

South Hams Executive



Title:	Agenda
Date:	Thursday, 9th September, 2021
Time:	11.30 am
Venue:	Repton Room - Follaton House
Full Members:	<p style="text-align: center;">Chairman Cllr Pearce</p> <p style="text-align: center;">Vice Chairman Cllr Bastone</p> <p><i>Members:</i> Cllr Baldry Cllr Holway Cllr Hawkins Cllr Hopwood</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Democratic.Services@swdevon.gov.uk

- 1. Minutes** **1 - 10**
to approve as a correct record the minutes of the meeting of the Executive held on 8 July 2021;
- 2. Urgent Business**
brought forward at the discretion of the Chairman;
- 3. Division of Agenda**
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Exclusion of Public and Press**
- 6. Plymouth and South Devon Freezone** - To follow

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD IN THE REPTON ROOM ON THURSDAY, 8 JULY 2021**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr K J Baldry	*	Cllr T R Holway
*	Cllr H D Bastone (Vice Chairman)	∅	Cllr N A Hopwood
*	Cllr J D Hawkins	*	Cllr J A Pearce (Chairman)

Also in attendance:
Cllrs Abbott, Birch, Hodgson, Kemp and Long

Officers in attendance and participating:		
All items		Chief Executive; Director of Customer Service and Delivery; Section 151 Officer; Director of Place and Enterprise; Head of Strategy and Projects; Specialist – Community Safety and Democratic Services Manager

E.16/21 MINUTES

The minutes of the Executive meeting held on 3 June 2021 were confirmed as a true and correct record.

E.17/21 URGENT BUSINESS

The Chairman advised that she had agreed for one urgent item to be raised at this meeting that would be considered immediately. The item was titled: ‘Waste and Recycling Performance Update’ and was considered to be urgent in light of the associated time constraints.

(a) Waste and Recycling Service Update

A supporting report was tabled to the meeting that provided Members with an update on the performance of the Council’s waste and recycling contractors (FCC) since the Extraordinary Council meeting had been held on 17 June 2021.

In discussion, the following points were raised:

- Whilst the service improvements were welcomed by Members, it was also acknowledged that there was still more work to do. Members wished to put on record the hard work of Council officers, Members and the FCC operational staff in delivering these improvements;
- It was confirmed that an exempt report would be presented to a future Full Council meeting that would include reference to the implementation of the clauses contained within the contract.

Whilst a non-Executive Member questioned whether such a report could be presented (as an urgent item) to the Full Council meeting on 15 July 2021, the overriding view of Members was that the focus must be on generating continued service improvements at this time and the request was considered to be too soon. Nonetheless, the Leader agreed that an exempt report on the administration of the contract with FCC would be added to her Forward Plan for consideration at the Executive meeting to be held on 16 September 2021;

- The lead Executive Member reiterated that his current priority was resolving the matter of assisted collections;
- At the informal meeting between FCC representatives and Executive Members to be held on 13 July 2021, Members asked that consideration be given to the knock-on effects on other FCC services (including litter bin emptying; street cleaning; and public convenience cleaning) and the Council's Locality and Grounds Maintenance service areas; and
- Officers confirmed that, in addition to recruiting extra supervisory and administrative staff, FCC was also utilising its resources from other contracts to address the backlog. However, the national shortage of Heavy Goods Vehicle drivers was still having a detrimental service impact and it was noted that a number of other local authorities were suffering similar problems.

It was then:

RESOLVED

1. That the improvement in FCC's performance be noted; and
2. That the Executive continue to meet with FCC's Senior Management Team on a weekly basis and monitor FCC's performance to ensure continued improvement.

E.18/21 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 there were none made.

E.19/21 PUBLIC QUESTION TIME

It was noted that two public questions had been received in accordance with the Executive Procedure Rules for consideration at this meeting.

Question 1 from Caroline Snow:

“In granting planning for new development, in addition to the requirement to conserve and enhance biodiversity on site, how will you ensure that continuous habitat is protected throughout the landscape to ensure wildlife corridors that connect habitats, allowing the movement of wildlife essential for conserving healthy and viable wildlife populations?”

In reply, the Leader informed that, when developing a Joint Local Plan, an evidence base of constraints, including biodiversity at a landscape scale was used to inform future site allocations. Then, as detailed development proposals came forward, the connectivity of a site to its surrounds to wildlife formed part of the considerations.

Cllr Pearce added that this was an area that this Council was very keen to see the base data and evidence base strengthened and the Council was working with key partners including Wildlife Trust, Forestry Commission, Woodland Trust and others to provide a Nature Recovery Network mapping resource to inform future spatial planning decisions.

Question 2 from John Cummings:

“The Climate Change Committee’s Progress Report says the government “has been too slow to follow” climate promises “with delivery.”. The Environmental Audit Committee called natural environment policies “grandiose statements lacking teeth and devoid of effective delivery mechanisms”. Do these reports urge the Executive’s support for a CEE Bill?”

