

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 10th December, 2015 at 10.00 am** at the **Cary Room - Follaton House**

Present: **Councillors:**

Chairman Cllr Tucker
Vice Chairman Cllr Ward

Cllr Gilbert
Cllr Wright

Cllr Hicks

In attendance:

Councillors:

Cllr Baldry
Cllr Barnes
Cllr Blackler
Cllr Bramble
Cllr Brazil
Cllr Brown
Cllr Cuthbert
Cllr Foss
Cllr Green
Cllr Hawkins
Cllr Hitchins

Cllr Hitchins
Cllr Hodgson
Cllr Holway
Cllr Pearce
Cllr Pennington
Cllr Pringle
Cllr Saltern
Cllr Smerdon
Cllr Steer
Cllr Vint

Officers:

Executive Director – Strategy & Commissioning
Executive Director – Service Delivery & Commercial Development
Group Manager – Support Services
CoP Lead – Finance
Finance Business Partner
Specialists – Place & Strategy

42.

Minutes

E.42/15

A Member asked that the minutes of the meeting of the Executive held on 15 October 2015 be amended to include the following comment under Minute No: E.40/15 'Health and Safety Management':

'Members raised the issue of Lone Working, and it was agreed by senior management that training would be provided for officers and Members in respect of Lone Working Practices'.

To enable for this addition to be incorporated, it was then agreed that these minutes should be re-presented for approval at the next Executive meeting on 4 February 2016.

43. **Urgent Business**

E.43/15

The Leader advised that he had agreed that an exempt urgent report could be considered at this meeting. In line with the Council Constitution requirement, this item was considered urgent in light of it being a retrospective reporting of the use of decision making powers by the Head of Paid Service. The item was entitled: 'Steamer Quay Easement – Extra Care Facility'.

It was then:

RESOLVED:

That the decision taken under the urgent powers of the Scheme of Delegation, to amend the Executive's decision made on 24 July 2014 regarding the easement agreement between Guinness Trust and the Council from Steamer Quay Road, as set out in paragraph 2 of the presented report, be noted.

44. **Declarations of Interest**

E.44/15

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

45. **Public Question Time**

E.45/15

It was noted that the following questions had been tabled in line with Executive Procedure Rules:

Questions received from Ms Carol Horton (representing Mr Peter Trembath), on behalf of the Kingsbridge Fair Week Committee:-

1. The voluntary Kingsbridge Fair Week committee would like to try to understand whilst an Event that has been running in its successful present format for 47 years steeped in tradition and relating to our Towns charter written in 1461 why SHDC feel they have the need to step in with the excuse that "They have a duty to the community of South Hams".
2. Where is the duty of care in creating a tender document that actually ejects the Committee from the Town Square whereas historically the council has granted the fair week committee full and unrestricted use of the town square. This is vital to facilitate the various activities during fair week.
3. Who do the Elected Councillors feel should be running the Event;

the Community or them? Is the goal just to make the most money or should it be to maintain a harmonious event run by the community for the Community?

4. It is also noted that there is no mention in the tender document for the provision of the rotaproj charity event. This event entertains five to six hundred disabled people and helpers from all over Devon and Cornwall. Part of the day includes the funfair operator opening the funfair for free on the Sunday morning. The current funfair operator runs the big rides at slower speeds to allow the guests to enjoy the funfair in a safe and controlled way when they might not normally be able to.

In response, the Leader made the following statement:

1. "This tender exercise is in line with the Council's policy to ensure that we get value for money but also meet our community needs.

The fair takes place during a particularly busy holiday period when the Council would expect to see significant revenue from the car park. It is the council's policy to ensure that it gets value for money when renting out its assets by testing the market where feasible. Far from being a waste of the Council's time and money we consider the tender process to be an efficient way of ensuring that we get a realistic market rate.

However, generating income is not the only consideration and we are keen to ensure that the wider community requirements are met. From the specification for the tender you will see that we are placing as much weighting on the criteria for the rental offered as we do on the contribution to charity. It is not unreasonable to be asking for competitive bids to achieve a market rent through the tender process and we have carefully taken into consideration the requirements of the local community when putting together the criteria from which to evaluate the bid.

