

South Hams Council



Title:	Agenda																														
Date:	Thursday, 22nd February, 2018																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Cuthbert</p> <p style="text-align: center;">Vice Chairman Cllr Hicks</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Hopwood</td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Steer</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Tucker</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Vint</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wingate</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Wright</td> </tr> <tr> <td>Cllr Holway</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hopwood	Cllr Bastone	Cllr Huntley	Cllr Birch	Cllr May	Cllr Blackler	Cllr Pearce	Cllr Bramble	Cllr Pennington	Cllr Brazil	Cllr Pringle	Cllr Brown	Cllr Rowe	Cllr Cane	Cllr Saltern	Cllr Foss	Cllr Smerdon	Cllr Gilbert	Cllr Steer	Cllr Green	Cllr Tucker	Cllr Hawkins	Cllr Vint	Cllr Hitchins	Cllr Wingate	Cllr Hodgson	Cllr Wright	Cllr Holway	
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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:	Member.Services@swdevon.gov.uk																														

1. Minutes

1 - 16

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 14 December 2017

2. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

3. Exempt Information

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such 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. Chairman's Engagements

6. Business Brought Forward by the Chairman

to consider business (if any) brought forward by the Chairman;

7. Question(s)

to consider the following question received in accordance with Council Procedure Rule 8.

(a) From Cllr Baldry to Cllr Bastone, lead Executive Member for Customer First

At the end of last year, Liberal Democrats asked local authorities questions about empty homes in their area. The only authorities in Devon not to reply to this FOI request were South Hams and West Devon. This is information which would inform Members, Officers and the public.

Why did we not reply?

What is the answer to the Questions?

- 2(a) How many homes in South Hams have been empty for over 6 months?
- 2(b) How many have been empty for over 2 years?
- 2(c) How many homes were brought back into use during the latest 12 months for which we have figures?
- 2(d) Have we made use of the Empty Dwelling Management Orders (EDMO) which allow local authorities to take over properties that have been empty for at least two years?

8. Notice of Motion

to consider the following motions received (if any) in accordance with Council Procedure Rule 10.1

(a) By Cllrs Pearce and Bastone

'This Council notes that the fishing industry is a dangerous industry to work in with several lives lost across the UK each year. Such a tragic loss of life has a far reaching impact upon the fisherman's family, friends and community. Personal Flotation Devices and Personal Locator Beacons would greatly improve the chances of the fisherman being rescued. Unfortunately not all fishermen can afford this equipment.

Therefore this Council requests the Group Manager – Commercial Services to make an application to the Marine Management Organisation for funding through the European Maritime and Fisheries Fund to fully fund the purchase of Personal Flotation Devices equipped with Personal Locator Beacons and to develop a delivery scheme in partnership with the local fishing industry. This would ensure that those local fishermen who would struggle financially to buy one of these potentially lifesaving pieces of equipment can be provided to them at no cost.

This Council also requests the Head of Paid Service to write to the Local Government Association to request they encourage all other councils with fishing communities to follow suit and support the fishing industry nationally.'

(b) By Cllrs Smerdon and Foss

'This Council is extremely concerned that the continual closure of local high street banks and village post offices is causing hardship to sections of our rural communities and small businesses, we will ask the LGA to press the

government to address this matter with urgency.'

(c) By Cllr Hawkins and Pringle

'South Hams District Council encourages moves to reduce the use of single use plastics in the District and will lead by example and commit to finding ways to prevent the need for single use plastic items at all of its premises.'

(d) By Cllrs Green and Hodgson

'In all instances where a planning application is submitted following pre-application advice having been given by SHDC, this pre-application advice will be published on the Council's "Search for a Planning Application" facility during the consultation period prior to determination.'

(e) By Cllrs Hodgson and Green

'SHDC has concerns over the rising number of people living illegally on the roadside in caravans, campervans and commercial vehicles in the District. As a matter of urgency, a strategy will be developed to determine how best to provide properly serviced pitches to accommodate these residents and land will be sought in order to secure suitable sites. Those that are on low incomes who do not identify as traditional gypsies and travellers will be recognised as a new group of residents who also need a safe pitch for their vehicles.'

9.	2018/19 Budget Proposals	17 - 34
10.	Pay Policy Statement and Pay and Reward Strategy 2018/19	35 - 56
11.	Political Structures Working Group Review	57 - 62
12.	Transfer of Charity Land to Dartmouth Town Council	63 - 72
13.	Appointment of Deputy Electoral Registration Officer	73 - 76
14.	Exclusion of Public and Press	

to consider the following resolution to exclude the public and press:-

“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 items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

15. Salcombe Harbour Pontoon Improvement Project

To follow

16. Re-admittance of Public and Press

17. Reports of Bodies

* Indicates minutes containing recommendations to Council.

(a) Development Management Committee - 10 January 2018	77 - 84
(b) Licensing Committee * - 11 January 2018	85 - 88
(c) Joint Overview and Scrutiny Panel and Development Management Committee - 18 January 2018	89 - 98
(d) Overview & Scrutiny Panel - 18 January 2018	99 - 104
(e) Audit Committee - 25 January 2018	105 - 110
(f) Executive * - 1 February 2018	111 - 124

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Agenda Item 1

MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 14 DECEMBER 2017

MEMBERS

* Cllr P K Cuthbert – Chairman

∅ Cllr M J Hicks – Vice-Chairman

* Cllr K J Baldry	* Cllr T R Holway
∅ Cllr H D Bastone	∅ Cllr E D Huntley
* Cllr J P Birch	* Cllr D W May
* Cllr J I G Blackler	* Cllr J A Pearce
* Cllr I Bramble	* Cllr J T Pennington
* Cllr J Brazil	* Cllr K Pringle
* Cllr D Brown	* Cllr R Rowe
∅ Cllr B F Cane	* Cllr M F Saltern
* Cllr R J Foss	* Cllr P C Smerdon
* Cllr R D Gilbert	* Cllr R C Steer
∅ Cllr J P Green	* Cllr R J Tucker
* Cllr J D Hawkins	∅ Cllr R J Vint
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr N A Hopwood	* Cllr S A E Wright
* Cllr J M Hodgson	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service, Executive Director (Service Delivery and Commercial Development), Section 151 Officer, Deputy Monitoring Officer and Senior Specialist – Democratic Services

45/17 APPOINTMENT OF VICE-CHAIRMAN

In light of the Vice-Chairman having sent his apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr D Brown be appointed Vice-Chairman for the duration of this meeting.

46/17 MINUTES

The minutes of the meetings of the Council held on 28 September 2017 and the Special Council meeting held on 31 October 2017 were both confirmed as a correct record and signed by the Chairman.

47/17

URGENT BUSINESS

The Chairman informed that she had agreed for one item of urgent business to be considered at this meeting that related to the Deputy Leader of Council providing a statement on the IT issues that were incurred by the Council on Wednesday, 13 December 2017. This update was considered in accordance with agenda item 6: '*Business Brought Forward by the Chairman*' (Minute 50/17 below refers).

48/17

DECLARATIONS OF INTEREST

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

Cllr M F Saltern declared a personal item in Item 8(a): '*Notices of Motion*' (Minute 52/17(a) below refers) by virtue of being an advisor to the Police and Crime Commissioner and left the meeting during consideration of this agenda item;

Cllr R F D Gilbert declared a personal interest in Item 8(e): '*Notices of Motion*' (Minute 52/17(e) below refers) by virtue of being the Chairman of the Devon Pension Fund Committee and remained in the meeting and took part in the debate and vote thereon;

Cllr N A Hopwood declared a personal interest in Item 10: '*Standards Process – Appointment of Independent Persons*' (Minute 54/17 below refers) by virtue of one of the recommended appointments being a neighbour and remained in the meeting during the debate and took part in the vote thereon.

49/17

CHAIRMAN'S ANNOUNCEMENTS

By way of updates, the Chairman made reference to:

(a) Mr Steve Jordan

Since this was the last Council meeting before Mr Jordan left the employ of the Council, Members wished to thank him for his hard work, commitment and dedication. In particular, reference was made to Mr Jordan's work in delivering the Transformation Programme on time and within budget and his major impact on the Joint Local Plan and Sherford projects and he was wished every success and happiness in the future.

(b) Mrs Sue Hitchins

Following the sad recent passing of Mrs Sue Hitchins, the Chairman informed that her funeral had been arranged to take place at St Michael and All Angels Church, Cornwood, Ivybridge at 12.30pm on Tuesday, 19 December 2017.

(c) Chairman's Civic Service

The Chairman thanked those Members who had attended her recent Civic Service for their support and contributions in making the event such a success.

(d) Woolwell Christmas Community Event

The Chairman highlighted the recent Christmas Community Event at Woolwell that she had attended. The Chairman congratulated the local Ward Member for arranging such a positively received Community Event.

50/17

BUSINESS BROUGHT FORWARD BY THE CHAIRMAN

As highlighted above (Minute 47/17 refers), the Chairman invited the Deputy Leader, in his capacity as lead Executive Member for Support Services, to provide a statement on the IT issues that were incurred by the Council on Wednesday, 13 December 2017.

In so doing, the Deputy Leader made reference to:-

- a significant IT failure being incurred at 9.20am that resulted in the loss of the telephony and all IT systems;
- residents and stakeholders being advised (via the Council website and different social media platforms) at 10.30am;
- the problem being attributed to a faulty piece of equipment;
- most services having been restored by 7.00pm;
- the system downtime being used as effectively as possible, with staff team meetings, training sessions and other business continuity exercises being held;
- the Senior Leadership Team having already requested a lessons learned paper and Action Plan (to mitigate future risk) be produced;
- all incoming emails having been held (and queued) in the Cloud; and
- despite being out of the county, both he and the Leader being kept fully informed throughout the day.

51/17

QUESTIONS

It was noted that two questions had been received in accordance with Council Procedure Rule 8. These questions were as follows:-

From Cllr Baldry to Cllr Bastone, lead Executive Member for Development Management

(a) That this Council:

notes the ruling of the High Court (Case No: CO/2241/2016) in support of a housing policy known as 'H2. Full Time Principal Residence Requirement' as set out in St Ives Area Neighbourhood Development Plan and which provides that: 'New second homes and holiday lets will not be permitted at any time...' and

supports Town and Parish Councils within the South Hams District to adopt similar policies in their own Neighbourhood Development Plan”

- 1. How many Neighbourhood Plans have been approved? How many include a policy on dwellings which are not the primary residence?*
- 2. Is the Executive Member aware of Parishes or localities which are working on Neighbourhood Plans and how many are considering including a St Ives type policy?*
- 3. In the spirit of the 15 December Resolution, will the Executive Member encourage appropriate parishes to adopt this type of policy?*

In the absence of Cllr Bastone, Cllr Hopwood replied and made the following points:-

- Currently, the Ivybridge Neighbourhood Plan (NP) was the only NP that had been subject of a Referendum. The Referendum had now been formally approved by the Executive at its meeting on 7 December 2017 (Minute E.40/17 refers) and Cllr Hopwood congratulated Ivybridge accordingly;
- She was aware of a number of NPs that were currently considering the merits of including a St Ives type policy. However, she was not aware of the exact number at present;
- In the event of a NP wishing to pursue this type of policy, Cllr Hopwood confirmed that the Council would provide supporting evidence to supplement this wish.

In response to a supplementary question, Cllr Hopwood was of the view that it was not the responsibility of the Council to be actively encouraging NPs to include a St Ives type policy. That being said, she did also feel that the Council should do all it could to support those Groups who did wish to include the provision of such a policy.

From Cllr Birch to Cllr Tucker, Leader of Council

(b) Various reports show that the Council has incurred waste expenditure of over £250,000 following the failure and/or cancellation of the following four projects:

- 1. Setting up of a Local Authority Controlled Company;*
- 2. Proposed merger with West Devon Borough Council;*
- 3. Commercial Property Investment Scheme; and*
- 4. Kingsbridge Quayside K2 Project.*

Would it not have been better to have spent this sum on employing additional staff so as to improve the provision of Council services and especially in connection with planning and enforcement?

In reply, Cllr Tucker advised that he was of the view that, in order to meet the Council's severe budgetary pressures, it was necessary to investigate the merits of such projects. In addition, there was a need for adequate information to be gained before a fully informed decision could be reached on such matters. Finally, Cllr Tucker was also aware that the information gained through this expenditure was being utilised by officers on a daily basis and should therefore not be considered as being a waste of money.

Cllr Birch proceeded to ask a supplementary question as follows:

'Given the lack of officer resource (since there are currently over 300 enforcement cases), what is the lead Executive Member doing about this?'

In light of the lead Executive Member being absent from this meeting, a commitment was given that he would respond to Cllr Birch in the next few weeks.

52/17

NOTICES OF MOTION

It was noted that five motions had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Baldry and Holway

'This Council fully supports and endorses the contents of the letter that was sent from the South Devon and Dartmoor Community Safety Partnership to the Office of the Police and Crime Commissioner regarding Neighbourhood Policing (dated 9 October 2017).'

This Council therefore agrees to write to the Office of the Commissioner expressing its full support for the views contained within this letter.'

In introducing the motion, the proposer made reference to:-

- the motion being presented in light of a request of the Overview and Scrutiny Panel at its meeting on 9 November 2017 (Minute O&S.68/17 refers); and
- his wish to thank the Head of Paid Service and the Senior Specialist (Democratic Services) for their help and support in compiling this motion.

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

- (i) The Council's representative on the Police and Crime Commissioners Scrutiny Panel gave a commitment to reflect the spirit of this letter at the next meeting of the Panel;
- (ii) In support of the motion, a number of Members highlighted the vital service that was provided by Police Community Support Officers;

(iii) It was confirmed that a number of town and parish councils had already made similar representations to the Office of the Commissioner and all Members were asked to encourage their local town and parish councils to add their support to the contents of this letter.

It was then:

RESOLVED

This Council fully supports and endorses the contents of the letter that was sent from the South Devon and Dartmoor Community Safety Partnership to the Office of the Police and Crime Commissioner regarding Neighbourhood Policing (dated 9 October 2017).

This Council therefore agrees to write to the Office of the Commissioner expressing its full support for the views contained within this letter.

(b) By Cllrs Birch and Brazil

'Due to the ever increasing number of electric powered vehicles on the roads in the UK and with the prospect of the numbers growing significantly in the future, this Council resolves to investigate and report on the feasibility of installing electric car charging points within the Council's public car parks.

A report is to be presented to the Overview and Scrutiny Panel within the next four months.'

In his introduction, the proposer highlighted that:-

- some filling stations were starting to provide their own electric charging points;
- the Council had a role to play in providing electric car charging points within each of its public car parks;
- such provision would be a further incentive to encourage potential tourists to visit the South Hams and for local residents to purchase powered vehicles.

In discussion, a number of Members welcomed the intention of the motion (and receipt of a fully detailed officer report), but did not feel it appropriate for the Council to dictate to the Overview and Scrutiny Panel the contents of its future work programme.

Following a commitment given by the Overview and Scrutiny Panel Chairman that this matter would be considered for scheduling at its next meeting on 18 January 2018, the proposer and seconder of the motion were supportive of the suggestion whereby the last sentence be deleted and the substantive motion was updated accordingly.

It was then:

RESOLVED

Due to the ever increasing number of electric powered vehicles on the roads in the UK and, with the prospect of the numbers growing significantly in the future, this Council resolves to investigate and report on the feasibility of installing electric car charging points within the Council's public car parks.

(c) By Cllrs Baldry and Hodgson

'This Council resolves to oblige developers who submit residential planning applications which do not meet SHDC's affordable housing target to supply unredacted viability assessments for online publication at least two weeks prior to determination, to enable public scrutiny.

(NOTE. we understand Greenwich Council have done something similar):

http://www.royalgreenwich.gov.uk/press/article/710/royal_borough_in_landmark_new_planning_policy_to_make_affordable_housing_viability_studies_more_transparent

In his introduction, the proposer emphasised the importance of openness and transparency and was strongly of the view that developers should comply with this agenda as far as was practically possible.

As a Member of the Development Management Committee, the seconder echoed the importance of public confidence and felt it was inappropriate that the contents of viability assessments were not able to be made publicly available.

In the ensuing debate, widespread support was expressed for the sentiments of the motion. In addition, the Council was informed that this issue should be rectified by a Supplementary Planning Document (SPD) that was currently being drafted and would be one of the SPDs that would underpin the Joint Local Plan.

It was then:

RESOLVED

This Council resolves to oblige developers who submit residential planning applications which do not meet SHDC's affordable housing target to supply unredacted viability assessments for online publication at least two weeks prior to determination to enable public scrutiny.

(d) By Cllrs Baldry and Birch

'Residents of the South Hams are fortunate to live in or near an Area of Outstanding Natural Beauty. South Hams District Council has the duty, when making its planning decisions, to protect or enhance the AONB. Because of interpretation of planning policy, there have been occasions in the past where the Council's Development Management Committee has been advised by officers to approve planning applications for major housing schemes in the AONB.'

The Council for the Protection of Rural England (CPRE) in a recent report says: "Current development on AONB's shows little evidence that what's being built will actually solve the housing crisis which is more to do with affordability than lack of land."

This Council supports the CPRE call on Government to toughen up planning policy to prevent major housing schemes in AONBs in order to recognise the importance of our treasured landscapes. In supporting this call, the Council will make its views known to the Secretary of State CLG and to the local Members of Parliament.

This Council supports the CPRE request to councils to publish figures every year to show developments and changes in land use in AONBs in a similar form to those already published for Green Belt Land and in doing so, will publish the South Hams' figures on an annual basis.'

In his introduction, the proposer made reference to:-

- the duty of all Members to protect the AONB;
- a recent report indicating that the South Devon AONB was the 2nd most developed AONB in the United Kingdom (UK);
- the motion not suggesting that development should be prevented in the AONB; and
- the hope that approval of this motion would assist planning officers in their day to day work.

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

- (a) In setting the context whereby 66% of the UK lived within 30 miles of an AONB, the seconder expressed his concern at the trend whereby a significant number of sizeable developments were being approved in AONBs;
- (b) As an unintended consequence of approving the motion as drafted, a number of Members expressed their concerns that it would lead to it becoming even more difficult to develop exception sites, which were considered to be so critical to the sustainability of rural areas. In relation to affordable housing provision, further concerns were also expressed over the contradictory comments that were being attributed to the CPRE;
- (c) A Member stated his view that this motion intended to redress the current situation whereby the balance of power was currently too heavily weighted towards landowners and developers.

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

(e) By Cllrs Hodgson and Baldry

'In line with its commitment to mitigating climate change, this Council will ask Devon County Council to divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step.'

In her introduction, the proposer highlighted that:

- Southwark Council had approved a similar motion in December 2016;
- she had submitted a similar motion to Devon County Council, which had been referred to its next Cabinet meeting for further consideration; and
- the motion reflected the significant financial risks that were associated with investing in fossil fuels.

During the debate, reference was made to:

- (a) the first duty of the Pension Fund Committee being to its fund members. In so doing, it was noted that there were over 100,000 participants in the fund that amounted to a value of over £4 billion;
- (b) the Devon Pension Fund seeking to engage with companies to ensure long-term sustainable financial returns;
- (c) the view that Devon County Council should be seeking to do the right thing by divesting away fossil fuel companies.

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

53/17

HEAD OF PAID SERVICE REPLACEMENT

The Council considered a report that sought approval to designate the Executive Director (Service Delivery and Commercial Development) as the Head of Paid Service for an interim period until the end of the current Council administration (May 2019).

In discussion, there was widespread support expressed for the proposals.

It was then:

RESOLVED

1. That the Council designates the Executive Director (Service Delivery and Commercial Development) to be the Head of Paid Service for an interim period until the end of the current administration (May 2019), with an option to extend for a further period if required;
2. That a report be brought back to the Council towards the end of the interim period to consider the permanent strategic leadership and senior management arrangements;
3. That the Executive Director (Service Delivery and Commercial Development) receives an uplift of £3,000 in recognition of the Head of Paid Service responsibilities;
4. That approval be given to a further salary uplift of £10,000 for the Executive Director (Service Delivery and Commercial Development) in recognition of the extra duties that will need to be undertaken as a result of there being only one Executive Director during the interim period;
5. That the Executive Director (Service Delivery and Commercial Development) maintains strategic leadership and senior management capacity by allocating additional responsibilities to members of the Senior and Extended Leadership Team, in consultation with the Leader and Deputy Leader;
6. That a review of the arrangements be undertaken after six months to ensure that all responsibilities are being satisfactorily covered.

54/17

STANDARDS PROCESS – APPOINTMENT OF INDEPENDENT PERSONS

A report was considered that sought to confirm the appointment of two Independent Persons in order to assist the Council in promoting and maintaining high standards of conduct amongst its elected Members and town and parish councillors.

During discussion, officers confirmed that the quality of all twelve applicants had been excellent and there had been applications received from both male and female prospective candidates.

It was then:

RESOLVED

That, with immediate effect, Mr Peter Boreham and Mr Trevor Kirkin be appointed as two of the Council's Independent Persons for the initial period to the date of the Annual Council meeting in May 2019.

55/17

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

- | | | |
|-----|------------------------|-------------------|
| (a) | Audit Committee | 21 September 2017 |
| (b) | Salcombe Harbour Board | 25 September 2017 |

SH.16/17: 2018/19 Budget

RESOLVED

That the proposed 2018/19 Budget (as set out in the agenda report presented to the Board meeting) be approved.

SH.17/17: Proposed Charges 2018/19

The Board Chairman informed that a Workshop would be held in the New Year to informally consider proposed fees and charges beyond 2018/19.

It was then:

RESOLVED

That the proposed charges (as set out in the agenda report presented to the Board meeting) be approved to take effect from 1 April 2018.

- | | | |
|-----|----------------------------------|-----------------|
| (c) | Development Management Committee | 4 October 2017 |
| (d) | Overview and Scrutiny Panel | 2 August 2017 |
| (e) | Licensing Committee | 12 October 2017 |

L.9/17: Approval of Policy in Relation to the Licensing of Taxi Drivers and Vehicles

RESOLVED

That the draft Taxi Licensing Policy be adopted for implementation on 1 April 2018.

(f) Executive

19 October 2017

E.32/17: Kingsbridge Quayside Masterplan Update

RESOLVED

That the funding for Stage 2B (approximately £80,000) be financed from the Capital Programme Earmarked Reserves.

