on Business Rates Reform

**Recommendation 3:** To continue to actively lobby and engage with the Government, Devon MPs and other sector bodies such as the District Councils Network and the Rural Services Network, for a realistic business rates baseline to be set for the Council for 2020 onwards and for when the business rates reform is introduced for 2021-22.

**Recommendation 4:** That SHDC continues to lobby in support of the Government eliminating Negative Revenue Support Grant in 2020/21 (and thereafter) and continues to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision.

**Recommendation 5:** To use £500,000 of New Homes Bonus funding for 2020-21 (or any alternative scheme) to fund the revenue base budget and then reduce to £350,000 by 2021-22 and £250,000 by 2022-23 for modelling purposes;

**Recommendation 6:** That the Council maintains a policy of a minimum level of Unearmarked Reserves of £1.5 million and that the annual level of contributions to Earmarked Reserves (£684,300 as per Appendix E) and the adequacy of the existing level of Unearmarked Reserves (£1.9 million) and Earmarked Reserves (£13.3 million) is 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.

**Recommendation 7 -** That the Council continues dialogue with the actuaries of the Devon Pension Fund and DCC on the options for the Council's Pension position, with the aim of reducing the current contributions, increasing affordability, whilst best managing the pension deficit. One option the Council could consider is paying off some or all of the Deficit in a lump sum. This will be modelled, with a report being presented to Members by January 2020 on this option with both the costs and the benefits, once the results of the Triennial Pension Revaluation are known.

**Recommendation 8 –** That the Council maintains an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £75 million.

**It was also RESOLVED that the Executive:**

- (ix) Notes the forecast budget gap for 2020/21 of £0.49 million and the position for future years.
- (x) Notes the current options identified and timescales for closing the budget gap in 2020/21 and future years, to achieve long term financial sustainability.

33. **Quarter 1 Revenue Monitoring 2019/20 - Cllr Bastone**

Members were presented with a report that enabled them to monitor income and expenditure variations against the approved budget for 2019/20, and provided a forecast for the year end position.

The Deputy Leader introduced the report.

During discussion, points raised included the significant reduction in price for recycling material which had contributed to the budget pressure £130,000 arising from haulage and processing of waste and recyclable materials. This was outside the control of the Council, but there were also issues of contamination that affected the price and could be addressed.

It was then:

**RESOLVED** that:

1. The forecast income and expenditure variations for the 2019/20 financial year and the overall projected overspend of £65,000 (0.7% of the total Budget £8.833 million) be endorsed; and
2. The Council be **RECOMMENDED** to approve the proposal for two additional planning enforcement level 6 case managers to be recruited which will cost an additional £50,078 per annum (SHDC share). (NOTE: the two posts are recommended to be funded from the Planning Earmarked Reserve in 2019/20 at a maximum cost of £16,700 (SHDC share)).

34. **Capital Budget Monitoring 2019/2020 - Cllr Bastone**

Members were presented with a report that advised of the progress on individual schemes within the approved capital programme, including an assessment of their financial position. The monitoring of the capital programme at month 3 (end of June 2019) had not highlighted any significant areas of overspend to report and all of the capital projects were within the existing capital budgets approved by Members.

The Deputy Leader introduced the report. One Member felt that a review of the Capital Programme should take place, as the projects included had been put forward during the previous Council. The s151 officer agreed that the Capital Programme could be reviewed as part of the budget setting process.

It was then:

**RESOLVED**

That the content of the Monitoring Report be noted.

35. **Corporate Strategy - Cllr Pearce**

Members were presented with a report that reviewed the progress in refining the Council's service offering and suggested desired outcomes under each of the Council's six corporate themes, namely: Efficient and Effective Council, Communities, Enterprise, Environment and Home and Wellbeing.

The Leader introduced the report. In doing so, she advised that the recommendations of the Overview and Scrutiny Panel (minute O&S.27/19 refers) had been taken into account in presenting the final version and accepted, with the exception of planning enforcement for which Executive Members felt a target was not appropriate.

It was then:

**RESOLVED** that Council be **RECOMMENDED** that:

1. the progress made to date on refining the Council's Corporate Strategy be acknowledged; and
2. the desired outcomes up until 2023 as outlined in section 3 of the presented report be adopted.