2. The area included in the current tender is the same as that included in all the previous licences to Mr Rowland, nothing has changed.

The Council has never entered into any formal arrangement with the Committee over the use of the town square. The licences to Mr Rowland always covered both the car park and the Square. The Committee may well have operated in the Square but this was not done on an official basis through any agreement with SHDC. Mr Rowland has obviously been happy for them to use the space but that was not documented in the licence.

In addition the criteria in the tender documents seeks that the tenderer works with and co-operates with the Town Council and the Fair Week Committee.

3. This is a community event. The Council is not running it, purely licensing it.
4. Criteria number 6 specifically seeks details of the tenderers contribution to charity. This carries as much weight in the evaluation process as the rental offer."

Following the responses given, supplementary comments were made by Ms Horton as follows:

- The information given in response to question 2 was not correct as Kingsbridge Fair Week applied and obtained the licence to use the Town Square every year;
- There was balance in the current way of working, and the event enjoyed a community atmosphere; and
- There was little understanding why the Council felt the need to interfere and it was assumed that this new way of working was being rolled out across the district.

The Leader responded by confirming that pressure from central government had resulted in a need for the Council to be more commercially driven and the new way of working had started in Dartmouth and would be rolled out across the whole district where appropriate. He also advised that the Executive Director (SD & CD) would investigate the points raised in respect of his response to question 2.

46. **Revenue Budget Monitoring 2015/16**

E.46/15

The Executive considered a report that enabled Members to monitor income and expenditure variations against the approved budget for 2015/16, and provided a forecast for the year end position.

The Portfolio Holder for Support Services introduced the report. In doing so, he noted that there was a modest shortfall in relation to Follaton House but substantial income had been received.

During discussion, the following points were raised:

- A Member questioned whether the Affordable Housing budget was appropriately funded;
- It was queried as to whether overall income trends were falling, and whether the Council had contingencies in place ;
- The merits of whether it was appropriate to use the Planning Policy Reserve to support staff transition costs were also highlighted. In response, Members were advised that some of those staff transition costs related to the planning team and transition costs had never been a specifically set budget item. Members were also advised that the Planning Policy reserve was made up of funding from the previous Planning Delivery Grant (Government Grant) and was specifically for planning related activity;
- One Member was interested to know the overall overspend on T18 as there were a number of occasions when funds had been transferred into the T18 Budget from other Reserves (A separate budget

monitoring was contained on the Executive agenda which showed that the predicted final spend of £4.584 million is £30,000 less than the budget of £4.614 million);

- Concern was also expressed over the potential costs associated with two projects coming forward, being Devolution and a Joint Local Plan. In response, the Leader advised that Devolution costs had been quite low so far and amounted only to officer time. In respect of the Joint Local Plan, this was something that would be considered by the Council later that day. However, the proposed joint working arrangements should result in savings being generated rather than additional costs incurred.

It was then:

RESOLVED

1. That the forecast income and expenditure variations for the 2015/16 financial year and the overall projected overspend of £70,000 (1% of the total budget £8.839 million) be noted;

That Council be **RECOMMENDED**:

2. To use £50,000 from the Strategic Issues Reserve, £150,000 from the Planning Policy and Major Developments Reserve and £55,000 from the T18 Investment Reserve to fund:
 - The T18 transition costs of £125,000 (Note J of the presented agenda report refers);
 - The vacancy provision of £100,000 which has not been met (Note J of the presented agenda report refers)
 - The planning legal fees of £30,000 (see Note R);
3. That the uncommitted balance of £50,000 from the Print Room Equipment Reserve be released back to General Fund (Unearmarked) reserves;
4. To transfer £25,000 into an Earmarked Reserve for Homelessness prevention as per Note F of the presented agenda report.

47.

Draft Budget Proposals for 2016/17

E.47/15

Members were asked to consider a report that presented the draft Budget Proposals for 2016/17, and the outcomes of the Members Budget Workshop, prior to requesting the views of the Overview and Scrutiny Panel in January 2016 on the budget issues within the report.

The Leader introduced the report and reminded Members that this report set out draft budget proposals and any proposed changes or amendments should be with the COP Finance Lead in time to be presented with the published agenda for the next Executive meeting on 4 February 2016. He then took Members through the headlines of

the report, particularly noting the detail in relation to New Homes Bonus, Revenue Support Grant and budget pressures.