E.34/17: Consider the Adoption of a Policy in Relation to Dealing with Anti-Social Behaviour and the Adoption of Public Spaces Protection Orders

RESOLVED

1. That the Anti-Social Behaviour Policy be adopted;
2. That the Public Spaces Protection Orders (PSPOs), including the updated PSPO for Consumption of Alcohol and associated maps, be adopted for implementation on 1 January 2018;
3. That the penalty set on a fixed penalty notice is set at £100 for all offences covered by the Anti-Social Behaviour, Crime and Policing Act 2014; and
4. That a budget of £5,000 be made available for the advertisement of the PSPOs.

E.38/17: Review of Management Arrangements for Residential Property Portfolio

RESOLVED

1. That the cost of placing homeless households in temporary accommodation be reduced in accordance with Section 5 of the agenda report presented to the Executive;
2. That authority be delegated to the COP Lead (Assets), in consultation with the Section 151 Officer and the Leader of Council any future disposal of properties if assessed as appropriate, with the funding being re-invested in more appropriate accommodation; and
3. That the Council proceed with the disposal and sale of those properties identified in Section 5 of the agenda report presented to the Executive.

- (g) Development Management Committee 1 November 2017
- (h) Salcombe Harbour Board 6 November 2017
- (i) Overview and Scrutiny Panel 9 November 2017
- (j) Development Management Committee 29 November 2017
- (k) Executive 7 December 2017

E.43/17: Quarter 2 Revenue Budget Monitoring 2017/18

For clarity, the Leader informed that the joint meeting of the Overview and Scrutiny Panel and Development Management Committee would be presented with additional detailed information in relation to the Draft Budget for 2018/19.

It was then:

RESOLVED

That the underspend on Homelessness Prevention be transferred into the Homelessness Earmarked Reserve at the end of the 2017/18 Financial Year (this is expected to be £60,000).

E.48/17: Heart of the South West – Joint Committee

In opposition to the recommendation, a Member was of the view that the proposals constituted a further unnecessary level of bureaucracy. In repeating his previously raised concerns over the role and value of the Local Enterprise Partnership (LEP), the Member also proceeded to question whether or not these proposals represented value for money.

In response, the Leader of the Council did sympathise with some of the points made but did feel that these were outweighed by the importance of the Council continuing to be involved in the Devolution agenda. Specifically regarding the LEP, the Leader informed that the organisation was currently undergoing a governance review that was seeking to address concerns including Board member transparency and accountability and district council representation on the Board.

It was then:

RESOLVED

1. That the recommendation of the Heart of the South West (HotSW) Leaders (meeting as a Shadow Joint Committee) be approved to form a Joint Committee for the HotSW;
2. That the arrangements and Inter-Authority Agreement documents for the establishment of the Joint Committee (as set out in Appendices A and B of the agenda report presented to the Executive) be approved, with a commencement date of Monday, 22 January 2018;
3. That the Leader and the Deputy Leader of the Council be appointed as the Council named representative and substitute named representative on the Joint Committee;
4. That Somerset County Council be appointed as the Administering Authority for the Joint Committee for a two year period commencing on 22 January 2018;
5. That approval be given to the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 Financial Year, subject to approval of any expenditure by the Administering Authority;
6. That approval be given to an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. That it be agreed that the key function of the Joint Committee is to approve the Productivity Strategy (NB. it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
8. That authority be given to the initial Work Programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and
9. That the proposed meeting arrangements for the Joint Committee, including the timetable of meetings for the Joint Committee (as proposed in paragraph 2.14 of the agenda report presented to the Executive), be agreed.

A Member reaffirmed his previously raised views that he could not support the proposed formation of a Community Lottery. In addition, his viewpoint had only been reinforced following the recent report from the National Audit Office that the participation in all various forms of Lottery was on the decline.

It was then:

RESOLVED

1. That the proposed Business Case for the establishment of a joint South Hams and West Devon local community lottery scheme be approved and implemented (subject to approval from West Devon Borough Council);
2. That Gatherwell Ltd be appointed as an External Lottery Manager (ELM) and Aylesbury Vale District Council (AVDC) be appointed to assist with project implementation (subject to a successful Contract Exemption application);
3. That the Head of Paid Service be given delegated authority to nominate two officers to hold the Council's lottery licence and submit the necessary application to the Gambling Commission; and
4. That the Group Manager (Business Development) be given delegated authority, in consultation with the lead Executive Member for Business Development, to approve the bespoke lottery business model policies required in order to submit a valid application to the Gambling Commission to obtain a lottery licence.

E.50/17: Low Cost Self and Custom Build Initiative for Local People

RESOLVED

1. That the custom self-build initiative be implemented through the current policy (AH5) and the emerging policy TTV31;
2. That the initiative be included in the emerging Supplementary Planning Document; and
3. That it be acknowledged that the New Burdens Funding is committed to additional staff resource.

(NOTE: in accordance with Council Procedure Rule 15.6: 'Right to Require Individual Vote to be Recorded', Cllr K R H Wingate requested that it be noted that he had abstained from the vote on this matter.)

E.51/17: Council Tax Reduction Scheme 2018/19

RESOLVED

That the Council continue with the existing Council Tax Reduction Scheme for 2018/19, with the uprate of Personal Allowances, Premiums and Non Dependent deductions in line with national welfare benefits.

(Meeting commenced at 2.00 pm and concluded at 3.45 pm)

Chairman

**SOUTH HAMS DISTRICT
COUNCIL**

22 FEBRUARY 2018

**2018/19
BUDGET PROPOSALS**

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

Purpose of the Report

This report provides an update of our overall financial position and details the formal proposals of the Executive to achieve a balanced budget. The minutes of the Executive meeting of 1 February 2018 are included elsewhere on this agenda and provide a more complete picture of the decisions taken.

The General Fund Revenue Budget, Medium Term Financial Strategy (MTFS) and the recommendations for the 2018/19 financial pressures and savings are summarised in Appendices A to E of this report. The MTFS has been rolled forward to enable Members to look ahead to future years in considering their spending plans and council tax levels.

The final Local Government Finance Settlement has been published by the Government. An additional £16 million of funding has been put into the Rural Services Delivery Grant (taking funding from £65m to £81m in 2018/19).

South Hams District Council will receive an extra £80,604 of Rural Services Delivery Grant. This extra funding is for 2018-19 only (one-off). As South Hams is a pilot for business rates, this extra funding will be reflected in a higher business rates baseline. The Council will pay a lower tariff by this amount and this is how the extra funding will still be received by the Council.

The Executive has recommended that in light of the extra Rural Services Delivery Grant that will be received in 2018-19, that the amount of funding from New Homes Bonus used to fund the Revenue Base Budget in 2018-19 is reduced from £721,688 to £641,084.

Appendix B shows that by 2019/20, the Council has a predicted £0.64m budget gap. It is important to note that this position is after the Council having achieved the predicted level of savings from transferring public conveniences to Town and Parish Councils (£180,000), securing a 75% cost contribution from some public conveniences (£10,000) and installing pay on entry on others (£36,000). These savings have been built into the financial modelling and the £0.64m budget gap in 2019/20 is after taking these savings into account. If these savings are not achieved, the budget gap in 2019/20 increases to over £0.85 million.

Statutory Powers: Local Government Act 1972, Section 151
Local Government Finance Act 1992

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

RECOMMENDATIONS:-

(The references in the Recommendations below refer to the Appendices in this report or to the relevant Section of the 2018/19 Revenue Budget report presented to the Executive at its meeting on 1 February 2018).

It is RECOMMENDED that:

- i) **Council Tax is increased by £5 (which equates to a Band D council tax of £160.42 for 2018/19, an increase of £5 per year or 10 pence per week). This equates to a Council Tax Requirement of £6,072,207.**
- ii) **The financial pressures in Appendix B of £895,700 be agreed**
- iii) **The £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;**
- iv) **The schedule of savings identified in Appendix B totalling £689,350 be agreed;**
- v) **The budget proposals for Public Conveniences as set out in 6.11, 6.23 and 6.24 of the Revenue Budget report to the Executive on 1 February 2018 are approved. (This requires a decision as part of the 2018-19 budget process, due to the implementation timescales).**
- vi) **The Collection Fund Surplus of £73,000 as shown in Appendix B be agreed ;**
- vii) **The level of contributions to reserves to be included within the Authority's budget, as set out in Appendix C be agreed (this includes using £641,084 of New Homes Bonus funding to fund the 2018-19 Revenue Budget and a contribution of £475,000 into an Economic Regeneration Projects Earmarked Reserve);**
- viii) **The Community Reinvestment Projects budget of £153,900 is withdrawn in 2018/19 onwards (This was previously funded by New Homes Bonus funding as set out in Appendix E of the Revenue Budget report to the Executive on 1 February 2018)**
- ix) **Delegation is given to the S151 Officer, in consultation with the Leader and Executive Member for Support Services to agree the final amount of New Homes Bonus funding for the**

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

Dartmoor National Park Sustainable Community Fund for 18/19

- x) To ring-fence £3.5 million from the Business Rates Retention Earmarked Reserve for employment for the creation of local jobs and to better support the local economy, as per Appendix D of the Revenue Budget report to the Executive on 1 February 2018.**
- xi) The Council Tax Support Grant paid to Town and Parish Councils is reduced by 9.85% for 2018/19 as per Appendix A. This equates to a payment of £82,615 for 2018/19.**
- xii) The Council should set its total net expenditure for 2018/19 as shown in Appendix B as £8,983,194.**
- xiii) The minimum level of the Unearmarked Revenue Reserves is maintained at £1,500,000, as per Section 9 of the Revenue Budget report to the Executive on 1 February 2018.**
- xiv) The level of reserves as set out within the report to the Executive on 1 February 2018 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.**

Recommendations from OSDM.2/17 REVIEW OF FEES AND CHARGES (report to the Joint Development Management Committee and Overview and Scrutiny Panel on 18 January 2018) and Executive Minute E.60/17:-

It is RECOMMENDED that:-

- xv) the proposed fees and charges set out for Parks, Open Spaces and Outdoor Sports be approved;**
- xvi) the proposed Environmental Health Charges be approved;**
- xvii) the proposed Fees and Charges for Development Management (as set out in Appendix C of the Fees and Charges report to the meeting on 18 January 2018) be approved;**
- xviii) delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;**

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

- xix) An overall percentage increase of 2% to car park charges is approved and to delegate responsibility of implementing the increase to the Group Manager for Commercial Services, in consultation with the lead Executive Member, following consultation with representative bodies (including town and parish councils); and the withdrawal of weekly parking tickets is approved;**
- xx) delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known;**
- xxi) delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Public Conveniences 'Pay on Entry' charges (which should not exceed 20 pence), following completion of works and a review of appropriate charges; and**
- xxii) the changes to Boat Storage Charges (as set out in paragraph 3.7 of the report on 18 January 2018) be approved.**

Recommendations from the Capital Programme Budget Proposals report for 2018/19 (from Agenda Item 10 on the Executive meeting held on 1 February 2018)

It is RECOMMENDED:-

- xxiii) To approve the Capital Programme Proposals for 2018/19, which total £2,555,000**
- xxiv) To finance the 2018/19 capital programme of £2,555,000 from the funding sources set out in Section 4 of Item 10 Capital Programme Budget Proposals report for 2018/19 (Executive agenda 1 February 2018)**

Officer contact:

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Part 1: The Executive's considerations in arriving at its final proposals for financial pressures, savings and Council Tax (Executive meeting held on 1st February 2018).

1. Over the last six months, the Executive has given the budget very detailed consideration and has sought views on budget proposals. This process has enabled and informed Members in their consideration of the appropriate level of service provision and council tax levels.
2. The Executive are recommending increasing council tax by £5 and are recommending that Full Council approve this. This would mean the council tax would increase to £160.42 for 2018/19, an increase of £5 per year or 10 pence per week.
3. At a Members' Budget Setting Workshop held on 28th September 2017, there was early support for increasing council tax by the maximum allowable percentage. At this event it was recognised that this measure would increase the base budget for ensuing years and protect the delivery of services and the Council's financial resilience. To balance the budget of £8.9 million, the Council has identified £0.689 million in savings. The Council is still forecasting a £0.64 million budget gap by 2019/20.
4. Devon has also been successful in achieving business rates Pilot status for 2018-19 and this has meant a predicted extra amount of business rates funding of £575,000 for South Hams for 2018-19 (this is for one year only).
5. Following the recommendations of the Joint Development Management Committee and Overview and Scrutiny Panel on 18th January, it is recommended that £100,000 of the pilot gain (the element that the Council would normally receive in a pooling gain) is used to fund the revenue base budget in 2018/19, with the remainder (£475,000 of the pilot gain), being transferred into an Economic Regeneration Projects Earmarked Reserve, to meet the primary aims of the Pilot bid which are to achieve higher levels of investment in economic regeneration in Devon and encourage further business rates growth.
6. This Budget report also recommends ring-fencing £3.5 million from the Business Rates Retention Earmarked Reserve for employment for the creation of local jobs and to better support the local economy.

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

7. The Executive also recommends a capital works programme for 2018/19 amounting to £2,555,000. Projects include:-
 - Public Sector Renewals (including Disabled Facility Grants)
 - The fourth year of a five year planned programme of coastal assets repairs based on a marine survey
 - Replacement of toilets/showers and the Salcombe Harbour office to include a tourist information office
 - Development of four new employment units at Ermington
 - Developing beach huts within the District
 - Salcombe Master Plan (Batson Quay)
 - Installing pay on entry (20 pence) for some public conveniences

(A capital budget was not requested by officers for affordable housing in 2018/19, due to the amount of funding already available through the community housing fund (£1.9 million), s106 contributions and second homes monies).
8. Sensitivity analysis and risk analysis – The figures within the Budget proposals have been subject to a sensitivity analysis and a risk analysis. This has identified a potential adverse revenue effect of less than £1 million. Revenue Reserves are recommended to be maintained at a minimum of £1.5 million. The S151 Officer therefore confirms the robustness of the Budget Proposals and the adequacy of the reserves.
9. The Communities Secretary has published a [consultation on need and resources](#) in December 2017 that aims to implement a new system of Fairer Funding based on its findings in 2020 to 2021. The fair funding review will set new baseline funding allocations for local authorities by delivering an up-to-date assessment of their relative needs and resources, using the best available evidence. The Council will provide evidence of the factors that drive costs for rural local authorities.

Part 2: Conclusion

10. The above paragraphs summarise the overall position faced by the Council and the considerations of the Executive in arriving at its final proposals to achieve a balanced budget.
11. The proposed budget will leave the Council on a stable financial footing with a level of reserves which will help us manage the impact of further reductions in Central Government funding over the coming years.

2018/19 BUDGET PROPOSALS – FINAL RECOMMENDATIONS

12. From next year, 2018/19, the Council will receive no central Government funding (Revenue Support Grant) and the Council will need to be self-sufficient. The Council is currently facing a budget gap in 2019/20 of £0.64 million as shown in Appendix B.
13. The Council continues to do everything it can to make sure that residents, businesses and front-line services come first. Forward planning has allowed us to ease the pressures on front line services and for those in our community who face financial difficulties.
14. In this financial climate, income generation becomes a key priority area. The Council will continue to maximise its current sources of income through business development, ensuring the maximum utilisation of our assets, identifying new income streams, and actively pursuing all opportunities to increase the resources available and further reduce costs. The Council will also continue to transform services through the use of digital technology.
15. Strong financial management over many years and the continual drive for efficiency has enabled the Council to accommodate service pressures while still maintaining a low level of council tax. This is a budget to maintain frontline services, invest in economic regeneration and employment to create local jobs and to better support the local economy, whilst also preserving the longer term future of the Council. I commend the budget proposals to the Council.

Councillor R J Tucker
Leader of the Council

13 February 2018

APPENDICES

Appendix A – Summary of Budget pressures, savings and income generation and contributions to Earmarked Reserves

Appendix B – Summary of Budget Position for the years 2018/19 to 2022/23

Appendix C – Analysis of Contributions to/ (from) Earmarked Reserves

Appendix D – Summary of Revenue Budget for 2018/19

Appendix E – Draft Revenue Budget 2018/19

BACKGROUND PAPERS

Executive 1 February 2018 – Item 9 Revenue Budget Proposals 2018/19

Executive 1 February 2018 – Item 10 Capital Budget Proposals 2018/19

Executive 19 October 2017 – Medium Term Financial Position 2018/19 onwards

BUDGET PROPOSALS 2018/19 FEBRUARY 2018
(This shows the changes to the existing Base Budget)

APPENDIX A

	BASE 2017/18	Yr1 2018/19	Yr2 2019/20	Yr3 2020/21	Yr4 2021/22	Yr 5 2022/23
	£	£	£	£	£	£
BUDGET PRESSURES						
Inflation and increases on goods and services	310,000	220,000	220,000	220,000	220,000	220,000
Torr Quarry Transfer Station	0	137,500	142,500			
Triennial Pension revaluation	125,000			75,000		
Reduction in planning fee income	125,000					
Salaries - provision for pay award at 2%	90,000	255,000	280,000	90,000	90,000	90,000
National Living Wage and National Insurance	75,000	60,000	50,000	25,000	25,000	25,000
Salaries for Environmental Services manual workers	75,000					
Reduction in recycling income	85,000					
Torr Quarry Transfer Station haulage costs	30,000					
Planning Community of Practice	50,000					
Sherford project team	45,000					
Salaries provision for steady state review		30,000				
Reduction in Housing Benefit administration subsidy and Council Tax Support Admin Grant	40,000	20,000	20,000			
Planning - legal fees		20,000				
Reduce saving on waste round review	40,000					
Reduction in treasury management income	25,000					
Cost of lease renewal (car park lease)	20,000	23,000				
Staff resource - Finance Community of Practice	15,000					
Reduction in other income areas (S106 contribution income, Follaton room hire, pannier market income and Leisure third party income)	95,000					
ICT support contracts - increase the budget to align to actual expenditure		40,000				
Reduce the income target for income from business rated domestic properties for trade waste collection - to reflect actual income being achieved		40,000				
IT - Replace ageing network switches (£15K) and fixed line to Ivybridge Depot (£6K)		21,000				
Waste service - Train staff to be HGV drivers		16,000				
Fees and Charges report - review of Taxi Licensing fees - Licensing Committee on 11 January		11,200				
Specialist resource - Waste and Cleansing options review and delivery reverse a one-off budget in 16/17	(30,000)					
Increase the contribution to Ivybridge Ring and Ride		2,000				
TOTAL BUDGET PRESSURES	1,215,000	895,700	712,500	410,000	335,000	335,000
Changes to contributions to Earmarked Reserves						
Increase in the contribution from the New Homes Bonus Reserve (£549,581 in 2017/18 to £641,084 in 2018/19 - assumes a contribution of £500,000 in 19/20)		(91,503)	141,084			
Vehicle Fleet Replacement Reserve (Table 6 Executive report 20/10/16)	146,000	(197,000)			(13,000)	66,000
Contribution to Economic Regeneration Projects Reserve (Business Rates Pilot gain). This contribution is one-off for 2018/19 only.		475,000	(475,000)			
Contribution to Land and Development Reserve (annual contribution)	50,000					
Contribution to IT Development Reserve (annual contribution)	50,000					
Contribution to Sustainable Waste Management Reserve (annual contribution)	25,000					
Contribution to Planning Policy and Major Developments Reserve (shows annual contribution increasing by £25,000 per annum)	25,000	25,000	25,000			
Reduce contribution from the Strategic Issues Reserve as the reserve is Nil		7,000				
Transformation Project (T18) - Approved at 11 December 2014 Council <i>Contribution to Strategic Change Reserve to meet pension strain costs</i>	66,000	(75,000)	(150,000)	(60,000)		
Total changes in contributions to Earmarked Reserves	362,000	143,497	(458,916)	(60,000)	(13,000)	66,000

BUDGET PROPOSALS 2018/19 FEBRUARY 2018
(This shows the changes to the existing Base Budget)

APPENDIX A

SAVINGS AND INCOME GENERATION IDENTIFIED	BASE 2017/18 £	Yr1 2018/19 £	Yr2 2019/20 £	Yr3 2020/21 £	Yr4 2021/22 £	Yr 5 2022/23 £
Increase Batson Boat Storage Fees		(6,100)				
Increase Winter Boat Storage Fees		(8,200)				
Income from fees and charges report (Parks, Open Spaces and £200 for play area inspect and insure service to community groups and Town and Parish Councils		(3,000)				
Income from fees and charges report (Environmental Health fees £15,300 plus Planning fees of £15,000)		(30,300)				
Public Conveniences - pay on entry		(16,000)	(20,000)			
Develop Beach Huts			(31,000)			
Food hygiene rating scheme revisits		(1,250)	(1,250)	(1,250)	(1,250)	(1,250)
Increase in car parking charges (2%)	(37,800)	(38,000)				
Additional car parking income - increase income projection to reflect actual income being achieved		(70,000)				
Car Parking - Withdrawal of weekly parking tickets		(15,000)				
Duty Planning - charged appointment basis		(5,000)				
Savings from re-procurement of contracts (e.g. leisure contract)	(695,000)	0	(73,000)	(146,000)	(31,000)	(60,000)
Planning fee income	0	(110,000)				
Income from commercial developments	0	(30,000)	(20,000)			
Licensing income - shellfish export certificates		(30,000)				
Housing Benefit recoveries of overpayments - increase income projection to reflect actual income being achieved		(40,000)				
Dartmouth Lower Ferry	0	(75,000)	(25,000)			
Reduce RNLI Contracted Lifeguarding provision		(40,000)				
Public Conveniences - Transfer to Parish Council/ closure		0	(90,000)	(90,000)		
Public Conveniences - obtain 75% cost contribution from cafes		(10,000)				
Other budget savings (e.g. concessions)	(55,000)	(4,000)				
Reduce partnership grant funding to the CVS		(20,000)				
Cessation of accepting cash and cheques (and other banking changes)		(35,000)				
Reduced running costs at Follaton and additional rental income	(20,000)					
Income from business rated domestic properties for trade waste collection	(25,000)					
Trade Waste savings - higher income levels	(25,000)					
Review of car parking permits (Overview & Scrutiny Panel 24/11/16)	(10,000)					
Savings from the re-procurement of the Insurance contract		(77,000)				
Saving on External Audit Fees		(10,000)				
Cessation of South Devon Green Infrastructure Partnership (£6,500)		(6,500)				
Council Tax reduction scheme - 9.85% reduction in Town and Parish Grant	(10,000)	(9,000)	(8,000)			
TOTAL SAVINGS AND INCOME GENERATION	(877,800)	(689,350)	(268,250)	(237,250)	(32,250)	(61,250)