In response, Cllr Holway (in his capacity as the lead Executive Member) advised that the Climate, Ecological and Environment (CEE) Bill was put forward by Caroline Lucas as a Private Members Bill to the House of Commons. Whilst supporting the broad aims of the Bill, it was a matter for the House of Commons to debate and discuss.

This Council had declared a Climate Change and Biodiversity Emergency and the questioner would note that there was an item later in this meeting to discuss ways in which the Council could take action to improve biodiversity at a local level, which made clear the commitment and intent of the Council.

E.20/21

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:

- confirmation that a follow up report on 'Meeting the Biodiversity Target' would be added to the next published version of the Forward Plan for consideration at 14 October 2021 Executive Meeting; and
- in light of the earlier discussions (Minute E.17/21(a) above refers), an additional exempt item would be added to the next published Plan titled: 'Waste Contract' for consideration at 16 September 2021 Executive Meeting.

E.21/21

CORPORATE STRATEGY DEVELOPMENT

Consideration was given to a report that set out the draft Corporate Strategy and timeline for the next steps, with a view to ultimate adoption of the final strategy in September 2021.

The Leader introduced the agenda item and advised that the Strategy would be re-named as: 'Better Lives for All'. Furthermore, the Leader informed the meeting that, in line with the thematic areas set out in the draft Strategy, she had taken the opportunity to make minor amendments to the lead Member roles and responsibilities. At the same, a Member asked that the Leader revisit the titles of the portfolio areas and, in particular, the 'Environment' title which was felt to no longer be so reflective of that role.

In discussion, the following points were raised:-

- (a) Members felt that the design of the Plan was excellent and a credit to the Council;
- (b) A Member considered that the current Plan was lacking reference to the point that it would be an evolving document. In reply, it was recognised that this was an important point that would be included in the covering report at the time when the Plan was re-presented to the September cycle of Executive and Full Council meetings.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:-

1. instruct officers to commence a formal public consultation exercise on the draft Strategy, in line with the adopted Community Consultation and Engagement Strategy; and
2. instruct the Chief Executive and the Director of Governance and Assurance to develop delivery plans for the Strategy, for consideration by the Executive alongside the final Strategy at its meeting on 16 September 2021 before their onward consideration by Full Council on 23 September 2021.

E.22/21 MEETING THE BIODIVERSITY TARGET

Consideration was given to a report that sought agreement, in principle and where appropriate, of managing Council owned land to deliver an increase in biodiversity and to meet the Council's declared biodiversity target of 10% by 2025.

In discussion, reference was made to:

- (a) section 5.1 of the presented agenda report. For the record, Members felt that the wording of section 5.1 could be seen to be pre-judging the outcome of the consultation exercise and should therefore be revisited. In addition, the Executive felt that section 5.1 should also aim to be more ambitious and state that the target net increase in biodiversity should be '*at least 10%*';
- (b) the views of a non-Executive Member. A Member felt that the recommendation should include reference to both banning the use of pesticides on Council owned land and the need to take necessary actions on the identified Air Quality Management Areas. Executive Members felt that, whilst important issues, they should be addressed at the 14 October 2021 Executive meeting when the matter was to be re-considered;
- (c) the consultation exercise. Members emphasised the importance of the consultation process being a rigorous exercise and that the views of local communities; residents associations; and local town and parish councils were taken into account;
- (d) the importance of appropriate explanatory signage was recognised; and
- (e) the focus not being solely on amenity grassland but also on areas such as hedgerow expansions, orchards and fruit trees.

It was then:

RESOLVED

1. That, where appropriate, the principle of managing Council owned land to deliver an increase in biodiversity and meet our declared biodiversity target of 10% by 2025 be agreed;
2. That support be given for a consultation with our communities on the proposals to inform the detail and locations of its role out, with the consultation design and detail being delegated to the Director for Place and Enterprise, in consultation with the lead Executive Member for Climate Change and Biodiversity; and

3. That a report be included on the Executive Forward Plan in the Autumn to consider the detailed proposals, equipment specification, revenue and capital expenditure.

E.23/21 DRAFT ANNUAL REPORT 2020/21

Members considered a report that presented the Council's draft Annual Report for 2020/21.

During discussion, the following points were raised:

- (a) The lack of reference in the draft Annual Report to the introduction of the waste and recycling round changes was felt to be surprising and it was agreed that a paragraph should be added prior to formal publication; and
- (b) It was felt that reference to Member IT provision in the '2020/21 in Numbers' section of the draft Report was open to misinterpretation and should therefore be amended prior to publication.

