

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 6th February, 2020** at **9.30 am** at the **Repton Room - Follaton House**

Present: **Councillors:**

Chairman Cllr Pearce
Vice Chairman Cllr Bastone

Cllr Hopwood
Cllr Hawkins

Cllr Baldry

In attendance:

Councillors:

Cllr Abbott
Cllr Brazil
Cllr Holway
Cllr McKay
Cllr Reeve
Cllr Smerdon

Cllr Austen
Cllr Hodgson
Cllr Long
Cllr Pannell
Cllr Rose
Cllr Spencer

Officers:

Deputy Chief Executive
Section 151 Officer
Director – Place & Enterprise
Head of Practice – Finance
Head of Practice – IT
Senior Specialist – Car Parking and Toilets
Senior Specialist – Democratic Services
Specialist – Democratic Services

67. **Minutes**

The minutes of the Executive meeting held on 19 December 2019 were confirmed as a true and correct record and signed off by the Chairman.

68. **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.

69. **Public Question Time**

It was noted that the following public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting. The responses are set out in bold, and were circulated at the meeting.

Question from Robert Vint:

“What discussions have taken place with Plymouth City Council and with West Devon Borough Council about jointly reviewing Sustainable Construction and Renewable Energy policies in their Joint Local Plan in order to enable effective and immediate responses by all three councils to their own Climate Emergency declarations?”

Response:

Plymouth City Council, West Devon Borough Council and South Hams District Council collaborated on the production of the Plymouth and South West Devon Joint Local Plan, and are now working together to deliver that plan. The Councils have a joint team, the Joint Local Plan team, which oversees the monitoring, delivery and review of the Joint Local Plan. A Joint Local Plan Partnership Board comprising Members from each authority oversees work on the JLP. Discussions on the Joint Local Plan take place in these groups and have reached the following conclusions:

An early review and update of the JLP would not be appropriate response to the declaration of Climate Change and Biodiversity Emergency made by South Hams District Council, for the following reasons:

- 1. The Joint Local Plan already contains a strategy for managing growth over the plan period which is firmly rooted in the principles of sustainable development, focusing development in the city and towns which have a range of facilities accessible by sustainable means of transport. The first two policies of the plan, SPT1 and SPT2 set 'golden threads' running through the entire plan, making clear that the principles of sustainable development, sustainable linked neighbourhoods and sustainable rural communities apply to all development. Reinforcing these principles are a number of development control policies which will have a direct effect on carbon emissions in the future and on the protection and enhancement of biodiversity – for example DEV26, DEV27, DEV32, DEV33**

and DEV34. These policies have very recently been found sound by a Planning Inspector and comply with the NPPF and NPPG, and it is unclear in what way they should be considered to be out of date or inadequate;

2. If the Joint Local Plan were to be immediately reviewed and updated, the Councils would also be immediately announcing that the strategy and policies were out of date. The announcement would mean that the policies would no longer have full weight as adopted policies of the development plan, and it would consequently be more difficult to apply them to development proposals coming forward across the plan area. The result would likely to be a period while the JLP was being updated, when the low carbon policies could not be applied with full weight, housing policies may also be deemed out of date as the strategy was revisited, leading to risks to the 5 year land supply;
3. A review and update of the JLP would not be a rapid process. The process of creating the JLP took three years and is noted as a very fast timescale for the production of a local plan. Updating the JLP on the scale suggested would take a similar time, and possibly longer if Councils wished to pursue ambitious policies going beyond the NPPF with no certainty that the objectives would be achieved. Such a timescale does not seem to be the best use of resources to address the Emergencies that have been declared;
4. Finally, in order to trigger a review and update of the Joint Local Plan, all three Councils (South Hams District Council, West Devon Borough Council, and Plymouth City Council) would need to agree to such a course of action. South Hams District Council cannot make the decision unilaterally.

The Councils are committed to reviewing and updating the JLP within 5 years of its adoption – ie adopting a JLP which has updated any policies deemed to be out of date by 2024. It is therefore suggested that the best way forwards is to keep to this timescale, whilst developing more immediate responses to the Climate and Biodiversity Emergencies through the Action Plans being created.

Question from Ella Dangerfield:

“The Government is proposing to remove local authority powers to set high energy efficiency standards in new homes and to scrap the Fabric Energy Efficiency Standard (FEES). Details attached. Having declared a Climate Emergency, will this Council respond to the Government’s consultation (deadline 7th February) to oppose these proposals?”