Line No.	Appendix B - Council Tax is increased by the higher of £5 or 2.99% each year	BASE 2017/18 £	Yr1 2018/19 £	Yr 2 2019/20 £	Yr 3 2020/21 £	Yr4 2021/22 £	Yr 5 2022/23 £
Modelling for the financial years 2018/19 onwards							
1	Base budget brought forward	8,751,722	8,346,074	8,983,194	8,329,529	8,520,104	8,746,331
2	Budget pressures (as per Appendix A)	1,215,000	895,700	712,500	410,000	335,000	335,000
3	Savings already identified (as per Appendix A)	(877,800)	(689,350)	(268,250)	(237,250)	(32,250)	(61,250)
4	Changes in contributions to Earmarked Reserves (App A)	362,000	143,497	(458,916)	(60,000)	(13,000)	66,000
5	Reversal of one-off contribution made to the Budget Surplus Contingency Reserve in the 2016/17 Budget - This is reversed in 2017/18 as the contribution was only a one-off contribution and not an annual contribution.	(767,995)					
Reverse Use of Reserves to close 2017/18 Budget gap							
6	Transfer from Budget Surplus Contingency Earmarked Reserve	(287,273)	287,273				
7	Transfer from New Homes Bonus Earmarked Reserve	(49,581)					
8	Projected Net Expenditure:	8,346,074	8,983,194	8,968,528	8,442,279	8,809,854	9,086,081
Funded By:-							
(See Note 1 below regarding New Homes Bonus funding)							
9	Council Tax income - Modelling a £5 increase in 2018/19	5,809,541	6,072,207	6,335,905	6,604,104	6,880,331	7,167,086
10	Collection Fund Surplus	143,000	73,000	70,000	70,000	70,000	70,000
11	Revenue Support Grant (RSG - Nil from 2018/19 onwards)	245,393	0	0	0	0	0
12	Localised Business Rates (baseline funding level - includes Rural Services Delivery Grant of £408,055 in 2018/19 due to Pilot status)	1,764,799	2,262,987	1,896,073	1,946,000	1,996,000	2,046,000
13	Tariff/Top Up Adjustment amount (negative RSG)			(399,900)	(400,000)	(500,000)	(500,000)
14	Business Rates Pilot Gain plus estimated growth for 2018/19		575,000				
15	Business Rates - estimated growth			100,000	100,000	100,000	100,000
16	Rural Services Delivery Grant	327,451	0	327,451	200,000	200,000	200,000
17	Transition Grant	55,890	0	0	0	0	0
18	Total Projected Funding Sources	8,346,074	8,983,194	8,329,529	8,520,104	8,746,331	9,083,086
Budget Gap per year							
19	(Projected Expenditure line 8 - Projected Funding line 18)	0	0	638,998	-77,825	63,523	2,994
Actual Predicted Cumulative Budget Gap		0	0	638,998	561,175	624,698	627,691

Aggregated Budget Gap (if no action is taken in each individual year to close the budget gap annually)

0 638,998 1,200,173 1,824,871 2,452,562

Modelling Assumptions:	An assumption of an additional 450 Band D equivalent properties per year has been included in the Tax Base and modelling above for 2018/19 onwards					
Council Tax (Band D) (Modelling the higher of £5 or a 2.99% increase)	155.42	160.42	165.42	170.42	175.51	180.75
Council Tax Base	37,379.62	37,851.93	38,301.93	38,751.93	39,201.93	39,651.93

Note 2 - New Homes Bonus Funding

The modelling for 2018/19 includes a contribution of £641,084 from New Homes Bonus funding to fund the Base Budget. This is shown in Appendix C and Appendix A shows the movement between years of the funding from New Homes Bonus. Funding from NHB has increased from £549,581 in 17/18 to £641,084 in 18/19 - an increase of £91,503.

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ANALYSIS OF CONTRIBUTIONS TO/(FROM) EARMARKED RESERVES

Estimate 2017/18			Estimate 2018/19	
To £	(From) £		To £	(From) £
-		Economic Regeneration Projects (pilot gain)	475,000	
181,600		Capital Programme	181,600	
16,900		Community Parks & Open Spaces	16,900	
10,000		District Elections	10,000	
87,000		Ferry major repairs & renewals	87,000	
	(549,581)	New Homes Bonus		(641,084)
20,800		Pay & Display Equipment	20,800	
99,000		Pension Fund Strain Payments	99,000	
55,000		Repairs and maintenance	55,000	
285,000		Strategic Change Reserve	210,000	
	(7,000)	Strategic Issues	0	
687,000		Vehicles & Plant Renewals	490,000	
50,000		Land and Development Reserve	50,000	
50,000		IT Development Reserve	50,000	
25,000		Sustainable Waste Management	25,000	
25,000		Planning Policy and Major Developments	50,000	
2,000		Interest credited to reserves	2,000	
	(287,273)	Budget Surplus Contingency Reserve	0	
1,594,300	(843,854)	TOTALS	1,822,300	(641,084)
750,446		GRAND TOTAL	1,181,216	

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SUMMARY OF REVENUE EXPENDITURE

(Based on council tax being increased by £5 in 2018/19)

Budget 2017/2018		Budget 2018/2019
£	SERVICE EXPENDITURE ANALYSIS	£
3,335,972	Commercial Services	3,519,454
2,509,623	Customer First	2,469,471
881,314	Strategy and Commissioning	885,843
3,301,718	Support Services	3,360,210
10,028,627	SUB TOTAL BEFORE ACCOUNTING ADJUSTMENTS	10,234,978
	ADJUSTMENTS BETWEEN ACCOUNTING BASIS & FUNDING BASIS UNDER REGULATIONS	
(1,933,000)	Reversal of depreciation	(1,933,000)
(500,000)	Reversal of pension costs (IAS 19)	(500,000)
750,446	CONTRIBUTIONS TO/ (FROM) RESERVES	1,181,216
8,346,074	AMOUNT TO BE FUNDED FROM TAXATION AND NON-SPECIFIC GOVERNMENT GRANTS	8,983,194
	FINANCED BY:	
	Government Grant:	
(245,393)	Revenue Support Grant (RSG)	0
(1,764,799)	Business Rates	(2,262,987)
0	Business Rates Pilot Gain plus estimated growth for 2018/19	(575,000)
(5,809,541)	Council Tax	(6,072,207)
(143,000)	Collection Fund Surplus	(73,000)
(55,890)	Transition Grant	0
(327,451)	Rural Services Delivery Grant (£408,055 is included within the Business Rates Baseline)	0
0	BALANCE - (SURPLUS)/DEFICIT	0
155.42	Band D Council Tax (assumes a £5 increase in council tax in 2018/19)	160.42
37,379.62	Council Tax Base	37,851.93

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	17/18 Original Budget	17/18 Virements	17/18 Revised Budget	18/19 Pressures (Savings)	18/19 Draft Budget
Customer First	3,140,304	-630,681	2,509,623	-40,152	2,469,471
Strategy and Commissioning	892,504	-11,190	881,314	4,529	885,843
Commercial Services	3,072,042	263,930	3,335,972	183,482	3,519,454
Support Services	2,923,777	377,941	3,301,718	58,492	3,360,210
	10,028,627	0	10,028,627	206,351	10,234,978
Contributions to/(from) Reserves (Appendix C)	750,446				1,181,216
Reversal of Depreciation	-1,933,000				-1,933,000
Reversal of Pension Costs (IAS19)	-500,000				-500,000
Net Budget Total (see note 1)	8,346,074				8,983,194
funded by:					
Revenue Support Grant	245,393				0
Localised Business Rates	1,764,799				2,262,987
Business Rates Pilot Gain and Growth	0				575,000
Rural Services Delivery Grant (note 2)	327,451				0
Council Tax (assuming an increase of £5)	5,809,541				6,072,207
Collection Fund Surplus	143,000				73,000
Transition Grant	55,890				0
Total	8,346,074				8,983,194

Note 1: The increase in the Net Budget from £8.35m (2017/18) to £8.98m (2018/19) is mainly due to the £0.575m business rates pilot gain, of which, £0.475m is recommended to be earmarked for economic regeneration projects.

Note 2: Rural Services Delivery Grant of £408,055 has been included within the business rates baseline as part of the business rates pilot.

	17/18 Original Budget	17/18 Virements	17/18 Revised Budget	18/19 Pressures (Savings)	18/19 Draft Budget
S1010 Customer Contact Centre	494,580	-6,580	488,000	11,814	499,814
S1013 Localities	306,020	-12,420	293,600	-8,368	285,232
S1014 Case Management (see note 3)	1,100,340	-25,440	1,074,900	89,367	1,164,267
S1015 Specialists (see note 3)	1,330,310	-12,410	1,317,900	228,722	1,546,622
S1020 Planning Applications & Advice	-437,400	0	-437,400	-263,000	-700,400
S1021 Development Control - Enforcement	4,700	0	4,700	0	4,700
S1030 Economic Development	5,580	-80	5,500	0	5,500
S1034 Planning Policy	16,900	0	16,900	0	16,900
S1040 Local Land Charges	-119,850	-16,050	-135,900	0	-135,900
S1060 Community Development	172,400	0	172,400	-18,000	154,400
S1070 Environmental Initiatives	64,600	0	64,600	0	64,600
S1104 Other Land and Investment Properties	-42,240	-460	-42,700	0	-42,700
S1165 Follat House	180,910	-29,910	151,000	-15,697	135,303
S1250 CoP Leads & Group Manager	152,810	-410	152,400	4,860	157,260
S1301 Other Community Parks & Open Spaces	396,660	-279,760	116,900	-3,000	113,900
S1305 Cemeteries & Burials	47,800	-19,100	28,700	0	28,700
S1306 Countryside Recreation	9,000	0	9,000	-6,500	2,500
S1310 Leisure Centres	464,610	-18,510	446,100	0	446,100
S1311 Outdoor Sports and Recreation	298,170	-159,091	139,079	0	139,079
S1365 Flood Defence & Land Drainage	48,040	-840	47,200	0	47,200
S1367 Coast Protection	82,050	-26,050	56,000	0	56,000
S1400 Employment Estates Overheads	-940,830	-33,570	-974,400	-5,000	-979,400
S1501 General Health	11,000	0	11,000	0	11,000
S1503 Public Health	11,744	0	11,744	-45,300	-33,556
S1531 Licensing	-173,300	0	-173,300	11,200	-162,100
S1533 Pest Control	13,600	0	13,600	0	13,600
S1534 Pollution Control	-7,890	9,990	2,100	0	2,100
S1535 Food Safety	15,500	0	15,500	-1,250	14,250
S1536 Health and Safety at Work	15,600	0	15,600	0	15,600
S1544 Community Safety	6,500	0	6,500	0	6,500
S1545 Emergency Planning	8,000	2,700	10,700	0	10,700
S1550 Housing Standards	5,200	0	5,200	0	5,200
S1551 Homelessness	159,490	-2,690	156,800	0	156,800
S1552 Housing Advice	10,200	0	10,200	0	10,200
S1553 Housing Enabling	1,800	0	1,800	0	1,800
S1555 Private Sector Housing Renewal	13,700	0	13,700	0	13,700
S1558 Housing Strategy	11,200	0	11,200	0	11,200
S1565 Housing Benefit Payments	-47,000	0	-47,000	-40,000	-87,000
S1568 Housing Benefit Administration	-207,400	0	-207,400	20,000	-187,400
S1571 Council Tax Collection	-278,200	0	-278,200	0	-278,200
S1574 Council Tax Support	-64,600	0	-64,600	0	-64,600
	3,140,304	-630,681	2,509,623	-40,152	2,469,471

Note 3: The Specialist (S1015) and Case Management (S1014) cost centres include additional staffing costs relating to the 20% increase in planning fees, which is ring-fenced for the planning service.

		17/18	17/18	17/18	18/19	18/19
		Original	17/18	Revised	Pressures	Draft
		Budget	Virements	Budget	(Savings)	Budget
S3001	Electoral Registration	138,040	-1,940	136,100	-4,519	131,581
S3010	District Elections	1,100	0	1,100	0	1,100
S3041	Communications & Media CoP	72,540	-2,810	69,730	3,268	72,998
S3042	Marketing and Tourism	0	0	0	0	0
S3043	South Hams Magazine	0	0	0	0	0
S3050	Democratic Representation & Management	336,454	0	336,454	0	336,454
S3051	HA-Member Support & Democratic Services	89,320	-5,220	84,100	2,793	86,893
S3075	Waste & Place Strategy	53,610	-410	53,200	887	54,087
S4501	Performance, Intelligence & Strategic Finance	127,310	-810	126,500	2,100	128,600
S4510	Building Regulations	-20,670	0	-20,670	0	-20,670
S4511	Other Building Control Work	94,800	0	94,800	0	94,800
		892,504	-11,190	881,314	4,529	885,843

		17/18	17/18	17/18	18/19	18/19
		Original	17/18	Revised	Pressures	Draft
		Budget	Virements	Budget	(Savings)	Budget
S1304	Grounds Maintenance General	-33,297	479,590	446,293	2,452	448,745
S2002	Beach and Water Safety	84,600	0	84,600	-40,000	44,600
S2005	Salcombe Harbour	0	0	0	0	0
S2010	Dartmouth Ferry	94,820	-59,320	35,500	-61,171	-25,671
S2017	Street and Beach Cleaning	892,301	-45,284	847,017	-52,561	794,456
S2030	Totnes Depot	-1,700	58,000	56,300	0	56,300
S2040	Dartmouth Depot	300	3,500	3,800	0	3,800
S2041	Transfer Station Torr Quarry	248,500	10,000	258,500	1,386	259,886
S2043	Ivybridge Depot	-100	40,400	40,300	6,000	46,300
S2044	Torr Quarry Depot	400	24,900	25,300	0	25,300
S2101	Car Parking Overhead Account	-1,740,715	-34,460	-1,775,175	-99,333	-1,874,508
S2310	Dog Warden Service	5,000	0	5,000	0	5,000
S2400	Public Conveniences Overheads Account	674,724	-2,739	671,985	-39,002	632,983
S2702	Household Waste Collection	1,844,680	-63,797	1,780,883	219,924	2,000,807
S2705	Recycling Services	570,166	-45,672	524,494	18,229	542,723
S2710	Mechanical Leaf Sweepings	-34,500	34,500	0	0	0
S2713	Trade Waste Services	-110,975	-1,857	-112,832	68,540	-44,292
S2715	Garden Waste Services	4,000	-4,000	0	0	0
S2716	Food Waste Services	-3,400	0	-3,400	0	-3,400
S2720	Waste & Recycling Services	393,740	-77,840	315,900	7,628	323,528
S2721	Environment Services - Manual Staff	-36,789	21,639	-15,150	36,056	20,906
S2733	Other Commercial Services	426,460	-4,460	422,000	39,924	461,924
S2734	Pannier Markets Overheads	-89,280	-520	-89,800	0	-89,800
S2841	Repairs and Maintenance	-67,393	-52,850	-120,243	75,410	-44,833
S2884	Supervisors Vehicles	200	-7,200	-7,000	0	-7,000
S2886	Landscape and Leisure Vehicles	0	0	0	0	0
S2887	Street Scene Vehicles	300	-8,600	-8,300	0	-8,300
S2703	Data Management	-50,000	0	-50,000	0	-50,000
		3,072,042	263,930	3,335,972	183,482	3,519,454

		17/18	17/18	17/18	18/19	18/19
		Original	17/18	Revised	Pressures	Draft
		Budget	Virements	Budget	(Savings)	Budget
S4001	Executive Directors	140,510	-6,510	134,000	619	134,619
S4004	Corporate Training & Occ Health	43,200	-900	42,300	0	42,300
S4009	Non Distributed Costs	478,979	-8,779	470,200	0	470,200
S4010	Inflation/Pension Provision	0	0	0	0	0
S4041	Internal Audit	81,610	-2,510	79,100	2,269	81,369
S4084	ICT Software & Support Contracts	336,620	0	336,620	40,000	376,620
S4086	Client Hardware Replacement	36,600	0	36,600	15,000	51,600
S4100	Human Resources CoP	128,320	7,980	136,300	6,059	142,359
S4101	Legal CoP	169,610	-12,310	157,300	13,137	170,437
S4102	Design CoP	53,610	-810	52,800	2,692	55,492
S4103	Finance CoP	229,440	-11,940	217,500	-449	217,051
S4104	ICT CoP	264,350	-26,750	237,600	-3,878	233,722
S4150	Support Services Case Management	421,610	-11,510	410,100	68,200	478,300
S4160	Corporate Management	177,300	2,000	179,300	-10,000	169,300
S4180	Support Services Mgmt & O' Heads	103,610	15,790	119,400	5,663	125,063
S4196	Customer Support	124,250	-23,250	101,000	5,180	106,180
S4199	Central Service Overheads	165,500	-2,000	163,500	0	163,500
S4200	Insurance	0	459,440	459,440	-77,000	382,440
S6021	Parish Support Grant	91,658	0	91,658	-9,000	82,658
S6050	Interest & Investment Income	-123,000	0	-123,000	0	-123,000
		2,923,777	377,941	3,301,718	58,492	3,360,210

Note:

The largest virements are for the centralisation of insurance and grounds maintenance budgets into their own single cost centre being S4200 and S1304.

Report to: **Full Council**
Date: **22 February 2018**
Title: **Pay Policy Statement and Pay and Reward Strategy 2018/19**
Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **Y** Approval and clearance obtained: **Y / N**

Date next steps can be taken: Immediately following this meeting.
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Andy Wilson** Role: **HR Lead Specialist**

Contact: **01803 861154: andy.wilson@swdevon.gov.uk**

RECOMMENDATION

That the Council RESOLVES to adopt:

- 1. the attached Pay Policy Statement for 2018/19 (as attached at Appendix A); and**
- 2. the attached Pay and Reward Strategy 2018/19 (as attached at Appendix B).**

1. Executive summary

- 1.1. The report proposes that the Council adopts the draft Pay Policy Statement (attached at Appendix A) and the Pay and Reward Strategy (attached at Appendix B);
- 1.2. The Council is required under the Localism Act 2011 to agree and publish a Pay Policy Statement each year;
- 1.3. The Pay Policy Statement sets out the authority's policies for the financial year relating to the remuneration of its chief officers, the remuneration of its median and lowest-paid employees and the

relationship between the salary of the Head of Paid Service and the salaries of the median and lowest paid employees;

- 1.4. Under the provisions of the Pay Policy Statement, full Council approval is required to review the salaries of a Chief Officer;
- 1.5. The Pay and Reward Strategy sets out the authority's overall approach to the pay and reward of its staff.

2. Background

- 2.1. Section 38 of the Localism Act 2011 requires local authorities in England and Wales to produce and publish a statutory pay policy statement for 2012/2013 and each financial year thereafter. Once approved, the policy will be published on the Council's website;
- 2.2. The pay policy statement must be approved by a resolution of the Council before it comes into force and each subsequent statement must be prepared and approved before the end of the 31 March immediately preceding the financial year to which it relates;
- 2.3. The Political Structures Working Group recommended that Council received an annual report setting out the Council's Pay and Reward Strategy in conjunction with the annual Pay Policy Statement.

3. Outcomes/outputs

3.1. Pay Policy Statement

- 3.2. The Hutton Report identified that the most appropriate way of measuring pay dispersion within an organisation is the multiple of Head of Paid Service to median earnings. Tracking this multiple will ensure that the Council is accountable for the relationship between the pay of its executives and the wider workforce. Through the pay policy statement, the Council can track this multiple on an annual basis;
- 3.3. If the relationship between the salary of the Head of Paid Service and the lowest paid employee exceeds a factor of 10, the Leader is required by the Localism Act to bring a report to Full Council for consideration;
- 3.4. With effect from 18 February 2018, the interim annual salary of the Executive Director and Head of Paid Service is £108,726pa, including a special additional responsibility allowance following the resignation of the Executive Director for Strategy and Commissioning. The interim salary arrangements are effective from 18 February 2018 until May 2019;
- 3.5. The annual median salary of all employees is £20,138;
- 3.6. The annual salary of the lowest paid employee is £16,123;
- 3.7. The relationship between the remuneration of the Head of Paid Service and the median salary of all employees is 5.40;

3.8. The relationship between the remuneration of the Head of Paid Service and the salary of the lowest paid employee is 6.74.

3.9. Pay and Reward Strategy

3.10. The Pay and Reward Strategy sets out the Council’s approach to the pay and reward of its employees and sets out details of the overall reward philosophy, pay design and structure, applicable rates of pay and other financial and non-financial benefits available to staff.

4. Options available and consideration of risk

4.1. The Council has a legal requirement under the Localism Act 2011 to publish a Senior Pay Policy each year.

5. Proposed Way Forward

5.1. Council is asked to adopt the Pay Policy Statement at Appendix A and publish it on its website to meet its statutory requirements;

5.2. Council is asked to adopt the Pay and Reward Strategy at Appendix B.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Yes	The Localism Act 2011 requires the Council to adopt and publish a Pay Policy Statement. The Pay Policy Statement requires the Leader to make a recommendation to Full Council to change the salary payable to a Chief Officer.
Financial	Y	The joint interim savings following the resignation of the Executive Director for Strategy and Commissioning, taking into account the cost of the special responsibility allowance for the remaining Executive Director, Group Manager for Customer First, Group Manager for Business Development and S151 is £67,373pa (£33,686pa for each Council).
Risk	N	There are no risks associated with the report, Pay Policy Statement or the Pay and Reward Strategy.
Comprehensive Impact Assessment Implications		

Equality and Diversity	N	There are no Equality or Diversity implications associated with the report, Pay Policy Statement or the Pay and Reward Strategy.
Safeguarding	N	There are no Safeguarding implications associated with the report, Pay Policy Statement or the Pay and Reward Strategy.
Community Safety, Crime and Disorder	N	There is no positive or negative impact on crime and disorder reduction associated with the report, Pay Policy Statement or the Pay and Reward Strategy.
Health, Safety and Wellbeing	N	There are no Health, Safety and Wellbeing implications associated with the report, Pay Policy Statement or the Pay and Reward Strategy.
Other implications	N	There are no other implications associated with the report, Pay Policy Statement or the Pay and Reward Strategy.

