

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 9th February, 2017** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Smerdon
Vice Chairman Cllr Cuthbert

Cllr Baldry	Cllr Bastone
Cllr Blackler	Cllr Bramble
Cllr Brazil	Cllr Brown
Cllr Cane	Cllr Foss
Cllr Gilbert	Cllr Green
Cllr Hawkins	Cllr Hicks
Cllr Hodgson	Cllr Holway
Cllr Hopwood	Cllr May
Cllr Pearce	Cllr Pennington
Cllr Rowe	Cllr Saltern
Cllr Steer	Cllr Tucker
Cllr Vint	Cllr Wingate
Cllr Wright	

In attendance:

Councillors:

Officers:

Catherine Bowen
Lisa Buckle
Sophie Hosking
Steve Jordan

Andy Wilson

Monitoring Officer
Section 151 Officer
Executive Director
Executive Director Head of Paid Service
COP Lead Human Resources

61. **Minutes**

61/16

The minutes of the meeting of Council held on 15 December 2016 were confirmed as a correct record and signed by the Chairman.

62. **Declarations of Interest**

62/16

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

Cllr R C Steer declared a personal interest in agenda item 8(a): 'Questions' (Minute 64/16(a) below refers) by virtue of being a Member of the Devon Wildlife Trust and remained in the meeting during consideration of this agenda item.

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

63/16

Whilst not wishing to refer to any specific engagements, the Chairman did wish to welcome the Vice-Chairman back to the Council following her recent accident.

64. **Questions**

64/16

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

From Cllr Hodgson to Cllr Tucker, Leader of Council

(a) "Last August I requested that Mr Harry Barton, CEO of the Devon Wildlife Trust provided an address or workshop on how wildlife can be considered and supported through the planning system. Since then I have made repeated requests and been given at least three assurances that this has been agreed and is being arranged. This presentation would benefit our policies in the forthcoming JLP and inform decision making at DM Committee; when will it take place?"

In reply, Cllr Tucker informed that contact had been made with the Devon Wildlife Trust on a number of separate occasions. Partly as a result of staff changes within the Trust, Cllr Tucker advised that the organisation had now confirmed that Mr Barton would not be available before the end of March.

Cllr Hodgson responded by expressing her disappointment that there would not be a Member session delivered by the Trust before the Council considered the Joint Local Plan on 2 March 2017.

From Cllr Hodgson to Cllr Wright, lead Executive Member for Support Services

- (b) *"Is this Council fulfilling its legal obligations to support and protect wildlife and its associated habitats? Recent recommendations by planning officers to DM committee to approve planning applications that cut through wildlife corridors are being supported by Members, yet in some cases the impacts on the ecology and protected species have not been fully explored or even passed to our in-house ecologist for a view."*

In response, Cllr Wright stated that the Council employed suitably qualified professionals to consider and report on the wildlife and habitat issues in relation to Council business, including planning applications. Where appropriate and, if deemed necessary, the Council may also seek detailed second opinion from external experts from time to time.

In addition, Cllr Wright also informed that the weight and significance of that opinion was to be considered, debated and balanced in the decision-making process by the Development Management Committee on a case by case basis and, in so doing, the Council was therefore meeting its legal obligations.

65.

Notices of Motion

65/16

It was noted that one motion had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Green and Hodgson

"The Council will undertake an assessment of the Parkers Barn site in Totnes to determine its suitability and economic viability as a location for affordable housing possibly in conjunction with a Community Land Trust, with a view to the potential purchase of the site, which could also provide improved access for residents of the Riverside housing development."

In introducing the motion, the proposer advised that the site was owned by Devon County Council and, considering that it was on the market for a very reasonable price, it would be an ideal investment opportunity for the Council.

In the ensuing debate, the following points were raised:-

- (a) The Leader advised that officers had already given this matter consideration and it had been concluded that there were significant viability issues for this site. As a result, the Leader stated his opposition to this motion;
- (b) In support of this motion, the local Devon County Council Member provided an update and reiterated his view that this site presented a very good opportunity for the Council to deliver its affordable housing targets. Furthermore, a Member reminded

the meeting of the commitment that was given to consider this site following the Riverside planning appeal;

When put to the vote, this motion was declared **LOST**.

(b) By Cllrs Green and Baldry

"Dialogue and cooperation between Councillors from different political parties leads to increased understanding and informed decision-making. As such, it is actively encouraged by the Council."

In his introduction, the proposer highlighted that:

- the work of the Local Authority Controlled Company Joint Steering Group being a positive example of cross political party working and the hope that this approach could be replicated in other areas;
- better decisions were made through increased dialogue; and
- such cross party working conveying a good message to officers.