Response:

Yes, the Council will be responding to the Future Homes Standard 2019 Consultation calling for a significant uplift in building standards combined with a more robust and comprehensive assessment of the net carbon of a dwelling that considers how a building is used and not just how it is built or where the primary energy comes from. The Council considers that the ineffective binary options offered by the Future Homes Standard consultation fall a long way short of what is required.

Question from Chris Snow:

"A global alliance of environmental organisations have recently evaluated the carbon footprints of the world's largest financial institutions (link attached). Will this council, as part of its Climate Action Plan, act to ensure that its investments are not used to finance further expansion of fossil fuel extraction?

https://www.banktrack.org/download/banking_on_climate_change_2019_fossil_fuel_finance_report_card/banking_on_climate_change_2019.pdf"

Response:

The Council is able to consider the declaration of a Climate Change and Biodiversity Emergency within the Treasury Management function, but any changes need to be very carefully assessed. Policies need to be universally applied and backed by on-going monitoring. This is already undertaken through the application and monitoring of minimum credit ratings and maximum duration limits contained within the Council's Treasury Management Strategy (i.e. addressing Security and Liquidity) and, therefore, any additional requirements need to be applied in a similarly consistent manner.

If the Council formally adopts some form of additional overlay over and above Security, Liquidity and Yield, then the Council will need to address how to encapsulate such a position and what the potential consequences of this would be. Importantly, it should not be something that would be deemed to run contrary to Local Authority regulatory requirements of Security, Liquidity and Yield. Just as important, it should cover all potential investment options that the Council could make, i.e. universal coverage, where possible.

The Council's Investments are currently mainly in UK based Banks and Building Societies and the CCLA (Churches, Charities and Local Authorities) Property Fund. It is also important to stress that the Council's investments are predominantly sterling-denominated term deposits. These are not long-term

investments that are specifically used by financial institutions to “on-finance” projects, but are used as part of day to day cash flow balances.

The Treasury Management Strategy is reviewed annually and the implications of the declaration of a Climate Change and Biodiversity Emergency will be considered as part of this process.

70. **Draft Executive Forward Plan**

Members were presented with an interim Executive Forward Plan setting out items on the agenda for Executive meetings for the next four months and noted its content.

71. **Reports of Other Bodies**

A) Joint Development Management Committee and Overview and Scrutiny Panel – 23rd January 2020;

Minute OSDM.3/19 recommendations were covered in agenda Item 10 (Minute E.74/19 below refers); and

Minute OSDM.4/19 recommendations covered in agenda Item 11 (Minute E.75/19 below refers).

B) Overview & Scrutiny Panel – 23rd January 2020
O&S.62/19 PRE-APPLICATION PROCESS

RESOLVED

The Executive **RECOMMEND** to Council that the draft Pre-Application process (as outlined in Appendix 1 of the presented agenda report to the Panel) be approved, subject to inclusion of the following revisions:

1. replacement of the word ‘we’ with the term ‘the Council’;
2. move the definitions from the end to the beginning of the Policy; and
3. expand upon reference to ‘disclosures’ in the Policy.

O&S.63/19 SAFEGUARDING POLICY

RESOLVED

1. That the revised Safeguarding Policy (as outlined at Appendix A of the presented agenda report to the Panel meeting) be adopted; and

2. That officers be instructed to undertake a viability study regarding the merits of DBS checks for all Members, with the outcome of this study being reported back to a future Overview and Scrutiny Panel meeting.

O&S.67/19 **TASK AND FINISH GROUP UPDATES**

(a) Leisure Review – Concluding Report

The Executive thanked the Task and Finish Group and asked that the annual report from Fusion, to be presented to the Panel meeting on 27 February 2020, outline how the organisation would fulfil its commitment to deliver outreach leisure services to the rural areas of the District.

72. **Quarter 3 Revenue Budget Monitoring 2019/2020**

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 Lead Member for Finance introduced the report and there being no questions, it was then:

RESOLVED

1. That the forecast income and expenditure variations for the 2019/20 financial year and the overall projected underspend of £27,000 (0.3% of the total Budget £8.833 million) be endorsed.
2. That Council be **RECOMMENDED** to transfer £30,000 of the additional planning income into the Planning Policy & Major Developments Earmarked Reserve at the end of the 2019/20 financial year.

73. **Capital Programme Monitoring**

The Executive was presented with a report that advised Members of the progress on individual schemes within the approved Capital Programme, including an assessment of the financial position.

The report confirmed that the monitoring of the Capital Programme at Month 9 (end of December 2019) had not highlighted any significant areas of overspend to report to Members. All of the capital projects were within the existing capital budgets approved by Members (as outlined at Appendix A of the presented agenda report). The remaining balance of the capital programme contingency budget was £73,399.