Supporting Information

Appendices:

A: Pay Policy Statement 2018/19

B: Pay and Reward Strategy 2018/19

Background Papers:

The Localism Act 2011

Code of Recommended Practice for Local Authorities on Data Transparency (published by the Secretary of State on 29 September 2011)

Hutton Report (published in March 2011)

PAY POLICY STATEMENT 2018/19

Purpose and scope of the Policy

1. Section 38 of the Localism Act 2011 (the Act) requires local authorities in England and Wales to produce a statutory pay policy statement for 2012/2013 and each financial year thereafter.
2. The pay policy statement must be approved by a resolution of the Council before it comes into force and each subsequent statement must be prepared and approved before the end of the preceding financial year to which it relates.
3. The Council may by resolution amend this pay policy statement at any time during the year, subject to the amended statement being published as soon as is reasonably practicable.
4. The Act requires local authorities to have regard to the guidance issued by the Secretary of State. The guidance draws upon the Code of Recommended Practice for Local Authorities on Data Transparency published by the Secretary of State on 29 September 2011, the commitment in the Coalition Agreement to strengthen councillors' powers to vote on large salary packages for council officers and the recommendations made by the Hutton Report published in March 2011 for promoting fairness in the public sector by tackling disparities between the lowest and highest paid in public sector organisations.
5. The pay policy statement brings together these strands of increasing accountability, transparency and fairness in the setting of chief officer pay.
6. The pay policy must set out the authority's policies for the financial year relating to—
 - 6.1. the remuneration of its chief officers,
 - 6.2. the remuneration of its lowest-paid employees, and
 - 6.3. the relationship between—
 - 6.3.1. (i) the remuneration of its chief officers, and
 - 6.3.2. (ii) the remuneration of its employees who are not chief officers.

7. For the purposes of this pay policy, and in accordance with section 43 (2) of the Act, the following officers are considered to be relevant chief officers and deputy chief officers within scope of the Councils' statutory obligation:
 - Executive Directors (including Head of Paid Service)
 - Group Managers
 - Section 151 Officer
 - Monitoring Officer
8. The above officers are collectively known as Chief Officers for the purpose of this pay policy statement.
9. In addition, the pay policy sets out the council's overall pay strategy that is applicable to all employees.

Shared Services

10. For the purposes of this pay policy statement, it should be noted that all of the identified chief officers operate under a shared service agreement with West Devon Borough Council and their salary costs are shared on an agreed basis. For the purpose of this pay policy statement, all shared chief officers are shown, notwithstanding the identity of their employing authority.

Executive Director and Group Manager Model

11. With effect from 1 January 2014, South Hams District Council and West Devon Borough Council agreed to adopt interim arrangements for an Executive Director model following the retirement of the Shared Chief Executive on 31 March 2014.
12. The permanent new senior management structure was approved by Full Council as part of the Councils' Transformation Programme and consists of 2 Executive Directors and 4 Group Managers.
13. Since 31 January 2016, the role of Customer First Group Manager has been vacant and duties allocated to the Group Managers for Support Services and Commercial Services.
14. Following the resignation of the Executive Director for Strategy and Commissioning and Head of Paid Service with effect from 18th February 2018, further interim arrangements were approved by Council until the election of a new administration in May 2019. The Council resolved to jointly set aside £53,000pa with West Devon Borough Council (£26,500 per Council) of the interim savings to finance interim senior management arrangements.
15. Under the interim arrangements, the Executive Director for Service Delivery and Commercial Development will be the sole Executive Director and will take on additional responsibilities, including the role of Head of Paid Service. In recognition, the Executive Director will receive a special responsibility allowance of £13,000 per annum, including the £3000 per annum allowance payable to the

Head of Paid Service.

16. The Group Manager for Customer First and Support Services will take on interim additional responsibilities and act as a deputy to the Executive Director and will receive a special responsibility allowance of £8000pa from 18th February 2018 until the interim arrangements end in May 2019. This allowance also includes recognition of the additional duties as the Council's Senior Information Risk Officer.
17. The Group Manager for Business Development will take on interim additional responsibilities, including becoming the Council's Data Protection Officer, and will receive a special responsibility allowance of £2000pa from 18th February 2018 until the interim arrangements end in May 2019.
18. The S151 Officer will take on interim additional responsibilities and become Group Manager for Strategic Finance and S151 Officer and will receive a special responsibility allowance of £8,474pa until the interim arrangements end in May 2019.
19. The role of Executive Director for Strategy and Commissioning will remain vacant during the interim period.
20. The substantive salaries of the Senior Leadership Team were agreed by the Council on the recommendation of the Leader after taking advice on comparable salary levels in other organisations.
21. The salary of the Monitoring Officer includes an additional responsibility allowance, set at 17.5% of their substantive salary, in recognition of carrying out the duties of the Monitoring Officer.

Remuneration for Chief Officers

22. The council has chosen to introduce local arrangements for Executive Directors and Group Managers' pay because it believes that this delivers a better outcome in terms of managing performance and flexibility.
23. The Leader of the Council may recommend to Full Council changes to the remuneration package following a review and after taking independent pay advice from South West Councils or a similar body. Any changes to the remuneration packages will be subject to Full Council approval.
24. Salary increases in relation to cost of living will be made in line with the relevant recommendation of the National Joint Council for Local Government Services (the NJC), the Joint Negotiating Committee for Chief Officers (the JNC) or other relevant national negotiating body for each chief officer.
25. The salary for the relevant chief officers will be 'spot' salaries, that is to say all officers will be paid in accordance with a fixed salary within an agreed range upon appointment and there will be no further incremental progression as a result of seniority, experience or performance.

26. Where possible, salary levels will be consistent with similar organisations, although the Council will retain the right to have due regard to market forces that may affect its ability to recruit and retain high quality officers, whilst balancing this against the need to ensure value for money for residents.
27. The 'spot salaries', including the special responsibility allowances paid to the Head of Paid Service, Group Manager and the Monitoring Officer, are the only remuneration for work carried out. At present, there are no additional payments made to chief officers relating to performance or any other matters and no bonus is payable.
28. Additional payments are made by Central Government to officers carrying out additional duties at elections. The determination of the allowance is made by the Government and these payments are not within the scope of this policy. There are no payments made by the Council for election duties.
29. In accordance with the provisions of the Council's Travel and Subsistence Policy, that applies equally to all employees, the relevant chief officers may attract an essential car user lump sum allowance and be reimbursed with business expenses subject to the submission of a claim with receipts. For 2018/19, all of the Chief Officers are designated as casual car users and will not receive an essential car user lump sum allowance.
30. From 1 April 2013, all business mileage will be reimbursed in accordance with the approved HMRC rates, currently 45p per mile. This replaces the previous policy under which business mileage was reimbursed at the higher rate agreed by the NJC, currently 50.5p per mile for essential users and 65p per mile for casual users.

Severance payments

31. Any termination payments payable to the relevant chief officers will be in accordance with the Council's Redundancy and Interests of Efficiency Policy. All such payments are equally applicable to all employees and no additional payments will be made without the express approval of the Full Council. All severance payments are subject to the provisions of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as amended.

Relationship with the remuneration of other employees of the Council

32. The Hutton Report identified that the most appropriate way of measuring pay dispersion within an organisation is the multiple of highest earnings to median earnings. Tracking this multiple will ensure that the Council is accountable for the relationship between the pay of its executives and the wider workforce. Through this pay policy statement, the Council will track this multiple on an annual basis and will publish the following information on its website each year (see Appendix A):

- The level and elements of remuneration to each relevant chief officer
 - The remuneration of the lowest paid employees
 - The relationship between the remuneration of the Head of Paid Service and the median earnings of all employees
 - Other specific aspects of relevant chief officer remuneration
33. Each year the published data will be reviewed by the Leader of the Council and if the multiplier between the highest and the lowest paid employee within the Council exceeds a factor of 10, the Leader shall present a report to the Full Council for consideration.
34. For the purposes of this pay policy statement, the 'lowest paid employees' are identified as those employees carrying out a substantive role within the Council's established workforce with the lowest annual full-time equivalent salary.
35. The 'median earnings' have been identified by listing all salaries paid to employees in ascending order and finding the salary paid to the employee ranked in the middle of the list.

The Council's overall pay strategy

36. In determining the pay and remuneration of its employees, the council will comply with all relevant employment legislation. This includes the Equality Act 2010, the Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Agency Worker Regulations 2010, the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. With regard to the Equal Pay requirements contained in the Equality Act, the council ensures that all pay arrangements are fair and transparent through the use of Job Assessment methods.
37. The council takes the following approach to assessing individual and overall pay levels:
- Defining the role – a job description is produced that describes the activities, responsibilities and accountabilities which relate to each job within the council. This helps to ensure that the role and its requirements are fully understood by the individual and the manager and enables the council to assess the performance of its staff and so improve efficiency and effectiveness.
 - Determining the job size – the council has developed its own job assessment technique that enables the direct comparison of jobs across the council in a fair, transparent and consistent way.
38. The council's pay structure is based on the pay spine agreed by the NJC. Employees receive 'cost of living' increases in pay in line with NJC Agreements. There was a 1% increase payable from April 2017. Advanced national negotiations are underway to agree a pay settlement for April 2018.

39. The terms and conditions of employment for Executive Directors are in accordance with the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities. There was a 1% increase payable from April 2017. Advanced national negotiations are underway to agree a pay settlement for April 2018.
40. Using the nationally agreed NJC pay spine, the council determines locally the appropriate grading structure, taking into account the need to ensure value for money in respect of the use of public finances balanced against the need to recruit, retain and motivate employees who are able to provide high quality and efficient services to the community.
41. To encourage employees to develop in their role and to improve their performance, the council has arranged its pay levels within a series of pay grades. Each grade typically contains between 4 and 5 pay levels or increments. Progression through the pay grade is dependent on meeting identified performance targets and is assessed through the council's staff appraisal scheme.
42. The council uses fixed spot salary pay rates for some groups of workers where there is no opportunity for significant improvement in performance related to length of service.
43. From time to time, the council may pay special allowances to an employee in specific circumstances and in accordance with its policy, such as to reward an employee who temporarily takes on additional responsibilities.
44. From time to time, the council may make a one-off merit pay award to an employee in specific circumstances and in accordance with its policy, such as to reward exceptional performance.
45. Subject to qualifying conditions, employees have a right to belong to the Local Government Pension Scheme. The employee contribution rates, which are defined by statute, currently range between 5.5% for those on the lowest incomes to 12.5% for the highest income earners. The Employer contribution rates are set by Actuaries and are reviewed on a triennial basis to ensure the scheme is appropriately funded.
46. The Council's Pay and Reward Strategy contains further information relating to the overall approach to rewarding employees.

Appendix A

1. The levels and elements of remuneration for each Chief Officer are as follows:

Post	Salary (£) per annum	Comments
Executive Director (Strategy and Commissioning) and Head of Paid Service*	Vacant	Vacant from 18 th February 2018. Previous salary was £98,847
Executive Director (Service Delivery and Commercial Development)	£108,726	Including a special interim responsibility allowance of £13,000pa payable from 18 th February 2018 to May 2019.
Commercial Services Group Manager*	£72,720	
Customer First and Support Services Group Manager	£80,720	Including a special interim responsibility allowance of £8000pa payable from 18 th February 2018 to May 2019.
Business Development Group Manager*	£64,226	Including a special interim responsibility allowance of £2000pa payable from 18 th February 2018 to May 2019.
Monitoring Officer* **	£53,447	Including a 17.5% Responsibility Allowance
Interim Group Manager for Strategic Finance and Section 151 Officer*	£64,447	Including a special interim responsibility allowance of £8474pa payable from 18 th February 2018 to May 2019.
* employed by West Devon Borough Council ** 0.9189 FTE		

Please note: All chief officers operate under a shared service agreement with West Devon Borough Council and all salary and associated costs are shared on an agreed basis between the two councils.

The Senior Leadership Team (SLT) consists of the 2 Executive Directors (one vacant), the 3 Group Managers and the S151 Officer, but excludes the Monitoring Officer. Previously, the s151 Officer was not considered part of the SLT.

The total annual salary cost of the SLT at 31 March 2018 is £390,839. This cost is shared with West Devon Borough Council.

In April 2017, the cost of the SLT was £451,720 (adjusted to include the salary of the s151 Officer for comparative purposes).

The total salary cost of the previous shared management structure across the two councils in 2010/11 was £1,277,812 pa. This was reduced following major organisational change in April 2011 and the adoption of the interim Executive Director model in January 2014 to £612,340pa. This salary cost includes the Executive Directors and Heads of Service (including s151 Officer) but excludes the Monitoring Officer.

2. The full-time equivalent annual salary of the lowest paid employee is a Digital Mailroom Team Member, paid in accordance with spinal column point 12 of the National Joint Council for Local Government Services pay spine, currently £16,123pa.
3. The annual median salary of all employees £20,138pa.
4. The Executive Director's salary is a pay multiple of 5.40 times the median earnings.
5. The Executive Director's salary is a pay multiple of 6.74 times the lowest paid employee.

PAY AND REWARD STRATEGY 2018

Introduction

1. The primary aim of the Councils' Pay and Reward Strategy (PRS) is to attract, retain and motivate staff so that the organisation can perform at its best.
2. The PRS sets out the Councils' overall reward philosophy and the design and implementation of its pay and grading structure, including financial and non-financial benefits.
3. South Hams District Council and West Devon Borough Council have developed a fully integrated and joint approach to pay and reward to all roles across both organisations and the PRS is a joint strategy.



Reward Philosophy

4. A coherent approach to rewarding staff is central to the Councils' commitment to continually improve productivity and to sustain the delivery of excellent services to our customers and communities.
5. Financial and non-financial reward are significant factors in helping the Councils attract and retain the right people and to keep them motivated, performing to the very best of their abilities and receptive to changing environment in which we operate.
6. The Councils' PRS is designed to be fully compliant with all of the statutory requirements, including the Equality Act 2010, the Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Agency Worker Regulations 2010, the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
7. The Councils believe in the principal of national and local collective bargaining, supports the role of trade unions as representatives of the workforce and is committed to reaching agreement to changes affecting terms and conditions of employment through negotiation and consultation wherever possible.
8. The Councils' draw significant benefits from being a member of the Local Government Association, including the provision of national and regional advice and access to innovation and best practice in employee relations.
9. Through its membership of the National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Chief Officers (JNC), the Councils participate in national negotiations on pay and conditions of service.
10. In accordance with its commitment to national collective bargaining and the NJC Agreement (the Green Book), the Councils utilise the nationally agreed pay spine as the basis of its locally designed pay and grading structure.

11. The Councils are fully committed to a fair, open and equitable approach to pay and reward and meets its equal pay responsibilities by using the locally designed Job Level Assessment tool to make sure all roles are allocated the appropriate reward in comparison to other roles in the organisation.
12. The Councils keep the pay and grading structure under review and carry out audits to make sure discrepancies does not arise on the basis of any characteristic protected by the Equality Act 2010.
13. The Councils use its Managing Performance framework, including the WorkPAL appraisal tool, to link performance to reward. Annual increments are only awarded once the line manager has certified that performance and conduct is satisfactory.

Pay Design and Structure

14. In order to reflect and distinguish between the wide range of duties and responsibilities carried out in the organisation, the Councils use 9 hierarchical Levels (or grades). Different roles are allocated to a Level using the Job Level Assessment tool and are considered to be of equal value to other roles in the Level.
15. The design of the grading structure and the associated rates of pay provide a hierarchical framework that enables roles to be rewarded in comparison to other roles.
16. Levels 3 to 9 are built upon the NJC pay spine and each Level has 5 spinal column points. The use of incremental points within each Level is designed to reward higher performance associated with more experience and is a common feature across local government and many other organisations across all sectors of the economy. Where experience is unlikely to lead to an improvement in performance, such as in low or semi-skilled roles, a spot salary is used.
17. Employees with roles within Levels 3-9 are awarded an annual increment in April each year until the top of the Level is reached, subject to satisfactory performance. Each year, line managers are asked to confirm the satisfactory performance of every individual and the Councils retain the contractual right to withhold an increment in the event of unsatisfactory performance, including where performance is affected by unsatisfactory conduct.
18. Where an employee joins the organisation between September 1 and 31 March, an increment will only be payable after 6 months' service. Thereafter, increments will be due in April each year until the top of the Level is reached.
19. Levels 1 and 2 are reserved for members of the Councils' Senior Leadership Team (SLT) and the salaries are based upon a spot salary within a salary range agreed by Full Council. A spot salary is used for SLT because employees appointed to senior roles are considered to be fully competent upon appointment.
20. The salary for people joining the organisation is set at the entry spinal column point of the appropriate Level. In exceptional circumstances, SLT may agree to appoint to a higher point within the Level.

21. The salary for an employee moving to a higher Level following promotion or a regrading will join the new Level at the entry spinal column point.

Rates of Pay

22. The Councils pay and grading structure is attached at Appendix A.
23. The Councils are members of the National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Chief Officers (JNC) and participate in national negotiations on pay and conditions of service with the recognised trade unions through its membership of the Local Government Association.
24. The NJC and JNC are committed to an annual review of pay and, from time to time, agree an increase in pay. The Council is contractually committed to implementing this nationally negotiated and agreed increase in pay and applies the changes to its pay structure and to each individual employee's rate of pay.
25. Every role in the organisation is accompanied by a Job Description (JD). The JD is used to determine the appropriate Level within the pay and grading structure using a local Job Level Assessment (JLA) tool.
26. The Councils keep the Level of each role under review and, where there is some evidence that a role has changed, carries out a Job Level Assessment to determine whether a role should be regraded to a higher or lower Level.
27. The JLA tool measures the size of a Role by considering the level of Responsibility carried out, the degree of Discretion exercised, the Resources used or managed and the impact the role has on our customers and communities.
28. The Councils have access to a national pay benchmarking service supported by the LGA. The database enables the Councils to compare its rates of pay for job families and specific roles with other local government and wider public sector organisations to make sure the rates of pay are competitive and broadly comparable with similar organisations.

Senior and Low Pay

29. The Councils are required to adopt and publish an annual Pay Policy Statement (PPS). The PPS sets out the remuneration of Chief Officers (currently the Executive Directors, Group Managers, Monitoring Officer and S151 Officer) and the rate of pay of the lowest paid member of staff and the median earnings of the workforce.
30. The Councils are required to publish the PPS and it is available on the Council websites.

Gender Pay Gap

31. Under the provisions of the Equalities Act 2010 (Gender Pay Gap Information) Regulations 2017 all organisations that employ more than 250 employees are required to publish annually a report showing the gender pay gap. Although West Devon Borough Council currently employs less than 250 employees, it will publish the data in accordance with the Regulations.

32. The information will be published on the Council's websites and, in the case of South Hams District Council, the government's gender pay gap website.

Other financial and non-financial reward benefits for staff

33. The Councils provide a wide range of financial and non-financial benefits to its staff to help attract and retain the right people. The following list is not exhaustive:

I. Membership of the Local Government Pension Scheme (LGPS)

It is statutory requirement that all employees with more than 3 months service are automatically enrolled into the LGPS. The LGPS is a defined benefit scheme that provides a pension based on career average earnings. The LGPS is a contributory scheme and the employee contribution rate is dependent on income, ranging from 5.5% to 12.5%. The contributions made by the Councils are determined by Actuaries and are reviewed every three years. Employees retain the right to opt out of the scheme.

II. Bonus Payments

The Councils are actively seeking to remove all historic bonus payments and has successfully consolidated bonus payment previously payable to employees working in Waste and Recycling, Public Convenience, street cleaning, craft workers and at the Dart Lower Ferry.

III. Premium Payments

Under the terms of the NJC Agreement, premium payments are payable when an employee works additional hours (overtime) or outside of normal working hours, such as evenings, weekends and public holidays. All payment are in accordance with the NJC Agreement or local agreements. Under the terms of individual contracts of employment (and in accordance with the NJC provisions), overtime pay is normally only payable to officers on Level 6-9. Officers at Level 1 – 5 are offered time off in lieu if they work additional hours.

IV. Special Responsibility Allowances, Secondments and Acting Up

From time to time, the Councils will need to make interim appointments to cover a short-term demand for a particular role, task or activity. The Councils are committed to providing opportunities for staff to gain experience of different roles and levels of responsibility within the organisation and will offer interim opportunities to staff unless there is a business imperative to make external arrangements.

Where an employee is carrying out a Secondment or is Acting Up, and is expected to carry out the full range of duties of a Role at a higher Level, salary will be paid in accordance with the entry point to the appropriate Level.

Where the employee is expected to carry out some additional duties and/or responsibilities, an additional increment will be awarded within their existing substantive Level, or, where the employee is at the top of the Level, SLT will determine an appropriate salary uplift.

In exceptional circumstances and with the agreement of SLT, an additional increase in salary may be awarded.

V. Merit Pay and Honorariums

Where an employee undertakes temporary additional responsibilities or performs exceptionally, a payment can be made by SLT in accordance with the Councils' Merit Pay and Honorarium Policy.

VI. Accelerated incremental progression

In exceptional circumstances, SLT may award an accelerated increment to an employee.

VII. Out of Hours Payments

The Council delivers a number of functions, including statutory duties, that need to be accessed out of hours and provides a payment to appropriate employees to deliver the out of hours service in accordance with its Out of Hours Policy.

VIII. Market Supplements

Although the Council does not currently pay a market supplement to any employee, it retains the ability to make a market supplement payment where it is demonstrated to SLT that there is a clear business case to support a supplementary payment. Any market supplement should be based on empirical evidence and kept under review.

IX. Commercial Delivery or Community Benefit Supplement

From time to time, the Councils can deliver product(s) and / or services to third parties or external organisations in order to generate a commercial return and can also be responsible for the delivery of externally funded services that can have a significant benefit on the communities we serve.

From time to time, SLT may agree to award a Commercial Delivery or Community Benefit Supplement to an employee(s) where it considers the success of the commercial venture or externally funded project will be enhanced in accordance with the agreed policy.

X. Relocation Allowance

From time to time, SLT may determine that a relocation allowance should be made available to attract the right candidate to the organisation. All payments will be made in accordance with the Councils' Relocation Policy up to a maximum payment of £5000.

In exceptional circumstances, the Council may offer a financial incentive to attract candidates to apply for hard to fill vacant posts. In the past 12 months, a 'golden handshake' of £5000 was offered to attract candidates to apply for roles as a Planning Specialist, although no suitable candidate was identified and no payment made.

XI. Membership Professional Fees

The Council is committed to supporting the highest level of professional and technical competence within its workforce and will financially support an employee's membership of a relevant professional body.