In discussion, some Members felt that dialogue and co-operation was already taking place across political parties and they were therefore happy to support this motion.

It was then:

RESOLVED

Dialogue and cooperation between Councillors from different political parties leads to increased understanding and informed decision-making. As such, it is actively encouraged by the Council.

(c) By Cllrs Hodgson and Green

"This Council supports a policy of requesting a comprehensive ecological report with appropriate wildlife surveys for any planning application in close proximity, adjacent to or including a Devon Bank, Wildlife Corridor or protected wildlife habitat."

In her introduction, the proposer made reference to:-

- the importance of wildlife to the area and the Council having statutory duties in respect of the EU Wildlife Directive; and
- her belief that recent decisions made by the Development Management Committee had not given sufficient emphasis to wildlife implications.

During the subsequent discussion, the following points were raised:-

- (a) A Member outlined from the Council website the process that was followed in submitting a planning application. In so doing, the Member emphasised that the Council was already requesting (if required) such surveys and asked that the proposer consider amending her motion to read:

*"This Council **already** supports a policy of requesting a comprehensive ecological report with...."*

In citing the differences between a desktop survey and an on-site survey, the proposer was not willing to accept this amendment. Moreover, a Member expressed his scepticism and asked that officers check to ensure that what applicants were asked to submit was in fact happening in all instances;

- (b) The importance of the process being proportionate and it being made abundantly clear in the forms of the ecological requirements for each planning application;

- (c) An amendment to the motion was **PROPOSED** and **SECONDED** as follows:

*"This Council **will ensure that it implements its existing** policy of requesting a comprehensive ecological report with appropriate wildlife surveys for any planning application in close proximity, adjacent to or including a Devon Bank, Wildlife Corridor or protected wildlife habitat."*

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

- (d) The seconder stated that ecology was a key consideration for the Development Management Committee and there was direct correlation between the local economy and the strong protection of the nature in the South Hams.

When put to the vote, this motion was declared **LOST**.

66. **Budget Proposals 2017/18**

66/16

The Council considered a report that provided an update of the Council's overall financial position and that detailed the formal recommendations of the Executive to achieve a balanced Budget for 2017/18 (Minutes E.55/16 and E.56/16 also refer).

The Leader of Council proceeded to introduce the agenda item and made specific reference to:-

- the ongoing cuts in central government funding;
- his wish for income generation to be a top priority for the Council during 2017/18; and
- his belief that the Council remained in a fairly strong financial position.

At this point, the 23 recommendations were **PROPOSED** and **SECONDED** and the Chairman subsequently invited any debate on each of them individually. In so doing, the following points were raised:-

- (i) With regard to the financial pressures outlined in recommendation 2, a Member highlighted that the waste and recycling service continued to create the vast majority of these pressures. As a result, the Member urged the Overview and Scrutiny Panel to have a detailed look at this service. In reply, the Leader agreed that the Council could not continue to spend so much on the service. He then proceeded to advise that the Waste and Recycling Task and Finish Group was currently looking at all aspects of the service and would be reporting its recommendations to the Overview and Scrutiny Panel in the upcoming months;
- (ii) Some disappointment was expressed that the joint meeting of the Overview and Scrutiny Panel and the Development Management Committee that had considered the draft Budget proposals had not been presented with the most up to date information;
- (iii) Some Members emphasised their lack of support for the proposed increases in car parking fees. In their opposition, these Members cited reasons including: the consequent detrimental impact on the local economy by driving customers away from town centres and public transport provision being so poor that it did not offer a viable alternative to the car.

In contrast, other Members felt that, whilst regrettable, car parking fees had been frozen for the last five years and, such were the budget constraints facing the Council, that they would be supporting the recommendations;

- (iv) With regard to additional recommendation 23, a Member urged the Council to support this proposal and put pressure on central government to reverse the trend of such substantial grant funding reductions. A number of Members echoed the sentiments that were contained in this recommendation and asked that local MPs also be sent a copy of the letter.

In line with statutory requirements, a recorded vote was then undertaken on part 11 of the motion. The voting on this part was recorded as follows:-

For the motion (21): Cllrs Bastone, Blackler, Bramble, Brown, Cane, Cuthbert, Foss, Green, Hawkins, Hicks, Hodgson, Holway, Hopwood, May, Pearce, Pennington, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (2): Cllrs Baldry and Brazil.

Abstentions (4): Cllrs Gilbert, Rowe, Saltern and Vint.

Absent (3): Cllrs Birch, Hitchins and Pringle.