The Lead Member for Finance introduced the report. The Section 151 Officer and Director for Place and Enterprise responded to questions of clarity.

It was then **RESOLVED** that:

1. the content of the Monitoring Report be noted;
2. Council be **RECOMMENDED** that £88,000 of revenue income, predominantly in respect of a restrictive covenant, be allocated to the Capital Programme Reserve (as set out in exempt Appendix B to the presented agenda report); and
3. Council be **RECOMMENDED** to increase the budget for Whitestrand, Salcombe (as set out in exempt Appendix B to the presented agenda report).

74. **Revenue Budget Proposals for 2020/21**

A report was considered that presented the draft Revenue Budget Proposals for 2020-21. The report noted that these proposals had been considered by the Executive on 19th December 2019 (minute E.61/19 refers) and then the joint meeting of the Overview and Scrutiny Panel and the Development Management Committee (minute OSDM.3/19 refers) on 23rd January 2020. The Leader presented the report to the Executive and outlined the changes following its passage through the above meetings.

The Leader clarified recommendation 5 following the recent meeting held with South Hams CVS. Despite further requests being made, financial information regarding use of funding was still not forthcoming from CVS and their representatives had confirmed that they did not invite local Town and Parish Councils to make any funding contributions to their organisation. It was therefore suggested that £5,000 be made as a contribution from the Council towards core costs in 2020/21. The Council had approved a commissioning model for voluntary funding with possible crowd funding opportunities being available for the following year.

The Leader and S151 Officer responded to questions of clarity, including that Recommendation 7 was proposed to be a one-off amount of money with the Climate Change and Biodiversity Working Group having a key role in deciding how this was spent. There was an additional recommendation (Recommendation 14) proposed to ensure that tenants were paying an open market rent specifically in relation to Citizens Advice South Hams' offices at Follaton House. This approach would ensure tenants were paying an Open Market Rent, with the budget reflecting market rent prices. As a result, there would be a Net Nil impact on the 2020-21 Budget as the two corresponding entries would equate to Nil.

It was then **RESOLVED** that the Executive **RECOMMEND** to Council:

1. To increase Council Tax for 2020/21 by £5 (Band D of £170.42 for 2020/21 – an increase of 10 pence per week or £5 per year – equates to a 3.02% increase)
2. The financial pressures shown in Appendix A of £1,603,640 (amended to £1,600,640 to reflect Recommendation 5 being for £5,000)
3. The net contributions to/(from) Earmarked Reserves of (£117,843) as shown in Appendix D
4. The savings of £904,877 as shown in Appendix A
5. Partnership funding levels set out in 2.38 of the presented report, with the addition of £5,000 to the CVS for 2020/21 only
6. The use of £564,143 of New Homes Bonus funding to fund the 2020/21 Revenue Budget as set out in 2.25 of the report
7. The use of £400,000 of New Homes Bonus funding to set up an emergency climate change projects Earmarked Reserve (2.20)
8. To transfer the unallocated balance (currently £235,016) of New Homes Bonus into the New Homes Bonus Earmarked Reserve, with its future use to be decided when more details are known about the Spending Review for 2021/22 and following a Government consultation document on a replacement scheme for NHB which will be published in the Spring of 2020
9. The inclusion of an Economy post (shared with West Devon Borough Council within the staffing establishment for two years, as 2.37)
10. To delegate to the S151 Officer, in consultation with the Leader and Executive Member for Finance to agree the final amount of New Homes Bonus funding for the Dartmoor National Park Sustainable Community Fund for 2020/21
11. That the Council should set its total net expenditure for 2020/21 as shown in Appendix B as £9,413,672 (amended to £9,410,672 to reflect Recommendation 5 being for £5,000)
12. That the minimum level of the Unearmarked Revenue Reserve is maintained at £1.5 million.
13. That the level of reserves as set out within this report and the assessment of their adequacy and the robustness of budget estimates are noted. This is a requirement of Part 2 of the Local Government Act 2003.
14. To delegate authority to the S151 Officer, in consultation with the Leader of the Council, to carry out a virement within the 2020-21 Budget, to increase both the partnership expenditure budget by £9,000 and the estates management income budget by £9,000, to reflect a commercial rate of rent for the Citizens Advice Bureau but also to ensure no loss of service provision to local residents.

75.

Capital Budget Proposals for 2020/21

Members were presented with a report that sets out the Capital Bids to the 2020/21 Capital Programme totalling £3,730,000 and a suggested way that these Bids could be funded. All items in this proposed Capital Programme were based on budget estimates and would be subject to the normal project appraisal procedures.