XII. Leave and Flexible working

The Council recognises that it is important for its employees to strike an effective work life balance and operates Annual Leave and Special Leave Policies to make sure employees are able to take appropriate breaks from working for both rest and recreation and to manage unforeseen events in their personal life.

The Council also recognises that flexible working practices can help employees manage the work life balance and encourages the use of agile working. The Council's Ways of Working

Policy sets out the overall approach to agile working and seeks to find an appropriate balance between the needs of our customers and communities and the ability of employees to structure their working pattern and environment in a manner that supports their personal life.

XIII. Volunteering

The Council encourages and supports its employees to do voluntary work. It can help the Councils build relationships and improve its reputation within the local community and can directly support initiatives that enhance the communities in which we live and work.

By volunteering, employees can share their talent for the benefit of the community, learn new skills and encounter new experiences. Volunteering can help enhance a person's self-esteem and improve their health and well-being.

In accordance with the agreed policy, an employee may be granted up to 3 days paid leave and unlimited unpaid leave per year to carry out voluntary work.

XIV. Salary Sacrifice Schemes

The Council promotes a healthy lifestyle and working parents by offering employees the opportunity to purchase a bicycle for the purpose of cycling to work and child care vouchers through salary sacrifice arrangements that allow the cost to be deducted before national insurance contributions are calculated in accordance with HMRC rules. From April 2018, an employee wishing to join a child care voucher scheme must enrol on the new government Tax-Free Childcare scheme. For employees already registered, we can continue to offer child care vouchers through our payroll.

XV. Severance Payments

From time to time, the Council's requirement for particular activities and functions to be carried out can diminish and may result in a redundancy situation. Where a redundancy cannot be avoided, all severance payments are made in accordance with the Council's Redundancy and Interests of Efficiency Policy. The policy is agreed by Full Council and is compliant with the Local Government (Discretionary Payments) Regulations 1996 and Employment Rights Act 1996.

XVI. Sickness absence and pay

The Councils are committed to the well-being of its employees and to providing the right working environment, working practices and healthcare support to help employees to be healthy and able to work. On occasions, however, employees will be unable to attend work due to illness and the Councils adhere to the Green Book Sickness Scheme.

XVII. Occupational Health, Counselling and Employee Assistance Programme

The Councils provide access to an Occupational Health Service to help understand what it can do to support employees with longer term sickness absences and to help facilitate an earlier return to work.

The Councils provide access to a range of support networks and advisory services through its partnership with an Employee Assistance Programme and offer an anonymous self-referral service to a Counselling Service to help employees with a wide range of work and non-work related issues.

XVIII. Maternity, paternity and parental leave and pay

The Councils adhere to the Green Book Maternity, Paternity and Parental Leave and Pay policies for eligible employees.

XIX. Travel and subsistence expenses

The Councils will reimburse employees for all reasonable and authorised expenditure, including mileage, occurred on Council business in accordance with the Travel and Subsistence Policy.

APPENDIX A – PAY AND GRADING STRUCTURE with effect from 1 APRIL 2017

SPINAL COLUMN POINTS 2016-2017 (WEF 01/04/2017)					
T18	Previous	SCP	ANNUAL SALARY	MONTHLY RATE	HOURLY RATE
	Scale 1	6	15,014	1251.17	7.78
		7	15,115	1259.58	7.83
		8	15,246	1270.50	7.90
		9	15,375	1281.25	7.97
		10	15,613	1301.08	8.09
		11	15,807	1317.25	8.19
9	Scale 2	12	16,123	1343.58	8.36
		13	16,491	1374.25	8.55
	Scale 3	14	16,781	1398.42	8.70
		15	17,072	1422.67	8.85
		16	17,419	1451.58	9.03
8	Scale 4	17	17,772	1481.00	9.21
		18	18,070	1505.83	9.37
		19	18,746	1562.17	9.72
		20	19,430	1619.17	10.07
		21	20,138	1678.17	10.44
7	Scale 5	22	20,661	1721.75	10.71
		23	21,268	1772.33	11.02
		24	21,962	1830.17	11.38
		25	22,658	1888.17	11.74
6	Scale 6	26	23,398	1949.83	12.13
		27	24,174	2014.50	12.53
	SO 1	28	24,964	2080.33	12.94
		29	25,951	2162.58	13.45
		30	26,822	2235.17	13.90
N/A	SO 2	31	27,668	2305.67	14.34
		32	28,485	2373.75	14.76
5	A1 / M1	33	29,323	2443.58	15.20
		34	30,153	2512.75	15.63
		35	30,785	2565.42	15.96
		36	31,601	2633.42	16.38
		37	32,486	2707.17	16.84
4	A2 / M2	38	33,437	2786.42	17.33
		39	34,538	2878.17	17.90

		40	35,444	2953.67	18.37
		41	36,379	3031.58	18.86
		42	37,306	3108.83	19.34
	A3 / M3	43	38,237	3186.42	19.82
N/A		44	39,177	3264.75	20.31
		45	40,057	3338.08	20.76
	46	41,025	3418.75	21.26	
3	M4 (47-49) A4 (47-51)	47	41,967	3497.25	21.75
		48	42,899	3574.92	22.24
		49	43,821	3651.75	22.71
		50	44,914	3742.83	23.28
		51	46,043	3836.92	23.87

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Report to: **Council**

Date: **22 February 2018**

Title: **POLITICAL STRUCTURES WORKING GROUP REVIEW**

Portfolio Area: **Strategy & Commissioning**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision) **Immediately following this meeting**

Author: **Darryl White (on behalf of the Political Structures Working Group)**

Contacts: Cllr.tucker@southhams.gov.uk and darryl.white@swdevon.gov.uk

RECOMMENDATIONS:

That the Council RESOLVES that:

- 1. meetings of the Council and formal Committee meetings held at Follaton House be live streamed to an internal audience only initially for a three month trial period;**
- 1(a) following this trial, the Political Structures Working Group be given authority to gauge its success and to then determine whether or not Council and formal Committee meetings held at Follaton House should be permanently live streamed;**
- 2. it be noted that the provision for both Public Questions to be asked at full Council meetings and electronic voting solutions be deferred to a future Political Structures Working Group for further consideration; and**

3. unless in exceptional circumstances, no formal Member meetings be held during the month of August.

1. Executive summary

- 1.1 The Council has appointed a Political Structures Working Group with the primary purpose of making recommendations to full Council on the decision-making processes and structure of the Council;
- 1.2 The Political Structures Working Group met on 25 January 2018 to consider (and make recommendations to the Council on) the following items:
 - Live Streaming of Council and Formal Committee Meetings;
 - Provision for Public Questions at full Council meetings;
 - Electronic Voting in Meetings; and
 - Scheduling formal meetings during the month of August.

2. Background

Live Streaming of Meetings

- 2.1 Ever since the Local Audit and Accountability Act 2014 became legislation, the Working Group has kept a close watching brief on the merits of webcasting Member Meetings;
- 2.2 On each previous occasion, the Working Group has recommended to the Council that webcasting did not constitute good value for money at that time, but did recognise that the matter should be kept under regular review;
- 2.3 To date, the Council has always approved the Working Group recommendations in this respect.

Public Questions at Council Meetings

- 2.4 Members will be aware that there is currently no provision for public questions to be raised at full Council meetings. In response to recent public requests, it was agreed that the Working Group would be tasked with reviewing this lack of provision.

Electronic Voting

- 2.5 As part of the agenda setting process for this Working Group meeting, Members were consulted for any additional items for consideration. During this process, a request was made for electronic voting at formal Member meetings to be reconsidered.

Calendar of Meetings – August

- 2.6 A Member also asked during the consultation exercise that the Working Group be given the opportunity to discuss the principle of scheduling formal Member meetings during the month of August.

3. Political Structures Working Group Deliberations

- 3.1 The Working Group meeting was attended by six of its eight Members (Cllrs Baldry, Green, Pennington, Saltern, Tucker and Wright). Apologies were received from Cllrs Hitchins and Holway.

Live Streaming of Meetings

- 3.2 The Working Group received a demonstration from the Community Of Practice Lead – Communications on the ability to live stream meetings via YouTube;
- 3.3 As part of the demonstration, it was emphasised to the Working Group that there would be no cost implications arising from live streaming meetings. Furthermore, since the equipment would be operated by Communications Officers (who already attended these Committee meetings), there would be no additional resource implications to the Council;
- 3.4 A number of Members recognised that the press and public were already attending and filming a variety of formal meetings. Furthermore, it was recognised that the vast majority of other local authorities were now live streaming their Committee meetings in one form or another;
- 3.5 Before making any recommendations, the Working Group requested greater clarity around the ability to photograph and film children in a public place. Officers advised that there are no laws prohibiting this provided that the images are of an appropriate nature and the main point was to ensure that all parties who attend a meeting are aware that filming is taking place and that they could potentially feature in it;
- 3.6 In order to gauge the effectiveness of the proposed system, the majority of Members in attendance were of the view that meetings of the Council and formal Committee meetings held at Follaton House should be live streamed for an internal audience only (i.e. officers and Members) initially for a three month trial period;
- 3.7 Assuming that the Council approves this proposal, the Working Group recognised that there would be a need for a learning and development session to be arranged for Members before the first meeting is live streamed;

- 3.8 Upon the conclusion of the trial period, the Working Group was of the view that it should then be reconvened to determine whether or not it had been a success;
- 3.9 In evaluating the success, the Working Group felt that it should be given the discretion to determine whether or not Council and formal Committee meetings held at Follaton House are permanently live streamed without the need to report back to full Council for further approval.

Public Questions at Council Meetings

- 3.10 Officers confirmed that the Council was one of only two in Devon that did not currently have any provision for Public Questions at its full Council meetings;
- 3.11 In discussion, it became apparent that, whilst supportive of the principle, Group Members had a variety of differing views over the format of a public question session. These included:
- Should a question be restricted to the items of business on that meeting agenda?
 - Should advance notice of questions be a requirement?
 - Should limits be put on the number of questions any individual can ask at a meeting?
 - Should questioners be given the opportunity to ask a supplementary question?
 - Should there be provision to ensure that repeat (or broadly similar) questions that had already been dealt with by the Executive / Overview and Scrutiny Panel / Salcombe Harbour Board were not raised again?

3.12 As a way forward, the Working Group concluded that a firm set of proposals should be presented to a future meeting for further consideration and a Member cited the Cornwall Council approach as a good model to base the draft scheme on;

3.13 Whilst not directly linked to this matter, some Members asked that, as part of the annual review into the Council Constitution, specific consideration be given to whether or not Members should be permitted to ask questions during the Public Question Time sessions at meetings of the Executive and the Overview and Scrutiny Panel.

Electronic Voting

3.14 The Leader introduced this item and advised the Working Group that the monies that had been set aside for the Council Chamber refurbishment project had been removed from the Capital Programme during the 2017/18 Budget Setting process;

3.15 Nonetheless, the majority of Members in attendance considered that, such were the recent technological advancements, there were now more cost effective Electronic Voting solutions available and it was therefore timely to revisit this matter at a future Working Group meeting;

Calendar of Meetings – August

3.16 In light of the Annual Calendar of Meetings recently including provision for formal Committee meetings during the month of August, the Working Group was asked to consider whether this recent trend should be reversed;

3.17 In the ensuing debate, the constraints and difficulties of drafting the Calendar of Meetings (especially when considering the Shared Services agenda) was recognised by the Working Group;

3.18 However, there remained a general acceptance that the month of August was sacrosanct and the majority of Members reaffirmed the view that, unless in exceptional circumstances, no formal Member meetings should be held during the month of August.

4. Implications

Legal/Governance		<p>The Local Audit and Accountability Act 2014 makes provision for the public and press to be able to film and record Member meetings in their own right without requiring the prior approval of the Council</p> <p>In addition to the Annual Review, the Council has the ability to amend and/or update its Constitution throughout the year.</p>
Financial		There are no additional financial implications directly related to this report.
Risk		<p>As with all technologies, there are risks for potential failure. These will be mitigated through pre-meeting checks.</p> <p>In the event of the outcome of the trial being that the Council live streams its Member meetings, the public must always be made aware that this is happening and will be publicly available.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.

Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

None

Background Papers:

None

Report to: **Council**

Date: **22 February 2018**

Title: **TRANSFER OF CHARITY LAND TO
DARTMOUTH TOWN COUNCIL**

Portfolio Area: **Assets**

Wards Affected: **Dartmouth and East Dart**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately following this meeting**

Author: **Guy Pedrick** Role: **Senior Specialist (Assets)**

Contact: **01803 861376/email: guy.pedrick@swdevon.gov.uk**

RECOMMENDATIONS

That Council RESOLVES:

- 1. That pursuant to s.280 of the Charities Act 2011, to approve a transfer of the administration of the two Charitable Trusts at Castle Woodland and Warfleet, Dartmouth to Dartmouth Town Council, in conjunction with the proposed transfer of other Assets, as resolved by Executive on 2nd February 2017; and**
- 2. To delegate authority to conclude detailed negotiations to the COP Lead for Assets, in consultation with the s151 officer, Head of Paid Service, COP Lead for Legal and Leader of the Council.**

1. Executive summary

- 1.1** When considering this report, the Council must ensure that it acts in the best interests of the charity alone and not in pursuance of the policy, direction or interests of the local authority. The charitable objects in this instance are the protection of the land for public recreational use.

- 1.2 Following Executive approval to proceed with the transfer of a number of assets to Dartmouth Town Council on 2nd February 2017, the detailed legal work and negotiations have reached the final stages.
- 1.3 Two of the assets are Charitable Trusts and held by the Council as trustee. Pursuant to S.280 of the Charities Act 2011, it is necessary for the Council to resolve to transfer the administration of each of the charities to Dartmouth Town Council.
- 1.4 The two assets are known as Warfleet and the Castle Estate and they were gifted to the Council's predecessor to be held and maintained for the purposes of public recreation. This restriction on use will not change, if the transfer takes place.
- 1.5 The COP Lead for Assets seeks delegated approval to conclude the transfer of sole trusteeship of the two assets above, to Dartmouth Town Council, in conjunction with the previously approved transfer proposal.

2. Background

- 2.1 The Executive resolved on the 2nd February 2017 to support the proposal to transfer property assets to Dartmouth Town Council. Negotiations for the proposal are reaching a conclusion in line with that resolution. The proposal includes land at Coronation Park and Royal Avenue Gardens, Townstall, Warfleet and Castle Woodland.
- 2.2 Two parcels of land included in the proposed transfer are held by the Council as sole charitable trustee. The two parcels of land are; 1) title number DN536320 (land to the north and east of Castle Road, Dartmouth, and 2) title number DN536122 (land to the east side of Castle Road, Dartmouth). All the charity land is shown on drawing numbers 15-521-02 Rev B and 15-521-04, attached.
- 2.3 Local Authorities are empowered by S.139 of the Local Government Act 1972 to receive and hold gifts on charitable trusts. This may include money or assets left by donors, or charitable trusts created by ancient royal charters or Acts of Parliament. Such money or assets are held by the Council upon charitable trust and do not form part of the Council's corporate funds or corporate assets. When making decisions regarding these assets, the Council must act in the best interests of the particular charity and its beneficiaries. The Council has a legal duty of care towards the charities.
- 2.4 The Mayor Aldermen and Burgesses of the Borough of Clifton Dartmouth Hardness were gifted parcel 1) in 1903 and parcel 2) in 1930 which had the legal effect of creating charitable trusts requiring that the land be used for the benefit of the public. The administration of the charitable trust was transferred to the Council on local government reorganisation in 1974.
- 2.5 Charity land is regulated and protected by the Charity Commission and the Commission has advised that, provided the Council, acting in its capacity as charity trustee, is satisfied that the change of administration is in the best interests of each charity and its beneficiaries, the Council may pass a resolution pursuant to S.280

of the Charities Act 2011 to transfer the administration of each of the charities to Dartmouth Town Council.

- 2.6 If the Council, acting in its capacity as charity trustee is not satisfied that the change of administration is in the best interests of each charity and its beneficiaries, the Council must not transfer the land and must continue to administer the charitable trusts in question.
- 2.7 When acting as charity trustee, the Council must ensure that it acts in the best interests of the charity alone and not in pursuance of the policy, direction or interests of the local authority. The charitable objects in this instance are the protection of the land for public recreational use. It is not proposed that, following transfer, the way the land is used will change, or that the transfer will have an impact on the use of the land by the public.

3. Outcomes/outputs

- 3.1 Having reviewed whether it continues to be in the best interests of these charities for the Council to remain as trustee, officers recommend that the charitable objects would be best served by the Council transferring trusteeship to Dartmouth Town Council because the land can be better managed at a more local level. Together with the other assets proposed for transfer, Dartmouth Town Council will be fully responsible for a number of property assets and is improving its management, staff and equipment resources to do so effectively.
- 3.2 The Council and Dartmouth Town Council are working towards completion of the transfer of land at Dartmouth before 1st April 2018, with Dartmouth Town Council taking over full responsibility for the assets from the completion date. It is proposed that if the Council passes a resolution pursuant to S.280 of the Charities Act 2011 to transfer the two parcels of charitable land, these parcels would be included in the asset transfer (as originally envisaged).
- 3.2 As part of the transfer of the two parcels, the Council would ensure that Dartmouth Town Council accepts that it is under a duty to abide by the original trusts of the charity and its stated objects. Dartmouth Town Council must also accept that the land will continue to be charity property and will not form part of the Parish Council's corporate property.
- 3.3 If the Council is not satisfied that transferring the administration of either or both of the charitable trusts to Dartmouth Town Council is in the best interests of each charity and its beneficiaries, the land in question must not be included in the transfer.

4. Options available and consideration of risk

- 4.1 Discussions to date have included these Charity land assets for the reasons stated in 3.1 above.
- 4.2 The Charity Land assets are restricted to a specific use; that of ensuring the land is available for public recreation. If the Council were to retain these assets, it would be unlikely to be able to put

them to an alternative use without approval from the Charity Commission.

- 4.3 It is felt that, because the assets' use is restricted, Dartmouth Town Council would be the most suitable trustee and that it would continue to pursue the intentions of the trust.
- 4.6 The Council has advertised the intention to dispose of the assets listed in 2.1, in accordance with the Local Government Act 1972. Representations from the public were invited and one had been received by the deadline of 7th February 2018. This is currently being considered.
- 4.7 Commercial Services, Portfolio Holder for Assets and Local Members have all been consulted on the overarching proposal to transfer assets, and are supportive.

5. Proposed Way Forward

- 5.1 Subject to approval of this proposed transfer of trusteeship, to proceed with proposed transfer of assets to Dartmouth Town Council, in line with Executive resolution of 2nd February 2017.
- 5.2 If not approved, further negotiation on the assets to be included in the proposed transfer to Dartmouth Town Council will be required.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The proposal is a requirement of The Charities Act 2011 and the details are set out in s2.3 to s.2.7 of the report.
Financial	N	
Risk	Y	The Risks are set out in s.4 of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

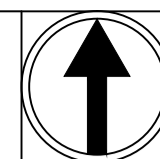
Site Location Plans;

- Drawing Number - 15-521-02 Rev B
- Drawing Number - 15-521-04

Background Papers:

- Report to Executive – 2 February 2017.
- Minutes of South Hams Executive – 2 February 2017.