In line with statutory requirements, a recorded vote was then undertaken on parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the motion. The voting on these parts was recorded as follows:-

For the motion (26): Cllrs Baldry, Bastone, Blackler, Bramble, Brazil, Brown, Cane, Cuthbert, Foss, Gilbert, Green, Hawkins, Hicks, Hodgson, Holway, Hopwood, May, Pearce, Pennington, Saltern, Smerdon, Steer, Tucker, Vint, Wingate and Wright.

Against the motion (0):

Abstentions (0):

Absent (4): Cllrs Birch, Hitchins, Pringle and Rowe.

It was then:

RESOLVED

1. That Council Tax is increased by £5 (which equates to a Band D council tax of £155.42 for 2017/18, an increase of £5 per year or 10 pence per week). This equates to a Council Tax requirement of £5,809,541 (as shown in Appendix B of the presented agenda report));
2. That the financial pressures in Appendix B of the presented agenda report (amounting to £1,215,000) be agreed;
3. That the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
4. That the schedule of savings identified in Appendix B of the presented agenda report (totalling £877,800) be agreed;
5. That the Collection Fund Surplus of £143,000 (as shown in Appendix B of the presented agenda report) be agreed;

6. That the level of contributions to reserves to be included within the Authority's Budget (as set out in Appendix C of the presented agenda report) be agreed;
7. That £153,900 of New Homes Bonus funding for 2017/18 be allocated to the Community Reinvestment Projects budget for 2017/18. In addition, any underspend from the 2016/17 Community Reinvestment Projects budget of £153,900 be transferred into the Capital Programme Reserve;
8. That £50,000 of New Homes Bonus funding be allocated to the Joint Local Plan;
9. That the Council earmark £3,060 of its allocation of the New Homes Bonus for 2017/18 for the Dartmoor National Park Sustainable Community Fund, with delegated authority being granted to the Section 151 Officer, in consultation with the Leader and the Lead Executive Member for Support Services to agree the final amount transferred. (NB. the funds are awarded as a one-off payment to Dartmoor National Park, to award projects on an application basis that they administer. The following conditions will apply:
 - decisions must be taken in consultation with the South Hams District Council local Ward Member(s);
 - funding can only be used for capital spending on projects in those parts of Dartmoor National Park which fall with the South Hams District Council Boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
 - Dartmoor National Park reports on the progress in the application and use of the funds to the Overview and Scrutiny Panel in time for budget setting decisions to be made;
10. That £75,000 of the Budget Surplus Contingency Earmarked Reserve be used to fund five additional Case Managers within Development Management for a period of one year;
11. That an income target equivalent to a 2% increase in car parking fees (amounting to £37,800) be approved for 2017/18, with consultation taking place with communities as to how this is achieved through the community led tariffs policy;
12. That the budget gap of £336,854 be closed by using £287,273 from the Budget Surplus Contingency Earmarked Reserve and £49,581 from the New Homes Bonus Reserve;

13. That the Council adopt the principle that the future decision on the Dartmouth Lower Ferry (from the work of the Task and Finish Group) reduces the amount taken from the Budget Surplus Contingency Earmarked Reserve required to balance the Budget;
14. That the Council Tax Support Grant paid to Town and Parish Councils be reduced by 9.85% for 2017/18, 2018/19 and 2019/20. (NB. this equates to a payment of £91,644 for 2017/18);
15. That the Council set its total net expenditure for 2017/18 at £8,346,076 (as shown in Appendix B of the presented agenda report);
16. That the minimum level of the Unearmarked Revenue Reserves be maintained at £1,500,000;
17. That the level of reserves as set out within the Executive report (2 February 2017) and the robustness of budget estimates be noted. (NB. this is a requirement of Part 2 of the Local Government Act 2003);
18. That delegated authority be given to the Finance Community Of Practice Lead (Section 151 Officer), in consultation with the Leader of the Council, to update the budget if there are any changes to the Government Finance Settlement when the final announcement is made;
19. That the Capital Programme Proposals for 2017/18 (totalling £2,415,000) be approved;
20. That, following the Budget scouring exercise, the 2016/17 capital projects be removed from the Capital Programme (amounting to £295,000);
21. That the remaining Capital Programme contingency from the 2015/16 and 2016/17 programmes, totalling £167,000, be used to meet the increased costs detailed in Exempt Appendix D of agenda item 7: Capital Programme Budget Proposals report for 2017/18 (Executive agenda 2 February 2017 refers);
22. That the 2017/18 Capital Programme of £2,415,000 be financed from the funding sources as set out in Section 4 of Item 7: Capital Programme Budget Proposals report for 2017/18 (Executive agenda 2 February 2017 refers); and
23. That a letter be sent to the Prime Minister that includes the following text:

'Dear Prime Minister,

South Hams District Council's Settlement Funding Assessment (Revenue Support Grant and Business Rates) will be reduced by 39.3% over the four years of the finance settlement for 2016/17 to 2019/20. The Council's Revenue Support Grant is reduced to zero by 2018.