During discussion, the following points were raised:

- Under the new Governance arrangements, there was not the opportunity for Members of the Development Management Committee to have a vote on the budget proposals prior to their presentation at full Council. The Leader accepted this point and suggested that the Political Structures Working Group could consider this when they next met;
- In respect of car parking charges, a Member questioned whether they deterred shopping in the market towns. In response, the Portfolio Holder for Environment Services advised that market towns were now able to recommend to the Council their own proposed charging schemes;
- When questioned, the Head of Paid Service advised that, as a principle, central government would fund any budgetary implications on the Council that arise from supporting Syrian refugees;
- A Member queried whether the Council had considered allowing the car park at Follaton to be used by the County Council for a Park and Ride facility, as the County Council were actively looking for sites for this purpose. In reply, the Portfolio Holder for Environment Services requested that the Group Manager Environment Services investigate this matter.

It was then:

RESOLVED

1. That the Budget Proposals report for 2016/17, and the outcomes of the Members Budget Workshop have been initially considered; and
2. That the Overview and Scrutiny Panel be asked for its views on the budget issues contained within this report at its meeting on 14 January 2016.

48. Capital Programme Proposals for 2016/17 to 2018/19

E.48/15

Members were asked to consider a report that resolved to request the views of the Overview and Scrutiny Panel on the Capital Programme Proposals for 2016/17, which total £1,765,000.

The Portfolio Holder for Support Services introduced the report. The Leader noted that the estimated cost for the refurbishment of the Council Chamber had been high and officers were looking at better ways to achieve value for money.

One Member stated that there should be a discussion with the Harbour Board in respect of marine items and whether they should be the responsibility of the Council or the Harbour Board. He also felt a discussion with the Environment Agency would be appropriate in respect of capital items in areas where the Council was 'trying to hold back the sea'. The Leader agreed, and added that coastal and flood protection was an important element within the Devolution Bid.

The Chairman of the Overview and Scrutiny Panel welcomed the opportunity to comment on the proposals, however he and other Members stated that more detail would need to be provided in order to allow all options to be explored.

Finally, a Member spoke about looking at opportunities for income generation and was advised by the Executive Director (S&C) that business proposals should be brought forward in time for the budget process.

It was then:

RESOLVED

That the views of the Overview and Scrutiny Panel on the Capital Programme Proposals totalling £1,765,000 be sought at its meeting on 14 January 2016.

49. **Treasury Management Mid Year Review**

E.49/15

Members were asked to consider a report that set out how the Council was on course to meet its budget target of £123,000. To date, the Council had outperformed the industry benchmark by 0.22%. The Council had achieved rate of return of 0.57%, against the 7 day LIBID bid rate of 0.35%.

It was then:

RESOLVED

That the report be noted.

50. **T18 Budget Monitoring**

E.50/15

Members were presented with a report that set out the progress to date on the T18 Transformation Programme.

The Leader introduced the report and began by asking that a message be relayed to staff in the Customer Contact Centre that they were supported wholeheartedly by Members and any performance related issues raised at the recent Overview and Scrutiny Panel meeting

referred to whether the processes were right, not the staff. The Chairman of the Overview and Scrutiny Panel agreed with this statement. The Leader also noted that planning applications submitted via the Planning Portal were now directly loaded onto the system, saving time in manually entering the information.

The Group Manager Support Services responded to questions relating to Customer Insight information by explaining that this information enabled the Council to establish what the customer was accessing the website for. This would facilitate more effective targeting of resource and information.

Members then had a discussion on pension costs and their impact on the T18 budget. The Executive Director SD&CD and COP Lead Finance responded to questions and confirmed that the Council was not required to pay more in contributions because there were less staff employed and the deficit amount referred to would have to be paid regardless of T18. The Finance COP Lead confirmed that the Council had a small deficit recovery rate of 1.6%, being the element of the employer's pension rate required to fund the deficit.

It was then:

RESOLVED

1. That the report be noted; and
2. That Council be **RECOMMENDED** to fund the postponement (to 2016) of the round reviews and the waste review changes by using £100,000 of the Business Rates Earmarked Reserve and £75,000 of the Strategic Issues Earmarked Reserve.