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NOTES:

— Transfer Boundary

REVISIONS:

Issue	Date	Subject

Project:

Dartmouth Land Freehold Transfer

Title:

Warfleete & Castle Land

Follaton House
Plymouth road
Totnes, Devon, TQ9 5NE
Tel: (01803) 861234

Kilworthy Park, Drake Road
Tavistock, Devon
PL19 0BZ
Tel: (01822) 813600

Scale: 1:1000 @A1

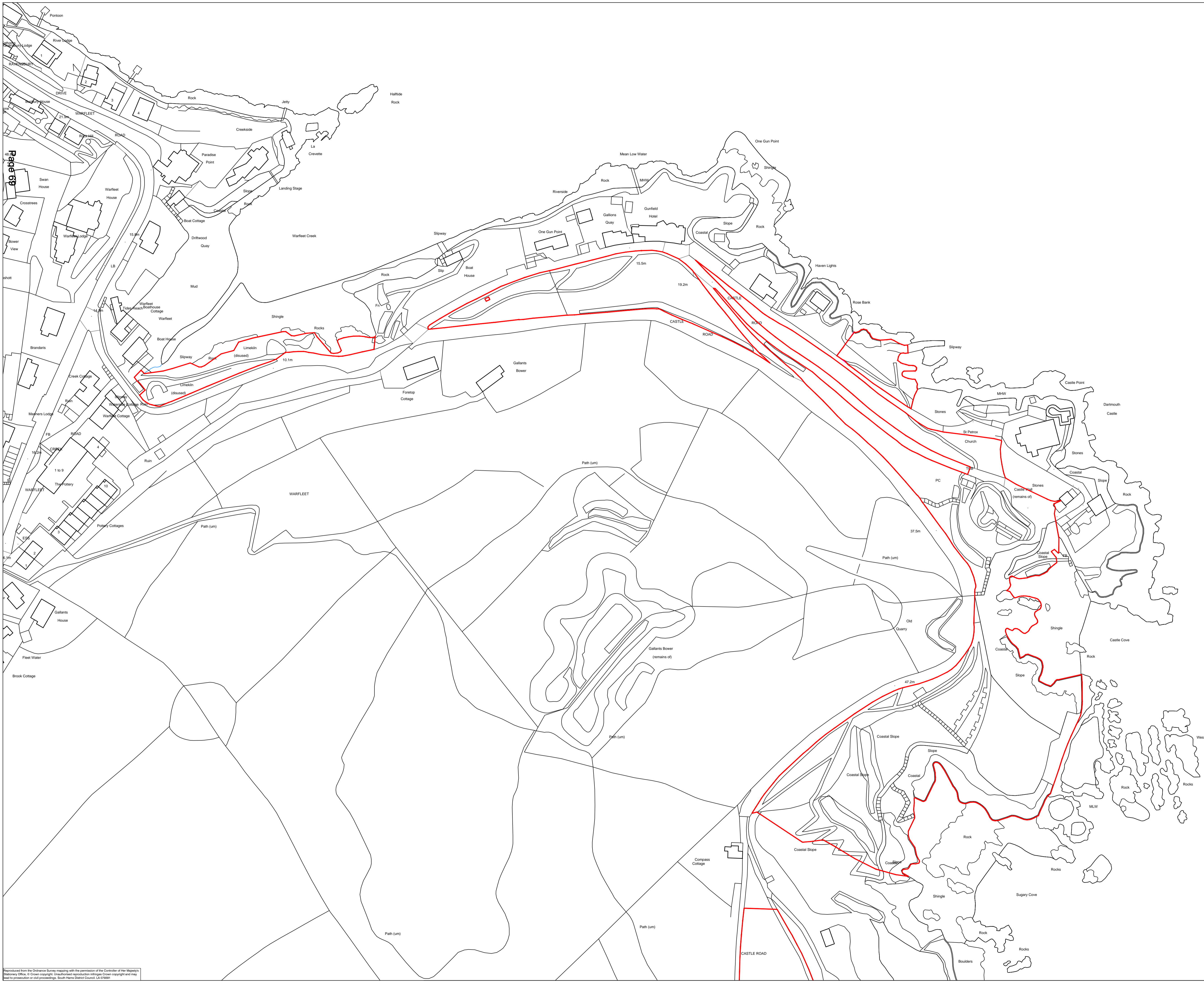
Drawn: CJB

Date: 11/08/2016

Checked:

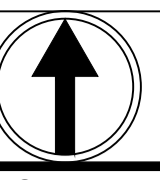
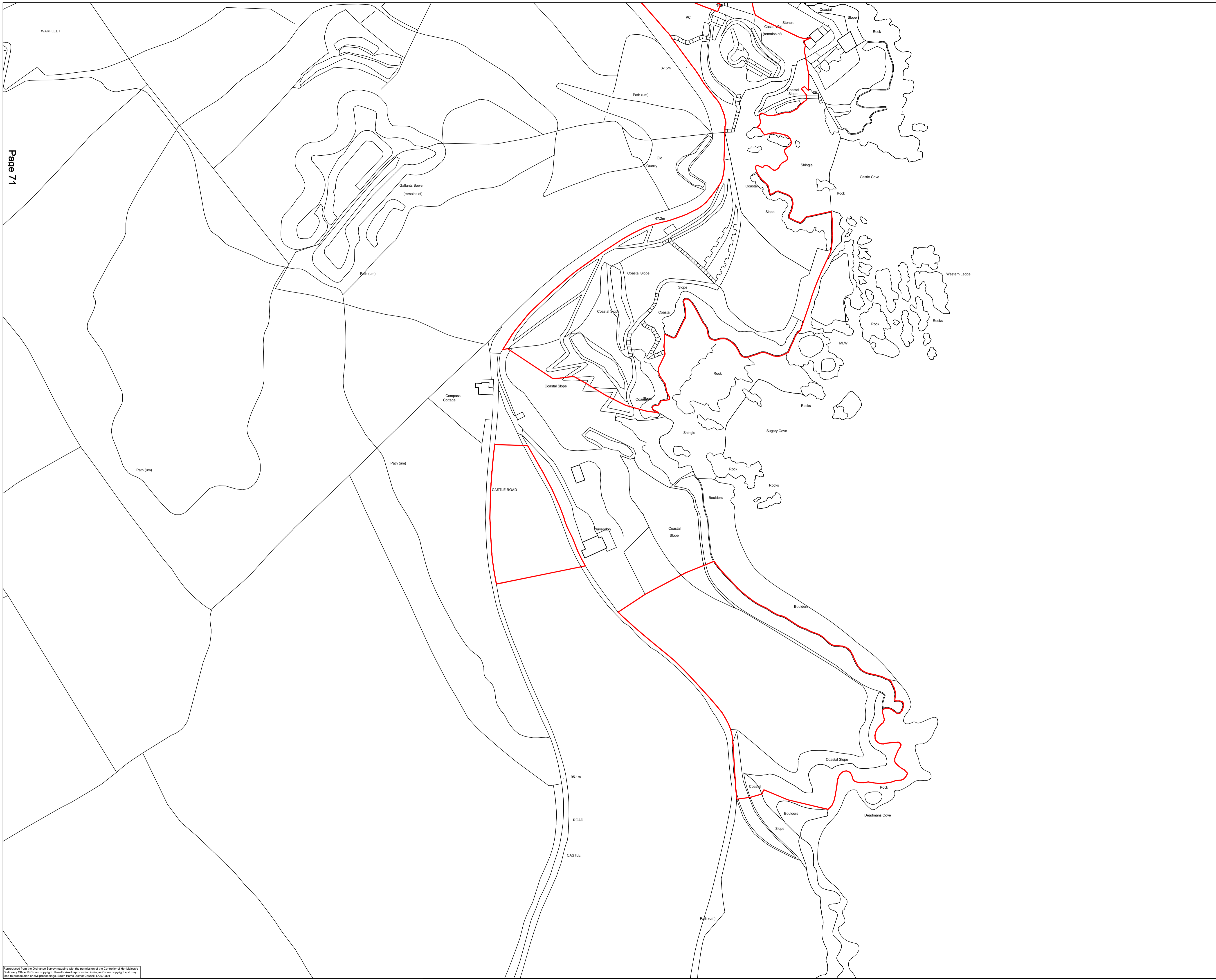
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Issue
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NOTES:

— Transfer Boundary

REVISIONS:

Issue	Date	Subject

Project:
Dartmouth Land
Freehold Transfer

Title:
Sugary Cove Land

Follaton House
Plymouth road
Totnes, Devon, TQ9 5NE
Tel: (01803) 861234

Kilworthy Park, Drake Road
Tavistock, Devon
PL19 0BZ
Tel: (01822) 813600

Scale: 1:1000 @A1
Date: 07/06/17

Drawn: CJB
Checked:

Drwg. No. 15/521/04

Issue
(*)

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Report to: **COUNCIL**

Date: **22 February 2018**

Title: **Appointment of Deputy Electoral Registration Officer**

Portfolio Area: **Leader of Council**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately following this meeting**

Author: **Darryl White** Role: **Senior Specialist – Democratic Services**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION

That the Council agrees that, with immediate effect, the Group Manager – Customer First and Support Services (Steve Mullineaux) be appointed as the Deputy Electoral Registration Officer for South Hams District Council.

1. Executive summary

- 1.1 Members will be aware that the Council's previously appointed Deputy Electoral Registration Officer (Steve Jordan) recently left the employ of the Council.
- 1.2 As a consequence, this report seeks the approval of the Council to appoint the Group Manager – Customer First and Support Services (Steve Mullineaux) as the Deputy Electoral Registration Officer for the Council.

2. Background

- 2.1 It is both a statutory and constitutional requirement for the Council to appoint an Electoral Registration Officer and Returning Officer.

- 2.2 The main duties of the Electoral Registration Officer include the creation and maintenance of the registers of Electors. The statutory involvement of the post includes the provision of registers and absent voter list for each Polling Station, as well as to candidates at the election and to the Returning Officer.
- 2.3 The main duty of the Returning Officer is to organise and conduct elections. As the roles are closely linked, for consistency, it is usual for the Electoral Registration Officer and the Returning Officer roles to be held by the same person, particularly as for UK Parliamentary Elections, the Electoral Registration Officer appointed for the Council automatically becomes the Acting Returning Officer;
- 2.4 Members will be aware that the Head of Paid Service (Sophie Hosking) has been the Council's Electoral Registration Officer and Returning Officer since 12 February 2015 (Minute 69/14 refers) and it is proposed that this arrangement continues.;
- 2.5 However, should the Electoral Registration Officer be absent for a period of time, there may be a need for a Deputy to act in her place. It is therefore recommended that the Group Manager – Customer First and Support Services (Steve Mullineaux) be appointed to fulfil the role of Deputy Electoral Registration Officer for the Council.

3. Options available and consideration of risk

- 3.1 The principal risks associated with this appointment falls on the officer who holds this role.
- 3.2 The risks to the Council are that, without making adequate provision to remunerate, train and indemnify these officers, it may fail to identify any persons prepared to undertake these statutory tasks. Also, having made such an appointment, the Council may run the reputational risk associated with a successful legal challenge that exposes the officer to significant financial loss as a result of the failure of the Council to do what is lawful and appropriate.
- 3.3 The appointment of a Deputy Electoral Registration Officer ensures greater resilience in the event of the Electoral Registration Officer being absent for any period of time.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council is duty bound under the Representation of People Act 1983 to appoint to these statutory positions.

Financial		The Returning Officer fees for external elections and referendums are set by regulations and are funded externally.
Risk		The key risks associated with this report are outlined at Section 3 above.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly related to this report.
Safeguarding		None directly related to this report.
Community Safety, Crime and Disorder		None directly related to this report.
Health, Safety and Wellbeing		None directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

None

Background Papers:

Report and minutes arising from the Council meeting held on 12 February 2015.

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 10 JANUARY 2018

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble (am only)	*	Cllr J M Hodgson (pm only)
*	Cllr J Brazil (pm only)	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
∅	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:

Cllrs Baldry, Bastone, Pennington, Tucker and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Specialists, Deputy Monitoring Officer and Specialist – Democratic Services

DM.37/17 MINUTES

The minutes of the meeting of the Committee held on 29 November 2017 were confirmed as a correct record and signed by the Chairman.

DM.38/17 DECLARATIONS OF INTEREST

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

Cllr J Brazil declared a personal interest in application **1894/17/FUL**: Enlargement of existing car park to provide up to 15 spaces and new car park to provide up to 10 spaces – Land at SX 740491 and 742 498, Avon Valley Woods, Hendon Road, Woodleigh by virtue of being a member of the Woodland Trust and he remained in the meeting and took part in the debate and vote thereon.

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- **3787/17/HHO**: Householder application for proposed gable roof extension – Bantham House, Bantham
- **3075/17/HHO**: Householder application for proposed alterations and extension – 21 Court Park, Thurlestone
- **1174/17/HHO**: Householder application for a proposed extension to an

- existing dwelling – Whitelands Barn, Thorn Farm, Venn
- **3117/17/FUL:** Replacement of existing dwelling with single dwelling – 59 Yealm Road, Newton Ferrers.

DM.39/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.40/17 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

3787/17/HHO Bantham House, Bantham

Parish: Thurlestone

**Householder application for proposed gable roof extension
(resubmission of 1851/17/HHO)**

Case Officer Update: None

Speakers included: Supporter – Mrs Debbie Crowther: Parish Council representative – Cllr Tony Goddard; local Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

During discussion, Members were broadly supportive but felt the design of the proposal could be improved if the gable were sloped rather than vertical. The agent indicated acceptance of the revision and the recommendation was amended accordingly.

Committee Decision: Conditional Approval delegated to COP Lead in consultation with Chairman and local Ward Members, subject to receipt of revised plans showing changes discussed.

Conditions:

1. Standard time
2. Accord with plans
3. Materials to be agreed
4. Construction details
5. Details of doors and windows to be agreed

3075/17/HHO 21 Court Park, Thurlestone

Parish: Thurlestone

Householder application for proposed alterations and extension

Case Officer Update: 5 late letters of objection received, no new issues raised

Speakers included: Objector – Ms Jenny Webb: Parish Council representative – Cllr Tony Goddard: local Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

During discussion, Members considered the elements of the proposal in detail, and comparisons were made with other properties in the vicinity. Whilst other properties had balconies, having had a site visit, some Members felt there would be an unacceptable impact on the neighbour at no. 22 of the proposed upper floor balcony.

Committee Decision: Refusal

Reasons:

The proposed first floor balcony would result in an unacceptable degree of overlooking and significant loss of amenity upon the neighbouring properties within the immediate area and therefore would be contrary to Local Plan Policies Development Plan Document Policy DP3 (Residential Amenity) and emerging Plymouth and South West Devon Joint Local Plan policies DEV1 (Protecting amenity and the environment) and the National Planning Policy Framework in particular paragraph 17.

The drawings to which this proposal relates are drawing numbers 1330/04 (Location Plan) received by the Local Planning Authority on 21st September 2017 and drawing number 1330/05/F received by the Local Planning Authority on 9th January 2018.

1174/17/HHO Whitelands Barn, Thorn Farm, Venn

Parish: Stoke Fleming

Householder application for a proposed extension to an existing dwelling

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans

Recommendation: Refusal

During discussion, some Members agreed with the officer recommendation

of refusal. However, having been on site and considered that the proposal was hidden by virtue of landscape, and the innovative design and high specification of the proposal, the majority of Members felt the application should be approved.

Committee Decision: Conditional Approval

Reasons:

The extension complied with para's 135 of NPPF and Council's SPD.

Conditions

- Standard time
- Accords with plans
- Samples of finishing materials
- Agreement on finish of doors and windows
- Constructional details at a scale of 1:20 of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. All new and replacement fascia boards shall be fitted tight to the wall face. The barge shall be finished either with a close fitting board or natural slate, or the wall finish taken directly up to the underside of the roof covering.

1239/17/FUL Totnes Road to Westerland Lane, Marldon

Parish: Marldon

Retrospective application for erection of horse walker

Case Officer Update: None

Speakers included: local Ward Member – Cllr Pennington

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Accord with plans
 No more than 10 horses
 No more than one paid livery horse
 No external lighting on horse walker without consent

1894/17/FUL Land at SX 740 491 and 742 498, Avon Valley Woods, Hendon Road, Woodleigh

Parish: Woodleigh

Enlargement of existing car park to provide up to 15 spaces and new car park to provide up to 10 spaces

Case Officer Update: None

Speakers included: Supporter – Mr Kenneth Papenfus: Parish representative – Cllr Hembrough: local Ward Member – Cllr Bramble (statement read)

Recommendation: Conditional Approval

During discussion, it was suggested that an additional condition be included requesting a management plan to include collection of litter

Committee Decision: Conditional Approval

Conditions

- Standard Time Limit
- Accords with plans
- Provision of post and rail fence
- No external lighting without consent
- Management plan to be submitted

3117/17/FUL 59 Yealm Road, Newton Ferrers

Parish: Newton and Noss

Replacement of existing dwelling with single dwelling

Case Officer Update: None

Speakers included: Objector: Mrs Deborah McCann: Supporter – Mr Stephen Whettem: Parish Council Representative – Cllr Alison Ansell: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Members had a detailed discussion on this application. A number of Members wanted to support the parish council position of refusal based on the emerging Neighbourhood Plan. Other comments included the proposal being in the wrong position on the site and not fitting into local context. Other Members felt the property was 'past its sell by date', and would be impossible to make energy efficient. There were other examples of modern design within the village.

It was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**, that the application be refused.

Committee Decision: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Schedule of external materials
4. Mitigation in ecology report to be carried out
5. Unsuspected contamination condition
6. Removal of PD (extensions, outbuildings, roof alterations)
7. Hours of delivery between 9am and 5pm

3207/17/ADV New Mills Industrial Estate, Church Road, Modbury

Parish: Modbury

Advertisement consent application for erection of 1no. sign

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accord with plans
2. Standard advert condition – permission of site owner required
3. Standard advert condition – security
4. Standard advert condition – maintenance
5. Standard advert condition – public safety
6. Standard advert condition – tidy site after removal

DM.41/17 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

(Meeting commenced at 11.00 am and concluded at 4.30 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 10 January 2018

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3787/17/HHO	Bantham House, Bantham	Conditional Approval	Cllrs Steer, Foss, Holway, Brown, Rowe, Cuthbert, Vint (7)	Cllrs Pearce, Bramble (2)	(0)	Cllrs Brazil, Hitchins, Hodgson (3)
3075/17/HHO	21 Court Park, Thurlestone	Refusal	Cllrs Foss, Pearce, Bramble, Brown, Vint (5)	Cllrs Steer, Rowe, Cuthbert, Holway (4)	(0)	Cllrs Brazil, Hitchins, Hodgson (3)
1174/17/HHO	Whitelands Barn, Thorn Farm, Venn	Conditional Approval	Cllrs Holway, Vint, Brown, Hodgson, Pearce, Brazil (6)	Cllrs Cuthbert, Rowe, Steer, Foss (4)	(0)	Cllrs Bramble, Hitchins (2)
1899/17/FUL	Totnes Road to Westerland Lane, Marldon	Conditional Approval	Cllrs Rowe, Steer, Foss, Holway, Vint, Brown, Brazil, Pearce, Hodgson, Cuthbert (10)	(0)	(0)	Cllrs Bramble, Hitchins (2)
1894/17/FUL	Land at SX 740 491 & 742 498, Avon Valley Woods, Hendon Road, Woodleigh	Conditional Approval	Cllrs Foss, Holway, Vint, Brown, Brazil, Pearce, Rowe, Steer, Cuthbert (9)	(0)	Cllr Hodgson (1)	Cllrs Bramble, Hitchins (2)
3117/17/FUL	59 Yealm Road, Newton Ferrers	Refusal	Cllrs Brazil, Pearce, Hodgson (3)	Cllrs Foss, Holway, Rowe, Steer, Cuthbert, Vint (6)	(0)	Cllrs Bramble, Hitchins, Brown (3)
3117/17/FUL	59 Yealm Road, Newton Ferrers	Conditional Approval	Cllrs Foss, Steer, Cuthbert, Holway, Rowe, Vint (6)	Cllrs Brazil, Pearce, Hodgson (3)	(0)	Cllrs Bramble, Hitchins, Brown (3)
3207/17/ADV	New Mills Industrial Estate, Church Road, Modbury	Conditional Approval	Cllrs Foss, Holway, Brazil, Pearce, Rowe, Steer, Hodgson, Cuthbert, Vint (9)	(0)	(0)	Cllrs Bramble, Hitchins, Brown (3)

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 11 JANUARY 2018

MEMBERS

* Cllr D W May - Chairman

* Cllr T R Holway - Vice-Chairman

* Cllr K Baldry	∅ Cllr R J Foss
* Cllr J I G Blackler	∅ Cllr P W Hitchins
* Cllr D Brown	* Cllr N A Hopwood
∅ Cllr B F Cane	* Cllr K Pringle
* Cllr P K Cuthbert	* Cllr R Rowe

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Senior Specialist – Licensing; Licensing Specialist; Solicitor and Specialist – Democratic Services

L.11/17 MINUTES

The minutes of the meeting of the Licensing Committee held on 12 October 2017 and the Licensing Sub-Committee meeting held on 12 October 2017 were both confirmed as a correct record and signed by the Chairman.

L.12/17 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

L.13/17 EXCLUSION OF THE 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 in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.14/17

DETERMINATION OF WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCE IS A 'FIT AND PROPER PERSON'

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a 'fit and proper person' to hold a Hackney Carriage/Private Hire Driver Licence in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report and the individual was invited to make representations to the Committee. He presented a written reference which was shared with the Committee. At the conclusion of his address, Members of the Committee asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 12.25pm in the presence of the Solicitor.

Having fully considered the matter, the meeting was then re-convened at 12:40pm and the Chairman read the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence

- We have read the Licensing Officer's report, which you have had sight of and the SHDC taxi licensing policy
- We have taken into consideration that you have no previous offences shown on your UK DBS certificate of DVLA record
- We have listened to the reference you have provided and listened very carefully to what you have told us today
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to **GRANT** your Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:

1. This interview we have had with you and your openness
2. You have told us that you have travelled in and out of your home country with your passport without encountering difficulties with the authorities
3. We have applied the balance of probabilities test regarding whether you are a 'fit and proper person' and we would have no concerns regarding a member of any of our families travelling in a car with you.

L.15/17

RE-ADMITTANCE OF THE PUBLIC AND PRESS

RESOLVED

That the public and press be re-admitted to the meeting.

L.16/17 **REVIEW OF PROPOSED LICENSING CHARGES IN RELATION TO TAXI LICENSING**

Members were presented with a report that set out proposed fees and charges in relation to taxi licensing and sought approval to present those fees for public consultation, prior to recommendation to full Council.

The Licensing Senior Specialist introduced the report and responded to queries.

It was then:

RESOLVED

1. That, having reviewed the proposed Fees Table, a period of public consultation in accordance with s70 of the Local Government (Miscellaneous Provisions) Act 1976 be approved; and
2. That full Council be **RECOMMENDED** that the proposed fees be adopted with effect from 1 April 2018, subject to the outcome of the public consultation.

(Meeting commenced at 12 noon and concluded at 12.45 pm).

Chairman

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**MINUTES OF THE JOINT MEETING OF THE
OVERVIEW & SCRUTINY PANEL AND THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 18 JANUARY 2018**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	∅	Cllr J M Hodgson
∅	Cllr J P Birch	*	Cllr T R Holway
*	Cllr J I G Blackler	∅	Cllr E D Huntley
*	Cllr I Bramble	*	Cllr D W May
*	Cllr J Brazil	*	Cllr J A Pearce
*	Cllr D Brown	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr K Pringle
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss	*	Cllr M F Saltern (Chairman)
*	Cllr J P Green	*	Cllr P C Smerdon (Vice Chairman)
∅	Cllr J D Hawkins	*	Cllr R C Steer
∅	Cllr M J Hicks	∅	Cllr R J Vint
∅	Cllr P W Hitchins		

Other Members also in attendance:
Cllrs H D Bastone, N A Hopwood, R J Tucker, K R H Wingate and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Group Manager – Commercial Services, Group Manager – Customer First and Support Services, Section 151 Officer, Specialist Manager, Commissioning Manager, COP Lead – Development Management, Specialist – Enforcement, Specialist – Assets and Place Making and Senior Specialist – Democratic Services

OSDM.1/17 DECLARATIONS OF INTEREST

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 J P Green declared a Disclosable Pecuniary Interest in Item 5: 'Review of Fees and Charges for 2017/18' (Minute OSDM.2/17 below refers) specifically in relation to the proposed fee for Acupuncture, Tattooing, Ear-piercing and Electrolysis by virtue of his wife being an acupuncturist. In the event of this particular fee being debated, Cllr Green advised that he would then leave the meeting during the discussion and he abstained from the vote on the recommendation;

Cllr P C Smerdon declared a Personal Interest in Item 6: 'Budget Proposals Report 2018/19' (Minute OSDM.3/17 below refers) by virtue of being a Council representative and Trustee of the South Hams Community and Voluntary Service (CVS); and

Cllr K Pringle declared a Personal Interest in Item 6: 'Budget Proposals Report 2018/19' (Minute OSDM.3/16 below refers) by virtue of also being a Council representative of the South Hams CVS and remained in the meeting during the debate and vote on this agenda item.

OSDM.2/17 **REVIEW OF FEES AND CHARGES 2018/19**

The meeting considered a report that set out proposals for fees and charges for all services for 2018/19.