Central Government, prior to your election as our Prime Minister, decreed that Revenue Support Grants will be phased out by 2020. Despite the current reduction, in 2016 South Hams District Council received an excellent Audit Committee report from External Auditors KPMG (appointed by the National Audit Commission) which complimented South Hams District Council on its 'economy, efficiency and effectiveness' on behalf of our Council Taxpayers.

Therefore, will you, as our newly elected Prime Minister, who recently stated so laudably that one of your first priorities will be "care and welfare of our people" be prepared to lead the Government in a change in policy for reductions in Revenue Support Grants to local councils.'

67. **Local Authority Controlled Company Business Case**

67/16

As previously notified, the Chairman reminded the Council that consideration of this agenda item had been deferred until the Special Council meeting on 2 March 2017.

68. **Pay Policy Statement, Review of Group Managers Salary and Pay and Reward Strategy 2017**

68/16

Members considered a report that proposed that:

- the draft Pay Policy Statement for 2017/18 be adopted;
- the new salary levels for the Group Managers for Commercial Services and Support Services be agreed; and
- the Pay and Reward Strategy be adopted.

In discussion, reference was made to:-

- (a) the transparency of the report. In welcoming the report, a Member felt that it represented good practice and expressed his disappointment that the private sector (and in particular the Local Enterprise Partnership) did not adopt the same approach;
- (b) the Pay and Reward Strategy. Having been requested at the last meeting of the Political Structures Working Group, a Member welcomed the content of the Strategy and thanked the Community Of Practice Lead for Human Resources for producing this document;

- (c) the Group Managers. A Member expressed his support for the proposed new salary levels for the Group Managers and wished to put on record his thanks for the work that they had undertaken during the last year.

It was then:

RESOLVED

1. That the attached Pay Policy Statement for 2017/18 be adopted;
2. That the new salary levels for the Group Managers for Commercial Services and Support Services be approved on the terms as outlined at paragraph 5.2 of the presented agenda report; and
3. That the Pay and Reward Strategy for 2017/18 be adopted.

69. **Reports of Bodies**

69/16

(a) Executive – 15 December 2016

(b) Audit Committee – 12 January 2017

A.27/16: Appointment of an External Auditor

RESOLVED

That the Council opt into the appointing person arrangements made by the Public Sector Audit Arrangements (PSAA) for the appointment of external auditors.

(c) Development Management Committee – 18 January 2017

(d) Joint Overview and Scrutiny Panel / Development Management Committee – 19 January 2017

The Chairman of the Joint meeting wished to thank all Members for their contributions in what had been the first meeting of its kind.

(e) Overview & Scrutiny Panel – 19 January 2017

(f) Executive – 2 February 2017

E.58/16: Business Development Opportunities

RESOLVED

That a Member Working Group be set up to work with officers on any project or initiative linked to income generation, investment strategy or efficiency improvement opportunities, for future consideration by the Council, with the Group Leaders being invited to submit their nominations to serve on this Group.

E.59/16: Adoption of a Drone Policy

RESOLVED

That the Drone Policy (as presented at Appendix A of the presented agenda report) be formally adopted.

E.60/16: Emergency Response Plan

RESOLVED

That the Emergency Response Arrangements be approved.

E.61/16: ICT Strategy 2017-19

RESOLVED

That the ICT Strategy Document (as attached at Appendix B of the agenda report presented to the Executive) be approved.

E.62/16: Release of S106 Funds for the Delivery of Green Travel Measures at the Follaton Oak Development, Totnes

A Member expressed her surprise that the comments that she had raised at the Executive meeting that related to the footpath had been omitted from the draft published minutes. In response, officers advised that it would be a decision for the Executive as to whether or not these minutes were amended before they were signed off at the next meeting (9 March 2017) as a 'true and correct record.'

E.64/16: Transfer of Land

RESOLVED

1. That the principle of an asset transfer of land (indicatively shown at Appendix 1 and described in paragraph 1.2 of the presented agenda report and based on the detail set out in the presented agenda report) be supported;

2. That the revenue position (as outlined in figure 1 of the presented agenda report) be funded from New Homes Bonus funding in the years 2017/18, 2018/19 and 2019/20;
3. That additional temporary staffing resource (as backfill) of up to £30,000 be funded from the Land and Development Reserve; and
4. That authority be delegated to conclude the detailed negotiations to the COP Lead Assets, in consultation with the Section 151 Officer, Head of Paid Service, Monitoring Officer and the Leader of Council.

The Meeting concluded at 3.40 pm

Signed by:

Chairman