It was then:

RESOLVED

1. That the progress and achievements made by the Council be noted; and
2. That the 2020/21 South Hams Draft Annual Report (as presented at Appendix A of the published agenda) be approved for publication subject to:
 - a. Inclusion of an additional paragraph relating to the problems that had been incurred following the recent waste and recycling round changes; and
 - b. The '2020/21 in Numbers' section (and specifically reference to Member IT Provision) being amended to avoid any misinterpretation.

E.24/21 PUBLIC SPACE PROTECTION ORDER – ALCOHOL

The Executive considered a report that set out a series of recommendations as to whether or not an Alcohol Public Space Protection Order should be made in relation to eight towns or areas within the District of South Hams. The report stated that each of the recommendations was based on an assessment of the evidence as to whether or not the statutory grounds for making each Order had been established.

The lead Executive Member introduced the agenda item and wished to thank the lead officer for producing the report and he wished her well in her new employment following her departure from the Council. The Member also confirmed that all town and parish councils and local Ward Members had been consulted on the proposals outlined within the presented agenda report.

In discussion, reference was made to:-

- (a) some apparent inconsistencies in both the recommendations of the Police and the maps. As an example of the apparent inconsistencies, a Member advised that despite South Brent having reported higher instances of Anti-Social Behaviour than Salcombe, it was Salcombe that was being recommended to adopt an Order whilst South Brent was not. Furthermore, a Member questioned why Borough Park, Totnes had been omitted from the proposed Order from Totnes. As a result, Members recognised the need for the Orders to be agreed at the Council meeting on 15 July 2021, but before a final decision was made, it was agreed that all of the maps should be reviewed to ensure that there were no inconsistencies;
- (b) the three areas (Modbury, South Brent and Woolwell) that were proposed to have no Order made at this time. In each of these three areas, Members cited examples of local residents being unhappy at the proposal to have no Order made. In addition, a statement was read on behalf of the local Ward Member for Woolwell that set out her deep reservations at the proposals. In recognition of these concerns, Members felt that an alternative recommendation should be put to the Council meeting that read as follows:

*'That Council be **RECOMMENDED** to request a further review into whether or not an Alcohol Public Space Protection Order 2021 should be invoked in the following areas: Modbury; South Brent; and Woolwell.'*

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:

- 1. agree (subject to each of the maps being reviewed) the:
 - (a) Dartmouth Alcohol Public Space Protection Order 2021 (as set out in Appendix A of the presented agenda report);
 - (b) Ivybridge Alcohol Public Space Protection Order 2021 (as set out in Appendix B of the presented agenda report);
 - (c) Kingsbridge Alcohol Public Space Protection Order 2021 (as set out in Appendix C of the presented agenda report);

- (d) Salcombe Alcohol Public Space Protection Order 2021 (as set out in Appendix E of the presented agenda report); and
 - (e) Totnes Alcohol Public Space Protection Order 2021 (as set out in Appendix G of the presented agenda report); and
2. request a further review into whether or not an Alcohol Public Space Protection Order 2021 should be invoked in the following areas:
- Modbury;
South Brent; and
Woolwell.

(NOTE: in accordance with Executive Procedure Rule 1.9.4, Cllrs H Bastone and J Hawkins abstained from the vote on part 1(a) and Cllr J Pearce abstained from the vote on part 1(e) by virtue of being local Ward Members).

E.25/21 **OFF-STREET PARKING ORDER AMENDMENT**

The Executive considered a report that proposed amendments to the Off-Street Parking Places Order.

In discussion, the following points were raised:-

- (a) It was noted that the proposed amendments would be subject to a three week public consultation exercise;
- (b) For clarity, officers confirmed that the amendment was not proposing to install parking meters within the Follaton House Car Park.

It was then:

RESOLVED

That, subject to public consultation and the arrangements for considering any representations received (as set out in paragraph 5.2 of the presented agenda report), the variation of the South Hams District Council (Off-Street Parking Places) Order 2021 delegated authority be granted to the Head of Assets, in consultation with the Leader of the Council and the lead Executive Member to make the following amendments:

- 1. To apply a maximum stay of three hours no return within two hours at Follaton House Car Park to the area identified in Appendix A of the presented agenda report;

2. To apply a maximum stay of three hours no return within two hours to the Electric Charging Points located at Follaton House as set out in Appendix A of the presented agenda report;
3. To amend article 28 of the Off-Street Parking Places Order to state: 'A Pay and Display Ticket issued by a Pay and Display Machine or through the Ticketless Facility following payment of the Parking Charge shall
 - a. Only be valid within the Parking Place in which it was purchased, unless otherwise specified;
 - b. Only be valid until the expiry time shown on the Pay and Display Ticket or the receipt from the Ticketless Facility;
 - c. Not be transferred between vehicles; and
 - d. Only be used in the vehicle registration number entered into the Pay and Display Machine or through the Ticketless Facility by the driver at the time of purchase.'

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.21/21 AND E.24/21 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 15 JULY 2021) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 19 JULY 2021 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10:45 am and concluded at 12.25 pm)

Chairman

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