In discussion, reference was made to:-

- (a) play area inspections. Whilst some Members were of the view that an increase to £70 in the inspections service was significant, the point was made that the Public Spaces Working Group was supportive of the proposed increases;
- (b) increases in Planning Fees. The Meeting was advised that the 20% increase in Planning Fees (came into effect on 17 January 2018) would generate upwards of £120,000 in additional income for the Council;
- (c) 'Pay on Entry' charges for public conveniences. Members felt it would be beneficial to provide the Executive with a steer on the proposed charges and it was therefore **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that this charge '*should not exceed 20 pence*';
- (d) the transfer of public convenience ownership from the Council to a local town/parish council. A Member emphasised the importance of any town or parish council who was considering such a transfer being made aware by the Council that they would be liable for Business Rates on this asset;
- (e) dinghy parking at Coronation Park. A Member questioned why officers were recommending no increase in the fees and charges being applied for dinghy parking at Coronation Park, whilst proposing that every other dinghy park incur an increase. In reply, officers advised that the fees and charges applied to Coronation Park had increased by 100% in 2017/18 to reflect the significant capital works that had been undertaken at that time. As a consequence, it was not considered appropriate for these to be increased again in 2018/19.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:-

1. the proposed fees and charges set out for Parks, Open Spaces and Outdoor Sports be approved;
2. the proposed Environmental Health Charges that are outside of the jurisdiction of the Licensing Committee be approved;
3. the proposed Fees and Charges for Development Management (as set out in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;
5. it approves:
 - an overall percentage increase of 2% to car park charges and to delegate responsibility of implementing the increase to the Group Manager for Commercial Services, in consultation with the lead Executive Member, following consultation with representative bodies (including town and parish councils); and
 - the withdrawal of weekly parking tickets;
6. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known;
7. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Public Conveniences 'Pay on Entry' charges (which should not exceed 20 pence), following completion of works and a review of appropriate charges; and
8. the changes to Boat Storage Charges (as set out in paragraph 3.7 of the presented agenda report) be approved.

OSDM.3/17 **BUDGET PROPOSALS REPORT 2018-19**

Members considered a report that asked for consideration of the draft Budget proposals for 2018-19.

In introducing this agenda item, the Chairman highlighted the need for the Meeting to focus on making recommendations to the Executive on how the Council should close the projected Budget gap of £345,688.

In discussion, reference was made to:-

- (a) the Business Rate Pilot status funding. Members requested receipt of information outlining the terms of the bid and what was being proposed within these terms;
- (b) the unfairness of the Central Government funding provision. In expressing his deep frustrations at the unfairness in the Council's Settlement Funding Assessment, a Member **PROPOSED** the following motion:-

'That the unfairness of Central Government Funding for Shire District Councils be brought to the attention of our local MPs, with them both being encouraged to ask a parliamentary question on this point during the weekly Prime Ministers Question Time.'

This proposal was subsequently **SECONDED** and when being put to the vote was declared **CARRIED**.

- (c) the proposal to install Beach Huts. For future 2018/19 draft Budget Setting reports, it was agreed that reference within the title to '*North and South Sands*' should be deleted;
- (d) any public conveniences transfer to a local town/parish council. A Member asked that it be recognised that town and larger parish councils often had greater capacity and resilience to be able to take on such additional responsibilities. In response, these disparities were acknowledged and assurances were given that, if approved, time had been built into the Programme to enable for a detailed consultation exercise to be undertaken before any savings would be realised.

Specifically regarding those public conveniences highlighted in the presented agenda report at South Milton, the view was expressed that the National Trust (who generated significant income in this particular location) should take on responsibility for providing these facilities. Officers responded by giving an assurance that all interested third parties would be contacted as part of the consultation process in this regard;

- (e) the proposal to cease accepting cash and cheques at Council premises (excluding Car Parks). A lengthy discussion on this proposal ensued during which a number of Members expressed their concern that this would have a particular impact on elderly residents. Also, whilst reference was made to the ability to pay via Paypoint or the Post Office, this view was countered by some Members stating that villages such as South Brent no longer had a high street bank or Post Office facility.

At this point, the Chairman invited a show of hands on how many Members **did not support** the proposal to cease accepting cash and cheques at Council premises. In so doing, **exactly half (9 of the 18 Members in attendance) were unsupportive of this proposal.**

To reflect the general sense amongst the meeting, the Chairman proceeded to invite a show of hands on a proposal to **discontinue accepting cash and cheques at Council premises (excluding Car Parks), whilst still retaining a postal service (for receipt of cheques) at Follaton House.** In so doing, 13 of the 18 Members in attendance supported this proposal in principle.

- (f) partnership grant funding to the CVS. Some reservations were expressed over the impact of the proposed £20,000 reduction to the CVS and the following motion was **PROPOSED** and **SECONDED**:

'That the partnership funding given to the CVS should be reduced by £10,000 for 2018/19.'

In discussion, it was noted that the Council had delegated a Task and Finish Group to undertake a review into future partnership grant funding on its behalf and the proposed £20,000 reduction reflected its final recommendations. As a consequence, some Members questioned the merits of commissioning such a review if colleagues were not then willing to support its recommendations. Furthermore, officers confirmed that CVS representatives had been made aware of the Group recommendation and were already looking at revising their working arrangements to generate efficiencies.

When put to the vote, this motion was declared **LOST**, with the majority of Members **supportive of the proposed £20,000 reduction**;

- (g) a paper tabled by Cllr Pennington. At the discretion of the Chairman, Cllr Pennington tabled (and spoke to) a paper that he had produced that re-presented a number of potential additional savings that had not been included in the draft budget setting proposals presented at the Executive meeting on 7 December 2017 (Minute E.45/17 refers).

Having each been **PROPOSED** and **SECONDED** for re-inclusion in the Budget setting process, a debate ensued on each of the following proposals:

- *Charging for Food Advice*: Following some soft market testing, officers informed that the anticipated £5,000 saving would not be achievable. As a result, the meeting **did not support** this proposal;

- *Complete Waste Commissioning process by April 2019*: Since the procurement process would not be completed until the end of the 2018/19 Financial Year, it was acknowledged that it would be inappropriate to support this saving at this time and the meeting **did not support** this proposal;
- *Review offering sand bags free of charge*: The meeting was of the view that additional work was required on this proposal and it was therefore **not supported** at this current time;
- *Cancel South West Councils Annual Subscription*: Subject to clarity being sought over a potential significant redundancy liability, the meeting was **supportive** of this proposal;
- *Third Party Meeting Concessions*: Having been informed that this proposal had already been built into the identified savings, the meeting was **supportive** of this proposal;
- *Cease Community Re-investment Project*: Some Members highlighted the significant ongoing budget gap that the Council had to fill and it was **PROPOSED** and **SECONDED** that:

'The total fund (amounting to £154,000) be removed from the Budget'

In support of the motion, some Members highlighted that Section 106 monies could be used for similar purposes to this Fund and, without any capping limitations, town and parish councils did have the ability to increase their precepts to support local projects. In contrast, other Members were of the view that often smaller parishes were very reliant on this Fund as their only means of providing any infrastructure. In addition, a Member stated that the Fund had been primarily established to reflect the additional costs arising from new homes being developed.

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

An alternative motion was then **PROPOSED** and **SECONDED** as follows:

'That the fund be reduced to £75,000 for 2018/19.'

In discussion, a number of Members felt that this proposal was a fair compromise and when put to the vote it was declared **CARRIED**.

- *Complete Waste Commissioning process by April 2019*. Since the process would not be completed until the end of the 2018/19 Financial Year, it was acknowledged that it would be inappropriate to support this saving at this time and the meeting **did not support** this proposal;
- *Cease funding for Partnership Manager Position at the Local Enterprise Partnership (LEP)*. The meeting was **supportive** of this proposal;

- *Cease funding for South Devon Green Infrastructure Partnership.* Members were advised that the Partnership may have already ceased. However, in the event of it still bring an active Partnership, the meeting was **supportive** of this proposal;
- *Cease funding for a Reserve Partnership.* The meeting was **supportive** of the principle of this proposal, subject to further information being obtained; and
- *Charging for Food Hygiene Rating Scheme Revisits:* Having been informed that this proposal had already been built into the identified savings, the meeting was **supportive** of this proposal.

- (h) the Business Rates Pilot status for 2018/19. To reflect the fact that the Council would have received a pooling gain (in the region of £100,000), it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

“£100,000 from extra Business Rates be used towards closing the 2018/19 Budget gap.”

With regard to the remaining monies to be received, the overwhelming majority of Members wished for this to be invested in the South Hams, with the intention of providing an ongoing income stream;

- (i) the unallocated 2017/18 New Homes Bonus Funding. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

“The £93,784 remaining unallocated New Homes Bonus funding be used towards closing the 2018/19 Budget gap.”

In addition to this recommendation, it was also **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

“£500,000 of New Homes Bonus Funding is used to balance the 2018/19 Revenue Budget.”

- (j) impact upon the base Budget. The Section 151 Officer felt it worthwhile to highlight to the meeting that a number of the significant savings that had been recommended by the meeting to date were one-off (and not recurring) sums. As a result, it was noted that Members would be faced with similarly difficult decisions next year in order to bridge the anticipated 2019/20 Budget gap;
- (k) a proposed increase in Council Tax for 2018/19 of £5 per Band D household. Whilst again regrettable, the meeting was of the view that it had no choice other than to increase Council Tax for 2018/19 by £5 per Band D household and a motion was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** to that effect;

- (l) the 2018/19 Capital Programme Budget Proposals for 2018/19. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

“The 2018/19 Capital Programme Budget Proposals be approved and financed in accordance with paragraph 8.2 of the presented agenda report.”

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:-

1. the views of the Joint Meeting (as detailed in the minutes above) be taken into account during the 2018/19 Budget Setting process; and
2. the unfairness of Central Government Funding for Shire District Councils be brought to the attention of our local MPs, with them both being encouraged to ask a parliamentary question on this point during the weekly Prime Ministers' Question Time session.

OSDM.4/17 **PLANNING ENFORCEMENT SERVICE REVIEW**

Members considered a report that sought to recommend the adoption of a Local Enforcement Plan and a Planning Enforcement Member Engagement Protocol. In addition, the report also sought Member endorsement of a series of proposed actions.

In discussion, the following points were raised:-

- (a) It was confirmed that, whilst Enforcement Cases were not normally published on the Council website, the authority did have a duty to maintain and publish an up to date Enforcement Register;
- (b) A number of Members expressed positive feedback over the recent Enforcement drop-in sessions that had been held with local Ward Members. In addition, those Members who had yet to sign up to a session with the Enforcement Specialist were actively encouraged to do so;
- (c) In light of there being some very minor numerical and typographical errors identified (e.g. Section 2.7 of the Protocol referred to the incorrect paragraph), it was suggested that Delegated Authority be given to the Community Of Practice Lead, in consultation with the lead Executive Member for Customer First, to make any necessary minor amendments prior to the Plan, Protocol and Actions being finally adopted;

- (d) A number of Members welcomed production of these documents and, in expressing deep frustrations at the extent of rule flouting that was taking place in the South Hams, hoped that the Enforcement Officers would be able to use these as a real statement of intent to send out a message that the Council was not a pushover;
- (e) In recognising the importance of the Legal Community Of Practice to the service, officers confirmed that there was frequent dialogue between both areas and these draft documents (and targets) had been endorsed by legal officers prior to their publication;
- (f) Whilst accepting that there was resource (and cost) implications, a Member did nonetheless lament the lack of any plan checking to ensure that developments were being built in accordance with the approved plans;
- (g) It was confirmed to the Meeting that some of the anticipated additional income that would be generated by the increase in Planning Fees would be used to increase the resilience within the Planning Enforcement service.

It was then:

RECOMMENDED

That the Joint Committee **RECOMMEND** that the Executive:-

1. adopt the Local Enforcement Plan (as outlined at Appendix 1 of the presented agenda report);
2. adopt the Planning Engagement Member Engagement Protocol (as outlined at Appendix 2 of the presented agenda report);
3. endorse the proposed Actions (as set out in Section 4 of the presented agenda report); and
4. delegate authority to the Community Of Practice Lead Development Management, in consultation with the lead Executive Member for Customer First, to make any minor amendments to the Plan, Protocol and Actions prior to their adoption.

(Meeting started at 10.00 am and concluded at 1.10 pm)

Chairman

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**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 18 JANUARY 2018**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	∅	Cllr E D Huntley
∅	Cllr J P Birch	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
∅	Cllr J D Hawkins	∅	Cllr P C Smerdon (Vice Chairman)
∅	Cllr M J Hicks		

Other Members also in attendance:
Cllrs I Bramble, J Brazil, T R Holway, J A Pearce, R Rowe, R J Tucker and K R H Wingate

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service; and Senior Specialist – Democratic Services
8	O&S.82/17	Assets Community Of Practice Lead; Community Housing Lead; and Specialist – Place Making.

O&S.77/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 9 November 2017 were confirmed as a correct record and signed by the Chairman.

O&S.78/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

O&S.79/17 CHAIRMAN'S ANNOUNCEMENT

Since this was the last scheduled Panel meeting before the Head of Paid Service left the employ of the Council, the Chairman paid tribute to the tremendous support and advice that he had given to the Panel and, on behalf of the Panel, proceeded to wish him every success for the future.

O&S.80/17 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, there were no issues received for consideration.

O&S.81/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, a request had been made for the Panel to receive an update on the following agenda item:

(i) Set up of Wholly Owned Company

The Head of Paid Service advised that it was very early days in respect of the detail of the proposals (the matter was currently on the Forward Plan for the Executive meeting on 26 April 2018). However, officers were developing a number of workstreams at the moment whereby the ability to trade through a company could offer the Council some advantages.

O&S.82/17 COMMUNITY HOUSING UPDATE

Consideration was given to a report that provided an update on progress with the Community Housing Strategy and the programme of action going forward.

In discussion, reference was made to:

- (a) the lack of housing being built. Some Members highlighted the frustrations being experienced (particularly amongst community groups) in respect of the lack of housing that was actually being built. Furthermore, there was a hope amongst Members that the Community Housing Fund (£1.88 million) would result in a number of houses being built and would not be spent on simply administering the Fund;
- (b) the 17 identified sites. Some Members expressed their doubts that the Fund was sufficient to be able to progress each of the 17 identified sites;
- (c) the Strategy still being in its infancy. In acknowledging that the Strategy was still in its infancy, the Panel requested receipt of a more challenging monitoring report in six months' time (at its July 2018 meeting). As part of this report, the Panel also asked for progress updates on each of the 17 identified sites;
- (d) the Transition Homes Totnes Community Land Trust. When questioned, officers confirmed that, following Member approval, £190,000 had been allocated from the Community Housing Fund to support the Community Land Trust, who had obtained planning permission to build 19 affordable homes in Dartington;
- (e) obtaining mortgages for shared ownership properties. Whilst it was accepted that it was often difficult, officers did advise that there were some lenders in the market who were current offering mortgages for shared ownership properties;

- (f) the intermediate housing approach. The Panel was informed of some measures that were being investigated (e.g. the Council continuing to be the freehold owner of a property and the imposing of clauses within a Section 106 Agreement) to ensure that affordable properties did not ultimately end up being sold on at open market pricing levels.

It was then:

RESOLVED

1. That the contents of the report be endorsed; and
2. That further update reports be presented on a six monthly basis.

O&S.83/17 TASK AND FINISH GROUP UPDATES

(a) Performance Measures

By way of an update, the Chairman informed that the Overview and Scrutiny Committee at West Devon Borough Council had formally expressed its desire for the Joint Task and Finish Group to re-commence its review.

In discussion, it was apparent that the Panel was divided in whether or not this request should be accepted. In support of the request, some Members felt it to be important that, with a shared workforce, the performance measures were the same across both councils. In addition, a joint review was felt to be more efficient and would result in less duplication.

In contrast, other Members were unsupportive of the request and confirmed that they had absolutely no wish to work jointly (aside from on the Joint Local Plan and the Waste Review) with West Devon Borough Council.

When put to the vote, it was then (by virtue of a Chairman's Casting Vote) declared **CARRIED** that:

'The Joint SH/WD Performance Measures Task and Finish Group should re-commence its review.'

O&S.84/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration.

In so doing, the following points were raised:-

- (a) Those Members who had already met with Enforcement Officers highlighted the success of these sessions and urged all Members to accept the invitation to discuss cases within their local Wards;
- (b) Following the decision of the Council at its meeting on 15 December 2017 (Minute 52/17(a) refers), it was confirmed that the letter on Neighbourhood Policing had been sent to the Police and Crime Commissioner.

O&S.85/17 **ANNUAL WORK PROGRAMME 2017/18**

In consideration of its Annual Work Programme, the following comments, additions and amendments were made:-

- (a) The Chairman made reference to a Scrutiny Proposal Form that had been submitted by Cllr Green on the matter of drugs related issues affecting the community in the South Hams.

In so doing and, in line with Procedure Rules, it was noted that the Chairman, Vice-Chairman and Head of Paid Service had recognised that there was merit in this proposal and had therefore supported the request being taken forward.

Whilst acknowledging that the decision had already been made, some Members did nonetheless wish to put on record their reservations over this proposal. In particular, these Members questioned whether this should be a responsibility for this Council and the potential significant resource implications of this review to the authority. In reply, other Members felt that the Council did have a community responsibility in this respect, but did accept that the Terms of Reference would need to be carefully drafted to ensure that the Review was realistic and not overly ambitious.

In terms of next steps, it was agreed that the Task and Finish Group would comprise of: Cllrs Smerdon (Chairman), Birch, Cuthbert and Green. The Panel also recognised that there may be merit in co-opting a Totnes Town Council representative (who was not a dual hatted Member) onto the Group. It was also emphasised that the Council's appointed representative on the Community Safety Partnership would be a key witness during the review.

Finally, in light of the legitimate concerns raised at this meeting, it was agreed that the draft Terms of Reference for this Review would be presented to the next Panel meeting on 8 February 2018 for formal approval.

- (b) The Panel agreed that the 'Update on the Urban Fringe Delivery Team and Sherford Strategic Review' could be deferred to the Panel meeting on 22 March 2018;

- (c) Following the decision of Council on 14 December 2017 (Minute 52/17(b) refers), the Panel requested that the report into the 'Feasibility of Installing Electric Car Charging Points in the Council's Public Car Parks' should be programmed for consideration by the Panel at its 3 May 2018 meeting.

(Meeting started at 1.40 pm and concluded at 2.45 pm)

Chairman

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**MINUTES OF A MEETING OF THE AUDIT COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 JANUARY 2018**

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J A Pearce (Chairman)
*	Cllr J Brazil	*	Cllr J T Pennington (Vice-Chairman)
*	Cllr T R Holway		

Members also in attendance:
Cllrs M J Hicks and S A E Wright

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Group Manager (Customer First and Support Services); Internal Audit Manager; KPMG Manager; Senior Specialist – ICT (Information Security); and Senior Specialist – Democratic Services

A.25/17 MINUTES

The minutes of the meeting held on 21 September 2017 were confirmed as a correct record and signed by the Chairman.

For clarity, the Chairman advised that it had now been ascertained that the sea wall at Hope Cove was not within the ownership of the Council.

A.26/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but none were made.

A.27/17 KPMG ANNUAL AUDIT LETTER AND CLOSURE OF THE AUDIT LETTER

The Committee received the Council's Annual Audit Letter that summarised the key findings arising from the work that KPMG had carried out at the Council during the 2016/2017 audit year.

In discussion, reference was made to:-

- (a) the shared services methodology. The Committee acknowledged that it had given its approval to the methodology of the shared services apportionment of costs between the Council and West Devon Borough Council at its meeting on 22 June 2017 (Minute A.6/17 refers). In addition, Members were assured that the methodology for 2017/18 would be presented to a future Committee meeting;
- (b) the Audit Fee. The Committee was advised that the Audit Fee would be retained at £43,404 (excluding VAT) for 2017/18;
- (c) the decision-making processes. The KPMG Manager advised that the focus for any External Auditor was on ensuring that Members were given access to sufficient information to be able to make a decision as opposed to the actual decision taken by Members;
- (d) the Value for Money conclusion. In commending the Council's 'unqualified' conclusion, the KPMG Manager informed that a number of local authorities did not obtain the same positive outcome.

It was then:

RESOLVED

That the content of the Annual Audit Letter and the Closure of the Audit Letter (as outlined in the presented agenda report) be welcomed.

A.28/17

KPMG CERTIFICATION OF CLAIMS AND RETURNS – ANNUAL REPORT 2016/17

The KPMG Manager presented the annual report for the certification work that had been undertaken for 2016/17.

In so doing, the Manager highlighted that this work had not identified any issues or errors and KPMG had certified the claim as being 'unqualified without amendment'. In reply to a question, the Committee was informed that only 25% of local authorities had obtained this result. Members proceeded to pay tribute to this outcome.

It was then:

RESOLVED

That the content of the letter and annual report be endorsed.

A.29/17 UPDATE ON THE APPOINTMENT OF THE EXTERNAL AUDITOR

The Committee considered formal communication that had been sent to the Council's Head of Paid Service and Section 151 Officer that confirmed that Grant Thornton (UK) LLP had been appointed as the Council's External Auditor from 2018/19 to 2022/23.

It was then:

RESOLVED

That the Committee acknowledge that Grant Thornton (UK) LLP has been appointed as the Council's External Auditor from 2018/19 to 2022/23.

A.30/17 UPDATE ON PROGRESS ON THE 2017/18 INTERNAL AUDIT PLAN

The Committee considered a report that informed it of the principal activities and findings of the Council's Internal Audit team for 2017/18 to 31 December 2017 by:

- Showing the progress made by Internal Audit against the 2017/18 annual Internal Audit plan (as approved by the Committee in March 2017);
- Highlighting any revisions to the 2017/18 Internal Audit plan; and
- Providing a further update on the Council's review of its approach to pursuing debtors and the latest available outstanding debt figures.