It was then:

RESOLVED

That the Executive **RECOMMEND** to Council:

1. The Capital Programme for 2020/21, which totals £2,480,000 (Appendix A of the presented agenda report refers);
2. The Capital Programme for 2020/21, which totals £1,250,000 (Exempt Appendix B of the presented agenda report refers); and
3. The financing of the 2020/21 Capital Programme of £3,730,000 from the funding sources set out in Section 4 of the presented agenda report.

76. **Write Off Report**

The Executive considered a report that informed Members of the debt written off during the period 1 October to 31 December 2019. The report advised that Debts up to the value of £5,000 could be written off, under delegated authority, by the Section 151 Officer. The report stated that permission needed to be sought from the Executive to write off individual debts with a value of more than £5,000.

Following a number of detailed Member questions related to Bad Debt provision, the Executive concluded that it would be appropriate for either a future Informal Council session or Overview and Scrutiny Panel agenda item to be scheduled on this matter.

It was then **RESOLVED** that:

1. In accordance with Financial Regulations, it be noted that the S151 Officer has authorised the write-off of individual South Hams District Council debts totalling £90,751.81 as detailed in Tables 1 and 2 of the presented agenda report; and
2. Approval be given to the write-off of individual debts in excess of £5,000 (totalling £18,689.45) as detailed in Table 3 of the presented agenda report.

77. **Purchase of a Commercial Investment Property**

Members were presented with a report that outlined the recent purchase of a commercial investment property in Dartmouth.

The request was made that, when deliberating any such purchases in the future, officers and Executive Members consider the feasibility of measures (e.g. installation of solar panels on roofs) that would recognise that the Council had declared a Climate Change and Biodiversity Emergency.

It was then **RESOLVED**:

That the purchase of a commercial investment property under the delegated authority granted to the Chief Executive and the Section 151 Officer in consultation with the Executive (Minute 26/19 refers) be noted.

78. **Housing Company**

Members were presented with a report that set out the options for the formation of a Wholly Owned Company to support the Council in owning and managing rented housing stock.

The Lead Member for Homes, with input from the S151 Officer, clarified issues around the constitution of the Housing Company Board and possible conflict of interests for Officers. Executive welcomed the ability for the Council to be able to provide affordable homes within the District.

It was then **RESOLVED**:

- 1) That the setting up of a Housing Company in the form of a Community Benefit Society (CBS) be endorsed;
- 2) a spend of up to £40,000 funded from the Affordable Housing Earmarked Reserve, to set up the CBS, be approved; and
- 3) That the Executive **recommends** to Council to:
 - a) form a Community Benefit Society (CBS); and
 - b) delegate all authority needed to undertake full due diligence and establish the CBS in the form set out in the presented agenda report, to the Director of Place and Enterprise, S151 Officer and Monitoring Officer, in consultation with the Leader of the Council.

79. **Electric Charging Points Collaboration Agreement**

Members were presented with a report that informed them of the proposal to provide electric charging points in some of the Council's car parks. Whilst supporting the proposed way forward, some Members were disappointed at the proposed project timescales.

It was then **RESOLVED** that:

The Executive **RECOMMEND** to Council that:

- 1) the Council signs up to the collaboration agreement with Devon County Council for the installation of Electric Vehicle Charging Points;
- 2) the potential sites where the Electric Vehicle Charging Point should be installed are as listed in paragraph 1.3 of the report;

- 3) the Council enters into a lease with the appointed supplier for a 10 year period; and
- 4) funding for the charging points is obtained from the Revenue Grants Reserve.

80. **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.

81. **Future IT Platform Contract Award**

Members were presented with an exempt report by the Lead Member for Performance that outlined the process of procurement undertaken to look at a future IT system for the Council.

It was then **RESOLVED** that:

- 1) the contract for the future Case Management technology be awarded to the selected supplier as outlined in the exempt agenda report;
- 2) Council be **RECOMMENDED** to approve the use of £83,000 from the IT Development earmarked reserve in 2020/21 for the project budget; and
- 3) Delegated authority be granted for the contract award of a Document Management system, to the Strategic Director of Customer Service Delivery in consultation with the Executive Member for ICT and the Leader of the Council.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.71/19 (B), E.72 (2), E.73/19 (2-3), E.74/19, E.75/19 (1-3), E.78/19 (3), E.79/19, E.81/19 (2), WHICH WERE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 13 FEBRUARY 2020, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 17 FEBRUARY 2020 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

The Meeting concluded at 11.25 am

Signed by:

Chairman

