

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 2nd February, 2017** at **10.00 am** at the **Repton Room - Follaton House**

Present: **Councillors:**

Chairman Cllr Tucker
Vice Chairman

Cllr Bastone
Cllr Hicks

Cllr Gilbert
Cllr Wright

In attendance:

Councillors:

Cllr Baldry
Cllr Brazil
Cllr Cuthbert
Cllr Hodgson
Cllr Hopwood
Cllr Pennington
Cllr Rowe
Cllr Steer
Cllr Wingate

Cllr Bramble
Cllr Brown
Cllr Green
Cllr Holway
Cllr Pearce
Cllr Pringle
Cllr Saltern
Cllr Vint

Officers:

Darren Arulvasagam

Group Manager Business
Development
Section 151 Officer
Group Manager Commercial Services
Executive Director
Executive Director Head of Paid
Service

Lisa Buckle
Helen Dobby
Sophie Hosking
Steve Jordan

52. **Minutes**

E.52/16

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

53. **Declarations of Interest**

E.53/16

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and the following were made:

Cllr Hicks declared a personal interest in Item 10: 'Adoption of UAV/Drone Policy' (Minute E.59/16 below refers) by virtue of owning a drone. He remained in the meeting during the debate but abstained from the vote;

Cllr Bastone declared an interest in line with the Executive Procedure Rules in Item 15 'Transfer of Land' (Minute E.64/16 below refers), by virtue of being a local Ward Member. He remained in the meeting during the debate but abstained from the vote.

54. **Public Question Time**

E.54/16

In accordance with Executive Procedure Rules, the following question had been submitted from Lou Selene-Sayell on behalf of 'Don't Bury Dartington Under Concrete':

Asset of Community Value proposals by local residents for Green Space and the Wildlife Valley at Brimhay, Dartington have been refused. However adjacent land was previously approved as an ACV by Ross Kennerley. Please could these new applications be reconsidered as there is inconsistency in the refusal for listing as ACVs.

The Executive Portfolio Holder for Customer First responded to the question as follows:

'There is no inconsistency. The Humpty Dumpty Nursery application was approved because 'The asset complies with the national definition of an Asset of Community Value (ACV), as its current use furthers the social well-being and interests of the local community (by virtue of its use as a nursery) and it is realistic to think it will continue to do so.' It should be noted that at the request of the owner of the nursery, the decision to list was subject to an internal review, with the decision to list being upheld.

The Brimhay Nursery and Brimhay Green nominations were not supported, because in both cases the land is connected to a residence under a single ownership (i.e. South Devon Rural Housing Association), and every part of the land can be reached without crossing land not owned by the single owner. It was therefore in the view of officers that

the land nomination could not be listed in accordance with Schedule 1 of The ACV (England) Regulations 2012.

The case will no doubt be made for the community/social interest in the land, and that the Council did not take this into account. Officers noted that it was inconclusive whether or not the intention for the two nominations was as a garden/space primarily for the general community, or a garden/space primarily for residents, however even if the land did further the social wellbeing interests of the local community (meeting the requirement under the Localism Act), it still could not be listed as it does not meet the requirements of Schedule 1 of the ACV Regulations.

In conclusion, this land cannot be listed, as to do so would be contrary to Schedule 1 of the ACV Regulations. This point has been made repeatedly to the applicant before nominations were made, with both this and previous application to list this land as an ACV.'

A supplementary question was then asked by Trudy Turrell, a previously agreed substitute for Ms Selene-Sayell, as follows:

Do you think that should be the case, and are your decisions delivering the spirit of the Act on two pieces of land with different attributes?

The Executive Portfolio Holder responded that he was happy with the decisions made and quoted from Schedule 1 of the Regulations which, in referring to land which is not of community value and therefore may not be listed, advised that:

... land is connected with a residence if –
(a) the land, and the residence, are owned by a single owner; and
(b) every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.