36. **Partnership Funding - Cllrs Hawkins and May**

Members were presented with a report that sought approval to adopt a commissioning based model to awarding funds thus allowing the Council to clearly articulate the services it required and to draw up legally binding agreements to make sure services were delivered efficiently and effectively.

The Lead Member for Communities introduced the report.

It was then:

**RESOLVED** that:

a commissioning model be adopted to award partnership funding from 2020-23, based on one or all of the following:

- i. Local need;
- ii. Alignment to the Council's Corporate Strategy; and
- iii. Statutory Duty.

37. **Customer Satisfaction - Cllr Hopwood**

Members were presented with a report that detailed progress made since June 2019 on improving customer satisfaction. The report also included recommended next steps to continue to improve the customer experience by further honing the Council website, to pre-empt customer needs and manage expectations.

The Lead Member for Customer Satisfaction and Improvement introduced the report.

It was then:

**RESOLVED**

1. That progress made to date in improving customer satisfaction be noted; and
2. The next steps as follows be supported:
  - Weekly customer satisfaction team meetings continue to ensure customer satisfaction is foremost in staff's minds and continual improvements are made;
  - The weekly team meetings have highlighted the need for clear customer communication. With this in mind it is proposed an in house, online, 'Effective Customer Communication' course is produced and is completed by all staff by the end of the year;
  - Continued focus on the website ensuring regularly searched information is quick and easy to access and service changes clearly communicated;
  - Participation in the Institute of Customer Service's National Customer Service Week, 7-11 October, 2019. During this week it is proposed the Council hosts its annual Staff Awards in recognition of staff delivering exemplary customer service. It is also proposed the Council launches its Institute of Customer Service benchmarking during this week; and
  - Improvements be reported to this meeting in November along with the results of the benchmarking survey.

38. **Salcombe Neighbourhood Plan - Cllr Pearce**

The Leader introduced a report that sought approval to make (adopt) the Salcombe Neighbourhood Plan and to agree a minor modification as requested by the Salcombe Neighbourhood Planning Group.

The Leader introduced the report. Her fellow local Ward Member noted an error whereby Salcombe Town Council had been referred to as a parish council, but otherwise Members wanted to congratulate Salcombe on achieving a made Neighbourhood Plan.

It was then:

**RESOLVED** that:

1. The Salcombe Neighbourhood Development Plan be made (adopted); and
2. The minor modifications requested by the Salcombe Neighbourhood Planning Group as follows be agreed:  
*'a minor modification to the final wording of para 6.6.1.8 that 'fall within the Settlement Boundary (figure 1B) be deleted and replaced by 'are allocated within the adopted JLP'. The Neighbourhood Plan policies are not affected by this change in supporting text'*

[NB: In line with Executive Procedure Rules, the Leader abstained from the vote on this item as it was within her local Ward]

39. **South Milton Neighbourhood Plan - Cllr Pearce**

The Leader introduced a report that sought approval to make (adopt) the South Milton Neighbourhood Development Plan.

The Leader introduced the report. A number of Members wanted to congratulate South Milton Neighbourhood Planning Group on achieving a made Neighbourhood Plan, particularly as South Milton was a small community and a Neighbourhood Plan required a great deal of work by a number of volunteers.

It was then:

**RESOLVED**

That the South Milton Neighbourhood Plan be made (adopted).

[NB: In line with Executive Procedure Rules, the Leader abstained from the vote on this item as it was within her local Ward]

40. **Write Off Report - Cllr Pearce**

The Deputy Leader introduced a report that informed Members of the debt written off for revenue streams within the Revenue and Benefits service. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

It was then:

**RESOLVED**

That it be noted that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual South Hams District Council debts totalling £49,186.33 as detailed in Tables 1 and 2 of the presented agenda report.

That the write off of individual debts in excess of £5,000 totalling £19,428.21, as detailed in Table 3, be approved.

41. **Environmental Protection Enforcement Policy - Cllr Baldry**

Members were presented with a report that sought approval of an Environmental Protection Policy to support the enforcement work carried out by officers, and to enable the Council to continue to manage environmental protection enforcement in an efficient and effective manner, in line with the Council's environment theme and priorities.