51. **Write Off Report**

E.51/15

Members were asked to consider a report that informed them of the debt written off for revenue streams within Revenue and Benefits. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

The Portfolio Holder introduced the report and noted that whilst the collection rate for council tax was slightly down, the amount of money collected was higher than last year. The collection rate for business rates was currently higher than the same time last year.

It was then:

RESOLVED

1. That, in accordance with Financial Regulations, the s151 Officer had authorised the write off of individual debts

totalling £56,007.08 as detailed in presented Tables 1 and 2 of the agenda report; and

2. That the write off of individual debts in excess of £5,000 totalling £122,075.04, as detailed in Table 3 of the presented report, be approved.

52. **Affordable Housing - Alternative models**

E.52/15

Members were asked to consider a report that sought authority to accept delivery models to provide affordable housing in the district.

The Deputy Leader introduced the report and explained the background to the recommendations, and how this proposal would broaden the suite of options for consideration in respect of affordable housing. The two delivery models were outlined, and Members were in favour of removing the restrictions on the Rent Plus scheme following changes to legislation arising from the Planning and Housing Bill.

During discussion, Members raised concerns over the practicalities of two different schemes working within one section106 agreement. Concerns were also raised about the quality of the homes however another Member pointed out that any homes would have to be built in accordance with Building Regulations.

Finally, it was agreed that officers should arrange a presentation from Octopus QSH in the New Year.

It was then:

RESOLVED

1. That RENT plus be accepted as a delivery model to provide affordable housing in the District, free of the restrictions which were set out in July 2014.
2. That Octopus QSH be accepted as a delivery model to provide affordable housing in the District; and
3. That authority be delegated to the Specialists – Place and Strategy to allow both models as an option for delivery as part of the planning application process.

53. **Community Led Housing Initiative**

E.53/15

Members were asked to consider a report that sought to change the £100,000 Community Led Housing Initiative from a loan to a grant scheme.

One Member requested that a full explanation of all models available be given to Members so that all options could be considered, including community land trusts and housing co-operatives. Members were

advised that a briefing note was being prepared for circulation in the New Year.

It was then:

RESOLVED

That the £100,000 Community Led Housing Initiative be changed from a loan to a grant scheme.

54.

Reports of other bodies:

E.54/15

RESOLVED

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

a) **Overview and Scrutiny Panel – 19 November 2015**

i. O&S.51/15 REVIEW OF FEES AND CHARGES

RECOMMENDED

1. That Council be **RECOMMENDED** that the proposed fees and charges (as set out in the presented agenda report and appendices) be approved as part of the 2016/17 Budget Setting process, subject to the shower charges being increased from 20p to £1;
2. That Council be **RECOMMENDED** that delegated authority be given to the Community Of Practice Lead for Environmental Health, in consultation with the Lead Executive Member, to modify the charges of Food Export Certificates, once the outcome of the current review is known; and
3. That Council be **RECOMMENDED** that 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.

ii. O&S.53/15 OUR PLAN: SOUTH HAMS - REVIEW

That Council be **RECOMMENDED** that:

1. Our Plan: South Hams be issued for the start of the 2016/17 Financial Year as a document that:-

- recognises Our Plan: South Hams for the start as the single comprehensive Council Plan;
 - re-states the Council's corporate Vision and Objectives;
 - establishes the common basis for the Council's Financial Plan, Asset Management Plan, Local Plan and all other Plans and Strategies;
 - establishes long-term and short-term priorities for delivery including a delivery plan commencing in 2016/17;
 - establishes mechanisms for delivery; and
 - establishes engagement, monitoring and review procedures;
 - provides context for subsequent incorporation of the Local Plan element currently subject to separate preparation.
2. A Member Workshop be held early in the New Year to progress this work;
 - 3 the final document return to the Executive and Council for agreement prior to its publication.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.46/15 (2), (3), (4), E.50/15 (2) and E.54/15 (PART A(i) ONLY), WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 11 FEBRUARY 2015, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 21 DECEMBER 2015 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

The Meeting concluded at 11.50 am

Signed by:

Chairman