55. **Revenue Budget Proposals 2017/18**

E.55/16

Members were presented with a report that set out the budget proposals for 2017-18, included the views of the joint meeting of the Overview and Scrutiny Panel and the Development Management Committee held on 19 January 2017, and details of changes to the budget gap from the previous report considered on 15 December 2016 (Minute E.50/16 refers).

The Leader introduced the report, and in doing so highlighted particular areas of interest. He and the s151 Officer responded to questions. He also advised that, in subsequent years, the presentation of the budget would be in a different format.

Members discussed the budget pressures within Environment Services, and during discussion on the reduction of the Settlement Funding

Assessment, the Executive Member for Business Development confirmed that the Council worked with SPARSE to lobby central government in respect of fairness for rural authorities.

The Executive Member for Support Services thanked officers for the production of a comprehensive report.

It was then:

RESOLVED

That Council be **RECOMMENDED**:

1. To increase Council Tax 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))
2. That the financial pressures in Appendix B of £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 totalling £840,000 be agreed;
5. That the Collection Fund Surplus of £143,000 as shown in Appendix B be agreed;
6. That the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix D2 be agreed (this includes using £500,000 of New Homes Bonus funding to fund the 2017-18 Revenue Budget);
7. to allocate £153,900 of New Homes Bonus funding for 2017/18 to the Community Reinvestment Projects budget for 2017/18 (see 8.9). Any under spend from the 2016/17 Community Reinvestment Projects budget of £153,900 is to be transferred into the Capital Programme Reserve;
8. to allocate £50,000 of New Homes Bonus funding to the Joint Local Plan as per 8.11 of the presented report;
9. the Council earmarks £3,060 of its allocation of the New Homes Bonus for 2017/18 for the Dartmoor National Park Sustainable Community Fund (see 8.12), with delegated authority to the S151 Officer in consultation with the Leader and the Executive Member for Support Services to agree the final amount transferred. The funds are awarded as a one off payment to Dartmoor

National Park, to award projects on an application basis administered by Dartmoor National Park. The following conditions will apply:

- A. decisions must be taken in consultation with the South Hams District Council local Ward Member(s);
 - B. funding can only be used for capital spending on projects in those parts of Dartmoor National Park which fall within the South Hams District Council Boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
 - C. Dartmoor National Park reports on the progress in the application of, and use of the funds to the Overview and Scrutiny Panel, in time for budget decisions to be made
10. That £75,000 of the Budget Surplus Contingency Earmarked Reserve is used to fund five additional case managers within Development Management for a period of one year (as per para 10.6 of the presented report);
 11. That a 2% increase in car parking fees for 2017/18 as per para 7.5 of the presented report be approved;
 12. That the budget gap of £374,654 is closed by using (see para 7.5 of the presented report):-
 - £287,273 from the Budget Surplus Contingency Earmarked Reserve (as per para 10.6 of the presented report)
 - £87,381 from the New Homes Bonus Reserve (as per para 8.9 of the presented report)
 - The Council to adopt the principle that any future decision on car parking charges reduces the amount taken from the New Homes Bonus Reserve required to balance the budget.
 - The Council to 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.
 13. That the Council Tax Support Grant paid to Town and Parish Councils is reduced by 9.85% for 2017/18, 2018/19 and 2019/20. This equates to a payment of £91,644 for 2017/18 (see para 11.4 of the presented report).
 14. That the Council should set its total net expenditure for 2017/18 as shown in Appendix B at £8,346,074.
 15. That the minimum level of the Unearmarked Revenue Reserves is maintained at £1,500,000 as per Section 10 of the presented report.

16. 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.**

56. **Capital Budget Proposals 2017/18**

E.56/16

Members were presented with a report that set out the Capital Bids to the 2017/18 Capital Programme totalling £2,415,000 and a suggested way that the Bids could be funded.

The Leader introduced the report and advised Members that talks were currently underway with Devon County Council in respect of Disabled Facilities Grants funding and those figures may change.