The Lead Member for Environment introduced the report and the Head of Environment Services Practice responded to questions of clarity. The Deputy Chief Executive added that the report sought to consolidate existing policies to ensure a consistent approach, and education before enforcement.

During discussion, Members were keen that a zero tolerance policy should be adopted in terms of enforcement on matters of littering and dog fouling. It was also agreed that publicity would help to ensure a consistent message from the district council, through town and parish councils, to communities.

It was then:

**RESOLVED**

That the Environmental Protection Policy be approved with immediate effect.

42. **Reports of Other Bodies - Overview and Scrutiny Panel - 5 September 2019**

**RESOLVED**

That the following be received and that any recommendations contained therein be approved:

a) **Overview and Scrutiny Panel – 5 September 2019**

**i. O&S.25/19 PLANNING ENFORCEMENT PLAN REVIEW**

It was then **RESOLVED:**

1. That the updated Enforcement Plan, the Harem Assessment matrix and the proposed Enforcement Plan be approved;
2. That Council be **RECOMMENDED** that the additional two permanent staff for Planning Enforcement Reserve in 2019/20 be approved, and built into the Budget Setting process as a cost pressure for 2020/21; and

3. That Members receive notification of each Planning enforcement case (once it has been registered) within their local ward alongside its priority rating.

## ii. **O&S.26/19 HOMELESS STRATEGY ACTION PLAN**

It was then **RESOLVED**:

1. That the Homelessness Strategy Action Plan 2019/20 and the South Hams and West Devon Rough Sleeper Strategy 2019/22 be adopted; and
2. Once adopted, copies of these documents be sent to Town and Parish Council Clerks with an explanatory note of the relevant services (and officer contact details) that are provided by the Council.

## iii. **O&S.27/19 CORPORATE STRATEGY**

The Executive had considered the recommendations made by Overview and Scrutiny Panel on this item, earlier on the agenda.

## iv. **O&S.28/19 CLIMATE CHANGE AND BIODIVERSITY – CITIZENS' ASSEMBLY**

In accordance with the Council resolution (Minute 29/19(b) refers), the Executive was given the opportunity to comment on the following recommendation that was generated by the Climate Change and Biodiversity Working Group that was to be submitted to the Council to be held 26 September, 2019:

'That the Working Group be provided with full particulars of the Citizens' Assembly proposed by Devon County Council including, but not limited to, the issues and matters to be addressed, the number of assembly members and their geographic spread and means of administration/operation.'

(This will inform the benefits and options of establishing a Citizens' Assembly for the South Hams).

In considering the recommendation, the Executive agreed with point (a) as made by the Overview and Scrutiny Panel, being:

The lack of any timeframe in the Working Group recommendation was unfortunate and a number of Members felt that it would be appropriate for the full particulars to be provided to the next meeting of the Working Group.

43. **Exclusion of Public and Press:**

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

44. **Use of Emergency Powers by Head of Paid Service - Cllr Pearce**

Members were presented with an exempt report that advised of the use of urgent powers taken by the Head of Paid Service

The Head of Paid Service introduced the report.

It was then:

**RESOLVED**

That the urgent action taken by the Head of Paid Service to exclude a person from using the slipways onto the Salcombe Estuary due to concerns about their ability to operate in a safe manner be noted.

45. **Request for Renewal of a Long Lease - Cllr May**

Members were presented with an exempt report that sought approval of a long lease for a term in excess of 15 years.

The Lead Member for Communities presented the report.

It was then:

**RESOLVED**

That authority be delegated to progress and conclude detailed negotiations of the lease renewal to the Head of Assets Practice, in consultation with the S151 Officer and Leader of Council, for a term in excess of 15 years.

***(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.32/19 (1 - 8), E.33/19 (2), E.35/19(3), AND E.42/19 (a) (i) 2, WHICH WERE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 26 SEPTEMBER 2019, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 30 SEPTEMBER 2019 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).***

The Meeting concluded at 11.35 am

**Signed by:**

**Chairman**

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