In discussion, reference was made to:-

- (a) the Strategic Debt Review update. In welcoming the update (Appendix D of the presented agenda report refers), there was a general sense that the recent recommendations had led to service improvements. That being said, the Committee did request a standalone agenda item at its next meeting on 22 March 2018 that particularly highlighted potential measures for further increased service efficiencies. It was also requested that this item should enable for consideration of the merits of imposing interest charges on unpaid commercial debts;
- (b) the management responses. To enable the Committee to monitor progress, the request was made for the latest management response updates to the Audit Findings to be emboldened in future versions of the report;
- (c) some specific queries raised by the Vice-Chairman. In reply to some specific queries related to the Audit Opinion 'fundamental weaknesses' identified, it was agreed that responses would be sent to the Vice-Chairman outside of this meeting. In addition, Members requested that, in the future, a standing agenda item be included whereby updates be given on those areas with an identified 'fundamental weakness';

- (d) the Business Continuity Audit findings. The Committee queried the view that it was considered unnecessary to adopt a Business Continuity Strategy. In reply, officers informed that it was considered more appropriate for service level Business Continuity Plans to be produced. As a further assurance, it was noted that a number of exercises would be carried out to test these Plans and it was also agreed that the outcomes would be shared with interested Members.

It was then:

RESOLVED

That the progress made against the 2017/18 Internal Audit Plan (and any key issues arising) be approved.

A.31/17 TREASURY MANAGEMENT MID-YEAR REVIEW

The Committee considered a report that presented the half-yearly Treasury Management position. In so doing, Members noted that a version of this report was also considered by the Executive at its meeting on 7 December 2017 (Minute E.47/17 refers).

In discussion, reference was made to:-

- (a) a revised Treasury Management Strategy. The Committee noted that it was intended for a revised Strategy to be presented to the Executive meeting on 15 March 2018. It was acknowledged that the current Strategy was particularly risk averse and some Members expressed the view that the Council could be gaining a greater rate of return than it currently was without moving too far away from its approach to risk;
- (b) the current list of prudential indicators. Officers confirmed that Central Government was currently undertaking a review of the list of prudential indicators;
- (c) the CCLA Property Fund. A Member expressed his support for the potential for some funds to be invested in the CCLA Property Fund and looked forward to a report on this matter being presented in the future;
- (d) any potential future local government reviews. In such uncertain times for local government, Members felt there was a need to keep a close watch on any potential structural reviews.

It was then:

RESOLVED

That the contents of the report be endorsed.

A.32/17 **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.

A.33/17 **CYBER SECURITY – VERBAL UPDATE**

In response to a Member request, the Senior Specialist – ICT (Information Security) was in attendance to provide an exempt update on the Council's approach to cyber security.

Having received a comprehensive update, the Committee was reassured and very pleased with the work that was being undertaken by officers to protect the Council against potential cyber attacks.

(Meeting commenced at 2.00 pm and finished at 3.30 pm)

Chairman

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY 1 FEBRUARY 2018**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr S A E Wright
*	Cllr N A Hopwood	*	Cllr K R H Wingate

Also in attendance and participating		
Item 6	E.60/17	Cllrs Green, Pennington, Saltern, Baldry
Item 7	E.61/17	Cllrs Baldry, Bramble, Brazil, Pennington
Item 8	E.62/17	Cllrs Baldry, Bramble, Brazil, Green, Pearce, Saltern
Item 9	E.63/17	Cllrs Baldry, Brazil, Cuthbert, Holway, Huntley, Pennington, Pearce, Rowe
Item 10	E.64/17	Cllrs Bramble, Brazil, Green, Pennington
Item 11	E.65/17	Cllrs Baldry, Green, Holway, Pennington, Rowe, Saltern
Item 13	E.67/17	Cllrs Bramble, Hawkins, Holway, Cuthbert, Saltern, Smerdon
Item 14	E.68/17	Cllr Green
Also in attendance and not participating		
Cllrs Hicks, Steer		

Officers in attendance and participating		
All items		Executive Director (Strategy & Commissioning), and Specialist – Democratic Services
Item 6	E.60/17	S151 Officer, CoP Lead Finance
Item 7	E.61/17	S151 Officer, CoP Lead Finance, Group Manager Commercial Services
Item 8	E.62/17	S151 Officer, CoP Lead Finance
Item 9	E.63/17	S151 Officer, CoP Lead Finance, Group Manager Commercial Services, Group Manager Customer First and Support Services, CoP Lead Development Management
Item 11	E.65/17	Specialist – Assets and Place Making
Item 13	E.67/17	Senior Specialist Environmental Health
Item 14	E.68/17	CoP Lead Development Management

E.57/17 MINUTES

The minutes of the Executive meeting held on 7 December 2017 were confirmed as a true and correct record and signed off by the Chairman.

E.58/17 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 and the following were made:

Cllr R F D Gilbert declared a Disclosable Pecuniary Interest in para. 6.24 of Item 9: Budget Proposals Report 2018-19, and he left the meeting for the debate and vote on this specific aspect of the Budget item.

E.59/17 PUBLIC QUESTION TIME

It was noted that the following public questions had been received from Mr Rick Gaehl:

Question 1: The stated cost to SHDC of the 'One Council' consultation is £12,828, but this figure does not appear to include any staff costs. Can the Committee discover and confirm:

- a) details and costs of work by Council staff on the merger?*
- b) details and costs of any new staff required to work on the merger?*

In response, the Leader advised that the costs of the consultation exercise were reported to the Overview and Scrutiny Panel on 12 October, 2017. This was for the website, postcards, telephone survey and events. In addition to these costs, a further £4,000 was spent on advice on council tax equalisation and £6,188 was spent on project officer time. These costs are the South Hams share only of the costs. Council officers are not required to complete time sheets or to time-record. The projects that Council officers were involved in were all part of their everyday role and duties which were set out in their job descriptions. The Council employed officers to carry out these roles e.g. Strategic projects.

Question 2: Council reports indicated the merger would save SHDC £0.5M pa from "staff efficiency reductions" and that these would affect 'less than 10 [staff] roles'. Can the Committee confirm the affected roles, how they would have been affected and the salaries of those roles?

In response, the Leader advised that by removing the complexities inherent in serving two Councils; a single Council would have had a less complex and costly administration. Becoming One Council would have meant releasing some capacity absorbed by serving two bodies. This would have reduced the amount of time spent on complex or duplicated processes. Financial systems would be simpler, with single reporting requirements and a removal of the complexities of recharging money between both Councils and the need for two sets of Accounts and reconciliations (such as bank reconciliation, control account reconciliations, shared service reconciliations).

The main areas of duplication were in finance, case management (support services), senior management team, democratic services and areas such as elections. The staff efficiency reductions were anticipated to generate £370,000 of savings per annum. It was not felt appropriate to specify individual roles and salaries as it was hoped that the reduction in posts could have been largely addressed through natural turnover in these areas.

In addition to these savings, savings from having one financial ledger (£25,000) and a reduction in subscriptions/memberships and audit fees would have saved another £60,000. Further savings of £85,000 per annum were also projected from a 20% reduction in Members.

Question 3: Officers reportedly had 'severe concerns over the future financial stability' of SHDC if the merger did not occur. Is the Committee able to confirm:

- a) predicted deficits for 2018/19, 2019/20 and beyond 2020/21?;*
- b) how the Council proposes to reorganise?;*
- c) how the merger would have avoided deficits?;*
- d) if there is any plan for a Council Tax referendum?*

In response, the Leader advised that:

- a) For SHDC the Council had put forward proposals for a balanced budget in 2018/19 as set out in the Executive report of 1 February, 2018, which was a legal requirement. The predicted deficits are £639,000 in 2019/20 and £561,000 in 2020/21 – a total of £1.2million.
- b) Tough decisions would need to be made on reducing service provision. The budget report for 2018/19 made clear that a decision needed to be made on public conveniences for example in the 2019/20 budget. The Council would be examining other ways to generate more income and be more commercial. Through the joint waste procurement, there would be options for Members regarding the frequency of waste collection in the future e.g. Three weekly, options for optimising the trade waste service, alongside other options such as charging for garden waste. The Council's asset portfolio was being reviewed and options were being drafted for Members as to potential future opportunities. The Council was working in partnership with Eastbourne Borough Council on innovative option appraisals and development opportunities as to how the Council could optimise its asset base.
- c) The Single Council would have realised over £0.5million per year from staffing and other efficiencies plus increased council tax income of £2.5million per year (by the end of the equalisation period) which would have contributed towards the funding gap and improving valued services, providing a strong resilient financial base. A single asset strategy for the Single Council would have been produced, to maximise assets across the whole area of South Hams and West Devon. Longer term savings could have been delivered from a future decision to operate from one main office for example. There would have been an opportunity to derive savings from new contracts and systems requirements when the dual arrangements were replaced by cheaper single contractual relationships.

- d) No. The current proposal is to increase council tax by £5 for 2018/19, as set out in the Executive report of 1 February 2018.

Question 4: Given that the financial case presented in the consultation and other briefings was apparently unanswerable why does this Committee think:

- a) so many South Hams residents objected to the merger proposal?;*
- b) West Devon councillors rejected the merger proposal?*

In response, the Leader advised that over 80,000 residents did not respond, so clearly they were the silent majority.

Question 5: Do members of this Committee believe that the embarrassing public failure of this merger, which wasted considerable public funds, means the current Council leader Mr Tucker should stand down?

(At this point the Leader left the room).

The Deputy Leader then gave the following response:

This authority is facing unprecedented financial pressures. We are all aware of the need to meet these pressures and I am enormously privileged to work alongside a Leader that puts this authority before political gain. Our Transformation 18 Programme places us the envy of a great many local authorities. I do not consider the outcome of the consultation as embarrassing, disappointing maybe. However, we do know through that consultation, on the whole, our residents are happy with the services provided by this authority. So to sum up my answer – a very firm No.

(Upon the conclusion of the response, the Leader returned to the meeting).

Question 6: Is this Committee aware that the web pages containing the procedure for submitting public questions at Executive and other committee meetings do not contain either an email address to which one should submit questions or a telephone number for member services? Will the committee direct that these web pages are updated to contain relevant email addresses and telephone numbers?

In response, the Leader advised that the Executive was aware that a number of the 'How You Can Get Involved' pages on the Council website did not contain relevant contact details up until recently. This was an unfortunate consequence of a number of webpages being transferred from an old to a new website towards the end of last year and had now been rectified.

E.60/17 **REPORTS OF OTHER BODIES****RESOLVED**

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

a) **Joint Development Management and Overview and Scrutiny Panel – 18 January 2018**

i. **OSDM.2/17 REVIEW OF FEES AND CHARGES**

The Executive noted the recommendations under this item for consideration with the Budget report later on the agenda (Item 9: Revenue Budget Proposals 2018/19)

That the Executive **RECOMMEND** to Council that:-

1. the proposed fees and charges set out for Parks, Open Spaces and Outdoor Sports be approved;
2. the proposed Environmental Health Charges that are outside of the jurisdiction of the Licensing Committee be approved;
3. the proposed Fees and Charges for Development Management (as set out in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;
5. it approves:
 - an overall percentage increase of 2% to car park charges and to delegate responsibility of implementing the increase to the Group Manager for Commercial Services, in consultation with the lead Executive Member, following consultation with representative bodies (including town and parish councils); and
 - the withdrawal of weekly parking tickets;
6. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known;

7. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Public Conveniences 'Pay on Entry' charges (which should not exceed 20 pence), following completion of works and a review of appropriate charges; and
8. the changes to Boat Storage Charges (as set out in paragraph 3.7 of the presented agenda report) be approved.

ii. OSDM.3/17 BUDGET PROPOSALS REPORT 2018/19

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

- a) That the views of the Joint Meeting be taken into account during the 2018/19 Budget Setting Process; and
- b) The unfairness of Central Government Funding for Shire District Councils be brought to the attention of our local MPs, with them both being encouraged to ask a parliamentary question on this point during the weekly Prime Ministers' Question Time

iii. OSDM.4/17 PLANNING ENFORCEMENT SERVICE REVIEW

It was then **RESOLVED** that:

1. the Local Enforcement Plan (as outlined at Appendix 1 of the presented agenda report) be adopted;
2. the Planning Engagement Member Engagement Protocol (as outlined at Appendix 2 of the presented agenda report) be adopted;
3. the proposed Actions (as set out in Section 4 of the presented agenda report) be endorsed; and
4. authority be delegated to the Community Of Practice Lead Development Management, in consultation with the lead Executive Member for Customer First, to make any minor amendments to the Plan, Protocol and Actions prior to their adoption.

E.61/17 **QUARTER 3 REVENUE BUDGET MONITORING 2017/2018**

Members were presented with a report that enabled them to monitor income and expenditure variations against the approved budget for 2017/18, and provided a forecast for the year end position.

The Lead Member for Support Services introduced the report. Relevant Portfolio Holders responded to questions of clarity, and Members discussed the issue of the cost of agency staff, particularly in relation to Commercial Services. The Group Manager Commercial Services responded that the overspend on agency costs had arisen as a result of extraordinary circumstances and not to cover holidays and sickness.

It was then:

RESOLVED:

- 1) That the forecast income and expenditure variations for the 2017/18 financial year and the overall projected underspend of £103,000 (1.2% of the total budget £8.346 million) be endorsed; and
- 2) That Council be **RECOMMENDED** to transfer the income surplus (of up to £20,000) into a Support Services Trading Opportunities Earmarked Reserve at the end of the 2017/18 financial year. This is expected to be £20,000 and was generated by HR and Finance in providing support to other Councils on their Transformation Programmes;
- 3) That Council be **RECOMMENDED** to transfer the underspend on the Leisure budget (of up to £87,000) into a Leisure Earmarked Reserve at the end of the 2017/18 financial year;
- 4) That Council be **RECOMMENDED** to transfer £50,000 of the additional planning income into the Planning Policy & Major Developments Earmarked Reserve at the end of the 2017/18 financial year.

E.62/17 **CAPITAL PROGRAMME MONITORING**

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 Lead Member for Support Services introduced the report. During discussion, the following points were raised:

- The Leader brought Members' attention to the amount that had been spent on coastal assets and advised that the Council was working closely with the Environment Agency on obtaining grant funding;

- One Member raised concerns that the project to replace play equipment was behind schedule. In response, officers took responsibility for the slippage (this was due to capacity) and confirmed that the work would proceed and consultation would take place;
- A local Ward Member for Ivybridge asked that the matter of the Old Fire Station Playgroup building be considered as the building was situated at the gateway to Ivybridge and did not give a good impression. The Senior Specialist Environmental Health confirmed that this building fell within an area currently undergoing a transport assessment, as part of a project related to air quality management;
- One Member asked that the cost of wheelie bins on new developments be included within s106 Agreements and it was agreed that this would be investigated. The Waste Working Group had independently agreed that any new requests for bins would result in a charge;
- A Member asked if there were any controls or monitoring that could be undertaken in relation to Occupational Health recommendations for Disabled Facilities Grants, with regard to Disabled Facilities Grants, it was asked whether the Better Care Fund could be spent on improving the condition of properties;
- One Member asked that, in considering options for Whitestrand car park and development of the Harbour Office, that the option of closing the car park during July and August be considered;
- In response to a query regarding when work would commence at Quayside Leisure Centre, Members were advised that the project would commence in May 2018.

It was then:

RESOLVED:

- 1) That the Monitoring Report be endorsed; and
- 2) That Council be **RECOMMENDED** that £145,000 of the capital programme contingency budget of £300,000 is approved to be allocated to the capital projects as set out in exempt Appendix B.

E.63/17

BUDGET PROPOSALS REPORT 2018/19

Members were presented with a comprehensive report that set out how the Council's Medium Term Financial Position was based on a financial forecast over a rolling five year timeframe to 2022/23. The Council had continued to work in partnership with West Devon Borough Council to achieve savings. However, the Councils continued to face considerable financial challenges as a result of uncertainty in the wider economy and constraints on public sector spending. The report set out the options for closing the budget gap.

The Leader introduced the report. In so doing, he advised that the Executive were proposing to make four adjustments to the recommendations arising from the joint meeting of the Development Management Committee and Overview and Scrutiny Panel. These were as follows:

1. Community Reinvestment Fund – would be completely removed;
2. Accepting payment by cash or cheque – would be stopped with effect from 1 April 2018;
3. The subscription to South West Councils would continue; and
4. The payment to the Local Enterprise Partnership would continue.

During discussion on this item, Members asked a number of questions of clarity. A number of Members were concerned at the proposal to transfer or close public conveniences. There were also concerns that savings made in some areas could be lost in the increasing costs of providing front line services in Commercial Services. The Group Manager Commercial Services explained that there were a number of trends nationally and locally that caused the waste budget to be volatile. The current procurement exercise would allow the Project team to look at the current base budget and make comparisons against local costs, national trends and alternative service solutions.

It was then:

RESOLVED that Council be **RECOMMENDED**:

- i) To increase Council Tax by £5 (which equates to a Band D council tax of £160.42 for 2018/19, an increase of £5 per year or 10 pence per week – as shown in 5.12). This equates to a Council Tax Requirement of £6,072,207.
- ii) That the financial pressures in Appendix B of £895,700 be agreed
- iii) That the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
- iv) That the schedule of savings identified in Appendix B totalling £689,350 be agreed;
- v) To approve the budget proposals for Public Conveniences as set out in 6.11, 6.23 and 6.24 (This requires a decision as part of the 2018-19 budget process, due to the implementation timescales).
- vi) That the Collection Fund Surplus of £73,000 as shown in Appendix B be agreed ;

- vii) That the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix C be agreed (this includes using £721,688 of New Homes Bonus funding to fund the 2018-19 Revenue Budget and a contribution of £475,000 into an Economic Regeneration Projects Earmarked Reserve);
- viii) To withdraw the Community Reinvestment Projects budget of £153,900 in 2018/19 onwards (This was previously funded by New Homes Bonus funding as set out in Appendix E)
- ix) To delegate to the S151 Officer, in consultation with the Leader and Executive Member for Support Services to agree the final amount of New Homes Bonus funding for the Dartmoor National Park Sustainable Community Fund for 18/19
- x) To ring-fence £3.5 million from the Business Rates Retention Earmarked Reserve for employment for the creation of local jobs and to better support the local economy, as per Appendix D
- xi) That the Council Tax Support Grant paid to Town and Parish Councils is reduced by 9.85% for 2018/19 as per Appendix A. This equates to a payment of £82,615 for 2018/19.
- xii) That the Council should set its total net expenditure for 2018/19 as shown in Appendix B as £8,902,590.
- xiii) That the minimum level of the Unearmarked Revenue Reserves is maintained at £1,500,000 as per Section 9.
- xiv) 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.

E.64/17

CAPITAL BUDGET PROPOSALS FOR 2018/19

Members were presented with a report that set out the capital bids to the 2018/19 Capital Programme totalling £2,555,000 and a suggested way that the Bids could be funded. All items were based on budget estimates and would be subject to the normal project appraisal procedures.

The Leader introduced the report. One Member asked that in refurbishing the industrial units at Garden Mill, that consideration be given to putting solar panels on the roofs.

It was then:

RESOLVED

That Council be **RECOMMENDED** that:

1. the Capital Programme Proposals for 2018/19, which total £1,200,000 (Appendix A), be approved;
2. the Capital Programme Proposals for 2018/19, which total £1,355,000 (Exempt Appendix B) be approved;
3. the 2018/19 Capital Programme of £2,555,000 be funded from the sources as set out in section 4 of the presented report.

E.65/17

COMMUNITY REINVESTMENT PROJECTS FUND 2017/18 GRANT ALLOCATIONS

Members were presented with a report that set out a summary of applications received to the Community Reinvestment Project Fund in 2017/18, along with the officer assessment and recommendations.

The Lead Member for Customer First introduced the report. During discussion, some Members raised concerns over specific recommendations and whether the criteria for the Fund had been met. The Lead Member for Support Services confirmed that legal advice had been sought in relation to the project within a church building, and it was felt that the project was acceptable because the applicant had confirmed that they place no restriction on which groups or individuals can book the facility, regardless of their religious orientation or beliefs. One Member felt that the Grant Allocations were to towns at the expense of villages and the report should be deferred and the applications reconsidered.

It was then:

RESOLVED

That eight grant applications totalling £153,900 from the 2017/18 Community Re-Investment Project Fund, as set out in the presented appendix, be approved.

E.66/17

WRITE OFF REPORT

Members considered a composite report that detailed the debts for all revenue streams within the Revenue and Benefits Service remit up to the value of £5,000, written off by the S151 Officer under delegated authority.

The Lead Member for Support Services introduced the report.

It was then:

RESOLVED

1. That in accordance with Financial Regulations, it be noted that the s151 Officer had authorised the write-off

of individual South Hams District Council debts totalling £68,188.13 as detailed in Tables 1 and 2 of the presented agenda report; and

2. That the write off of individual debts in excess of £5,000 totalling £12,277.16 as detailed in Table 3 of the presented report be approved.

E.67/17 **AIR QUALITY STRATEGY**

Members were presented with a report that set out a draft Air Quality Strategy, devised in co-ordination with Devon County Council, and sought approval to present the Strategy for consultation.

The Leader introduced the report, and the Senior Specialist Environmental Health responded to a number of questions. Members raised a number of points during discussion as follows:

- The issue of emissions from commercial vehicles;
- Whether the Kingskerswell bypass had improved the traffic and air quality issues in Totnes;
- In response to a question about the A38, the Executive Director (S&C) advised Members that strategic discussions about travel routes into the south west took place at the LEP meetings; and
- Green travel vouchers being a waste of time and money and should not be considered a mitigation or solution.

To conclude, the Leader advised that this was a consultation document and Members were able to make their comments as part of the consultation.

It was then:

RESOLVED that Council be **RECOMMENDED** that:

- a) A public and statutory consultation be commenced on the proposed Air Quality Strategy (at appendix 1 of the presented agenda report); and
- b) Authority be delegated to the Senior Specialist Environmental Health in consultation with the Leader to make minor amendments to the document prior to its publication.

E.68/17 **LOCAL VALIDATION LIST FOR PLANNING APPLICATIONS**

Members were presented with a report that sought approval of the revised Local Validation List for planning applications, following a review that had been undertaken. The National Planning Policy Framework set out that local authorities should publish a list of their information requirements for planning applications.

The Lead Member for Customer First introduced the report. In so doing, he asked that an additional recommendation be added that gave delegated authority for minor amendments to be made. The CoP Lead Development Management responded to questions and confirmed that the revised list was clearer, and enabled officers to be more robust in the level of information required.

It was then:

RESOLVED that:

- a) The revised local validation list be approved; and
- b) Authority be delegated to the CoP Lead Development Management in consultation with the Lead Member for Customer First to make minor amendments to the document prior to its publication.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.60/17, E.61/17, E.62/17 (2), E.63/17, E.64/17 AND E.67/17 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 22 FEBRUARY 2018, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 12 FEBRUARY, 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.55 pm)

Chairman

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