It was then:

RESOLVED

That Council be **RECOMMENDED:**

1. To approve the Capital Programme Proposals for 2017/18, which total £1,485,000 (Appendix A refers);
2. To approve the Capital Programme Proposals for 2017/18, which total £930,000 (Exempt Appendix B refers);
3. To remove the 2016/17 capital projects from the capital programme, as detailed in Appendix D, following the budget scouring exercise;
4. To use the remaining capital programme contingency from the 2015/16 and 2016/17 programmes, totalling £167,000, to meet the increased costs detailed in exempt Appendix D; and
5. To finance the 2017/18 capital programme of £2,415,000 from the funding sources set out in Section 4 of the presented agenda report.

57. **Local Authority Controlled Company - Final Decision**

E.57/16

Members were presented with a report that set out how the Council had been exploring the possibility of establishing a Local Authority Controlled Company (LACC) jointly with West Devon Borough Council. A Joint Steering Group (JSG) consisting of Members from both Councils had been formed to consider further detailed information and to make a final recommendation to the Council in respect of the LACC Proposal. Having fully considered the matter, the JSG had concluded that there

were no legal or technical matters that would prevent the Councils implementing a LACC.

However, there were significant additional initial costs (particularly Pensions contributions) in establishing a LACC and therefore the recommendation to both Councils was to not proceed with the implementation of a LACC as currently proposed. The full JSG recommendations were set out in Appendix 1 to the presented report. The JSG recognised the value of holding regular meetings to discuss matters affecting both Councils (such as shared services arrangements and particularly around exploring further options to meet both Councils' financial challenges) and recommended that these meetings continue to consider future opportunities.

The Leader presented the report and, with the Executive Directors, responded to questions. He also introduced an additional recommendation to formally propose that the Council did not proceed with a LACC in its current proposed form. A JSG Member stated that a lot of good work had been undertaken by the JSG and it was important to retain that effort in moving forward.

One Member was concerned that, if agreed, the role of the JSG Members would be in line with the responsibilities of Executive Members. Whilst a number of his concerns had been addressed by the Monitoring Officer, he felt that it was appropriate for the Terms of Reference of the revised JSG to be approved by full Council. A number of Members agreed and the Leader proposed an amendment to the published recommendation accordingly. This was duly accepted and it was agreed that the Terms of Reference would be presented to the Special Council meeting on 2 March 2017.

Another Member noted that there would be an inconsistency if the remainder of the recommendations were to be approved at the February meeting of Council, but the Terms of Reference at the March meeting of Council. It was therefore proposed that the whole report be deferred to the March meeting of Council and that revised Terms of Reference would be included within the agenda papers for that report.

Members sought specific detail in respect of monies spent on this project and assurances were given that the total cost would be in the public domain once negotiations had been completed.

It was then:

RESOLVED

That Council be **RECOMMENDED** at its meeting on 2 March 2017 that:

1. The recommendations of the Joint Steering Group (attached at Appendix 1) are noted;
 - 1A. Not to form a LACC in its current proposed form at this time;

2. The Joint Steering Group continues to meet with revised terms of reference being put into place to consider all options in respect of shared arrangements and financial challenges;
3. The revised terms of reference for the Joint Steering Group are discussed between the Executive Director (Strategy and Commissioning) in consultation with the Leader of the Council with a view to being presented to the meeting of Special Council on 2 March 2017 and to be attached as an appendix to that report; and
4. The remaining funding for the LACC project be earmarked to fund further work by the JSG within their revised terms of reference.

58. **Business Development Opportunities**

E.58/16

Members were presented with a report that set out information arising from workshops previously arranged for Members to discuss the finance and investment principles upon which they could bring forward income generation, investment strategy or efficiency improvement opportunities for future consideration by the Council.

The Executive Member for Business Development introduced the report and advised Members that the report recommended the formation of a Working Group to take initiatives and projects forward.

Members were broadly supportive of this report and suggested that the remit of items for consideration be as broad as possible.

It was then:

RESOLVED

That Council be **RECOMMENDED** 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.

59. **Adoption of UAV/Drone Policy**

E.59/16

Members were presented with a report that proposed formal adoption of the Drone Policy as set out in presented Appendix A.

The Executive Member for Customer First introduced the report and explained that the principle of the policy had previously been agreed but significant changes had been made to the draft version presented to Members and for that reason it was appropriate that the revised version be approved.

It was then:

RESOLVED

That Council be **RECOMMENDED** that the Drone Policy as presented at Appendix A of the report be formally adopted.

60. **Note and Approve the Emergency Planning & Response Arrangements**

E.60/16

Members were presented with a report that asked Members to note the emergency arrangements proposed to support the plan and any response that may be required, and to recommend those arrangements to Council.

The Leader introduced the report and the Senior Specialist Environmental Health responded to specific questions. Members discussed training needs, and the importance of parish councils having emergency plans in place.

In response to a comment that the Overview and Scrutiny Panel be asked to look at the detail of the Plan, the Leader responded that the role for Overview and Scrutiny was to ensure that the Council had a robust plan in place, as in this instance the Council was only part of a bigger picture.

It was then:

RESOLVED

1. That the Emergency Response Plan produced by the Devon Emergency Planning Service as presented at Appendix 1 had been considered; and

2. That Council be **RECOMMENDED** to approve the Emergency Response Arrangements.

61. **ICT Strategy**

E.61/16

Members were presented with a report that presented the ICT Strategy for approval, and noted that the Strategy would be reviewed on an annual basis to incorporate changing business requirements and technology.

The Executive Member for Support Services introduced the report and for background, set out the responsibilities of staff within the ICT

Service. He also elaborated on the information contained within the exempt appendix.

Members raised recent ICT issues, particularly with the Council website. The Group Manager Support Services responded that the new website would shortly be rolled out and explained how the improvements would overcome the recent difficulties.

It was then:

RESOLVED

That Council be **RECOMMENDED** that the ICT Strategy Document (attached at Appendix B to the presented report) be approved.

62. **Release of s106 funds for the delivery of green travel measures at the Follaton Oak development, Totnes**

E.62/16

Members were presented with a report that sought approval of the release of s106 funds for the delivery of the green travel measures at the Follaton Oak development in Totnes.

The Executive Member for Customer First introduced the report, and outlined to Members that the approval was being sought in line with Council Financial Procedure Rules. The local Ward Members in attendance spoke in favour of the approval and sought further information on timescales.

It was then:

RESOLVED that:

1. The release of s106 funds for the delivery of the green travel measures at the Follaton Oak development in Totnes, as set out in the report, be approved; and
2. Authority be delegated to the relevant Specialist in consultation with Ward Member(s) and the Executive Portfolio Holder to agree any specific details.

63. **Exclusion of Public and Press - to consider the following resolution to exclude the public and press:-**

E.63/16

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 paragraphs 3 and 5 of Schedule 12A to the Act is involved.

64. **Transfer of Land**

E.64/16

Members were presented with a report that informed them of an in principle agreement that had been reached following six months of discussions in respect of the transfer of land, and sought authority for the COP Lead Assets to conclude negotiations of the transfer of land in consultation with the s151 Officer, Head of Paid Service and Leader of the Council.

It was then:

RESOLVED

That Council be **RECOMMENDED:**

1. That the principle of an asset transfer of land (indicatively shown at Appendix 1 and described in para 1.2 of the presented report), based on the detail set out in the report, be supported;
2. To fund the revenue position shown in Fig 1 of the presented report from New Homes Bonus funding in the years 2017/18, 2018/19 and 2019/20;
3. To fund additional temporary staffing resource (as backfill) of up to £30,000 from the Land and Development Reserve; and
4. To delegate authority to conclude detailed negotiations to the COP Lead Assets, in consultation with the s151 Officer, Head of Paid Service, COP Lead Legal and Leader of Council.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.56/16, E.57/16, E.58/16, E.59/16, E.60/16 PART 2, E.61/16 AND E.64/16 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 9 FEBRUARY 2017 AND 2 MARCH 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 13 FEBRUARY 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

The Meeting concluded at 12.10 pm

Signed by:

Chairman
